



# Complaints Policy and Procedures

## Complaints Policy

### 1. Aim

- 1.1 Tombo Academy understands that from time to time, parents may be dissatisfied or have a concern or complaint concerning a decision taken or 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 an informal resolution has not been possible, and a formal process is required.
- 1.2 This policy aims to set out the principles, guidelines and procedures governing the school's approach to resolving complaints from parents. The policy, together with the procedural documents listed in section 11, should be read and understood by all staff and by those wishing to make a complaint.

### 2. Scope

- 2.1 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).
- 2.2 The Complaints Policy does, however, apply to concerns:
  - a) that a prospective employee might have in relation to the appointment of staff
  - b) raised by a member of the public
- 2.3 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.
- 2.4 Examples of issues that might be considered under the complaints policy could include:

- a) A breach of the obligations by the school in relation to the democratic principles as set out in the Education and Reform Regulations (2007)
- b) Availability of information about the school's performance
- c) The right of a parent or student to access information about the student's achievement
- d) Decisions, actions, or activities for which Tombolo Academy is responsible and which are thought to go against the spirit of the school's mission and values, which are alleged to be inequitable or procedurally unfair or which are thought to be contrary to the student's wellbeing and educational needs
- e) Perceived personal concerns that impact school-related interpersonal relationships
- f) The handling of a complaint where a response or a resolution was expected

### 3. Principles

- 3.1 Tombolo Academy 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 and the school community.
- 3.2 We believe that feedback from parents and the school community is an important way for the school to grow and can form the basis for future improvements. Where a formal complaint is submitted, the school will consider specific and systemic issues raised and, where applicable, make reasonable changes.
- 3.3 Tombolo Academy is committed to child safety and has a zero tolerance of child abuse. Any complaint related to child safety will be given the highest priority and attention. Complaints relating to Aboriginal children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable will be managed with appropriate care, support and attention. Concerns raised in relation to the Child Safe Standards will be managed in accordance with the school's Child Safe Standards Policy and be given the highest priority.
- 3.4 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 act when anonymous concerns about child safety are raised.
- 3.5 The complaints policy and procedures are intended to be conciliatory, non-adversarial and non-legal. All those involved in the making and handling of

complaints should be treated with dignity and respect, and that complaints should never give rise to victimisation or reprisal.

#### **4. Principles governing the way in which complaints are handled**

- 4.1 In resolving a complaint, Tombolo Academy will give priority to the student's wellbeing and educational needs, considering the needs of other students and the school's professional advice.
- 4.2 The school will respond to all formal complaints in a timely manner. We will acknowledge the complaint promptly, and parents will be kept informed of the progress of their complaint, particularly when the complaint is complex and may take time to resolve.
- 4.3 Tombolo Academy will ensure that the complaint procedure is responsive and flexible. In practice, that means that parents are able to make a complaint in person, by phone or in writing. The school will provide support for parents with specific needs for example, language translation.
- 4.4 The school is committed to natural justice. Both complainant(s) and respondent(s) will be provided with a reasonable opportunity to put forward their point of view in relation to the subject of the complaint.
- 4.5 The school will endeavour to respond to each complaint in a fair, objective and unbiased manner, considering the school's mission and values and the school's duty of care to all students. Anyone involved in the complaint will be required to declare any conflicts of interest.
- 4.6 In dealing with the complaint the school is committed to acting in a confidential manner and expects that parents and staff involved in the complaint will show similar respect for the process.
- 4.7 The complaints procedures will be restricted to dealing with the matter raised by the complaint and not with any other matters.
- 4.8 The school may determine that a complaint is vexatious (where the complaint is designed to harass, annoy or embarrass the school or another parent) or spurious (where the complaint has no real basis in fact or is manifestly groundless). When this is the case, the parent making the complaint will be informed in writing of the decision. Such a decision will be final.
- 4.9 The school will ensure any actions, outcomes and the resolution of a complaint are documented, and that the complainant is provided with summary details of the outcome of the complaint.

- 4.10 The school will ensure that the handling of complaints does not contravene the school's Privacy Policy. The school will actively seek to prevent the disclosure of personally identifiable information concerning the parents and students involved in the complaint.

## **5. Who handles complaints?**

- 5.1 Where possible, the school encourages concerns to be identified and resolved speedily and informally with the member of staff most directly involved.
- 5.2 Where the concern has not been resolved to the satisfaction of those concerned, a formal complaint under this procedure may be made by:
- a) Sending an email to [principal@tombolo.vic.edu.au](mailto:principal@tombolo.vic.edu.au)
  - b) Writing a letter to Tombolo Academy addressed to "The Principal"
  - c) Telephoning the school and arranging for a time to speak to the principal
- 5.3 If the complaint concerns the decisions, actions or activities of the principal, a formal complaint should be made by writing a letter to Tombolo Academy addressed to the Chair of the Board of Directors and marked Confidential.
- 5.4 All formal complaints will be logged and will be managed according to the procedures set out in the Appendices attached to this policy.
- 5.5 Any appeals process should be addressed to the Chair and will be handled by a sub-committee of the Board of Directors.

## **6. Guidelines for staff to respond to complaints**

- 6.1 Staff must be clear about the process through which parents are guided to raise a concern, although it is important to understand that parents may not follow the guidelines exactly.
- 6.2 Parents should receive an acknowledgement of the concern as soon as practicable, even if it then takes longer to arrange a meeting or a phone call.
- 6.3 Staff are encouraged to resolve issues as quickly and as simply as possible without resorting to unnecessary process and bureaucracy.
- a) Where possible, the member of staff who receives the concern or complaint should deal with it themselves rather than escalate
  - b) Some matters, however, must be escalated and require a swift response. Such matters are likely to include:

- i. Any matter relating to child safety, including but not limited to matters which must be dealt with under the school's Child Safe Standards Policy
  - ii. Matters which allege staff misconduct, corruption or illegal behaviour
  - iii. Complaints against the Principal or the Board of Directors
  - iv. Privacy issues which must be dealt with under the school's Privacy Policy
  - v. Potential legal issues, requests for compensation or refunds or issues which could involve an insurance claim
  - vi. Issues which may have a wider school or systemic implication
- 6.4 Complaints, even at an informal level, must be recorded. For this requirement to be practical, some judgment on behalf of the staff is needed.
- a) Complaints that must be recorded include those concerning:
    - i. The effectiveness of the teaching
    - ii. Bullying
    - iii. A child's persistent unhappiness
    - iv. The quantity of homework
  - b) Complaints that don't need to be recorded 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

## 7. Legal and regulatory basis for compliance

- 7.1 *Education and Training Reform Act 2006* (Vic)
- 7.2 *Education and Training Reform Regulations 2007* (Vic)
- 7.3 Victorian Registration and Qualifications Authority ("VRQA") Minimum Standards
- 7.4 Child Safe Standards Ministerial Order 1359
- 7.5 *Privacy Act 1988* (Cwlth)

## 8. Roles and Responsibilities

- 8.1 The Tombolo Academy Board of Directors is responsible for
  - a) Determining this policy and reviewing it biannually
  - b) Responding to any formal complaint raised that relates to the Principal
  - c) Responding to an appeal if that is lodged in relation to an unresolved formal complaint
  - d) Reviewing an annual report providing a high-level analysis of formal complaints for the reporting period
- 8.2 The Principal (or as delegated) is responsible for

- a) Determining the complaints procedures and ensuring they are implemented in a way that is consistent with this policy
- b) Ensuring the complaints policy and procedure is publicised and readily available to parents and the wider school community and external community via the website, with copies also available from the school office
- c) Responding to a formal complaint brought under this policy
- d) Maintaining the complaints management system for reporting to the Board of Directors on an annual basis and to be available to the VRQA as required

8.3 Members of staff are responsible for

- a) Responding to and resolving concerns and complaints raised informally
- b) Responding to concerns raised by students
- c) Escalating complaints to the Principal as required

## 9. Links to other policies

9.1 A range of school policies could be related to the Complaints Policy, depending on the subject matter of the complaint. Key linked policies are:

- a) Parent Handbook
- b) Child Safe Standards Policy
- c) Whistleblower Policy
- d) Privacy Policy
- e) Record Management Policy

## 10. Policy Review

10.1 The Board of Directors will review this policy and monitor its implementation, including the register of complaints, on an annual basis.

# Complaints Procedure

## 11. Making a Complaint – Informal Process

- 11.1 Complainants are asked to discuss any concerns with the student's learning mentor at an early stage so that the school can work together with complainants to resolve these as promptly and efficiently as possible.
- 11.2 If you have a concern about your child or feedback for the school, please talk or email your child's learning mentor as soon as possible.
- 11.3 You are encouraged to contact the school at an early stage so the matter can be resolved quickly.
- 11.4 Your child's learning mentor will acknowledge your email as soon as practicable and arrange a good time to talk to you.
- 11.5 Please bear in mind that teachers do not always have immediate access to email or the phone because they are teaching.
- 11.6 Teaching staff are usually available when they dismiss students at the end of the day.
- 11.7 If the concern or complaint is not resolved to the satisfaction of the complainant through this informal process, the formal complaints procedure may be followed below.

## 12. Making a Complaint – Formal Process

- 12.1 A formal complaint should be made in writing and should be addressed to the Principal.
- 12.2 It is helpful if the complaint is clearly identified before contacting the school.
- 12.3 If there is more than one problem, complainants are advised to list the issues concisely and clearly so that the extent of the problem is clear to the school.
- 12.4 If more than one complainant or a set of complainants raises the same or a substantially similar problem, each complaint will be managed separately.
- 12.5 It is a requirement that the complaint clearly states the outcome being sought to remedy the concerns raised.

- 12.6 If the complaint is in relation to the Principal, the complaint should be made in writing and should be addressed to the Chair of the Board of Directors. The procedure for dealing with a complaint of this nature follows a parallel process to the one set out here but with the Chair instead of the Principal.
- 12.7 All complaints will be acknowledged in writing as soon as is practicable.
- 12.8 Complainants will be informed as to the next steps and will be given a target resolution date. The school seeks to achieve resolution of complaints within 14 days.
- 12.9 Complainants need to make arrangements to meet or speak to the Principal at a convenient time.
- a) If complainants arrange to meet with the Principal 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.
  - b) If complainants arrange to meet with the Principal in person or by phone, it is important that, as set out in the procedure, the conversation is respectful and constructive. If either the Principal 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.

### **13. Investigating the Complaint**

- 13.1 Some complaints can be resolved through discussion but others may require that the problem or allegation be investigated before coming to a resolution.
- 13.2 The Principal may appoint a senior colleague to investigate the issue. The senior colleague will be one who has not previously been involved in the matter. If it is thought advisable and necessary, the Principal may appoint an independent external investigator.
- 13.3 In carrying out an investigation all parties must be mindful of the need for confidentiality.

### **14. The Complaints Meeting**

- 14.1 The Principal will normally chair the complaints meeting.
- 14.2 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.



14.3 The meeting will discuss the matter thoroughly, ideally using the following steps:

- a) A clear description and understanding of the issue
- b) The claimed impact and whom it impacts
- c) What is claimed will happen if the issue is not resolved
- d) 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.

14.4 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.

14.5 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.

14.6 At any stage in the process, the Principal may decide that it would be helpful to seek either informal or formal mediation in order to resolve the complaint.

## 15. The Complaints Resolution

15.1 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.

15.2 In resolving the issue, the following steps should be followed:

- a) A statement confirming that those involved consider the complaint (or an aspect of the complaint) is resolved
- b) How the complaint is resolved
- c) 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.

15.3 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.

## 16. Record Keeping

16.1 It is important that consistent, well-structured, concise and complete information is on file for current and future use.

- 16.2 Complainants will be provided with a copy of the record of the complaint.
- 16.3 The following documentation held within the complaints management system will form the record of the complaint:
- a) The formal complaints form, whether completed by the parents or by the school and confirmed by the parents.
  - b) A record of the complaints meeting and the steps followed as set out in this Appendix
  - c) A record of the resolution as set out in this Appendix
  - d) A record of the follow up meeting
- 16.4 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 for a minimum of one year after the family or student has left the school and then will be destroyed. The records will be kept secure by the Principal or the Board of Directors (in the case of a complaint made against the Principal) as is appropriate.

## **17. Appeals**

- 17.1 If complainants believe that their complaint is not resolved or that the resolution is unsatisfactory, they may appeal the complaint to the Board of Directors.

## **18. Complaints to the Board of Directors**

- 18.1 If the complaint is in relation to the Principal, the complaint should be made in writing using the same procedures as above and should be addressed to the Chair of the Board of Directors.
- 18.2 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.
- 18.3 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.
- 18.4 When a complaint is made to the Board of Directors, the board's decision will be final.

# Appeals Procedure

## 19. Making an Appeal

- 19.1 A complainant can request a procedural review of a complaint outcome determined by the Principal by the Board of Directors
- 19.2 The grounds for the appeal should be clearly identified. The grounds could include the following:
  - a) The complaints policy and procedures were not followed
  - b) The resolution of the complaint is claimed to be unfair, biased, unreasonable and/or inconsistent with school policy or procedure.
- 19.3 The appeal must be made in writing within 14 days following the complaint resolution and should be addressed to the Chair of the Board of Directors.
- 19.4 The record of the complaint and process followed will be reviewed and the original complaint will not normally be re-heard.
- 19.5 Parents are also asked to indicate how, if legal, possible and practicable, they would want the appeal to be resolved.

## 20. Responding to the Appeal

- 20.1 The Board Chair will constitute an appeal sub-committee to consider the procedural review request. The composition of the sub-committee will be decided by the Chair and approved by the Board.
- 20.2 The appeal sub-committee, acting on behalf of the Board, will decide how to proceed and will make recommendations for any action to resolve the matter to the board.
- 20.3 The appeal sub-committee may approve the appointment of an external consultant to conduct an investigation and/or mediation.
- 20.4 The decisions and recommendations to the Board of the appeal committee are final.

## 21. Record Keeping

- 21.1 A full record of the appeal will be made following a similar structure to that outlined in the complaints procedures.
- 21.2 Parents will be provided with a copy of the final decisions of the appeal.

21.3 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 appeals for a minimum of one year after the family or student has left the school and then will be destroyed. The records will be kept secured by the Principal or the Board of Directors (in the case of a complaint made against the Principal) as is appropriate.

## 22. External Dispute Resolution

22.1 If, following the appeal process, the matter remains unresolved or the complainant is not satisfied with the outcome or the way the complaint has been managed, parents may pursue external resolution alternatives.

22.2 External agencies to which complaints may be made include the Victorian Regulations and Qualifications Authority (VRQA) ([vrqa.vic.gov.au](http://vrqa.vic.gov.au)) and the Victorian Ombudsman ([ombudsman.vic.gov.au](http://ombudsman.vic.gov.au)). For general information on mediation, counselling, advocacy and support, refer to the Dispute Settlement Centre of Victoria ([disputes.vic.gov.au](http://disputes.vic.gov.au)).

## 23. Policy Administration

<b>Created date</b>	August 2023
<b>Policy Owner</b>	The Principal
<b>Consultation</b>	School Staff School Board
<b>Legislation</b>	<i>Education and Training Reform Act 2006 (Vic)</i> <i>Education and Training Reform Regulations 2007 (Vic)</i> Victorian Registration and Qualifications Authority (“VRQA”) Minimum Standards Child Safe Standards Ministerial Order 1359 <i>Privacy Act 1988 (Cwlth)</i>
<b>Endorsed by</b>	School Board
<b>Endorsed on</b>	
<b>Last review</b>	August 2023
<b>Next review</b>	August 2026