



COMPLAINTS AND GRIEVANCES POLICY

*Kamaruka takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures and practices meet all **Child Safe Standards as specified in Ministerial Order No. 870 (2015)***

PURPOSE

Kamaruka is open to the concerns of parents, students, staff, visitors and the wider School Community and any complaint or grievance will be received in a positive manner and taken seriously. All decisions related to a complaint or grievance will be made with consideration for the wellbeing of the individual as well as for the reputation of the School.

Complaints and grievances may be heard informally or formally, and verbally or in writing. Formal avenues for handling of complaints and grievances will be fully documented. Complainants will be treated with respect and without intimidation should they choose to follow the Complaints and Grievance process.

The purpose of establishing and effectively implementing a complaint handling program within the School is to:

- ensure that the School complies with its legal obligations
- encourage constructive feedback from key stakeholders
- allow the School to identify real problems that must be resolved
- discourage vexatious or frivolous complaints and allow the School to take control of vexatious or frivolous complainants if received
- provide information with respect to potential risks the School faces
- enhance the School's ability to identify systematic and recurring problems
- assist the School to continually improve its internal systems and controls
- empower the School community by providing a clear path to resolve issues in a consistent, systematic and responsive way
- enhance relationships between staff, parents, students and other key stakeholders

- provide school management and the governing body, the Committee of Management, with critical knowledge that enhances their decision-making ability
- allow the School to clearly demonstrate its core values; that the School listens and learns from incidents which may arise
- set a positive role model for all members of the School community
- protect and enhance the School's reputation

The aim of this policy is to:

- Provide an efficient, open, honest, transparent and accessible mechanism for addressing complaints in accordance with the principles of natural justice;
- Ensure fairness towards both complainants and respondents is upheld throughout the complaints management process;
- Produce a solution, which is acceptable to the individuals involved and the School. However, not all problems will be capable of resolution which satisfies all concerned. This grievance procedure will ensure that the problem is addressed and that a clear response is provided at each stage of the process. The procedure involves both formal and informal components.

DEFINITION OF A GRIEVANCE

A grievance is an expression of dissatisfaction made to the School, related to the conduct of School activities, or the resolution process itself, where a response is explicitly or implicitly expected.

POLICY

- Where appropriate and possible, grievances shall be dealt with locally and informally.
- It is expected that all parties will approach the issues and individuals in a courteous and solution focused manner.
- Anonymous grievances with no identifiable source will not be considered under this Policy.
- The School shall use this Policy where appropriate, to seek to resolve grievances which fall within the School's area of responsibility. All cases of serious misconduct including but not limited to, sexual offences, criminal charges, or serious incidents will be referred to external authorities.
- The Principal will, following consultation with the Heads of Schools and as appropriate, establish a process and assign a pool of persons within the School and externally who have relevant skills and expertise, as outlined in this document.

- Communication shall be open and honest, focusing on the issue and not the person. This includes listening carefully and respectfully while the person is talking, exercising responsibility and mutual respect. Parents must comply with the Parent Code of Conduct at all times when pursuing a grievance under this Policy.
- When an issue is discussed in the students' presence, it is important that parents and students have confidence that the issue will be resolved confidentially at the School level. Criticisms of the School do not support the child's education as they undermine trust and confidence.
- Constructive feedback helps everyone learn, grow and change for the better. Where both parties agree to seek a positive resolution, positive outcomes are likely to result.
- All persons aware of the complaint (and/or involved in the informal or formal complaint procedure) must also maintain confidentiality, including the person who lodges the complaint. Spreading rumours or gossip may expose individuals to a defamation claim.

GRIEVANCE PROCEDURE

PRELIMINARY STEPS

1. Talk to the person directly

- If your grievance relates to the conduct of a particular person, and you feel comfortable in doing so, it may be appropriate to talk to the person directly about your grievance at first instance.
- When speaking to the person, you should:
 - (a) identify the conduct that is causing you concern;
 - (b) how the conduct makes you feel; and
 - (c) explain how you would like the issue to be resolved.
- If you do not feel comfortable talking to the person directly, or you have tried this method but it did not resolve your grievance, you may choose to lodge a complaint to the School.

2. Lodge complaint to the School

- If you would like to lodge a complaint with the School, and it is against a person other than the Principal, you must lodge a complaint in writing to the Principal; otherwise if the complaint is against the Principal, you must lodge a complaint in writing to the Chair of the Committee of Management.

- The complaint should include clear details about the particular allegations (e.g. who, what, when, where) and preferably be supported by evidence.
- The person nominated by the School to handle the complaint or their delegate (the Investigator) will, within a reasonable period of time, acknowledge receipt of the complaint, consider the details of the complaint and how to appropriately address the concerns raised, and provide you with details in relation to how the complaint will be handled.
- All options will be considered to address the complaint. It will depend on the specific circumstances of the case as to which method is appropriate, including what is in the best interests of the students and the School. The Investigator will exercise discretion to determine how to resolve a complaint.
- It may be necessary in some circumstances for the Investigator to obtain advice and support from an external person (e.g. a legal adviser) to ensure that the complaint is appropriately and fairly handled.
- If the complaint relates to allegations concerning the safety of a child, the Investigator will refer to the School's Child Safety Policy and Procedure.
- If the complaint relates to allegations concerning criminal code, the Investigator is entitled to make a report to the Police.

DISPUTE RESOLUTION WITHIN THE SCHOOL

Initial investigation

- The School will investigate the matter to establish the facts.
- Having established the facts, the Investigator in consultation with the Principal and Senior Leadership Team, shall determine whether the grievance:
 - (a) will be dismissed;
 - (b) is to be handled informally; or
 - (c) is to be handled formally; or
 - (d) will be referred to an external consultant or dispute resolution expert.

Informal complaint procedure

- The informal complaint procedure may be suited to less serious allegations that do not warrant disciplinary action being taken.
- There are various informal methods available to address complaints. Possible options may involve the Investigator:
 - (a) discussing the issue with the person against whom the complaint is made; and/or

(b) facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

Formal complaint procedure

- An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Formal investigations will be conducted as quickly as possible to protect the interests of all parties involved.
- The Investigator will conduct the formal investigation in line with procedural fairness and make recommendations about resolving the complaint.
- The Investigator will meet formally with the complainant and advise them of the process that will occur (outlining the steps in this procedure). Matters such as confidentiality and any adjustments that need to be considered to work arrangements on a temporary basis should also be canvassed.
- A statement of grievance shall be taken, providing particulars that can be essential to support investigation of the matter and/or conveyed to the other persons impacted. These details should be reviewed by the complainant to confirm their accuracy and completeness. An indication of the desired outcome from the complainant's point of view should also be sought. The School should remind the complainant of the confidentiality of the process and issues.
- If the complaint is against an individual, the Investigator, in consultation with the Principal as appropriate, will write to the individual named by the complainant (the respondent), advising them of the complaint, providing a summary of the particulars. This letter should invite the respondent to a meeting at which the issues can be set out in detail, and it should inform them of their right to be accompanied by a 'support' person.
- Where possible, the length of time between the written notification and the meeting should be long enough for the individual to arrange a suitable support person.
- Meetings should be held in a suitable location where interruptions will be minimised.
- At the meeting with the respondent, the School should explain the grievance. The respondent should be allowed to consider the grievance or issues raised before responding (which may require an adjournment). The respondent shall also be allowed to ask questions and offer their perspective.
- Following the meeting the School will consider how to proceed depending on merits established in the information provided. Where it is decided that no action is justified, both the complainant and respondent should be informed. It may be appropriate to

then consider informal issue resolution between the parties with the assistance of a manager, focusing on future conduct and agreements.

- If the grievance is established and disciplinary or corrective action is considered justifiable, the Investigator in consultation with the Principal, shall determine an appropriate outcome.
- The formal investigation will remain strictly confidential to the extent possible.

POSSIBLE OUTCOMES

- The parties will be notified about the outcome of the informal complaint procedure or the formal complaint procedure as appropriate.
- The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of a policy or contract, that person may be disciplined (including and up to termination of employment or enrolment).
- The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in suspension or termination of a student's enrolment or termination of employment (if relevant). Any disciplinary action is a confidential matter between the affected individual(s) and the School.
- The main purpose of grievance resolution is to resolve issues between individuals in a supportive, fair and constructive way. Identifying appropriate behaviours for the future and strategies to avoid further conflict are also important. Remedies (if not disciplinary) may include the provision of an apology or similar step (depending on the nature and severity of the conduct that has occurred).
- Sometimes, the only achievable outcome may be an understanding of the matters raised and a recommendation to follow or improve guidelines or procedures or improve communication in the future. Sometimes either the formal or informal grievance procedure will not resolve the issue to the satisfaction of all parties, or the parties may have to agree to disagree on the outcome.
- If the findings of the Investigator indicate that the misconduct, or its continuance, is sufficiently serious, they may decide to implement disciplinary action.

If you are not satisfied with the outcome or the way in which the School has handled your complaint, you can contact Committee of Management or the VRQA.

LEGAL AND REGULATORY BASIS FOR COMPLIANCE

- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations (2017)
- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards
- Child Safe Standards Ministerial Order 870
- Privacy Act 1988 (Cth)

EVALUATION

This policy will be reviewed as per our three-year review cycle or more often if necessary due to changes in regulations or circumstances.

Approval date:	Approved by:	Next review:
Aug 2021	Committee of Management	Aug 2024