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Cranbourne West Primary School No. 5189

## COMPLAINTS RESOLUTION POLICY

### **RATIONALE**

Cranbourne West Primary School has both a desire and a responsibility to ensure that high standards of conduct are maintained by staff, students and *parents* at all times, and that complaints are managed and resolved fairly, efficiently, promptly and in accordance with relevant legislation.

### **GENERAL STATEMENT**

While covering all complaints that arise at Cranbourne West Primary School, this policy makes a distinction between those raised by employees that may include matters relating to misconduct and unsatisfactory performance and parent concerns and complaints related to school operations.

Reference documents include:

*'Guidelines for Managing Complaints, Unsatisfactory Performance and Misconduct – Teaching Service'* available at -  
[http://www.eduweb.vic.gov.au/edulibrary/public/hr/perform/Complaints\\_Misconduct\\_and\\_Unsatisfactory\\_Performance.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/hr/perform/Complaints_Misconduct_and_Unsatisfactory_Performance.pdf)

*'Addressing parents concerns and complaints effectively policy and guides'* available at -  
[http://www.eduweb.vic.gov.au/edulibrary/public/commrel/contacts/POLICY\\_AND\\_GUIDES\\_Addressing\\_parents\\_concerns.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/commrel/contacts/POLICY_AND_GUIDES_Addressing_parents_concerns.pdf)

This policy does not apply to matters where there are existing legislated rights of review or appeal. These matters must be managed in line with the procedures and processes detailed in the Victorian Government Schools Reference Guide and on the Department's Human Resources website. These matters include:

- student expulsions

See the Victorian Government Schools Reference Guide at:

**[http://www.education.vic.gov.au/management/governance/referenceguide/enviro/4\\_7.htm](http://www.education.vic.gov.au/management/governance/referenceguide/enviro/4_7.htm)**

- complaints about staff that if upheld would constitute misconduct
- complaints by the Department's employees related to their employment
- complaints about an employee's conduct or performance grievance or action under Division 9A or Division 10 of the Education and Training Reform Act 2006
- student critical incident matters
- other criminal matters.

All concerns and complaints must be addressed in line with the Department's legislative and regulatory framework, which includes the:

- Education and Training Reform Act 2006
- Education and Training Reform Regulations 2007
- Charter of Human Rights and Responsibilities Act 2006
- Information Privacy Act 2000

- Wrongs Act 1958.

### **Dignity and respect statement**

Concerns and complaints must be addressed in line with the Department's 2006 Dignity and Respect Statement. The statement says that:

The Department is committed to providing safe and supportive work environments where diversity is valued and everyone is treated with respect, fairness and dignity.

Discrimination, sexual and other forms of harassment, bullying, violence and threatening behaviour are unacceptable.

All employees, students, parents and visitors in schools are expected to act accordingly.

Schools and school councils will act to ensure that the safety, security, health and wellbeing of all employees, students, parents and visitors in schools are protected.

### **Code of conduct for Victorian teachers and public sector employees**

All staff must observe the code of conduct for the Victorian teaching profession or public sector employees. The codes can be found on the following sites:

Victorian Teaching Profession Code of Conduct

**[www.vit.vic.edu.au](http://www.vit.vic.edu.au)**

Code of Conduct for Victorian Public Sector Employees

**[www.ssa.vic.gov.au](http://www.ssa.vic.gov.au)**

### **Staff Complaint**

#### **Definition:**

A complaint is an expression of dissatisfaction and may concern:

- inappropriate and unprofessional conduct;
- unlawful harassment, including sexual harassment;
- an occupational health and safety issue, including bullying;
- a particular incident;
- a practice, policy or decision (made or not made) that a complainant believes is unfair, unreasonable or inappropriate;
- a workplace communication or interpersonal conflict.

A complaint can be made formally or informally, internally or externally by any Department employee.

### **Parent Issues**

#### **Definitions:**

- a '**concern**' is an issue of interest (because of its importance and effect) which is raised informally in order to improve or change a situation.
- a '**complaint**' is an expression of grievance or resentment where the complainant is seeking redress or justice.

### **AIM**

- To provide a harmonious, positive and productive school environment.
- To resolve complaints fairly, efficiently, promptly and in accordance with relative legislation.
- To align with the Australian Standard in Complaints handling [AS ISO 10002-2006] and the Ombudsman Victoria Good Practice Guide.

## **IMPLEMENTATION GUIDELINES**

- It is the principal's responsibility to provide a healthy and positive school environment that is free from discrimination and harassment. In doing so, the Principal must ensure that all staff are aware of their rights and responsibilities.
- The principal is required to use local complaints resolution procedures, where appropriate, for resolving complaints in relation to issues that fall within the school's area of responsibility. All cases of serious misconduct – sexual offences, criminal charges, or other serious incidents – must instead be referred to the DEECD Conduct and Ethics Unit.
- It is incumbent upon the principal to act where unacceptable conduct is observed or brought to his or her attention.
- A complainant may at any stage choose to take their complaint directly to an external agency such as the Merit Protection Boards, Victorian Equal Opportunity Commission, the Human Rights and Equal Opportunity Commission or the Ombudsman.
- It is important that all complaints, ensuing procedures and outcomes are fully documented.
- *It is important appropriate confidentiality is properly observed in relation to the management of any complaint procedure.*
- *The principal should take reasonable precautions to prevent victimisation by informing all parties involved that victimisation is not tolerated and may be dealt with in accordance with the misconduct or unsatisfactory performance procedures.*
- The principal may choose to respond to a complaint through an informal process in cases where the complaint is minor, the complainant wishes the matter to be dealt with informally or the complaint has arisen from lack of, or unclear communication.
- Formal processes will be used when informal processes haven't been successful, a complainant seeks a formal process, or the principal believes the complaint warrants formal investigation.

## **RAISING PARENT CONCERNS AND COMPLAINTS**

- These procedures cover concerns and complaints about:
  - general issues of student behaviour that are contrary to the school's code of conduct
  - incidents of bullying or harassment in the classroom or the school yard
  - learning programs, assessment and reporting of student learning
  - communication with parents
  - school fees and payments
  - general administrative issues
  - any other school-related matters except as detailed below.
- The school expects 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.
- A parent can raise a concern or complaint about any aspect of a school's operations.
- In the first instance, they should take a concern or make a complaint to the school. Any complaint raised with the regional or central office that has not been raised at the school

- level will be referred to the school for resolution (unless there are special circumstances which prevent the school from managing the complaint).
- The school principal will determine the appropriate complaint procedure
  - CWPS will make every effort to resolve a concern or complaint related to it before involving other levels of the Department.
  - After due consideration of the issues raised by the complainant the principal will determine the most appropriate way to address a concern or complaint, either by:
    - using the school's general concerns and complaints procedures, or
    - as outlined under legislated and other complaints processes
  - A complaint is considered to be resolved when the complainant and the school agree on an appropriate response or remedy.
  - A complaint is considered to be unresolved if the complainant does not agree on a course of action and/or a remedy, or if the remedy cannot be implemented. In such cases, CWPS will involve the regional office to assist in resolving the complaint.
  - If the complaint remains unresolved at the completion of all the Department's procedures, or if the complainant is dissatisfied with the manner in which the complaint was handled by the Department, the Department may inform the complainant of options for review by an external agency such as Ombudsman Victoria.
  - CWPS will communicate the outcomes of concerns and complaints to all parties involved, taking into account any relevant privacy requirements.
  - Full details regarding formal complaint resolution procedures are contained within the DEECD 'Addressing Parent's Concerns and Complaints Effectively' handbook.
  - The formal process of resolving complaints involves: -
    1. Investigating the complaint including formal interviews, written statements, conveying the details of the complaint to the respondent in writing and providing the opportunity for a written response. A support person can attend interviews and meetings. The role of the support person is to provide professional and moral support to the employee or parent concerned.
    2. Dismissing or accepting the complaint. Acceptance of a staff complaint may involve the Conduct and Ethics Unit, verbal or written warnings, conciliation, or counselling etc.
    3. Preparation of a detailed confidential report.
    4. Monitoring of the situation.
    5. Parties dissatisfied with the process can appeal to the previously mentioned external agencies via the Disciplinary Appeals Board within 14 days of the outcome notice.
  - All matters must be treated with utmost confidentiality, and professional respect at all times.
  - The School Council president will be kept informed of all complaints.

**EVALUATION**

- The Administration Committee is accountable to the DEECD and the AEU through the Principal.
- The Annual Staff Survey will reflect the effectiveness of the Committee.