Bayside Christian College
"Unity and Maturity in Christ"

Complaints and Grievance Policy

1. Purpose

The purpose of this policy is to ensure Bayside Christian College ("College") has:

- Guidelines for handling complaints and grievances (collectively known as "Complaint")
- Define a clear course of action available to relevant parties to pursue an issue of grievance or dispute within Bayside Christian College.
- Establish guidelines governing appropriate courses of action available to College staff to assist resolution of Complaints.
- Define the rights and responsibilities of all parties within the Complaints resolution process.

2. Statement of commitment

The College understands that everyone has a right to make a Complaint. The College also understands that people are to be treated with respect, and impartiality, and are to be supported. The College upholds the right for all parties to access a Complaints process, and to receive procedural fairness, with emphasis towards:

- The equal treatment of all parties to a dispute.
- Clear and adequate notice to be provided to parties subject to the Complaints resolution process.
- Ensuring the details of a Complaint is provided to the respondent.
- Actions taken with due diligence to substantiate the facts of any Complaints matter.
- The right of all parties to be adequately heard with equal and fair treatment.
- Ensuring the confidentiality and privacy of participants in the Complaints process.
- Neither party to be subject to any form of discrimination or victimisation as a result of the Complaints process.
- The involvement of an unbiased and impartial decision maker, where required, to resolve a Complaint

3. Application

This policy applies to staff, volunteers, students and parents/carers of the College and applicants to the College.

This policy does not apply to:

- Student issues - the College has an appropriate internal student- friendly process for students to use when something goes wrong or is difficult for them.
- Staff issues in relation to their employment.
- Concerns regarding child safety and abuse - reference must be made to the College's Child Safety and Wellbeing Policy, Responding to Suspected and Reported Child Abuse Procedure, Mandatory Reporting Policy (all of which can be found on the College's website) and applicable child protection laws and reporting obligations

4. Definitions

Word/s	Definition
Complaint	For the purpose of this policy, a Complaint is defined as an issue of a minor nature, such as an expression of dissatisfaction related to service, communication, or property. Examples of Complaints include a community member being dissatisfied with a teaching practice or a disciplinary consequence.
Grievance	For the purpose of this policy, a grievance is related to an issue that may be an unresolved Complaint, or an issue of a more serious nature, such as a suggestion that the College has breached its own policies.
Facilitated Discussion/s and Formal Meetings	For the purposes of this policy, it is general practice for a facilitated discussion, and/or formal meeting to be overseen by a more senior College staff member. For example, in Complaints involving a teacher or educational support worker, this would generally mean a Learning Team Coordinator and/or a Head of School; for complaints involving a Learning Team Coordinator, the facilitated discussion will be overseen by a Head of School or Deputy Principal.

5. Principles

- In resolving a Complaint, the College will give priority to the student's wellbeing and educational needs.
- The College will respond to all Complaints in a timely manner and ensure that the Complaint procedure is responsive and flexible.
- The College will provide support for Complainants with specific needs, for example language translation.
- The College is committed to procedural fairness. The College will ensure that all relevant persons involved in the Complaint procedure will be able to put forward their point of view and will be treated with dignity and respect, and in the College's best endeavour, be protected from detrimental action, including victimisation or unfair treatment.
- The College will endeavour to respond to each Complaint in a fair, objective and unbiased manner, taking into account the College's values. Relevant persons involved in a Complaint will be required to declare any conflict of interest.
- In dealing with the Complaint, subject to any relevant laws and the consent of relevant persons involved, the College is committed to acting in a confidential manner and expects that all involved in the Complaint will show similar respect for the process and or others involved by doing likewise.
- The Complaints procedure will be restricted to dealing with the matter raised by the Complaint and not with any other matters.
- The College may determine that a Complaint is vexatious (where a complaint is designed to harass, annoy or embarrass the College, staff, student, parent or member of the College community) or spurious (where the Complaint has no real basis in fact or is manifestly groundless). When this is the case, the complainant will be informed.
- The College will ensure any actions, outcomes, and the resolution of a Complaint are well documented and kept on file. Complainants will receive an explanation as to the steps taken by the College to resolve the matter raised.
- The College will protect the identity of complainants where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by the College as permitted under the relevant laws and any relevant confidentiality obligations.
- The College will ensure that information about how and where Complaints may be made is accessible to parents, students and members of the wider community.

6. Responsibilities

6.1. College Board

- Approving this policy and reviewing it at least every three years.

- Responding to any formal Complaints raised that relate to the Principal or appeals relating to the application of the Complaints process by the Principal.

6.2. Principal

- Ensuring the policy is implemented and understood by all staff.
- Ensuring the policy is communicated to parents and the wider College community.
- Responding to a formal Complaint brought under this policy, that requires the Principal to be involved.
- Participating in the engagement of an independent external mediator.
- Maintaining a register of formal Complaints (listing the date, subject and resolution) for reporting to the College Board.

6.3. Staff

- Responding to and resolving concerns and Complaints in line with this policy and associated procedures.

6.4. College community (including volunteers/parents/carers)

- Raising issues promptly or as soon as possible after the issue occurs to the College staff member point of contact.
- Acting in good faith and in a calm and courteous manner, and in accordance with the Parent Code of Conduct.
- Ensuring that Complaints do not give rise to victimisation or reprisal.

7. Making a complaint

- Complaints may be made in person, by phone or in writing to any member of the College' s staff, who will refer the Complaint to the relevant staff member (e.g. Head of School, Business Manager, Principal, Deputy Principal, Human Resources Manager, etc.)
- Where the Complaint has not been resolved to the satisfaction of those concerned, a formal Complaint under this policy may be made to the relevant Head of School, Business Manager, Principal or Deputy Principal.
- If the Complaint concerns the College or behaviour of any person within the College, a Complaint can be made to the relevant Head of School, Principal or Deputy Principal.
- If the Complaint concerns the decisions, actions or activities of the Principal, a formal Complaint should be made to the Chair of the College Board through written communication addressed to the Chair of the College Board care of the Business Manager.

8. Complainant protection and Whistleblower process

Where a complainant has real and substantial concerns that, as a result of raising a Complaint, they may suffer a detriment, they may have access to protection under the provisions of the Protected Disclosure Act 2012. The Protected Disclosure Act 2012 defines the types of Complaints that may be accepted as Complaints under the Act.

Alternatively, the complainant may choose to follow the Whistleblower process (found on the staff and parent intranets), which offers protection to the Whistleblower.

9. Anonymous complaints

The College will always act when anonymous concerns or Complaints arise and will endeavour to investigate all anonymous concerns and Complaints. It is not always possible, however, for the College to respond to concerns and Complaints received from an anonymous source and, by definition, it is not possible for the College to communicate any resolution or response to the person making the concern or Complaint.

10. Escalation

A Complaint may be escalated during any stage of the Complaints process. If a Complaint remains unresolved within reasonable timeframes, it will be escalated, unless agreed otherwise by the parties involved. Escalation of a Complaint may include (but is not limited to) requesting an alternative staff

member to review the Complaint or, in the case of an informal Complaint, making a formal Complaint to the relevant Head of School, Business Manager, Principal or Deputy Principal.

11. Complaints to the Board

If the Complaint is in relation to the Principal, the Complaint should be addressed to the Chair of the College Board.

The Chair will constitute a complaints committee to deal with the Complaint. The composition of the committee will be decided by the Chair. The committee may include a representative who is external to the College. The complaints committee, acting on behalf of the Board, will decide how to proceed and will make recommendations for any action to resolve the matter to the Board. When a Complaint is made to the College Board, the Board's decision will be final. Where a Complaint is made against, or involves the Chair of the Board, the matter will be managed by an independent external consultant or advisor.

12. Procedural Steps

12.1. Receiving and Addressing Complaints

When receiving a Complaint, it is the expectation of the College that staff will look to resolve any issue in a timely manner, usually within a school week.

12.2. Initiation of Complaint Resolution

To ensure transparency and fairness are promoted throughout the Complaint resolution process, it is important that any party wishing to commence Complaint resolution discussions do so by directing any initial communications to the most appropriate person. Parties to a Complaint are therefore encouraged to meet before engaging in communication with uninvolved persons (as stipulated by Stage 1 – Informal Discussion) to resolve issues prior to conducting a facilitated discussion with a mutually agreed-upon third party.

Where a Complaint arises, parties are guided by the following standards for fair and transparent communication:

- The full details of the Complaint are made known to the other party in a timely manner.
- Details of the issue are not conveyed to uninvolved persons without the acceptance and understanding of both parties to the dispute.
- Adequate time is given from the notification of a dispute issue to when resolution meetings are planned to occur.
- Both parties give fair and reasonable consideration to the issues raised by either party to the dispute.
- Communications conveying the nature of a Complaint are made without elements of intimidation, threat or slander.; and are focused on detailing actual events leading to the grievance.

12.3. Timeliness

The College will seek to resolve issues utilising the following process as quickly as is practicable.

The College will endeavour to resolve Complaints related to the day-to-day running of the College, and directed to College personnel, within a school week. Should matters be unresolved and the Complaints resolution process initiated, College staff are expected to respond at the earliest opportunity.

Should matters involve a Board member and/or be taken to the College Board, the College Board will address matters at their earliest opportunity, which is understood as the next scheduled Board Meeting.

If a matter concerns an immediate risk to the safety and security of any person, the matter will be escalated appropriately and promptly.

12.4. Investigation of the Complaint

Some Complaints can be resolved through discussion, but others require that the matter be investigated before coming to a resolution.

The Principal may appoint a senior member of staff to investigate the issue. This staff member will typically be a member of the College Leadership Team who has not previously been closely involved in the matter.

The investigation may take the form of interviews with others involved, reviewing documentation, etc. If it is thought advisable and necessary, the Principal may approve the appointment of an external investigator.

In carrying out an investigation, the College will be mindful of the need for confidentiality. The complainant will be informed in advance of any decision to speak to others during the course of the investigation. The investigation report is confidential to the College. There may be some instances where Complaints are determined to be vexatious or frivolous in nature. In this case, the complainant will be informed that the College intends to dismiss their Complaint.

12.5. Stages of Complaint Resolution

The Complaint resolution process comprises of five stages, representing an increasing level of formality.

12.5.1. Stage 1: Informal Discussion:

When a Complaint first arises, concerned parties are encouraged to meet and discuss the issues at hand through private discussion at their own arrangement without the involvement of a mediator. While no official record is required to be kept at these discussions, both parties are encouraged to keep diary notes of the matters with specific detail regarding any agreements reached upon.

This step may be repeated several times until it becomes clear that a resolution cannot be reached via informal discussion. It is the expectation of the College that the informal discussion period is, generally, no longer than two school weeks.

If the matter is not resolved, the Complaint should be taken to the next appropriate level of authority.

12.5.2. Stage 2: Facilitated Discussion:

Where resolution cannot be reached between concerned parties by means of their own direct informal discussion/s, a facilitator may be sought to assist in bringing about a resolution.

As per Stage 1, no formal records are kept of discussions. The facilitator will act to encourage both parties to reach an agreement through the promotion of constructive discussion, focused on reaching a resolution. It is advisable that informal records are kept of matters discussed and any agreements reached.

12.5.3. Stage 3: Formal Discussion:

Where an agreement cannot be reached through previous resolution stages, formal discussion and counselling will take place. The Principal (or Chair of the College Board in the case of a Complaint with the Principal) is to be informed of the disagreement.

Detailed notes of these formal discussions are required, including any commitments or undertakings given by either party to the Complaint. At the conclusion of formal discussions, both parties are encouraged to sign and retain a common record of discussions. The College will retain a secure copy of records on the College's system as per the College's Records Management Policy.

Mediators for formal discussions are to be selected with the mutual acceptance of both parties to the Complaint and while promoting a resolution, remain impartial throughout any formal meetings and discussions.

12.5.4. Stage 4: Formal Mediation:

Where a Complaint cannot be resolved through previous stages, formal mediation is used in an attempt to reach a compromised outcome. Formal mediation can be invoked upon a Complaint issued by the Principal, Board or any party to the dispute.

An independent person, as agreed upon by both parties and the College Principal, is asked to formally mediate in the dispute. The mediator will ensure full documentation of details pertaining to the Complaint for reporting to the Board. It is expected that both parties at this stage are committed to reaching a satisfactory compromise solution and would therefore provide their compliance to any reasonable recommendations provided by the mediator as a resolution to the Complaint.

12.5.5. Stage 5: External Arbitration:

Where no agreement can be reached via any stage of the Complaint resolution process, the matter can be directed to formal avenues of lawful arbitration. Each party is responsible for the costs incurred.

13. Complaints Resolution Outcomes

Satisfactory resolution of the Complaint may come from one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review College policies in light of the Complaint

In resolving the Complaint, a statement should be prepared confirming that those involved consider the Complaint (or an aspect of the Complaint) is resolved. This statement will include details of how the Complaint has been resolved and provide description of each specific action or decision, including a note as to who is responsible for the action and by when. A copy of the statement will be provided to the complainant.

When the Complaint is resolved (or dismissed), a follow- up meeting or conversation may be scheduled to ensure that the agreed actions have been implemented and that there are no further matters outstanding.

14. External Referral of Complaints

In some situations, it may not be possible to resolve the Complaint to the satisfaction of the complainant using these procedures.

If the matter still remains unresolved, then the individuals or the College may refer the matter to the relevant body, such as the Victorian Institute of Teaching, Consumer Affairs Victoria, Victorian Equal Opportunity and Human Rights Commission, or the Victorian Registration and Qualifications Authority (VRQA) for Complaints about compliance with the minimum standards.

Unresolved matters relating to the College Early Learning Centre may be referred to an appropriate authorised officer of the Department of Education (Southern Metropolitan Region Office, Quality Assessment and Regulation Division, Level 5, 165 – 169 Thomas Street, DANDENDONG VIC 3175 via phone (03 8904 2500) or email (smr.qar@edumail.vic.gov.au).

15. Related Documents

Complaints Handling Reference Guide

Staff Complaints and Grievance Procedure

Privacy Policy

Record Management Policy

Data Breach Policy

Privacy and Data Breach Reference Guide

Whistleblower Policy

Child Safety and Wellbeing Policy (associated policies and procedures)

Workplace Anti Bullying Violence and Harassment Policy

16. Related Legislation

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 1359

AS/NZS 1002:2014 Guidelines for complaint management in organizations

Privacy Act 1988

Protected Disclosure Act 2012

AS/NZS 1002:2014 Guidelines for complaint management in organisations

Approved	College Executive
Authorised	College Board