

## COMPLAINTS POLICY

### OUR VISION

Wild Cherry School strives to educate and support the development and potential of each individual child, whilst fostering a creative and ethical community.

### OUR VALUES

- Fostering a desire in our students to aim for academic and artistic excellence by providing them with a rich, diverse, and integrated Steiner curriculum.
- Inspiring the children with a lifelong love of learning, a morality that strives for goodness, an appreciation of beauty, and a pursuit of truth.
- Developing respect, trust, and caring for themselves, each other, the broader community, and the earth.

### PURPOSE

Wild Cherry School understands that from time-to-time parents, external organisations and other stakeholders may be dissatisfied or have a concern or complaint in relation to a decision taken or an action or activity for which the school is responsible. Where possible the school encourages such concerns to be identified and resolved speedily and informally; the Complaints Policy is designed to apply when that proves more difficult and a formal process is required.

The purpose of this Policy is to set out the principles, guidelines and procedures governing the school's approach to the resolution of complaints from parents, external organisations and other stakeholders. The Policy, together with the procedural documents listed in this document, should be read and understood by all staff and by those wishing to make a complaint.

### PRINCIPLES

- The school believes that staff, parents and students are committed to working closely together to provide the best educational opportunities for every child. The school is committed to the development of professional, trusting and cooperative relationships between the school, parents, the school community, external organisations and other stakeholders.
- The school seeks to assure parents, external organisations and other stakeholder that complaints will be dealt with in a caring, compassionate and fair manner.
- The school believes that complaints are an important way in which parents, external organisations and other stakeholders can provide the school with feedback and so form the basis for future improvements. The school will undertake to respond to both the specific and (where applicable) the systemic issues raised by the complaint.
- Where possible, the school will deal with concerns and complaints speedily and informally; the complaints process is designed to apply when that proves more difficult, and a formal process is required.
- The school is committed to child safety and has a zero tolerance of child abuse. In the context of this Policy, the response to a complaint relating to child safety will be given the highest priority and attention.
- It is not always possible to respond to complaints received from an anonymous source and, by definition, it is not possible for the school to communicate any resolution or response to the person making the complaint. The school will always investigate when anonymous concerns about child safety are raised.

- The Complaints Policy and procedures are intended to be conciliatory, non-adversarial and non-legal.

#### **PRINCIPLES GOVERNING THE WAY IN WHICH COMPLAINTS ARE HANDLED**

- In resolving a complaint, the school will give priority to the student's wellbeing and educational needs.
- The school will respond to all formal complaints in a timely manner. The school will acknowledge the complaint promptly and the complainant will be kept informed of the progress of their complaint, particularly when the complaint is complex and may take time to resolve.
- The school will ensure that the complaint procedure is responsive and flexible. In practice that means that the complainant is able to make a complaint in person, by phone or in writing. The school will provide support for complainants with specific needs for example language translation.
- The school is committed to natural justice. The school will ensure that all those involved in the complaints procedure will be able to put forward their point of view and will be treated with dignity and respect.
- The school will endeavour to respond to each complaint in a fair, objective and unbiased manner, taking into account the school's philosophy and values. Anyone involved in the complaint will be required to declare any conflicts of interest.
- In dealing with the complaint, the school is committed to acting in a confidential manner and expects that others involved in the complaint will show similar respect for the process and for others involved by doing likewise.
- The complaints procedures will be restricted to dealing with the matter raised by the complainant and not with any other matters.
- The school may determine that a complaint is vexatious (where the complaint is designed to harass, annoy or embarrass the school or another person) 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 in writing of the decision.
- The school will ensure any actions, outcomes and the resolution of a complaint are well documented, kept on file and that the complainant concerned have a copy of the final decisions.
- The school will ensure that the handling of complaints does not contravene the school's Privacy Policy. The school will seek actively to prevent the disclosure of personally identifiable information concerning any parties involved in the complaint.

#### **WHO HANDLES COMPLAINTS**

- Where possible, the school encourages concerns to be identified and resolved speedily and informally with the member of staff most directly involved e.g. classroom teacher/staff/School Leaders.
- Where the concern has not been resolved to the satisfaction of those concerned, a formal complaint under the auspices of this Policy may be made to the School Leaders.
- If the complaint concerns the decisions, actions or activities of the School Leaders, a formal complaint should be made to the Chair of the governing Board.
- Any appeals process should be addressed to the Chair and will be handled by a sub-committee of the governing Board.

## WHAT ISSUES ARE COVERED BY THIS POLICY

Issues that might be considered under the complaints policy could include, for example:

- A breach of the obligations by the school in relation to the democratic principles as set out in the Education and Reform Regulations (2017).
- Availability of information about the school's performance.
- The right of a parent or student to access information about the student's achievement.
- Decisions, actions, or activities for which the school is responsible and which are thought to go against the spirit of the school's philosophy and values or which are alleged to be inequitable or procedurally unfair.
- Perceived personal concerns that impact school-related interpersonal relationships.

## SCOPE

- The Complaints Policy does not apply to concerns that staff may have in relation to their employment. Those concerns are covered in the Grievance Policy (Staff).
- The Complaints Policy does, however, apply to concerns that an applicant for a position might have in relation to the application process.
- The Complaints Policy does not apply to students. The school has created an internal student friendly process for students to use when something goes wrong or is difficult for them.

## LEGAL AND REGULATORY BASIS FOR COMPLIANCE

- 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 870
- Privacy Act 1988 (Cth).

## ROLES AND RESPONSIBILITIES

- The governing Board is responsible for:
  - determining this policy and reviewing it on an annual basis
  - responding to any formal complaint raised that relates to the School Leaders
  - responding to an appeal if that is lodged in relation to an unresolved formal complaint
- The School Leaders are responsible for:
  - determining the complaints procedures and ensuring that they are implemented in a way that is consistent with this Policy

- ensuring the Complaints Policy is communicated to parents and the wider school community and external community via the website with copies also available from the school office
- responding to a formal complaint brought under this Policy
- retaining a register of formal complaints (listing the date, subject and resolution) for reporting to the governing Board on an annual basis and to be available to the VRQA as required.
- Members of staff are responsible for:
  - responding to and resolving concerns and complaints raised informally
  - responding to concerns raised by students.

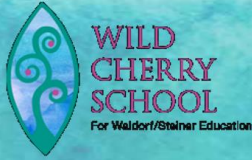
#### **POLICY IMPLEMENTATION DOCUMENTS**

The documents setting out the strategies and actions required to implement this policy are:

- Informal concerns and complaints: Guidelines for parents, external organisations and other stakeholders in raising these and for staff in responding (Appendix A)
- Guidelines for members of staff in responding to concerns raised by students (Appendix B and Appendix C)
- Formal complaints procedures (Appendix D and Appendix E)
  - how a complaint can be raised
  - complaints form
  - how an investigation or inquiry will be conducted
  - the procedures for handling the complaint
  - guidelines for recording the complaint, decisions taken in response to the complaint and the resolution.
- Appeals (Appendix F)
  - how an appeal can be raised and on what basis
  - how the appeal is handled
  - guidelines for recording the complaint, decisions taken in response to the complaint and the resolution.

#### **LINKS TO OTHER POLICIES**

- Child Safe Standards Policy
- Grievance Policy (staff)
- Whistle Blower Policy
- Privacy Policy



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- Record Management Policy
- Student Wellbeing Policy
- Anti-Bullying Policy.

#### **POLICY REVIEW**

The governing Board will review Complaints Policy and monitor its implementation, including the Register of Complaints biennially.

**Date Approved: 25 August 2022**

**Date for Review: 25 August 2024**

## **APPENDIX A: INFORMAL CONCERNS AND COMPLAINTS: GUIDELINES FOR RAISING THESE AND FOR STAFF IN RESPONDING**

### **INFORMAL CONCERNS AND COMPLAINTS – GUIDELINES FOR PARENTS**

- The Complaints Policy should be readily available on the school’s website and by request from the main school office.
- Information about how to communicate an informal concern or complaint could be included in the School Handbook (or equivalent).
- The school should state clearly that parents, external organisations and other stakeholders are encouraged to make contact with the school at an early stage about concerns and that the school welcomes feedback.
- Parents, external organisations and other stakeholders should be clear about how they can raise a concern in the first instance, with whom and in what way. For example:
  - ‘If you have a concern about your child or feedback for the school, in the first instance, please email your child’s class teacher. They will endeavour to acknowledge your email within 2 business days and arrange a good time to talk to you further about the matter.’
  - ‘If at any time you wish to discuss your child’s progress with his or her class teacher, you can arrange an appointment by contacting the school office. If you have other concerns, the school office will make an appointment for you with one of the School Leaders.’
  - ‘If your child has a problem, please discuss it with us so that we can eliminate minor concerns that worry every child.’
- Parents may need gentle guidance to understand that teachers do not have immediate access to email or the phone because they are teaching. Expectations about the time within which to receive a response may need to be managed.

### **INFORMAL CONCERNS AND COMPLAINTS – GUIDELINES FOR STAFF**

- Staff must be familiar with the Complaints Policy and the Parent Handbook.
- Information about how to respond to a concern could be included in the Staff Handbook (or equivalent).
- Staff must be clear about the process through which parents are guided to raise a concern. In reality, parents, external organisations and other stakeholders may not follow the guidelines (e.g. may speak to the PE teacher directly rather than making an appointment with the class teacher through the school office). The guidance in the Staff Handbook should make it clear for staff as to how they should respond in circumstances such as this.
- The Staff Handbook must set out clear expectations as to the timeframe within which staff are required to respond e.g. ‘The parent should receive an acknowledgment of the concern within 2 business days even if it then takes longer to arrange a meeting or a phone call.’
- Staff are encouraged to resolve issues as quickly and as simply as possible without resorting to unnecessary process and bureaucracy:

- where possible, the member of staff who receives the concern or complaint should deal with it themselves rather than escalate the matter
- some matters, however, need to be escalated and require a swift response. Such matters are likely to include:
  - i. anything to do with child safe standards that must be dealt with under the school's Child Safe Standards Policy
  - ii. matters that allege misconduct, corruption or illegal behaviour
  - iii. complaints against the School Leaders or the governing Board
  - iv. privacy issues that must be dealt with under the school's Privacy Policy
  - v. legal issues and requests for compensation or payments
  - vi. issues that have a wider school or systemic implication.
- In principle, all complaints, even at this informal level, should be recorded in a file note and be retained as part of the school's records. In practice, the school may decide this is not reasonable or sensible. The Staff Handbook must set out as clearly as possible the circumstances for which a written file note is a requirement. For example:
  - complaints that must be recorded might include those concerning:
    - i. the effectiveness of the teaching
    - ii. bullying
    - iii. a child's persistent unhappiness
    - iv. the quantity of homework.
  - complaints that the school may decide don't need to be recorded might include those concerning:
    - i. one-off communication breakdowns
    - ii. lost belongings (unless, for example, there is a concern it may be theft)
    - iii. friendship relationships between students.



## **APPENDIX B: GUIDELINES FOR MEMBERS OF STAFF IN RESPONDING TO CONCERNS RAISED BY STUDENTS**

- Information about how to respond to a concern raised by a student could be included in the Staff Handbook (or equivalent).
- The school should make it clear that it encourages students to raise concerns with their teachers at an early stage so that issues can be resolved quickly.
- Students should be clear about how they can raise a concern in the first instance: with whom and in what way. The school might prepare guidelines in student friendly language for students, and those could be included in each student's homework diary or in a student handbook (see Appendix C).
- Staff are encouraged to resolve issues as quickly and as simply as possible without resorting to unnecessary process and bureaucracy:
  - where possible, the member of staff who receives the concern or complaint should deal with it themselves rather than escalate the matter
  - some matters, however, need to be escalated and require a swift response. Such matters may include:
    - i. anything to do with child safe standards that must be dealt with under the school's Child Safe Standards Policy
    - ii. Matters that allege misconduct or illegal behaviour
    - iii. Issues that have a wider school or systemic implication.
- In principle, all complaints, even at this informal level, should be recorded in a file note and be retained as part of the school's records. In practice, the school may decide this is not reasonable or sensible. The Staff Handbook must set out as clearly as possible the circumstances for which a written file note is a requirement. For example:
  - complaints that must be recorded might include those concerning:
    - i. the effectiveness of the teaching
    - ii. bullying, racial or sexual harassment
    - iii. a child's persistent unhappiness
    - iv. discrimination.
  - complaints that the school may decide don't need to be recorded might include those concerning:
    - i. school work or homework
    - ii. lost belongings (unless, for example, there is a concern it may be theft)
    - iii. friendships relationships between students.



## **APPENDIX C: WHAT TO DO IF YOU HAVE A PROBLEM – GUIDELINES FOR STUDENTS**

Students need to be clear that they are able to raise concerns with their teachers and that these will be taken seriously and dealt with. The guidelines for students must be written in age-appropriate language.

Some examples:

### **FOR A PRIMARY STUDENT**

Sometimes things may go wrong at school or you may have a problem that is making you unhappy. Instead of worrying about it, talk to your teacher so they can help you and find an answer.

It is important for us as a school to hear and understand complaints and suggestions to enable us to respond to your concerns. We will do our best to remedy problems promptly and deal with each matter fairly.

You can make a suggestion or complaint either by speaking or writing to your teacher, School Counsellor or the School Leaders. If you speak to us about your suggestion or complaint, you may need to put it in writing later. We can help you to do this if necessary.

Types of issues that you may have a concern about could include – this is not a complete list:

- sometimes you just need help straight away and so the best thing to do is to ask
- you may need to talk to someone about bullying
- you may need help with schoolwork
- you may just be unhappy.

All suggestions and complaints are reviewed to assess the type of issues being raised and the seriousness of those issues. If a suggestion or complaint is not anonymous, we will let you know that we have received the suggestion or complaint and provide you with an estimation of how long we think it will take for us to deal with it.

Initially your concern will be handled in confidence, although sometimes the member of staff to whom you speak, as the responsible adult, will need to tell someone else about the issue. If that is necessary, you will be informed before any confidential information is passed on.

## APPENDIX D: FORMAL COMPLAINT PROCEDURE

### MAKING A COMPLAINT

- Parents, external organisations and other stakeholders are asked to discuss any concerns with the classroom teacher/staff member/School Leaders at an early stage so that the school can work together with complainant to resolve these as promptly and efficiently as possible. Guidelines for making and resolving a concern using the informal process can be found in Appendix A.
- If the concern or complaint is not resolved to the satisfaction of the complainant through the informal process, the formal complaints procedure may be followed as set out in this document.
- The formal complaint should be made in writing using the formal complaints form and should be addressed to the School Leaders.
- If the complaint is in relation to the School Leaders, the complaint should be made in writing using the formal complaints form and should be addressed to the Chair of the governing Board.
- Parents, external organisations and other stakeholders may choose to make the complaint in person or by phone, in which case they are asked to make arrangements to meet or speak to the School Leaders at a convenient time:
  - if the complainant arranges to meet with the School Leaders in person, they may choose to have someone to support them. The support person could be a relative or a friend but it is not appropriate for that person to be a legal representative.
  - if the complainant arranges to meet with the School Leaders in person or by phone, it is important that, as set out in the Policy, the conversation is respectful and constructive. If either the School Leaders or the complainant is of the view that the conversation has become confrontational and is no longer conciliatory, either party may ask for the conversation to be temporarily halted and re-scheduled for completion at another time
  - if the complainant decides to make the complaint in person or by phone, the school may use the formal complaints form to record the complaint. The complainant will be invited to review the completed form to confirm that the complaint has been accurately recorded.
- It is helpful if the complaint is clearly identified before contacting the school:
  - if there is more than one problem, the complainant is advised to list the issues concisely and clearly so that the extent of the problem is clear to the school.
  - if more than one complainant raises the same or a substantially similar problem, each complaint will be managed separately.
- Parents, external organisations and other stakeholders are also asked to indicate how, if legal, possible and practicable, they would want the complaint to be resolved.

### INVESTIGATING THE COMPLAINT

- Some complaints can be resolved through discussion but others require that the problem or allegation be investigated before coming to a resolution.

- The School Leaders may appoint the College of Teachers (where relevant) or an outside investigator to investigate the issue.
- The investigation may take the form of interviews with others involved, reviewing documentation, etc. If it is thought advisable and necessary, the School Leaders may appoint an external advisor as investigator.
- In carrying out an investigation, the school 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 investigator will be asked to prepare a brief written report outlining their findings. The investigator's report is confidential to the school.

### **THE COMPLAINTS MEETING**

- The School Leaders will normally chair the complaints meeting.
- Complainants may choose to have someone to support them. The support person could be a relative or a friend, but it is not appropriate for that person to be a legal representative.
- The meeting will discuss the matter thoroughly, ideally using the following steps:
  - a clear description and understanding of the issue
  - the claimed impact and whom it impacts
  - what is claimed will happen if the issue is not resolved
  - what action(s) is requested in order to resolve the complaint.

These steps will be summarised briefly and will be included in the documentation of the process.

- At each step of the process, all those attending the meeting will have the opportunity to put forward their point of view and will be treated with dignity and respect.
- It may not be possible to agree the way forward in just one meeting; in this case further meetings will be scheduled until all those involved agree the issue has been considered as thoroughly as needed.
- At any stage in the process, the School Leaders may decide that it would be helpful to seek either informal or formal mediation in order to resolve the complaint.

### **THE COMPLAINTS RESOLUTION**

- All those involved should agree when the complaint (or an aspect of the complaint) is considered resolved. If not everyone agrees, the complaint procedures should continue until a resolution is found, even if the resolution is to agree that the complaint is dismissed or that no further action should be taken.
- In resolving the issue, the following steps should be followed:
  - a statement confirming that those involved consider the complaint (or an aspect of the complaint) is resolved
  - how the complaint is resolved

- a description of each specific action or decision, including a note as to who is responsible for the action and by when.

These steps will be summarised briefly and will be included in the documentation of the process.

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

#### **RECORD KEEPING**

- It is important that consistent, well-structured, concise and complete information is on file for current and future use.
- The complainant will be provided with a copy of the record of the complaint.
- The following documentation will form the record of the complaint:
  - the formal complaints form, whether completed by the complainant or by the school and confirmed by the parents.
  - a record of the complaints meeting and the steps followed as set out in this document.
  - a record of the resolution as set out in this document.
  - a record of the follow up meeting.
- The management of these records will follow the school's Record Management Policy. Except where dictated otherwise by law, the school will retain all records of complaints in accordance with the Record Retention Schedule and then will be destroyed. The records will be kept secured by the School Leaders or the governing Board (in the case of a complaint made against the School Leaders) as is appropriate.

#### **APPEALS**

If the complainant believe that their complaint is not resolved or that the resolution is unsatisfactory, they may appeal the complaint to the governing Board. The appeal procedure can be found in Appendix F.

#### **COMPLAINTS TO THE GOVERNING BOARD**

- If the complaint is in relation to the School Leaders, the complaint should be made in writing using the formal complaints form and should be addressed to the Chair of the governing Board.
- The Chair will constitute a Complaints Sub-Committee to deal with the issue. The composition of the Committee will be decided by the Chair and approved by the full Board.
- The Complaints Committee, acting on behalf of the Board as a whole, will decide how to proceed and will make recommendations for any action to resolve the matter to the whole Board.
- When a complaint is made to the governing Board, the Board's decision will be final.

## **APPENDIX E: OUTLINE COMPLAINTS FORM**

### **COMPLAINANT DETAILS**

- Title, first name, family name
- Address, phone number(s), email address

### **STUDENT DETAILS**

- First name, family name
- Date of birth
- Year level
- Class teacher

### **DETAILS OF THE COMPLAINT**

- Outline and specific details
- Chronology
- Details of relevant phone conversations/meetings
- How has the matter been raised informally? With whom? With what outcome or actions?

### **RESOLUTION**

- How could this matter be resolved?

### **NEXT STEPS**

- Where to send the complaints form
- What to expect next, e.g. 'You will receive an acknowledgement within 2 business days that your complaint has been lodged. The acknowledgement will set out the next steps in responding to your complaint.'

### **ADMINISTRATION**

- Form signed and dated
- School use: date form received, received by, date form acknowledged, acknowledged by.

## **APPENDIX F: APPEALS WITHIN THE COMPLAINTS PROCESS**

### **MAKING AN APPEAL**

- If the complainant believes that their complaint is not resolved or that the resolution is unsatisfactory, they may appeal the complaint to the governing Board.
- The appeal must be made in writing within 14 days of finalising the complaint resolution and should be addressed to the Chair of the governing Board.
- The grounds for the appeal should be clearly identified. The grounds could include the following:
  - the Complaints Policy and procedures were not followed
  - the resolution of the complaint is claimed to be insufficient, unfair, biased, unreasonable and/or disproportionate.
- The appeal will use the record of the complaint as agreed and will not normally re-hear the complaint itself.
- Complainants are also asked to indicate how, if legal, possible and practicable, they would want the appeal to be resolved.

### **RESPONDING TO THE APPEAL**

- The Chair will constitute an Appeal Sub-Committee to deal with the issue. The composition of the Committee will be decided by the Chair and approved by the full Board.
- The Appeal Committee, acting on behalf of the Board as a whole, will decide how to proceed and will make recommendations for any action to resolve the matter to the whole Board.
- The Appeal Committee may approve the appointment of an external consultant to conduct an investigation, mediation and/or arbitration.
- The Appeal Committee will make recommendations to the full Board as to the actions required to resolve the issue.
- The decisions of the governing Board are final.
- Should a complainant still not be satisfied with the outcome of an investigation they can contact external sources such as Consumer Affairs Victoria or Victorian Registration and Qualifications Authority.

### **RECORD KEEPING**

- A full record of the appeal will be made following a similar structure to that outlined in the complaints procedures.
- The complainant will be provided with a copy of the final decisions of the appeal.
- The management of these records will follow the school's Record Management Policy. Except where dictated otherwise by law, the school will retain all records of complaints in accordance with the Record Retention Schedule and then will be destroyed. The records will be kept secured by the School Leaders or the governing Board (in the case of a complaint made against the School Leaders) as is appropriate.