

# DSM OSHC Policy

## Complaints and Grievances

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



### Rationale

The DSM OSHC service (the service) is governed by the Board of Deutsche Schule Melbourne (DSM) – A German English Bilingual School (the school). The service 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 and grievances are managed and resolved fairly, efficiently, promptly and in accordance with relevant legislation.

DSM recognises that it is in the best interest of the student for there to be a trusting and cooperative relationship between parent and service and that parents and carers have are informed how they can make a complaint. We encourage service community members to provide feedback and raise issues as soon as they arise. We are committed to addressing these promptly to ensure a fast resolution for all concerned.

This policy does not apply to matters where rights and processes for review and appeal already exist, such as student expulsions, serious misconduct and mandatory reporting, critical incident and criminal matters.

### Definitions

#### Parent

A parent includes a personal with parental responsibility for 'major long term issues' as defined in the Family Law Act 1975 (Commonwealth), a person appointed as 'guardian' pursuant to the Children Youth and Families Act 2005 (Victoria), and an informal carer with whom the child normally or regularly resides and who has the day-to-day care and control of the child.

#### Grievances and complaints

A grievance is an issue that arises where a member of the service considers they have been treated unfairly or unreasonably in any matter related to their employment with the service, to them being students of the service or parents of students. A complaint is an expression of dissatisfaction with an action taken, decision made or service provided, or the omission thereof by the service.

#### Unsatisfactory performance

To fulfil one's function in an unacceptable, poor or not good enough manner.

#### Misconduct

To behave in a seriously unacceptable or improper manner causing imminent risk to the health and safety of another person or to the reputation of their employer's business or deliberately behaves in a way that's inconsistent with continuing their employment.

#### Support person

A person who provides professional and moral support to the service's officer concerned. He or she also acts as a witness to the process.

#### Legal or other representation

The service member that is the subject of an investigation has the right to the presence of a lawyer or other representative providing advice at any meeting.

#### Confidentiality

The Nominated Supervisor and the Chair of the Board must ensure that appropriate confidentiality is properly observed in relation to the management of any complaint, unsatisfactory performance or misconduct procedure.

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### Principles

Positive, clear and effective processes for resolving complaints and grievances between the service and community members assists in the building of strong relationships, dispels anxiety, and ultimately provides students with an enhanced learning environment.

It is incumbent on the Nominated Supervisor to act where grievances, such as complaints, unsatisfactory performance or misconduct involving a staff member is observed or has been brought to her or his attention, whether or not a formal complaint has been lodged.

We believe that all parties have rights when involved in a complaint or grievance, which include:

- the right of the member of the service to know allegation(s) being made against him or her
- the right of each party to be heard
- the right of each party to be treated fairly
- the right of the member to have a support person present during interviews
- the right of each party to a decision-maker who acts fairly and in good faith

When addressing a complaint it is expected that parents and staff will:

- show respect towards each other and understanding of each other's point of view
- operate within applicable legislation
- work towards an outcome acceptable to all parties involved
- act in good faith and in a calm and courteous manner
- recognise that all parties have rights and responsibilities which must be balanced.

### Goals

- To provide clear, positive and fair processes which allow grievances to be aired and resolved in a timely and effectively manner.
- To provide a harmonious, positive and productive service environment.
- To resolve complaints fairly, efficiently, promptly and in accordance with relevant legislation.

### Responsibilities

The Nominated Supervisor is responsible for the efficient and effective organisation, management and administration of the service including the service's complaint-handling processes.

- Concerns in regards to the Victorian Early Year Learning and Development Framework or the MyTime, Our Place Framework should be addressed to the Nominated Supervisor.
- Concerns in regards to the OSHC Program should be addressed to the Nominated Supervisor.
- Service wide concerns should be addressed to the Nominated Supervisor.
- Complaints about the Nominated Supervisor should be referred to the Chair of the Board.

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### Strategies

- It is the Nominated Supervisor and Chair of the Board's responsibility to provide a healthy and positive service environment that is free from discrimination and harassment. In doing so, they must ensure that all staff are aware of their rights and responsibilities and seek external advice where appropriate.
- All complaints are considered in accordance with the service's 'Complaints Resolution Procedure' including when a parent behaviour is thought to be unreasonable (see 'Unreasonable Complainant' below). Information about how and where to make a complaint are clearly made visible on the service's website (embedded in the school's website [www.dsm.org.au](http://www.dsm.org.au))
- Complaints can be made in person, by phone or in writing and should be acknowledged as soon as possible.
- The Nominated Supervisor will use his or her professional judgement, subject to legal or policy requirements, to decide if the matter should be dealt with as a complaint, unsatisfactory performance or misconduct.
- Any actions in response to a complaint are clearly documented and include the reasons underpinning any decisions made.
- Each complaint will be treated in an equitable, objective and unbiased manner.
- All matters must be treated with utmost confidentiality and professional respect at all times.
- Personally identifiable information should be actively protected from disclosure except where needed in the relation to the complaint. This means that a complaint should only be discussed with those directly involved in the complaint-handling process.
- While we accept our responsibility to consult and to communicate both clearly and effectively with the community, community members also have an obligation to read notices and newsletters, to attend briefings, and to seek clarification when required.
- There may, however, still be times when members of the community disagree or are confused about the things that we are doing.
- Application may be made under the Freedom of Information Act 1982 to view the documents relating to any of the procedures outlined in these guidelines.
- A complainant may at any stage choose to take their complaint directly to an external agency such as the ACECQA, the Victorian Equal Opportunity Commission or the Human Rights and Equal Opportunity Commission.
- Where a complainant has real and substantial concerns that, as a result of raising a complaint, they may suffer a detriment, they may apply to access the provisions of the Whistleblowers Protection Act 2001.
- The Chair of the Board will be kept informed of all complaints.

### Unreasonable Complainant

The Nominated Supervisor will consider a range of factors and views in the decision making process. They may at any point in the process consider a parent's behaviour to be unreasonable. In these circumstance it is appropriate for the Nominated Supervisor to communicate the basis on which a conclusion was made in writing and may indicate an acceptable procedure for future communication with the parent about the complaint. Behaviour is considered unreasonable when it is clearly and significantly outside the expectations of cooperation, courtesy and respect; calls for unjustified staff resources and time in relation to the significance of the complaint; actions that are brought forward without merit or actions brought forward with the intent to cause conflict.

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### Anonymous Complaint

Whilst the service will try to consider all complaints and grievances, it recognises that it may not be able to fully consider a complaint if it cannot effectively liaise with the parent. Furthermore, anonymous complaints raise natural justice issues for respondents who have a right to know particulars of the allegations made against them. The Nominated Supervisor will determine the extent to which anonymous complaints to the service shall be investigated.

Revised, May 2022

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### Complaints Resolution Procedure

Complaints may arise from, for example:

- unprofessional conduct and/or unsatisfactory performance
- a particular incident
- allegations of unlawful discrimination
- allegations of unlawful harassment, including sexual harassment
- allegations of bullying
- a service's practice or policy that a complainant believes is unfair, unreasonable or inappropriate
- decisions made, or not made, that a complainant believes are unfair, unreasonable or inappropriate

The Complaints Resolution Procedure may encompass informal and/or formal action. The following steps shall always be taken:

- Upon receiving of the complaint, the Nominated Supervisor will assess the nature of the complaint and form a view regarding the appropriate course of action.
- Complaints in writing will be acknowledged within two days and an expected time frame for the resolution process given.
- The Nominated Supervisor will exercise his/her judgement as to whether or not they will act upon anonymous complaints.
- Some complaints may be determined to be vexatious or malicious in nature. Where the Nominated Supervisor and/or Chair of the Board determine after due consideration that this is the case, the complaint should be dismissed and the complainant counselled about his or her action in lodging a complaint. Making a vexatious or malicious complaint may be an act of misconduct.
- The Nominated Supervisor must decide whether the matter requires a formal or informal resolution process.

### Informal resolution process

An informal resolution process may occur 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.

- The process may involve talking to one or more of the parties, may include conciliation (bringing the two parties together to assist in achieving a resolution) and requires minimal documentation (e.g. diary entry, copy of written response to the complainant outlining advisable action taken).
- Community members may be accompanied by another person in a support role at appointments to resolve grievances.
- The process may be formalised at any point as the Nominated Supervisor sees appropriate.
- Steps involved may include:
  - trying to establish the facts as clearly possible, being wary of third hand information or gossip.
  - if the matter involves a parent wishing to discuss their child or an issue of everyday class operation, making an appointment to see their classroom teacher, detailing the reasons for the appointment.
  - making an appointment with the Nominated Supervisor to discuss issues involving service's policy, operations beyond the child's classroom, concerns about staff, or grievances that are probably not easily resolved.
  - providing the concerned community member with a copy of this Complaints and Grievances policy unless the matter is easily and satisfactorily resolved.

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### Formal resolution process

A formal resolution process will be used when informal processes have not been successful, a complainant seeks a formal process, or the Nominated Supervisor and/or Chair of the Board believe the complaint warrants formal investigation. Formal processes comprise the following steps:

#### Investigating the complaint

The Nominated Supervisor and Chair of the Board should:

- establish the precise nature of the complaint.
- acknowledge receipt of the complaint in writing.
- inform the service member of the exact details of the complaint.
- provide the service member with an opportunity for written response.
- provide the service member with an indicative time-line for the investigation.
- consider all relevant matters in clarifying the complaint.
- keep written accounts of all interviews, statements and records of correspondence.
- provide the service member the opportunity to meet to clarify matters in response.

#### Making a finding

The Nominated Supervisor and Chair of the Board will determine if the complaint has substance under the civil standard of proof on the balance of probabilities, and will take into consideration:

- the circumstances and context of the complaint.
- whether evidence has been presented in a credible and consistent manner.
- the absence of evidence where it should logically exist.

#### Determining appropriate action

- Unsubstantiated complaints: The Nominated Supervisor will clarify any misunderstandings and deal with the matter (e.g.: acknowledge different perspectives, remind the parties involved of the expected standard of conduct and monitor the situation carefully).
- Substantiated complaints: The Nominated Supervisor may consider formal apologies, counselling, clarifications on expectations of appropriate conduct, verbal or written warnings, conciliation, or implementation of unsatisfactory performance or serious misconduct procedures, escalation to Board level.
- After making and acting on a decision the Nominated Supervisor and the Chair of the Board will attach a copy of all documents/reports related to the complaints process to the service member's personal file.

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### DSM Internal Use

#### Version and Approval

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|-----------------|---|
| Status:         | approved                                    |
| Version / Date: | V2 – based on school policy V4 / 10.06.2020 |
| Approver:       | Board / 22.05.2022                          |
| Owner:          | Christina Remshardt & Barbara Walsh         |
| Next Review:    | 2 years after last publishing date          |
| Classification: | Student Wellbeing                           |

#### Related Policies & Documents

##### **Care, Safety and Welfare of Students:**

OSHC Administration of First Aid  
OSHC Administration of Medication  
Anti-Bullying  
OSHC Child Safe Code of Conduct  
OSHC Child Safe Policy  
OSHC Medical Conditions  
Parent Code of Conduct  
Positive Behaviour  
Privacy  
OSHC Reportable Conduct  
OSHC Serious Incident and Mandatory Reporting  
OSHC Staff Code of Conduct  
Student Code of Conduct  
Supervision