



# Complaints Handling Policy

Tarrington Lutheran School

## Procedure Statement

### 1. PURPOSE

This policy is to facilitate the timely and effective resolution of grievances, complaints and/or conflicts.

### 2. EXPLANATION

All employees, volunteers, students, families or contractors are to be encouraged to interact with each other in a Christian way. By using the informal and/or formal frameworks for lodgment of a grievance or complaint, it can be addressed in a clear, fair and equitable way, without bias or retaliation. Full documentation will be kept of the processes followed.

### Guiding Principles

#### Commitment

- School leaders model best practice in handling complaints.
- Staff are informed about complaint resolution procedures and the people with the responsibility for receiving and dealing with complaints.
- Complaint resolution processes rely on people acting in good faith, exercising good judgement, being honest and open, focusing on the issues not the person and communicating in a courteous and respectful manner.

#### Fairness

- People are entitled to lodge a complaint.
- Complaints are lodged in good faith.
- All complaints are taken seriously.
- Every reasonable effort is made to ensure that a person who lodges a complaint will not be treated unfairly or victimized, the person dealing with a complaint is not intimidated or coerced and the respondent receives a fair hearing.
- Subject to duty of care or other legal obligations, people are informed of any allegations against them or grounds for adverse comment about them.
- All parties are given reasonable opportunity to reflect on information and to put their case.
- Only matters relevant to the complaint under consideration are taken into account.
- As far as possible and appropriate, confidentiality is respected and maintained by all parties through the resolution process, save where persons are required to be informed on a “needs to know basis” or where statutory or legal requirements demand that matters be reported.
- Reasonable inquiries or investigations are made before making a decision about the validity or otherwise of a complaint.
- All parties to a complaint are informed of the decision and the reason for it.

- Investigation and decision-making arrangements do not conflict.
- No person decides a case in which they have a direct interest.
- All parties are entitled to personal and/or professional advice, support or representation.
- Application of the rules of procedural fairness may vary from one context and situation to another.

### Advocacy and Support

- Students are entitled to have another staff member or parent/carer support them through the complaint resolution process, including attending meetings.
- All other complainants are entitled to have a support person them through the complaint resolution process, including attending meetings.

### Resources

- Roles and responsibilities for receiving and dealing with complaints are clearly defined and designated, and relevant staff provided with training in communication skills and handling complaints.
- Designated staff have sufficient authority to handle complaints or ready access to those who do have the necessary authority.

### Access

- Complaints resolution procedures are accessible, consistent and apply to all employees.
- Participants have the right to exercise choice in the method of resolution of a complaint.
- Complaints can be lodged in any form.
- Anonymous complaints are taken seriously, recorded and considered as far as practically possible as they can still lead to a productive outcome. Although there are limitations on investigation and resolution, and complainants may be encouraged to identify themselves, this must not be a requirement.
- The complaints handling procedure is available to all staff, in either print or electronic form.
- The complaints handling procedure is regularly promoted within the school and community.

### Assistance

- Complainants are not required to repeat their complaint to a number of different people.
- Complainants are allowed a support person in the complaint process.
- The school designates people to received and manage complaints.

### Mediation and Counselling

- Counselling is available to staff through our Employee Assistance Program accessible through the Access EAP 24-hour contact line 1800 818 728
- Counselling is available to students through our:  
Deputy Principal or Principal
- All parties involved in addressing a complaint may seek the services of a mediator when there is difficulty coming to an agreement.
- Mediation can be requested through the Principal, or if the matter concerns the Principal, from the School Council Chairperson or Executive Director of LEVNT

### Responsiveness

- Complaints are dealt with speedily and sensitively.
- Early intervention, effective management and prompt resolution are seen to be critical.

- In general, complaint resolution closest to the source of the problem is the most effective.
- Remedies
  - An effective complaints procedure includes a variety of options for resolution.
  - Acknowledgement and an apology are expected when a complaint has substance. Where possible, there should be an agreement about how harm can be repaired.
  - A complainant should be provided with evidence that the complaint has been addressed in a transparent and consistent manner.

### Data collection and use

- Complaints are recorded in a systematic and standard way and records filed.
- Records of complaints include sufficient information to allow subsequent analysis if needed.
- Recorded complaints are analysed to determine if there are any recurring patterns. Any patterns of behaviour are dealt with by school leaders.

### Reviews

- Complaints handling procedures are regularly reviewed for responsiveness and effectiveness.

### Referrals

- A complainant has the option to refer the complaint if they are not satisfied with the outcome reached by the School or if the complaint is regarding the Principal. Depending on the type of complaint the following referral avenues are available:
  - The School Council
  - The Executive Director of Lutheran Education Victoria, New South Wales and Tasmania (LEVNT) (03) 9236 1250 or [director@levnt.edu.au](mailto:director@levnt.edu.au)
  - The VRQA – note the VRQA does not investigate all complaints, however can refer you on to the external agencies who do. For example, the VRQA cannot investigate refund disputes, however Consumer Affairs can.
  - Online complaint form <http://www.vrqa.vic.gov.au/StateRegister/Public.aspx/LodgeComplaint>

## **Definitions and Terms**

**Complaint** - Complaints or conflict situations involve two or more people with different expectations and views, each one taking a position and acting on what they believe is right. In addition, the school has expectations that must also be taken into account.

Within the context of this process, a complaint is defined as an expression of dissatisfaction by a student, parent or other staff member with any action or behaviour of a staff member or an aspect of school life or employment that the complainant perceives as adversely affecting him or her, or a student of the school.

The complaint may relate to:

- perceived sexual harassment, harassment or bullying
- discrimination on the grounds of disability, race, religious belief, political viewpoint, gender, marital status, pregnancy, sexual preference, national or ethnic origin
- real or perceived unfair, unreasonable or improper treatment
- alleged poor performance (of teaching or administrative duties)
- conflict of interest
- behaviour that is contrary to the standards defined in the LEA code of ethics

- allegations of bias
- ongoing personal conflict

An employee's complaint may also relate to issues such as:

- behaviour or perceived inaction by a staff member which has or is likely to have an unreasonable negative impact on another staff member's ability to fulfil their duties
- administrative decisions concerning people that are arbitrary, capricious or made without appropriate consultation
- industrial issues – anything that has a bearing on conditions of employment (salary, terms of employment, working conditions, work load, etc.)

**Complainant** - A person who is dissatisfied. This may be a parent, student or other staff member.

**Defamation** - At times a complainant and the employer and employees who attempt to deal with a complaint internally may be threatened with an action of defamation. Although there is little risk of such action succeeding against a genuine complainant who seeks information and support from the appropriate people only, it is important that:

- a complainant is advised not to discuss the complaint issue with all and sundry
- each person who is legitimately provided with information relating to the complaint takes great care to protect that information. Leaving a computer screen open or a note lying on a desk can put the person at risk in any legal action
- each person who legitimately passes on information does so "without malice" and to ensure the health and safety of the complainant

**Facts at issue** - Details of the complainant's and respondent's names and contact information, place and date and description of the alleged behaviour, why it is in question, whether there was any authority to engage in the alleged conduct, whether there was any breach of any policy, behaviour, standard or law.

**Good faith complaint** - A complaint submitted by a complainant who has honest belief based on reasonable grounds.

**Impact of an investigation** - Managing the impact of an investigation means:

- anticipating where the impact will be greatest
- considering how the investigation is likely to affect staff morale and school reputation
- devising strategies to minimise the adverse effects
- devising strategies to restore relationships wherever possible

**Procedural fairness** - Procedural fairness is also referred to as "natural justice". It applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way and works to ensure that decision making is fair and reasonable. Justice should not only be done, it should be seen to be done. In effect it means that bias (both real and perceived) is avoided and all parties are given a fair hearing.

**Respondent** - The subject of a complaint – the person alleged to have caused the dissatisfaction, through their words, action or inaction.

**Vexatious complaint** - A complaint that is submitted for an improper purpose – for example, as an act of revenge, to obtain personal benefit or because the person likes to complain all the time.

### **3. IMPLEMENTATION**

#### **3.1 GENERAL**

##### **What constitutes a complaint?**

This procedure explains what to do if you have a complaint about any decision, behaviour, act or omission at Tarrington Lutheran School.

A complaint is an expression of significant dissatisfaction with the policies, procedures or service provided by the school. Complaints may be oral or written. Written complaints include those sent by letter, fax or email. You could have a complaint about, for example:

- student disciplinary procedures
- homework
- damage/loss of personal property
- student bullying
- school management and school fees
- quality of teaching
- breach of privacy
- school resources
- work health and safety issues

##### **What matters are not dealt with under this procedure?**

There are specific complaint procedures in place for the following matters:

- child protection issues (i.e. if the complaint is about alleged inappropriate physical contact, sexual misconduct, neglect, or psychologically harmful conduct by an adult towards any child or young person). All such complaints should be made directly to the principal.
- workplace bullying
- harassment
- enrolment
- employment relations

You can obtain further information about how to pursue complaints of this nature from the principal.

##### **Introduction**

As issues and concerns arise parents, students and staff are challenged to model the reality of working as a Christian community. The centre point of all Christian relationships is forgiveness and acceptance. However, in any community there will be times where we let each other down by falling short of what God would have us be. Issues will need to be resolved. It is in these situations that we are challenged to model most strongly the centrality of Christ's love for us all.

Issues or concerns that have the potential or have already caused conflict are most effectively dealt with if they are raised in the following ways:

- Don't raise an issue when you or the person you are going to speak with is likely to be angry. This may mean waiting 24 hours.

- For particularly important issues arrange a time to meet with the person concerned rather than speak over the phone. The use of electronic communication also has the potential to be extremely damaging and is generally not appropriate for grievance processes.
- Identify the issues clearly before speaking to someone and distinguish them from the person. Personal attacks destroy relationships whereas constructive analysis of issues builds relationships.
- Speak directly with the person concerned and work to maintain the confidentiality of the discussion. Take time to ascertain the events, and identify the emotions generated by the event.
- Be prepared to listen. Take a moment to stand in the other person's shoes.
- Brainstorm together potential ways for solution. If possible, choose a joint solution.
- Sometimes this might mean to agree to disagree but still respect one another as people whose values and opinions are different. It may also mean accepting the right of the role of that person to make decisions according to the role and the policies and procedures of the School.
- Seek advice and support from staff as described below again utilizing the above principles.

All personal matters such as concerns regarding student, parent or staff relationships should be communicated directly with the school through the class teacher or Principal in a confidential manner. The lower level at which the conflict can be addressed the better.

### **Key Steps in the Management of a Complaint**

#### **Expectations:**

The school requires a person raising a concern or complaint to:

- do so promptly, as soon as possible after the issue occurs
- provide complete and factual information about the concern or complaint
- maintain and respect the privacy and confidentiality of all parties
- acknowledge that a common goal is to achieve an outcome acceptable to all parties
- act in good faith, and in a calm and courteous manner
- show respect and understanding of each other's point of view and value difference, rather than judge and blame
- recognise that all parties have rights and responsibilities which must be balanced.

The school will address any concerns and complaints received from members of the community:

- courteously
- efficiently
- fairly
- promptly, or within the timeline agreed with the person with the concern or complaint
- in accordance with due process and principles of natural justice.

#### **Raising a Concern or Complaint:**

In the first instance, a complaint or expression of concern should be made to the school.

The complainant should telephone, visit or write to:

- the student's teacher about learning issues and incidents that happened in their class or group
- the Principal about issues relating to school policy, school management, staff members or complex student issues

For contact details for any staff member, call the office on 5572 3897. If you are not sure who to contact the office staff will assist you by directing your enquiry to the relevant staff member.

### **Help with raising concerns and complaints:**

Complainants can seek the services of an advocate when they feel they are unable to express their concern clearly. An advocate can be a friend or someone who is available through an appropriate support organisation who does not receive a fee for service.

All parties involved in addressing a complaint may seek the services of a mediator when there is difficulty coming to an agreement.

The school will ensure that the complainant is aware of these supports. A complainant who wishes to use these support services should ensure the person addressing the concern or complaint is aware of their intention and is in agreement.

### **Managing concerns and complaints information:**

The school will record the following details of all complaints received:

- name and contact details (with permission) of the person with a concern or complaint
- the date the concern was expressed or complaint made
- the form in which the concern or complaint was received (such as face-to-face, by telephone, in writing, by email)
- a brief description of the concern or complaint
- details of the school officer responding to the concern or complaint
- action taken on the concern or complaint
- the outcome of action taken on the concern or complaint
- any recommendations for future improvement in the school's policy or procedures.

However, in the first instance, when the complaint is easily resolved in a telephone call, a brief note in the school's/principal's/teacher's diary recording the issue and the resolution will be all that is required.

### **Addressing concerns or complaints:**

The school will determine whether a concern or complaint should be managed through the school's own processes. The school will make every effort to resolve issues before involving outside groups.

The school will make available to the complainant a copy of its complaints procedures via the website or personally.

All complaints will be noted and acted on promptly by the staff member who receives the complaint.

The school will acknowledge all complaints made in writing. It will provide the complainant with a timeline for investigating the complaint. Should the complaint involve complex issues, the school may need to take advice from the outside parties; this may take more time. The school will keep the complainant informed of the nature of any such delays. In all cases, the school will endeavour to resolve a complex concern or complaint within 20 school days.

The principal will investigate all complaints and will provide a response to the complainant.

Concerns and complaints about general school matters (such as the timing of events, school policies and facilities) will be addressed by the principal or a relevant staff member.

**Remedies:**

The school will make every attempt to resolve a concern or complaint as quickly as possible. If the complaint involves many students and a range of issues, the school will need more time to investigate and resolve it.

Should the complaint involve complex issues, the school might need to take advice from the outside parties which may take more time. The school will tell the complainant the new timeline for addressing the complaint and the reasons for any delays. In all cases, the school will try to resolve a concern or complaint within 20 school days.

If a concern or complaint is substantiated in whole or part, the school will offer an appropriate remedy. For example, at its discretion and depending on the circumstances, the school might offer:

- an explanation
- an acknowledgement of each other's perspective and agreement on ways to manage differences
- an apology or expression of regret
- an admission of fault
- a change of decision
- a change of policy, procedure or practice
- agreement on what constitutes acceptable behaviour
- an undertaking that unacceptable behaviour will change
- the waiving of debt related to school fees and payments
- a refund of parent payments
- the provision of counselling or other support.

**Referral of concerns and complaints:**

If a person with a concern or complaint is not satisfied with the outcome determined by the school, they should contact the Lutheran Education – Victoria, New South Wales, Tasmania (LEVNT) on (03) 92361250.

**Monitoring complaints:**

The School Council will receive feedback on the policy and procedures from the Principal.

The school will monitor concerns and complaints and consider issues raised through the complaints process, and any other relevant information from opinion surveys, when undertaking a review of the school's policies, procedures and operations.

The School Council will regularly review its policy and procedures to effectively address concerns and complaints as part of its cyclic policy and procedures review schedule.

The school will review its information about complaints made over time to:

- identify common or recurring issues that may need addressing
- assess the effectiveness of these and other procedures and whether they are being followed
- use information provided to the school through the opinion survey on the views of stakeholders.

Due to confidentiality, feedback will not include specific details of complainants and those involved in the complaint.

### 3.2 PARENTS

The following guidelines may assist you if you have a concern. For some issues it may be appropriate to discuss matters directly with the Principal, however for the majority of situations the following process will help to resolve issues and at the same time build strong relationships.

1. Make an appointment to talk to the classroom teacher. Let them know what subject you wish to discuss as this will facilitate the process prior to the interview. This makes the most productive use of the time available - when the teacher is free to give you their full attention. If you consider that the issue you have raised is still unresolved, it is important that you state this to the teacher at the conclusion of the meeting. Acknowledgement of the need for a meeting with the classroom teacher would normally occur within three working days of the request for an appointment.
2. If the issues are not resolved, speak with any of the following staff:
  - Deputy Principal (routines and procedures)
  - Principal (teaching and learning issues, behaviour)

Let them know what subject you wish to discuss as this will again facilitate the process. Nominate times when you are available. Results of these discussions may include the following:

- the situation is monitored;
  - further discussions with the people involved (e.g. Principal and teacher);
  - outside support for the child or family may be sought
3. If you are still dissatisfied with the outcome of the meeting or it is a more serious issue, speak with the Principal. The results of this meeting again could involve each of the any of the above outcomes. If you are unsatisfied then speak with the Principal again perhaps putting your concerns in writing. If the school does not receive further information, it is reasonable for the issue to be considered resolved. The Principal should make contact within 3 working days of a request being made.
  4. If after the above steps you are still dissatisfied then advise the Principal and write a report of the issue, detailing the what, when, how and who to the Chairperson of School Council. On the basis of the report, the School Chair will try to resolve the situation further if the above processes have been followed. Meeting cycles will mean that this may take 14 working days for acknowledgement to be made by the School Council Chair.
  5. If, after the School Council Chair has responded to the issue, the matter is still unresolved then the School Council and the Principal should be informed, and a formal letter should be written to the Executive Director of Lutheran Education - Victoria, New South Wales and Tasmania District. The Executive Director or nominee will acknowledge receipt of the complaint within 14 working days of receiving the complaint.

It is important that these grievances are kept confidential, and although at times you may wish to seek support from friends or an advocate, it is very important to do this wisely. Ill-informed discussion can often cause unnecessary hurt and harm to staff, students and parents. When the matter is discussed in the student's hearing, it is important that the student understands that you have confidence that the issue will be resolved confidentially at the school level. Criticism of the school or teacher does not support the child's education as it undermines trust and confidence. The school can only deal with issues that are raised in the ways outlined above. If we do not receive information, then we assume that all is well.

**Please remember:**

- everyone should feel they have the right to have a matter of concern raised with the appropriate people in the school;
- we can't address problems we don't know about;
- there are usually several aspects to any one incident and not all involved will understand all the aspects;
- you are urged to contact the School directly with concerns when they happen, not later on;
- the best person to contact is usually the person involved;
- we may endeavour to resolve problems by seeking outside advice

**3.3 STUDENTS**

Students have the right and responsibility to raise issues with staff in an appropriate manner where they feel that they have been treated in an unfair manner by a member of staff of the school. It is important that matters are discussed in private and in a way that reflects respect for each person involved in the discussion and using the principles listed above.

The following guidelines may assist you if you have a concern. For some issues, particularly where you believe that teacher has behaved inappropriately or if you are scared to talk to the teacher, it may be better to discuss matters directly with the Principal.

WHAT TO DO	NOTES	WHY?	WHEN IS THIS USUALLY DONE?
1. Arrange a meeting to talk to the teacher you are having a problem with	You can ask another adult to be with you for support (teacher or parent/carer)	<ul style="list-style-type: none"><li>• So the teacher can focus on you</li><li>• So you can talk about the problem in private</li></ul>	Within 3 days
2. Have your meeting			
3. If this meeting did not fix your problems, arrange a meeting with the Principal	You can ask another adult to be with you for support		
4. Have your 2 <sup>nd</sup> meeting			
5. If this meeting did not fix your problems, let your parents and the Principal know and they will help you report to the Chair of the School Council.			14 days because they don't work for the school
6. If Council did not fix your problems, let your parents and the Principal know and they will help you report further.	LEVNT VRQA		14 days because they don't work for the school

## **NOTES:**

- Each time you arrange a meeting please let the person know what you want to talk with them about.
- You need to speak up. If you don't let the teacher or the school know that you are still unhappy after a meeting they will think everything is OK.
- It is important that grievances are kept as confidential as possible. Sometimes you might need to talk to a friend or another support person. You need to try not to talk to too many people and try not to hurt others by sharing too much.

## **3.4 STAFF**

This process aims to assist staff and school to resolve staff grievances effectively and agreeably to all concerned. The above principles for the resolution of grievances should also inform grievances held by staff.

### **Definition**

A staff grievance occurs where a staff member believes s/he has been unfairly or badly treated by another person at the school or by a management decision and wishes some action to be taken to remedy the situation. (Grievance processes should not apply to a report of misconduct or poor work performance about a staff member – this should be dealt with under disciplinary or staff appraisal processes.)

### **Guidelines**

- In the interests of everyone concerned staff grievances should receive a high priority and should be resolved as quickly and effectively as possible.
- All parties to a grievance should try to resolve the matter informally through discussion, moving to formal processes only if this does not succeed. The Principal is the key person to assist in this process.
- Confidentiality is vital; no-one should discuss information about a grievance outside the grievance procedures. Discussion with others causes significant damage and undermines processes of resolution.
- Once a grievance has moved beyond the informal level, a staff member raising a grievance has the right to have a union representative assist her/him at any stage in the process. They may have another person of their choice present at any meetings or interviews for support. The Principal may also elect to have representatives present or manage the grievance process. Presence of others in meetings should be clarified and agreed to prior to any meeting taking place.
- A staff member who has commenced a grievance process may withdraw and stop the process at any time without penalty.
- No staff member should suffer any personal or professional disadvantage because they decide to pursue a grievance.
- Every attempt should be made to resolve grievances in ways that are agreeable to all the parties concerned.
- Where formal procedures are used in resolving a grievance, these should be clearly documented. This documentation should be kept secure and confidential by the Principal once the matter has been resolved.
- All grievances should be handled according to the grievance procedures adopted by the School.

## **Process**

It is important that these grievances are kept confidential, and although at times you may wish to seek support from friends or an advocate, it is very important to do this wisely. Ill-informed discussion can often cause unnecessary hurt and harm to staff, students and parents. When the matter is discussed in other staff hearing, it often undermines trust and confidence. The school can only deal with issues that are raised in the ways outlined below. If we do not receive information, then we assume that all is well.

1. At a time that is mutually convenient to both parties, and when the emotion has shifted from the situation, arrange a time to meet with the person. Discuss the issues with the person. Be prepared to listen. Taking time to pray together for resolution can be a helpful start and end to discussions.
2. Where issues are not resolved then the matter may be referred to the Principal who will meet with the staff member. Within 3 working days the Principal will acknowledge receipt of the complaint and outline an agreed likely timeline and process. Outcomes of this meeting may include:
  - a. Resolution of the problem.
  - b. A meeting or series of meetings between the parties with the Principal acting as a mediator. This type of discussion would only occur once both parties had the opportunity to express their points of view and were happy for the meeting to occur.
  - c. The inclusion of an outside mediator to assist with the mediation process.
3. If after the above steps you are still dissatisfied with the Principal, write a report of the issue, detailing the what, when, how and who to the Chairperson of School Council. Based on the report the School Chair will try to resolve the situation further if the above processes have been followed. Due to meeting cycle timeline this may take 14 working days for the School Council Chair to contact the complainant.
4. If after the School Council Chair has responded to the issue, the matter is still unresolved then the School Council and the Principal should be informed, and a formal letter should be written to the Executive Director of Lutheran Education - Victoria, New South Wales and Tasmania District.

## **Staff Complaint Resolution Options**

The choice of the resolution process must lie with the complainant.

According to the nature and seriousness of the situation, a staff member may elect to deal with dissatisfaction in one or more of the following ways.

Type of Option	Who	Process
<p><b>Face to face resolution</b></p>	<ul style="list-style-type: none"> <li>Respondent</li> </ul>	<p>If possible, a concern, issue, problem or conflict is best dealt with directly between the people involved before it escalates to the stage of making a complaint. Early action at this level generally provides the best opportunity for positive resolution.</p> <p>Face to face resolution involves the person with the concern raising the matter directly, either verbally or in writing, with the person(s) responsible for the behaviour to let them know the impact their behaviour has had and to see if a misunderstanding has occurred. It requires both parties to work together to reach a mutually agreed resolution through a problem-solving approach conducted in a spirit of goodwill and commitment. Both the complainant and the respondent will need to approach the situation in an open, inclusive and cooperative manner.</p> <p>The following process is recommended:</p> <ul style="list-style-type: none"> <li>discuss confidentially</li> <li>state what the problem is</li> <li>give an example of the behaviour that has caused dissatisfaction</li> <li>state how it is affecting you and your work</li> <li>describe what is at stake and why the problem needs to be resolved</li> <li>express personal willingness to contribute to a resolution</li> <li>seek the other person's perceptions of the situation</li> <li>state what is needed</li> <li>be open to new solutions</li> <li>be willing to make the first move towards reconciliation</li> </ul>
<p><b>Expression of Concern</b></p>		<p>At times an aggrieved person simply wishes to talk over a concern about a one-off incident to a trusted friend or colleague but does not want to take any further action. While this is a legitimate way of managing a minor concern, by passing annoyance or irritation, both parties should be clear about the situation.</p> <p>However, the following <b>must</b> be noted:</p> <ul style="list-style-type: none"> <li>This should not be a substitute for tackling the issue directly with the person concerned.</li> <li>While some situations will heal with time, others will not. This is not an appropriate course of action if the issue is causing a problem this is likely to become worse if not dealt with or if increasing numbers of people are becoming involved.</li> </ul>

<b>Seek procedural guidance</b>	<ul style="list-style-type: none"> <li>● OH&amp;S Representative</li> <li>● Union Representative</li> <li>● Delegated Manager</li> </ul>	<p>Guidance about possible options and assistance in determining an appropriate course of action could be sought from:</p> <ul style="list-style-type: none"> <li>● an Occupational Health &amp; Safety representative</li> <li>● a Union representative</li> <li>● a staff management member allocated responsibility for staff</li> </ul>
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<b>Resolution based on Commitment</b>		
<b>Resolve directly with the person</b>	<ul style="list-style-type: none"> <li>● Respondent</li> </ul>	<p>Wherever possible, an informal, amicable and equitable resolution of a complaint is the least stressful option for all parties. After obtaining advice, a complainant may decide to make a formal complaint but still be of the opinion that direct resolution with the person is their preferred option.</p>
<b>Resolution based on Cooperation</b>		
<b>Mediation</b>	<ul style="list-style-type: none"> <li>● Internally appointed, trained mediator</li> <li>● Externally appointed, trained mediator</li> <li>● LEVNT complaints process</li> </ul>	<p>A process in which parties to a dispute with the assistance of a neutral third party (“the Mediator”) identify the disputed issues, develop options, consider alternatives and endeavor to reach agreement. The mediator has <b>no advisory or other determinative role in regard to the content of the dispute or the outcome of its resolution</b> but may advise on or determine the process of mediation whereby resolution is attempted.</p>
<b>Conciliation</b>	<ul style="list-style-type: none"> <li>● Internally appointed, trained conciliator</li> <li>● Externally appointed, trained conciliator</li> <li>● LEVNT complaints process</li> </ul>	<p>A process in which parties to a dispute with the assistance of a neutral third party (“the Conciliator”) identify the disputed issues, develop options, consider alternatives and endeavor to reach agreement. The conciliator has <b>may have an advisory or other determinative role regarding the content of the dispute or the outcome of its resolution</b>, but not determinative role. The Conciliator may advise on or determine the process of mediation whereby resolution is attempted and may make suggestions or give advice on terms of settlement.</p>

## Resolution based on Compliance

<p><b>Investigation and arbitration</b></p>	<ul style="list-style-type: none"> <li>● External investigation by the school</li> <li>● LEVNT complaints process</li> <li>● LCA Safe Place complaints process</li> </ul>	<p><b>External Investigation</b> – A third party (investigator) collects the information about the situation, appraises it and determines whether the complaint is substantiated or otherwise. It is strongly recommended that this person is from outside the school to ensure that procedural fairness is followed. Investigations should not be carried out with the perceived notion that misconduct has occurred. Rather, they are designed to get to the truth of the matter. Even when an investigation does uncover wrongdoing, it can have a favorable impact.</p> <p>It should be noted that there may be circumstances where initial inquiries or the early stages of an investigation will reveal that there is no case to answer. In such circumstances it may not be necessary to inform the respondent at all, if they are unaware of the investigation. This may save the person from suffering unnecessary stress.</p> <p><b>LEVNT complaints process</b> - As part of an Enterprise Bargaining Agreement, LEVNT has a complaints procedure that includes both mediation and investigation. Complaints should therefore be lodged through LEVNT.</p> <p><b>LCA Safe Place</b> – While this option is to be used only for complaints relating to sexual abuse and harassment, it would be quite appropriate for a complainant to go directly to this option. Contact is made via phone (1800 644 628), email (<a href="mailto:report.abuse@safeplace.lca.org.au">report.abuse@safeplace.lca.org.au</a>) or writing (The Supervisor, P.O Box 519, Marsden SA 5070).</p>
<p><b>Pursue legal action</b></p>	<ul style="list-style-type: none"> <li>● Report matter to Australian Human Rights Commission</li> <li>● Report matter to state anti-discrimination or Equal Opportunity agency</li> <li>● Report matter to police</li> </ul>	<p><b>Legal redress through court action</b> – The matter can be reported to the Australian Human Rights and Equal Opportunity Commission or the relevant state agency.</p> <p><b>Police</b> – Some things should not be addressed at a personal level. When complaints are made in circumstances where an alleged crime may have been committed, there is no discretion – the complaint must be reported to the police or relevant outside authority. These include physical or sexual assault, fraud, indecent exposure, stalking or obscene communications, threatening behaviour.</p>

## **Roles and Responsibilities**

The people designated to manage complaints relating to workplace behaviour will be publicised so that everyone is very clear about who to contact and the extent and limitations of that person's role.

### Authorised Persons

Authorised persons are people who have been designated the responsibility, and trained, to deal with complaints relating to workplace behaviour. At Tarrington Lutheran School, these include the Principal, Deputy Principal and the Business Manager. An authorised person may also be a complaint coordinator.

Authorised persons do:

- receive complaints
- act as internal mediators, provided that they have received appropriate training (however if there is any likelihood that the authorised person may be required to implement subsequent disciplinary action, that person should not act as a mediator)
- coordinate any investigation by liaising with the external investigator
- take accurate and detailed records of complaints and subsequent action
- keep the complainant fully informed of progress to the resolution of the complaint
- ensure that any agreed action arising from the complaint is carried out
- ensure that all privacy and confidentiality requirements are met
- ensure that the complaint is resolved as quickly as possible

Authorised persons do not:

- conduct investigations

### Complaints Coordinator

A complaints coordinator is a senior staff member who has been delegated both the authority and the responsibility for policy creation, implementation and evaluation, and ensuring compliance.

The complaints coordinator does:

- receive complaints
- acts as a point of contact for the parties involved and communicated with them
- coordinate the tasks that need to be undertaken in the resolution process
- ensure everyone is treated fairly and with confidentiality
- monitor the management of complaints, ensuring that they proceed to resolution in a timely manner
- ensure that details of complaints and subsequent action are recorded and filed confidentially – a confidential complaints register for the collection and keeping of all records relating to complaints in recommended
- monitor the complaints records for repetition and patterns of behaviour that may be of concern
- ensure that relevant staff receive training in complaints processes
- provide information regarding Employee Assistance Programs and external investigation and mediation services

### Receiver of a Complaint

The employee of the school with whom a complaint is lodged. Most commonly, authorised persons will also receive complaints. However, in some instances, a complainant may choose to lodge the complaint with someone else – most likely front office admin / receptionist.

A receiver does:

- listen to and record details of the complaint
- clarify why someone has the perception about a situation that they have, and get specific examples of how this perception has been formed
- decide if they, as receiver, are authorised to deal with the complaint and advise the complainant
- if necessary, hand the written details of the complaint on to the person authorised to deal with it
- advise the complainant that the matter is to be handed on to an authorised person

A receiver does not:

- offer any defense to the complainant
- act as an investigator

### **Open Door Policy**

At Tarrington Lutheran School, we have an 'Open Door' policy that allows parents, students and other members of our community access to people at the school who can listen to their concerns, provide information and resolve issues. We encourage parents to take the opportunity of our 'Open Door', rather than to seek answers from people who may not know the facts, or to express their concerns to people who cannot help them. As the saying goes: "If you are happy, tell others; If you are not happy, tell us!"

The following is the appropriate procedure for approaching people at the school. It reflects our commitment to Restorative Practices and is based on a passage in the Bible, Matthew 18, which guides all conflict resolution policies of Tarrington Lutheran School.

**First** - Always approach the teacher or staff member who is most immediately involved in the situation. For example, if it is a classroom matter, approach your child's class or subject teacher.

**Second** - If you do not feel your question is answered, or the situation is resolved, or the person you need to speak to is unavailable, contact the Principal.

### **Appointments with teachers**

If you wish to speak to a class or subject teacher, please make an appointment. Just prior to class, during class and while classes are being dismissed are not appropriate times to speak with teachers, especially about issues of significant concern. At these times teachers must attend to their duty of care for students and their responsibility to be properly prepared for lessons.

### **Parent and Staff Complaints to School Council**

From time to time, situations may arise where you, as a member of the Tarrington Lutheran School community, may wish to contact the School Council over an issue that you feel has not been satisfactorily resolved. It is important that community members realise that Council has employed the Principal to manage the day-to-day operations of the school and that all concerns must be taken to the Principal in the first instance.

If the Principal is unable to resolve the matter and you wish to refer it to the School Council, please follow the steps outlined below to ensure that Council can respond in a fair and equitable manner to your concern:

Address your concern in writing to either the Secretary or the Chairperson of the School Council. Please ensure that your letter is signed and dated because Council cannot act upon anonymous complaints.

Outline:

- the exact nature of your concern/s
- what opportunity you have provided for the Principal to resolve the matter
- what remains unresolved
- what action would you like to see taken to fully resolve the matter for you

Provide:

- Full details of your name and address, home and business telephone numbers to enable Council to contact you if it requires further information.
- Details of your children's names and classes (if the concern involves one or more of your children). This is to assist Council members who are not directly involved in the school and who may not be aware of the details that you may feel are obvious.
- A copy of the letter should be handed to the Principal.

Council will then consider your letter and determine the appropriate response.

Each member of the School Council has undertaken to recommend the above procedure when he or she becomes aware of a complaint not resolved to the satisfaction of the complainant. This can only occur if the usual avenues of redress have been exhausted.

#### **4. REFERENCES**

- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2017