



# Oakleigh Grammar

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| <b>Policy Document Name</b>                 | <b>Complaints Management</b> |
| <b>Date Ratified by Board of Management</b> | June 2020                    |
| <b>Date for Review</b>                      | June 2023                    |

This policy should be read in conjunction with the following policies:

- Mandatory Reporting
- Harassment, Discrimination and Grievances
- Whistleblower

## 1. Preamble

**Gospel Values:** As a faith community, we will nurture each other's growth in the values lived by Jesus Christ.

"If your brother does something wrong, go and have it out with him alone, between your two selves. If he listens to you, you have won your brother. If he does not listen, take one or two others along with you...." Matthew 18:15

## 2. Purpose and Scope

Oakleigh Grammar is committed to providing a culture which promotes safety and respectful treatment. The purpose of this policy is to establish a process for resolving complaints. Oakleigh Grammar will not tolerate any form of victimisation as a result of raising their complaints.

The Complaint Management Policy does not apply to disputes regarding the interpretation, application and operation of Oakleigh Grammar's enterprise agreement.

The policy applies to all staff members and members of the community.

## 3. Definitions

**Complaint** is an expression of dissatisfaction with a person or process associated with Oakleigh Grammar. Complaints may arise from:

- allegations of unlawful discrimination;
- allegations of harassment;
- unprofessional conduct and/or unsatisfactory performance;
- a school practice or policy that the complainant believes is unfair, unreasonable, or inappropriate;
- decisions made, or not made, that the complainant believes are unfair, unreasonable or inappropriate; or
- a particular incident.

**Vexatious Complaint** is one that has been considered according to the processes below, found to be unjustified, but the complainant will not accept that conclusion, and persists in making the complaint. In the case of a vexatious complaint, the complainant will be counselled about his or her action in lodging the complaint. S/he will be informed that Defamation may occur when a person's reputation is lowered in the estimation of his or her peers.

**Complainant** is a person who makes a complaint.

**Respondent** is a person about whom a complaint has been made.

**Community** includes students, parents of students, teachers, support staff, administrators, local clergy, Board of Management members who do not have children currently enrolled at Oakleigh Grammar, local residents, proprietors of bus companies and School suppliers.

#### 4. Guiding Principles

- a. All members of the community have a right to raise concerns about aspects of School life;
- b. The complaints process will have as its goal the reconciliation of all parties involved in the complaint;
- c. Complaints will be dealt with promptly, courteously and efficiently;
- d. The Respondent will be promptly informed of the nature of the complaint and the source of the complaint;
- e. The Complainant will be regularly informed of the progress of the matter, including the consequences of any findings that the complaint is substantiated or not substantiated.
- f. Principles of natural justice that must be observed in managing the resolution of a complaint are:
  - the right of each party to be heard
  - the right of each party to be treated fairly
  - the right of the Respondent to reply to the allegation(s) made against him or her
  - the right of each party to a decision maker who acts fairly and in good faith;
- g. The legitimacy or otherwise of the complaint should be determined as early as possible in the complaints resolution process;
- h. Anonymous complaints will be disregarded, and no action taken;
- i. All parties involved in the resolution of a complaint are required to respect confidentiality. Allegations of harassment and discrimination carry the risk of defamation especially if confidentiality has been breached;
- j. Complainants who air a grievance, but who do not consent to follow the processes outlined in this document, will be informed that their complaint cannot be accepted;
- k. Complaints may be dealt with either in an informal or formal manner, depending on the nature of the complaint, and the ease of resolution;
- l. In dealing with complaints, the principle of subsidiarity will apply. Complaints will initially be dealt with at the 'lowest' level in the School structure as feasible, and by as few people as possible. The seriousness of the complaint will determine the appropriate level within the School structure;
- m. If a complaint concerns a staff member, and it is dismissed at either Stages I, II, III or IV of the process, written records will be kept separate from the staff member's file;
- n. If several complaints are received in relation to one person, the resolution of the complaint must initially include appropriate proactive responses, eg. counselling, professional support;
- o. Complaints of a serious nature may result in disciplinary action, but the complaints resolution process is separate from any formal disciplinary proceedings;
- p. The nature and frequency of complaints should be monitored in the formal stages of the resolution process, so as to inform strategies to ensure that such complaints do not recur;
- q. The Principal must be informed of any complaint associated with behaviour deemed to require 'mandatory reporting', Harassment (as defined in the Anti-Harassment Policy), or substance abuse.

#### 5. Complaints Resolution Process

Any person who facilitates a complaint resolution process is obliged to:

- ensure procedural and substantive fairness and treat all complaints seriously, with the exception of anonymous or vexatious complaints;
- monitor occurrences of unacceptable behaviour, and the need for preventative strategies;
- meet the School's legal obligation to take all 'reasonable precautions' to prevent discrimination and harassment occurring;

- reduce the risk of the School being held vicariously liable for the actions of individuals that contravene anti-discrimination legislation; and
- prevent the unnecessary escalation of the situation.

The complaints resolution process may include up to four stages:

**Informal Process** (No records are kept)

Stage I: A complaint should be lodged with the person who has the best understanding of the issues involved.

When a staff member receives a complaint, s/he must assess the nature of the complaint, and form a view as to the appropriate course of action, in keeping with the Guiding Principles and the Complaints Resolution Process contained within this document. This staff member will recommend one of the following paths to resolution:

1. That the complainant speaks directly to the respondent.
2. That the complainant speaks directly to the respondent, in the company of a colleague acting as a witness. The respondent may also have a colleague present to act as a witness.
3. Dismiss the complaint.
4. If the complaint is deemed to be vexatious, the person to whom the complaint has been made, will counsel the complainant accordingly.

All complaints of a minor nature should be resolved at this stage of the process.

**Formal Process**

The complaint is to be put in writing and the respondent has the right to reply in writing. Records are to be retained.

Stage II: If the complaint is not resolved at Stage I, it is to be referred either to the immediate supervisor of the respondent or HR. (The immediate supervisor of the Principal is the Chair of the Board of Management).

The immediate supervisor or HR will investigate the complaint, make a finding, determine the appropriate action, inform the complainant and the respondent, and keep a record of each of these steps\*.

Stage III: If the complaint remains unresolved after Stage II, either party can ask for the complaint to be considered by the Principal, unless the Principal is the respondent. The Principal will, at his discretion, either investigate the complaint, or ask a member of the Leadership Team who has not previously been involved in the complaint to investigate it.

The Principal or member of the Leadership Team will investigate the complaint, make a finding, determine the appropriate action, inform the complainant and the respondent, and keep a record of each of these steps\*.

Stage IV: If all previous stages have been exhausted and the matter remains unresolved, either party may refer the complaint to the relevant authority - Victoria Independent Education Union (VIEU), Victorian Equal Opportunity Commission, Human Rights and Equal Opportunity Commission, Police Department.

If the complaint is of a very serious nature, Stages I or II may be omitted. If the Principal is the respondent, Stage III may also be omitted.

The investigation includes the following steps:

1. Planning the Investigation

- Adequate planning before the beginning of investigation, including considering any potential conflicts of interest;
- Ensuring that all relevant parties are interviewed;
- Gathering and reviewing all relevant documents such as the complaint, policies and procedures, any relevant emails, notices, memos or other information and documents;
- Notifying all parties of their involvement, rights and obligations

2. Interviewing

- Conducting formal interviews objectively and sensitively;
- Outlining the investigation process and timeline;
- Obtaining as much detailed evidence as possible

3. Analysing the Evidence

- Assessing the evidence with regard to reliability, consistency and credibility;
- Preparing an investigation report setting out the findings;
- Coming to a conclusion and making a finding, based on the evidence gathered

4. Facilitating the Resolution

- Making amendments to policies if required

If a complaint is deemed to be legitimate, then the resolution of the complaint may include:

- Offering an apology;
- Developing agreed strategies for managing acceptable differences;
- Clarifying expectations of appropriate behaviour;
- Giving an undertaking that inappropriate behaviour will be changed;
- Instigating mentor support; and
- Counselling.

*\*Records filed in relevant student file or staff personal file.*