

**Julia Gillard Community College
Policy and Procedure**

Policy name	School Complaints and Appeals Policy & Procedure
Responsible person	Principal
Staff involved	School Staff
Review dates	Approved: 13 Sept 2024 Next review: 2024v1

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Introduction

The School acknowledges that students and community members who believe they have been adversely affected by the School’s operations have a right to complain and have their complaint dealt with in a fair, accountable and transparent way.

The School is committed to responding promptly, efficiently and in a child safe and trauma-informed manner to complaints and appeals.

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Scope

This policy applies to all students and community members of Julia Gillard Community College (the **School**), a school operated by Wyndham Community and Education Centre Inc (**Wyndham CEC**).

School Staff are not covered by this Policy and should instead refer to Wyndham CEC's Staff Grievance Policy.

This policy applies to feedback, including compliments and complaints, made to the School by students or other community members of the School about the operations of the School.

This Policy applies to complaints or concerns relating to all operations of the College, including child abuse in relation to a student, staff member, volunteer, contractor, service provider, visitor or other person connected with the College environment.

Definitions

Compliments are expressions of praise, encouragement or thanks about services and activities delivered by the College.

Complaints include any written complaint, grievance or dissatisfaction made by a student or community member (such as a parent or carer) of the College. This includes a student formally requesting a review of an assessment decision, and any complaints, disclosures or allegations of child abuse or harm.

Appeals can be made when a student or community member is not satisfied with a decision the College has made in relation to a written complaint lodged by them.

Complainant/s: The person or persons making the complaint.

Respondent/s: The person or persons about whom the complaint has been made.

Complaint Register: the record kept by the Principal of all formal written complaints received.

Compliment Register: the record kept by the Principal of all written compliments received.

Senior manager: the Child Safety Officer, Business Manager or other person appointed by the Principal to handle the Complaint.

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Policy Commitments

The following principles are adhered to following a complaint:

- **Child safe and trauma informed approach** - acknowledgement of how the alleged events and complaint process can impact though involved.
- **Cultural safety** - complaint processes will be conducted in a way that acknowledge the diverse cultures of those at the College.
- **Confidentiality and privacy** – the School will treat complaints confidentially and maintain the anonymity of the complainant where possible and where requested, except where the law otherwise requires. The School will comply with its privacy obligations in relation to use of personal information;
- **Access and transparency** – information about how and where to lodge a complaint/appeal is easily accessible and made available;
- **Impartiality/ fairness** - No decisions or judgments will be made until all information has been impartially considered by those responsible for handling the complaint;
- **Respect** - Those responsible for handling the complaint must be sensitive to the needs of those directly involved and to those who may be affected by the grievance/ allegation; and,
- **Prompt Action** - All complaints will be dealt with as per the timeframes in this policy and procedure. Resolving complaints at the earliest opportunity and in a way that respects the person’s feedback, is important to preventing any further escalation.

Rights and Responsibilities

Complainants

Complainants have the right to:

- have complaints and appeals resolved promptly as per the principles above; and
- expect that every effort will be made to resolve it in accordance with this policy and its accompanying procedures, without prejudice or fear of reprisal or victimisation.

Complainants should:

- avoid complaining about the same matter to several different individuals at the same time which may affect the quality of the process;
- avoid making complaints or counter-complaints with a mischievous or malicious intent; and
- attempt to make and lodged in writing complaints within 6 months of the date of the circumstances giving rise to the complaint.

This does not apply in circumstances relating to child safety and child abuse.

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All parties to a complaint

All parties:

- must approach the complaint with an open mind and to resolve problems through discussion and conciliation;
- should participate in the complaint resolution process in good faith and cooperate fully in any investigation process; and
- have the right to expect the complaint will be handled according to the Principles of this Policy.

School Council

The School Council will:

- analyse complaints, concerns and safety incidents to identify causes and systemic failures, take action to deal with identified causes, and will monitor and improve systems and operations if and as required;
- take into account the specific needs of individuals who experience barriers to making a written complaint. For example, a formal verbal complaint may be considered where English language / literacy is a major barrier, or a Wyndham CEC/ School staff member may help write the written complaint when trauma from the alleged events makes this difficult for a complainant; and
- inform students of this Policy at enrolment. Students may be issued with a hard copy of this Policy, or directed to the Policy on the School's website. This Policy is publicly available on the School's website.

Principal

The Principal is responsible for:

- handling complaints once they are escalated beyond the initial attempt at resolution, such as between a teacher and parent;
- maintaining the Complaints and Compliments Registers;
- the investigation of all child safety complaints;
- ensuring all staff members take complaints seriously; and
- reporting to the School Council to contribute to continuous improvement.

All staff

All staff must:

- take all complaints and concerns seriously;
- respond in a child-friendly manner that is empowering and respectful;
- report complaints to the Principal so they can be entered into the Complaints Register, to support the College's continuous improvement commitments;

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Fulfilling the roles and responsibilities of this Policy does not discharge or displace any other obligations that arise if a person reasonably believes that a child is at risk of child abuse, such as a reporting obligation.

Child safety

- The School is committed to child safety and has no tolerance of child abuse. Any disclosures or allegations in relation to child safety will be investigated according to the requirements of the legislation (namely the Reportable Conduct Scheme) and/ or the School's Child Safety and Wellbeing Policy and Reporting Procedure.
- All complaints, allegations and disclosures of child abuse or harm will be taken seriously and responded to promptly and thoroughly.
- If criminal conduct has been alleged, the matter will be referred to the Police and the School's investigation will take into account any Police involvement.
- Our child safe approach to handling complaints includes taking into account the needs and diverse circumstances of students at the College, including students with disabilities, students from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander students, students who are unable to live at home, international students, and LGBTIQ+ students.

Recordkeeping

All complaints and any subsequent actions taken, resolutions reached or appeals made, must be recorded on a *Complaint Action Record* form (see Appendix two). This form should be completed within one working day of receiving a written complaint and issued to the relevant person as per procedures below. All records in relation to a written complaint will be kept in the *Complaint Register* located in the Principal's office at 4 Synnot St, Werribee 3030.

Complaints related to child safety, and School's response to those complaints, must be retained indefinitely. Refer to the Recordkeeping Policy.

Privacy and Confidentiality

As far as practicable, privacy and confidentiality will be maintained throughout the process of making and resolving complaints. This takes into account Wyndham's Privacy Policy and applicable legislation, including the *Privacy Act 1988* (Cth).

Individuals may request privacy or confidentiality, but Wyndham staff may have reporting obligations, as set out in the *Child Safety and Wellbeing Reporting Procedure*. Staff should never promise secrecy to a student who has made an allegation or disclosure of child abuse.

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Resolution of complaints

The resolution of a complaint will align with the seriousness of the incident which was the basis of the complaint, and will be applied consistently by the School.

Possible outcomes of a complaint could include (but are not limited to):

- increased understanding of a situation is reached so that concerns are resolved;
- improvement to the School's operational practices and/or systems;
- mutually acceptable resolution reached through conciliation or mediation;
- an apology received, and/or the issue or behavior that was the basis of the complaint modified;
- formal disciplinary action in line with appropriate industrial instruments and/or disciplinary matters;
- in some cases, where the complaint cannot be substantiated, no further action will be taken; and,
- the School may decline to investigate, if the complaint is frivolous, vexatious, misconceived or lacking in substance.

Where a complaint or appeal cannot be resolved through discussion and/or conciliation, the School acknowledges there may be a need for an appropriate external and independent person to mediate between the parties. In this event, the parties will be given the opportunity to formally present their case to the independent person.

Procedure for handling complaints (NOT child safety related)

If a person has a complaint that is not child safety related (such as academic complaints, disagreements between students, complaints about allocation of classes, teachers), the following steps are to be followed, with discretion as to appropriateness as per the Policy Commitments of this Policy:

1. Depending on the level of severity of a complaint, a complainant should first discuss an issue/complaint directly with the person involved to try to resolve it verbally, particularly in the case of a low level, non-complex issue that could be resolved in this way. Where possible, staff should try to resolve the issue on the same day.

For example, where there is a difference of opinion between two students in a classroom and the teacher is able to resolve it on the spot.
2. If no resolution is reached at step one, the teacher may decide to involve the Assistant Principal. If the complaint involves the teacher, the Assistant Principal will lead the investigation and resolution.
3. If there is no resolution from informal responses in steps 1 and 2, the complainant can choose to complete a complaint form in writing to formalise the complaint (see Appendix one). The student may seek support from the School for assistance with this process.
4. Once a complainant complains in writing, the complaint or appeal should immediately be brought to the attention of the Principal.

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5. The Principal will then discuss the matter with relevant staff. This process must commence within 48 hours from the time written notification is received and a response must be provided within 14 days. The Principal may choose to provide the response in writing or in person, considering the nature of the complaint.
6. A complainant may appeal a response. A request for an appeal must also be made in writing (see Appendix three).
7. Following a response to a complaint, or in the event of an appeal process, where a complaint is still not resolved to the complainant's satisfaction, the School may arrange for an independent external person to be involved to resolve the issue. The complainant will be given the opportunity to formally present a case. The time frame for this process may vary but external arrangements should take no longer than 28 days.
8. If a complainant is still not happy following external mediation, the student may take the complaint to the the Victorian Registration and Qualifications Authority (VRQA). They can contact the VRQA in one of the following ways:

Tel: 9637 2806

Postal:

Manager, Complaints Unit VRQA

GPO Box 2317, Melbourne Vic 3001

Complaints to the VRQA must be made in writing. You can make a complaint by doing ONE of the following:

- Complete the online complaint form
- Fill out the printable complaint form and post or fax it to the VRQA
 - Write a letter and post or fax to the VRQA

If for reason of disability you cannot make a complaint in writing, you can make a complaint by phone or in person.

Procedure for handling complaints (child safety)

If a person has a complaint regarding the School's child safety practices, or a disclosure or allegation of child abuse or harm, that complaint is to be handled in the following manner:

1. The person may make the complaint to whoever they feel comfortable. This could be a teacher, the Principal, the CSO, the Chair of the School Council, or any other person at the College or Wyndham CEC.
2. The complaint will be accepted by the College in written or verbal form. The person who received the complaint is responsible for ensuring a written record of the complaint will be submitted to the Assistant Principal, reporting to the Principal and entered onto the Register. This is to ensure that, if a member of Wyndham staff needs to be stood down and removed from the College environment, this can be implemented as soon as possible.

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3. The Assistant Principal will arrange for a meeting with the complainant, and where appropriate, a support person and/or carer to attempt to resolve the complaint.
4. The School may need to make reports to relevant regulators, in line with the *Child Safety and Wellbeing Reporting Procedure*, and/or commence an investigation under the Reportable Conduct Scheme. This Procedure focuses on interaction with complainants, not regulatory obligations.
5. The School will implement interim measures to ensure the safety of students during an investigation. The School will consult with those affected as to which safety interim measures would be appreciated.
6. When the investigation is concluded, the School will communicate the outcome of the investigation to those involved.
7. The complainant or respondent may appeal the resolution by submitting the form in Appendix Three. The Chair of the Board of Governance of Wyndham CEC will then meet with the appellant and make a final decision.
8. Should the issue still not be satisfactorily resolved, Wyndham CEC will arrange for an independent external person to mediate the issue. The client will be given the opportunity to formally present a case. The time frame for this process may vary but external arrangements should take no longer than 28 days.
9. Complaints and appellants may also make complaints to the VRQA for non-compliance with the Child Safety Standards. Contact details are above in this Policy.

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Appendix one

COMPLAINT FORM

By filling in this form you will be lodging a formal complaint.

Julia Gillard Community College deals with complaints in accordance with the requirements of the Data Protection Act 2014 (Vic) and/or the Privacy Act 1988 (Cth) and treats complaints confidentially unless required to act differently under the law or according to the principles of natural justice and fairness.

We thank you for taking the time to notify us of your concern. We value your feedback and hope to be able to resolve your complaint as soon as possible.

A reply will be forwarded to you within 14 days.

Date: _____

Name of complainant: _____

Received by: _____

Please detail your concern in full, giving as much detail as possible, include extra pages if necessary.

Signature: _____

WE WILL BE IN CONTACT WITHIN 14 DAYS
THANK YOU

(This document forms part of the Complaints Policy & Procedure)

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Appendix two

COMPLAINT ACTION RECORD

Received by: _____ Complaint Number Issued: _____

Date: _____ Given to: _____

Date response issued: _____ Follow up date: _____

Supporting documentation (Please attach): Yes No

Action Taken:

Outcome:

Specify improvement possible based on complaint, if applicable:

Comments/any further follow up:

(This document forms part of the Complaints Policy & Procedure)

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Appendix three

APPEAL FORM

By filing in this form you are requesting to appeal a judgment made in response to a complaint.

This form serves to begin the appeal process in relation to a judgment that has been made. This Form must be lodged with the CEO within 7 days of you receiving a judgment.

A written response will be issued to you within 7 days of receiving the appeal request.

Date: _____ Name: _____

Contact Number(s): _____

Please state in full, your reason for an appeal:

Signature: _____

WE WILL BE IN CONTACT WITHIN 7 DAYS



OFFICE USE ONLY

Received by: _____ Appeal Number Issued: _____

Date: _____ Given to: _____

Action Taken: _____

Date issued: _____ Follow up date: _____

Specify improvement possible based on complaint/appeal: _____

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Related Documents

Legislation: Education and Training Reform Act 2006 (Vic), Education and Training Reform Regulations 2017 (Vic), Privacy and Data Protection Act 2014 (Vic), Ombudsman Act 1973 (Vic), Freedom of Information Act 1972 (Vic), Privacy Act 1988 (Cth), Charter of Human Rights and Responsibilities Act 2006 (Vic), Disability Act 2006 (Vic), Occupational Health and Safety Act 2004 (Vic), Public Records Act 1973 (Vic), Worker Screening Act 2020 (Vic), Children, Youth and Families Act 2005 (Vic), Child Wellbeing & Safety Act 2005 (Vic), Racial Discrimination Act 1975 (Cth), Associations Incorporation Reform Act 2012 (Vic).

Policies: OH&S Policy and Procedure, Privacy Policy & Procedure (students & clients), Child Safety and wellbeing Policy & Procedures, School Enrolment Policy & Procedures.

Other: Complaint Form, Complaint Action Record, Appeal Form, Complaint's Register, Compliments Register, Constitution, Codes of Conduct, Ministerial Order 1359.