

COMPLAINTS MANAGEMENT POLICY AND PROCEDURES



Relevant to:	All parents, School Staff
Developed by:	Business Manager, Principal, College Executive
Date of Introduction:	July 2015 (as Grievance Policy and Procedures)
Date of Most Recent Review:	2023
Date for Review:	As required
Approved:	School Board
Related Documents:	WHS, Behaviour Management, Anti-Bullying, Current Fee Schedule

WHY DO WE HAVE A COMPLAINTS MANAGEMENT POLICY?

Tamar Valley Steiner School (TVSS) welcomes the opportunity receive and act on complaints as part of our culture as an inclusive community. TVSS seeks to work with all members of the community in a supportive manner to assist in the satisfactory resolution of complaints in a timely manner.

The focus throughout this policy is to meet Tamar Valley Steiner School’s public commitment to safety and well-being of all children and young people and to meeting the standards of the National Principles for child safety. This will be the primary focus of our care and decision-making, with particular attention paid to the cultural safety of Aboriginal and Torres Strait Islander children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability and vulnerable children.

TVSS is committed to acting on any complaints received to ensure that:

- a) Individual complaints, concerns and grievances are received in an open and positive manner, taken seriously, addressed fairly, objectively, in a timely manner and with transparency, accountability and due regard for the severity of the matter;
- b) Any systematic improvements are identified and implemented; and
- c) TVSS does everything it can to protect the welfare of all students and their families.

This Complaints Management Policy (Policy) is made in compliance with Standard 11 of the Non-government Schools Registration Board Guidelines.

WHAT IS THE PURPOSE OF THIS POLICY?

The purpose of this Policy is to outline:

- a) Which types of complaints are covered by this Policy and the Complaints Management Procedure (Procedure);
- b) Which types of complaints are excluded from this Policy and the Procedure;
- c) The overarching principles that apply to the management of all complaints;
- d) The responsibilities of persons involved in the complaint process; and
- e) Where to access further information for support during the complaint process.

WHICH TYPES OF COMPLAINTS DOES THIS POLICY APPLY TO?

This Policy applies to complaints made in relation to, or by

- a) The Northern Tasmania Steiner Association Inc., trading as Tamar Valley Steiner School, and its members,
- b) All staff of the Tamar Valley Steiner School,
- c) All Clients of the Tamar Valley Steiner School i.e. Parents, caregivers and children of the Tamar Valley Steiner School,
- d) School Board, and
- e) Community stakeholders.

The following types of complaints are not covered by this policy:

- a) Child safety and mandatory reporting matters (these matters are covered by the Child Safety Policy, the Mandatory Reporting Policy and the Mandatory Reporting Procedure);
- b) Incidents occurring outside of school hours or off school grounds, unless it is a School Activity;
- c) Complaints by one parent against another, unless the complaint is in relation to breaches of the Parent Code of conduct;
- d) Family law matters;
- e) Complaints about a school decision regarding implementing State or Commonwealth legislation and associated legal requirements; and
- f) Criminal offences.

PRINCIPLES THAT APPLY TO ALL COMPLAINTS

The following principles apply to the management of all complaints:

- a) Complaints shall be received in an open and positive manner;
- b) All complaints will be addressed with transparency, accountability and with due regard to the severity of the matter;
- c) Every reasonable attempt will be made to resolve the complaint and, where relevant, restore relationships satisfactorily. To facilitate this, complainants are encouraged to identify what they believe would be a satisfactory outcome. While some dissatisfaction may be unavoidable, where intolerable dissatisfaction persists after resolution of the initial complaint, complainants are encouraged to pursue another complaint to resolve complaints as satisfactorily as possible;
- d) Complaints will be addressed in a timely manner and where delays occur, parties to the complaint will be kept informed as to the reason for any delay and expected progress;
- e) There must be a clear and separate process for dealing with complaints by students, parents, members of the community, and staff;
- f) Complaints against the school principal will be processed separately from other complaints and will be directed to the School Board;
- g) All complainants will be treated with respect, dignity and equity and all reasonable support will be offered to complainants (and their families if the complainant is a student);
- h) A complainant and the person who is the subject of the complaint must be given an opportunity to be heard (in person or in writing as appropriate to their needs), and an opportunity to respond to the allegations and/or evidence offered by the other;

- i) Where the complaint is more complex or requires an investigation and is not initially received in writing, a written record may be made from complaints made by in person by the person receiving the complaint to be signed as a true record by the person making the complaint.
- j) A person who is the subject of a complaint will be provided with a written copy of the allegations, where the complaint has been submitted in writing, in order to be able to respond to the complaint;
- k) Where a complaint requires the determination of facts (including, but not limited to situations where there are disputed facts):
 - a. The person receiving the complaint must ensure that disputed faces are investigated. The person receiving the complaint in their discretion may appoint an investigator to determine such facts;
 - b. The investigation will be conducted in a manner that, acting reasonably and in the spirit of this Policy, The person receiving the complaint considers appropriate and proportionate to the subject matter of the complaint;
 - c. Investigators will be impartial, free from bias or the perception of bias and will avoid Conflicts of Interest (be they actual, potential or perceived); and
 - d. Findings of fact will be based on the balance of probabilities (that is, whether the evidence supports that it is more likely than not that particular facts either occurred or did not occur).
 - e. Final decisions may be made by an adjudicator appointed by CET where required. The adjudicator may also be the investigator, provided that the investigator is free from bias or the perception of bias;
- l) The manner of resolution of the complaint will be made clear to the complainant and the person who is the subject of the complaint (where applicable) in writing, and where deemed beneficial and necessary, may be communicated in person prior to the written outcome being made available.
- m) Complaints will remain confidential and parties to the complaint and those involved in the resolution process are expected to respect the confidentiality of the process, unless:
 - a. The circumstances reasonably require disclosure to afford a relevant party procedural fairness, in which case TVSS will disclose the complaint so far as is reasonably practicable to enable the fair, objective and timely resolution of the complaint; or
 - b. Disclosure is required by law, in which case disclosure will be made as required by that law.
- n) Mediation will always be possible and legal advice may be sought at any time by any party to a complaint;
- o) The complainant will be kept informed about the progress of the complaint;
- p) Additional support will be provided to persons during the complaint process where appropriate;
- q) Complainants will be offered the opportunity to arrange support of an adult support person;
- r) A person with a complaint will not be subjected to recrimination and will be protected from victimisation;
- s) Complainants who are also employees within the scope of this policy will be protected from adverse action in accordance with the protections contained in the Fair Work Act 2009 (Cth); and

- t) Complainants can request anonymity. Any such request will be genuinely considered but must be balanced against the requirement to manage a complaint in a procedurally fair manner and a request for anonymity may impact the steps that TVSS is able to take to investigate and determine a complaint.

RESPONSIBILITIES

Role Title	Responsibilities
School Principal	<ul style="list-style-type: none"> • Familiarise themselves with and comply with this Policy and Procedure • Ensure that school level processes for investigating, managing, and documenting a complaint align with this Policy and Procedure; • Ensure this Policy and Procedure are accessible via the school's website and upon request • Ensure school staff have appropriate training in complaints management process and procedure • Ensure all information regarding a complaint is recorded and securely stored • Ensure any child safety matters arising are treated in accordance with Child Safety Policy • Report criminal activity to Tasmania Police or relevant authority • Determine if a complaint is a frivolous or vexatious complaint
School staff	<ul style="list-style-type: none"> • Familiarise themselves with and comply with this Policy and Procedure • Declare and resolve any conflict of interest (actual, potential or perceived) that may arise • Take all complaints seriously, listen carefully with an open mind, remain calm, do their best to investigate and resolve the matter in a timely, fair, sensitive, constructive, positive and objective way • Work towards achieving restorative justice for all parties • Cease communication and refer to School Principal or supervisor where a person with a complaint behaves in an unacceptable manner • De-escalate a situation of immediate conflict and after student and staff safety is ensured, allow a period of time to reflect and calm down for all involved • Ensure any child safety matters arising are treated in accordance with Child Safety Policy • Report criminal activity to Principal or supervisor and ensure it is reported to Tasmania Police or relevant authority
Complainants	<ul style="list-style-type: none"> • Familiarise themselves with and comply with this Policy and Procedure • Ensure a complaint is made in good faith • Work proactively towards a resolution that is acceptable • Not make a frivolous or vexatious complaint • Adhere to the parent/employee code of conduct and/or not engage in unacceptable behaviour

RECORD KEEPING

The school will maintain a record of all complaints received (Complaint Log). The record must include the following documentation:

- a) Summary details will be noted in the complaint log against a unique complaint number of:
 - i. Date of complaint
 - ii. Name of complainant
 - iii. Method of submitting complaint
 - iv. Nature of complaint
 - v. Staff notified and date
 - vi. Incident report if applicable
 - vii. Response provided
 - viii. Whether complaint resolved
 - ix. Notes for reason and evidence of resolution
 - x. Further notes
 - xi. Details of location of other information
- b) To the extent that is practically reasonable, all other documentation will also be saved electronically in a complaints folder, with complaints of a confidential nature stored securely. These may include:
 - i. A copy of the written complaint where provided, or otherwise notes of the complaint (made by the person receiving the complaint) where the complaint is made in person (must be signed by the complainant for significant complaints);
 - ii. All significant associated documentation included in the complaint;
 - iii. Notes from all formal meetings in relation to the complaint;
 - iv. Correspondence relating to the complaint and the resolution of the complaint;
 - v. A record of all decisions taken in response to the complaint;
 - vi. A record of all outcomes in response to the complaint.

COMPLIANCE

This Policy relates to the following legislation and guidelines:

Commonwealth legislation

- a) *Disability Discrimination Act 1992 (Cth)*
- b) *Disability Standards for Education 2005 (Cth)*
- c) *Fair Work Act 2009 (Cth)*
- d) *Privacy Act 1988 (Cth)*

Tasmanian legislation

- e) *Anti-Discrimination Act 1998 (Tas)*
- f) *Children, Young Persons and Their Families Act 1997 (Tas)*
- g) *Education Act 2016 (Tas)*
- h) *Education Regulations 2017 (Tas)*
- i) *Teachers Registration Act 2000 (Tas)*
- j) *Work Health and Safety Act 2012 (Tas)*

Other

- k) Non-Government Schools Registration Board Guidelines
- l) United Nations Convention on the Rights of the Child
- m) National Principles for Child Safe Organisations

PROCEDURE

When a concern develops the concerned party should contact the most appropriate party directly in the first instance.

Step 1:

- The concerned party should delineate between a concern regarding an individual, a concern regarding Policies and Procedures, or Facilities.
- If the concern is regarding a student, their Class Teacher is the most appropriate person.
- If the concern is regarding a member of staff that person should be approached directly by making an appointment to speak to them, or by email. The member of staff will make every effort to resolve the matter.
- If the concern is about an administrative or school communication matter, that concern should be brought in person to administrative staff, or by email to admin@tamarvalleysteiner.tas.edu.au
- If the concern is about a Policy or Procedure the concern should be addressed to the College Executive, by email admin@tamarvalleysteiner.tas.edu.au The College Executive will confirm receipt of the concern and offer clarity as required. Requests for review will be taken following Executive meeting, for discussion within two weeks.
- If the concern is about infrastructure or facilities the concern should be addressed to the Business Manager.
- Any concern regarding an act or omission of the Principal should be raised directly with the Principal. This can be done by email or in person by appointment. The Principal will acknowledge receipt of an email within three days and be available for a discussion within a further two days. The Principal will make every effort to understand the concern, address the issue or explain why a particular position has been taken. The Parent and Community Issues Resolution Process outlines this and subsequent procedures and is given to parents on enrolment and available on the School's website.
- The Staff Issues Resolution Process outlining procedures for staff, is to be provided to new staff during their staff induction, is available on the server and displayed in the Staff Room in a prominent place.

Step 2:

- If a teacher has not been able to resolve a parent's concern, it may be addressed to the Principal. The concerned party should make an appointment via reception or by emailing admin@tamarvalleysteiner.tas.edu.au
- If a staff member has not been able to resolve a colleague's concern, the concern should then be raised with the Principal, or direct supervisor.

- If the Principal has not been able to resolve a concern about his or her own performance, the concerned party is able to make a formal request for review by the School Board. The Process for Resolving Formal Complaints Against the Principal, sets out this process.
- Where the School Board considers an investigation is required, the concerned party will be kept informed about the process involved. All efforts will be made to conclude the matter in a timely manner for all concerned.

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