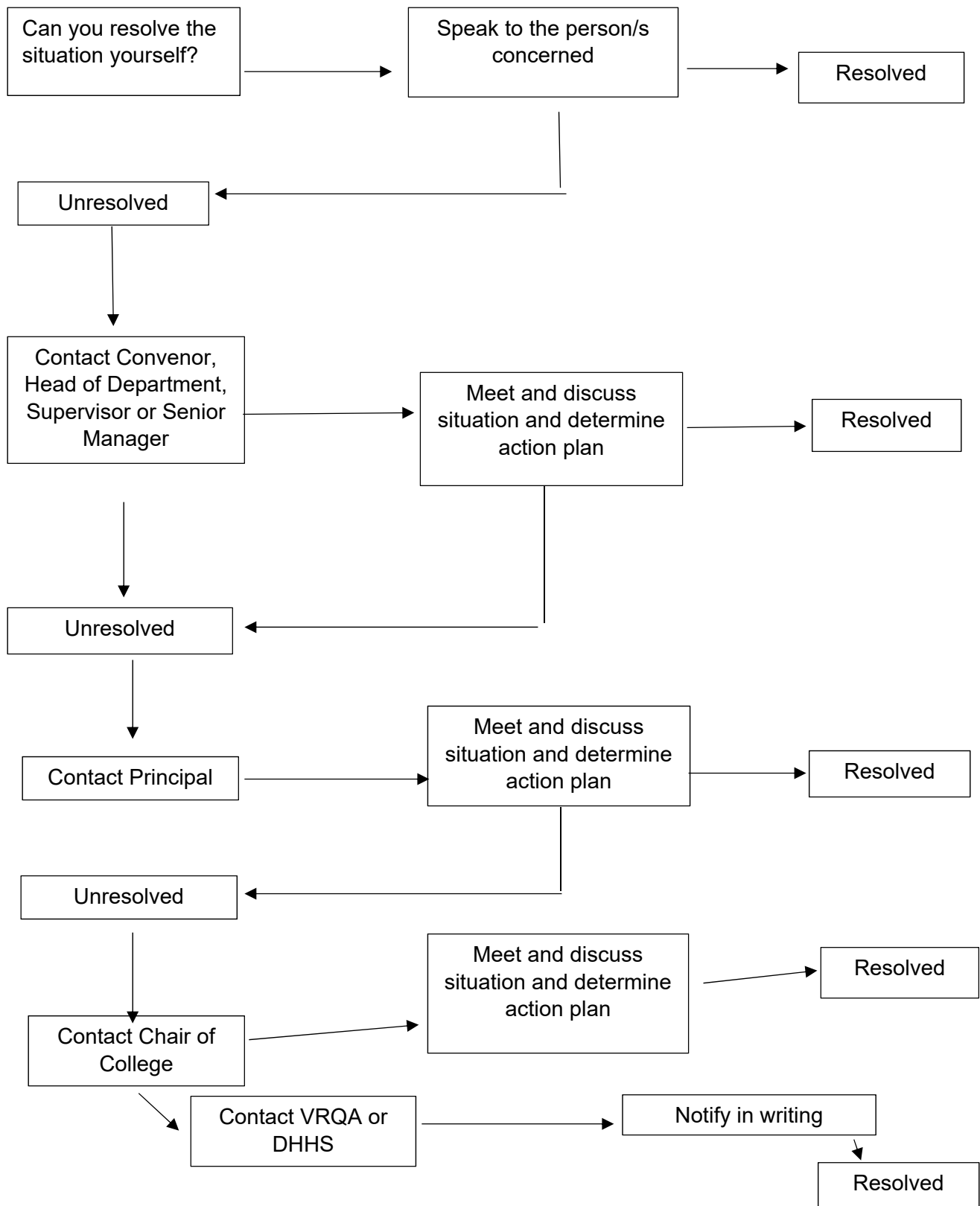


Complaints and Grievances Policy



FLOW CHART FOR ADDRESSING CONCERNS



1.0 Aim

The purpose of this policy is to provide the framework for:

- Receiving and addressing with complaints and grievances at Leibler Yavneh College (LYC) and
- Procedures to be followed in investigating complaints and grievances.

2.0 Scope of Policy

This policy applies to all staff, students, contractors, volunteers, parents/guardians, visitors, external stakeholders or other members of the LYC community who have a complaint or grievance that falls within LYC's area of responsibility. Matters of serious misconduct such as sexual offences, criminal charges, serious incidents, or matters requiring mandatory reporting are not covered by the scope of this policy and will be referred to relevant external authorities. (Refer LYC Mandatory Reporting Policy)

Note: This policy does not address complaints relating to employment matters under awards. The relevant awards provide information on the management of such issues.

3.0 General

LYC welcomes feedback it receives from all members of the LYC community. Responding to both positive and negative feedback promotes open communication. Complaints about any aspect of LYC's operations, service, students or staff will be handled in an appropriate and timely manner. The confidential nature of complaints will be respected. (Refer LYC Privacy Policy.) LYC undertakes to:

- Investigate complaints or grievances thoroughly and impartially;
- Handle complaints or grievances seriously and sympathetically;
- Handle complaints or grievances promptly and confidentially; and
- Where appropriate, encourage individuals to take ownership of their actions and reflect on the impact of their behaviour.

The following principles underpin this policy:

- In the event of a complaint every attempt will be made to seek a resolution to the matter through informal discussions;
- It will be the objective of all concerned, to resolve all complaints or grievances in a timely, consistent and fair manner; and
- All staff, parents/guardians, students, and other LYC community members have the right where they
- believe that the matter is serious enough, to report a grievance.

4.0 Procedure

4.1 Defining the nature of a Complaint or Grievance

The issue resolution procedure to be followed is dependent on the nature of the complaint or grievance or the parties involved in the complaint or grievance.

In relation to this policy a complaint is defined as an issue that can be resolved in a timely manner, and may not require a detailed investigation. Complaints may include an expression of displeasure, such as poor service, and any verbal or written complaint of a minor nature directly related to LYC.

A grievance is a formal written complaint that cannot be addressed promptly, or a complaint that involves matters of a more serious nature such as potential harassment, and requires an investigation.

LYC will use local complaints resolution procedures outlined below to seek to resolve complaints and grievances which fall within LYC's area of responsibility. All cases of serious misconduct, notifiable complaints or serious incidents will be referred to the relevant external authority.

4.2 Addressing a Complaint

When a complaint is received by LYC staff, the person to whom the complaint is addressed will:

- Encourage the complainant to resolve the complaint with the person involved directly;
- Through informal discussion, attempt to resolve the issue;
- Inform the complainant that they may request a meeting with the appropriate Head of Primary or Secondary School, Head of Administration, CFO, Head of ELC or Principal [Senior Leadership Team] to discuss their complaint; and
- Inform the complainant if the matter cannot be resolved informally or directly, to submit a formal complaint in writing.

LYC staff who wish to pursue an employment related complaint should take steps to resolve this directly with the relevant Senior Leadership member.

4.3 Dealing with a Formal Complaint or Grievance

When a formal complaint or grievance is lodged with LYC, the staff member receiving the formal complaint or grievance should record all relevant details regarding the grievance and immediately inform the appropriate member of the Senior Leadership Team.

The relevant member of the Senior Leadership Team will assess the complaint or grievance to determine if it is a notifiable grievance, a serious incident or requires mandatory reporting. (Refer LYC Mandatory Reporting Policy).

If the complaint or grievance is notifiable or needs to be reported, appropriate Head of Primary or Secondary or Head of ELC must notify the Principal and make a report to the relevant authority.

In the event of a complaint or grievance being lodged, the senior manager involved will;

- Address the grievance in a timely manner, and communicate progress to the complainant.

- Disclose any conflict of interest and stand aside from the investigation and subsequent processes and pass the matter on to the Principal if necessary;
- Consider the nature and the details of the grievance and pass the matter on to the Principal if the matter involves potential staff harassment of students, or staff harassment of fellow staff;
- Identify which LYC policies (if any) the grievance involves;
- Inform other LYC staff if their involvement is required;
- If the grievance is a notifiable or a reportable complaint, inform the complainant of the requirements to notify the relevant external authority of the grievance and explain the role that authority may take in investigating the complaint;
- Maintain appropriate records of the information and data collected, including minutes of meetings, incident reports and copies of relevant documentation relating to the grievance;
- Respect the confidential nature of information relating to the grievance and handle any grievance in a discreet and professional manner; and
- Store all written information relating to grievances securely and in compliance with the LYC Privacy Policy.

4.4 Investigating the Formal Complaint or Grievance

Complaints or grievances involving potential staff harassment or fellow staff will be investigated by a member of the Senior Leadership Team dependent on the members of staff involved and the nature of the complaint. In this instance the Principal will determine the most appropriate person to investigate the formal complaint or grievance. Complaints or grievances involving matters under an award should be investigated in line with compliance requirements of the relevant award.

Complaints and grievances involving potential staff harassment of students will be investigated by the

Principal (or nominee of the Principal.)

For all other complaints and grievances the members of the Senior Leadership Team will consider the nature and the details of the grievance and either commence an investigation or pass the matter on to the Principal if required.

When investigating the formal complaint or grievance and gathering relevant information, the person conducting the investigation will:

- Meet with individual witnesses, and give right of reply to the person against whom the allegations are made in relation to any accusation or information relating to an alleged incident;
- If any of the parties are students, refer the students to the Counsellor as appropriate;
- Inform staff involved that they have the right to be accompanied by a support person such as a friend or representative;
- Inform staff involved that if they engage the services of a lawyer or other advisor, the staff member is responsible for payment of all costs of such services;
- Dependent on the seriousness of the issue contact relevant parents/guardians;
- Offer the complainant the opportunity of meeting with the Principal of LYC to discuss the complaint and provide additional information where relevant;
- Inform the complainant of the procedures for dealing with the grievance if the complainant does not take up the opportunity to attend a meeting, namely, it will be addresses in absentia and an outcome communicated.

- Document the time, date and detail of meetings/discussions, and follow this up with a letter to the complainant outlining the information discussed;
- Review relevant information and documents;
- Obtain any other relevant information or documentation that will assist in resolving the grievance; and
- Seek advice, where appropriate, from individuals and organisations that may be able to assist in resolving the grievance.

4.5 Following the Investigation

Once the investigation of the grievance is complete, the person conducting the investigation will:

- Endeavour to resolve the grievance by mutual agreement of the parties involved;
- Attempt to resolve the grievance within 14 days;
- Meet to discuss the information gathered and determine further action, including generating recommendations to be presented to the Principal of LYC if necessary;
- Ensure that any recommendations or actions are in accordance with relevant legislation, funding and compliance requirements;
- Document outcomes and issue formal warnings or disciplinary action where required;
- Report outcomes that may include relevant information gained in investigations and consultations to the Principal and, where required, provide any recommendations for consideration by the Principal;
- Inform the Principal on the involvement of external authorities and the outcomes of any investigation by external authorities. The Principal will review the report and will be responsible for making decisions on the action to be taken (if any), including relevant review mechanisms;
- Advise the complainant and other relevant parties of any decisions made by the Principal in relation to the grievance; and
- Follow up to ensure the parties involved are satisfied with the outcome and monitor progress on any actions taken. Further disciplinary action or sanctions may be implemented if issues persist.

4.6 Failure to Resolve Formal Complaint or Grievance

If the formal complaint or grievance is not resolved following investigation:

- The complainant should outline the grievance in writing to the Principal; and
- Every effort will be made to resolve the issue within 14 days from receipt of the written complaint and the Principal may recommend that the parties to dispute meet with an external mediator; If the issue remains unresolved after mediation:
- The Principal will review the grievance and investigation documentation, and the mediation documentation, and will issue a decision in writing to the complainant.

4.7 Right of Review

If a complainant is not satisfied with the outcome, or the complaint directly concerns the Principal, then the complainant may refer the formal complaint or grievance in writing to the Chair of Executive of the College.

The Chair will then review the investigation process, and a decision will be made as to whether the above procedures have been followed and reasonably determined. Depending on the outcome of this investigation either no further action may follow or there may be further consideration of the matter. This policy does not limit a complainant's right to use

other available agencies and processes, such as the Privacy Commissioner, the Ombudsman, the workplace regulator or legal processes.

Complainants may also refer to the following websites for further information:

- <http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx> (for school related complaints); or
- <http://www.education.vic.gov.au/childhood/providers/regulation/Pages/complaints.aspx> (for ELC related complaints).

4.8 Communication of Policy

This policy is accessible to all staff, students, contractors, volunteers, parents/guardians, visitors, external stakeholders and other members of the LYC community via the LYC website and intranet.

4.9 Review of Policy

This policy will be reviewed for effectiveness annually:

- As part of LYC's policy review schedule
- Following issues raised through this policy;

5.0 Definitions

Notifiable complaint: A complaint that alleges a breach of the relevant Act or Regulation, or alleges that the health, safety or wellbeing of a child at LYC may have been compromised. Any complaint of this nature must be reported by to the DET within 24 hours of the complaint being made. Written notification of complaints must be submitted using the appropriate forms.

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from LYC in contravention of the legislation or is mistakenly locked in/out of the LYC premises. The Regulatory Authority (DHHS) must be notified within 24 hours of a serious incident occurring at our ELC.

Harassment: Any unwelcome and uninvited comment, attention, contact or behaviour that an individual or witness finds humiliating, offensive or intimidating. It can be verbal, physical, psychological, written or visual.

5.0 References

- Education and Training Reform Act 2006
- DET:
<http://www.education.vic.gov.au/childhood/providers/regulation/Pages/complaints.aspx> • VRQA <http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx> • Education and Care Services National Law Act 2010.
- Education and Care Services National Regulations 2011
- Privacy Act 1988 (Cth)

6.0 Related Documentation

- LYC Mandatory Reporting Policy
- LYC Privacy Policy
- LYC Child Protection Policy

| Created By | Updated | Review Due |
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| DF | August 2017 | August 2018 |