

DSM Policy

Complaints and Grievances

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



Rationale

The Deutsche Schule Melbourne (DSM) – A German English Bilingual School has both a desire and a responsibility to ensure that high standards of conduct are maintained by staff and students, 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 school and that parents and carers are informed about how they can make a complaint.

We encourage school 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 supports Deutsche Schule Melbourne's compliance with Child Safe Standard 7: *Schools must ensure that processes for complaints and concerns are child focussed.*

This policy and associated procedures are accessible on the school's website. This policy sets out the roles of the Board, Principal, School Staff, School community members and volunteers. The policy is child-focused and sets out the process for how adults and children can make a complaint and the school's response process. It covers complaints of alleged child abuse and harm, racism, discrimination and breaches of the School's Codes of Conducts as well as other grievances.

This policy relates to complaints and concerns in relation to all or any of the following who are connected to the school: children; students; staff; volunteers (including interns); service providers; visitors; and other persons who are connected to the school.

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

Code of Conduct

This includes the school's Child Safe Code of Conduct, Parent Code of Conduct, Staff Code of Conduct and Student Code of Conduct.

Complaints Resolution Procedure

The Complaints Resolution Procedure set out at the end of this policy.

Confidentiality

The Principal 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.

Grievances and complaints

A grievance is an issue that arises where a member of the school considers they have been treated unfairly or unreasonably in any matter related to their employment with the school, to them being students of the school 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 school.

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Legal or other representation

The school 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.

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.

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.

Support person

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

Unsatisfactory performance

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

Principles

The school has a responsibility to consult and communicate clearly and effectively with the community. Equally, community members have an obligation to read notices and newsletters, attend briefing, and seek clarification when required. There may, however, still be times when members of the community disagree or are confused about things the school does.

Positive, clear and effective processes for resolving complaints and grievances between the school 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 Principal 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.

Complaints should not give rise to victimisation or reprisal.

Complaints are an important way in which parents and the school community can provide the school with feedback and so form the basis for future improvements. The school should respond to both the specific and (where applicable) the systemic issues raised by the complaint.

The school is committed to child safety and has zero tolerance of child abuse, racism and discriminatory behaviour. In the context of this policy, the response to a complaint relating to child safety, particularly any in relation to Indigenous children, children with disabilities, children from linguistically and culturally diverse backgrounds, and children who are vulnerable, will be given the highest priority and attention. Concerns raised in relation to the Child Safe Standards will be dealt with in accordance with the school's Child Safety and Wellbeing Policy, Serious Incidents and Mandatory Reporting Policy and Reportable Conduct Policy.

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This complaints and grievances policy and associated procedures are intended to be conciliatory, non-adversarial and non-legal.

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

- the right of the member of the school 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, staff, volunteers and other members of the school community 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
- be sensitive to the diversity and characteristics of the school community, including the bicultural and bilingual characteristics of the school.

Goals

- To provide a healthy, safe harmonious, positive, inclusive and productive school environment, free from discrimination, racism and harassment.
- To provide clear, positive and fair processes which allow grievances to be aired and resolved in a timely and effectively manner.
- To resolve complaints fairly, efficiently, promptly and in accordance with relevant legislation.
- To ensure that the school's complaint-handling policy is publicly available, is accessible, child-focused, culturally safe and easily understood by the school community, and meets all of the other requirements of clause 11.2(a) of Ministerial Order 1359- the Child Safe Standards.
- To ensure complaints are taken seriously and responded to promptly and thoroughly.
- To ensure the school has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperate with law enforcement.
- To ensure recordkeeping, reporting, privacy and employment law obligations are met when responding to complaints and concerns.
- To have a clear procedure for responding to complaints or concerns relating to child abuse which meets all of the requirements of clause 11.3 and 11.4 of Ministerial Order 1359- the Child Safe Standards.

Legal and regulatory framework

- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations (2017)
- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards

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- Legislation and regulations relating to child safety and wellbeing and recordkeeping, including the Child Safe Standards Ministerial Order 1359 and PROS 22/06. Details are set out in the school's Serious Incident and Mandatory Reporting, Reportable Conduct and Child Safety and Wellbeing policies.
- Privacy Act 1988 (Cth).
- Employment related: The school's employment contracts; National Employment Standards (NES); Modern Award Educational Services (Teachers); Modern Award Educational Services (General Staff); Fair Work Act and Fair Work Regulations; Equal Opportunity Act; Sex Discrimination Act, Race Discrimination Act, Disability Discrimination Act, Age Discrimination Act.

Roles and responsibilities

These apply to all complaints and grievances, including (but not limited to) complaints of alleged child abuse and harm, racism, discrimination and breaches of the School's Codes of Conducts as well as other grievances.

Board

- Review and approve this policy every two years.
- Investigate and respond to any formal complaint against the Principal.
- Investigate and consider any appeals relating to the Complaints and Grievances Policy.
- Act in accordance with relevant laws.
- Seek external advice where appropriate.

Principal and Business Manager

- Ensure this policy is understood and implemented by all staff at Deutsche Schule Melbourne.
- Bring any suggested changes to this policy to the attention of the Board.
- Ensure all staff are aware of their rights and responsibilities.

Principal

- Communicate this policy to the wider school community at Deutsche Schule Melbourne.
- Investigate and respond to a formal complaint in a timely manner.
- Use professional judgement, subject to legal or policy requirements, to decide if the matter should be dealt with as a complaint, unsatisfactory performance or misconduct.
- Apply the strategies set out in this policy when investigating and responding to a formal complaint.
- Ensure adequate records of formal complaints are kept including date, involved parties, outcome/s reasons underpinning decisions and actions in response, and that the school's record keeping obligations are met.
- Ensure appropriate records of organisational responses to child sexual abuse incidents and allegations are maintained and stored securely in line with the school's obligations under Ministerial Order 1359- the Child Safe Standards PROS 22/06.
- Act in accordance with the Staff Code of Conduct and relevant law when investigating and responding to a formal complaint.
- Act in accordance with relevant laws, including reporting, privacy and employment law obligations.
- Liaise with the HR Manager where appropriate.
- Seek external advice where appropriate.
- Consult and communicate clearly and effectively with the school community.
- Keep the Chair of the Board informed of all serious complaints.
- Provide feedback to the Board regarding the nature and number of complaints received and resolved. This data will be used to inform School processes, operations, procedures and policies in an attempt to reduce the number of complaints received.

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- Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities in line with the school's Serious Incident and Mandatory Reporting, Reportable Conduct and Child Safety and Wellbeing policies.

School staff

- Respond to complaints in a timely manner with a resolution focused response.
- Clearly document any actions in response to a complaint, including reasons underpinning any decisions made.
- Act in accordance with the Staff Code of Conduct.
- Act in accordance with relevant laws, including reporting, privacy and employment law obligations.
- Liaise with the Principal regarding any serious complaints.
- Consult and communicate clearly and effectively with parents and carers.
- Report suspected abuse, neglect or mistreatment promptly to the school leadership team and/or appropriate authorities in line with the school's Serious Incident and Mandatory Reporting, Reportable Conduct and Child Safety and Wellbeing policies.

Volunteers (including interns)

- Reporting any complaints or concerns to the Principal, other member of the Leadership Team or Class Teacher (as appropriate) as soon as possible. This includes suspected abuse, neglect or mistreatment.
- Providing details of the complaint or concern in writing when requested.
- Act in accordance with relevant laws, including reporting and privacy law obligations.

Parents and other members of the DSM School Community

- Read school notices and newsletters, attend briefings, and seek clarification when required.
- Acting in accordance with the school's Parent Code of Conduct and Complaints and Grievances Policy when raising a complaint.
- Act in accordance with relevant laws, including reporting and privacy law obligations.
- Raise any complaints in a timely manner.

Strategies

Publication

This policy, and information about how and where to make a complaint, are clearly made visible on the school's website.

Complaints Resolution Procedure

All complaints are considered in accordance with the school's Complaints Resolution Procedure set out in in this policy including when a parent's behaviour is thought to be unreasonable (see 'Unreasonable Complainants' below).

Each complaint will be treated in an equitable, objective and unbiased manner. The school's treatment of the complaint will be sensitive to the diversity and characteristics of the school community, including the bicultural and bilingual characteristics of the school.

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Confidentiality and record keeping

Regardless of whether a complaint or grievance is informal or formal, all matters must be treated with utmost confidentiality and professional respect at all times to protect the confidentiality and wellbeing of all involved parties. This includes but is not limited to child abuse and harm incidents, allegations and suspicions.

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.

Records of all formal complaints including meeting minutes and notes on phone conversations will be stored securely on the school server with access restricted to appropriate users such as the Leadership Team and Board. The Principal and will ensure appropriate records of organisational responses to child sexual abuse incidents and allegations are maintained and stored securely in line with the school's obligations under Ministerial Order 1359- the Child Safe Standards PROS 22/06.

Breaches of this confidentiality expectation will be referred to the Principal, school Board and Human Resources Manager who will investigate the breach and determine appropriate action including verbal or written warning, clarifications on expectations of appropriate conduct, verbal or written warnings or implementation of unsatisfactory performance or serious misconduct procedures.

Anonymous Complaints

Whilst the school 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 complainant. Furthermore, anonymous complaints raise natural justice issues for respondents who have a right to know particulars of the allegations made against them. The Principal will determine the extent to which anonymous complaints to the school will be investigated.

Unreasonable complaints

The Principal 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 circumstances, it is appropriate for the Principal 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; involves actions that are brought forward without merit; or/or actions brought forward with the intent to cause conflict.

Complaints involving racism or discriminatory behaviour

The Principal will investigate any complaint compromising of racist or discriminatory behaviour conducted by staff, parents, volunteers or students of Deutsche Schule Melbourne.

If the Principal determines under the Complaints Resolution Procedure set out in this policy that the complainant has substance, then the "Consequences of a breach" section of the relevant Code(s) of Conduct and the "Determining appropriate action" section of the Complaints Resolution Procedure apply.

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If the volunteer is not a parent or staff member, see the “Determining appropriate action” section of the Complaint Resolution Procedure for possible consequences.

If there is a complain of racist or discriminatory behaviour, the school will provide support to the victim in the form of on-site counselling via our School Counsellor. The Curriculum Coordinator in conjunction with the relevant Class Teacher will consider further teaching strategies following the incident for implementation across the impacted cohort and/or across the school.

How to lodge a complaint

The methods available at Deutsche Schule Melbourne for raising a complaint include:

- In person via appointment or meeting
- By phone
- In writing
- By email (complaints@dsm.org.au)
- Lodging a Formal Complaint Form available electronically on our school website or in hard copy from the School’s Front Office. A copy of this form is attached to this policy as Appendix 1.

If any person requires support to lodge a complaint, they may contact the School Office via email complaints@dsm.org.au or phone +61 9489 9364. Complaints will then be forwarded to the appropriate person to respond. Deutsche Schule Melbourne aims to acknowledge receipt of all complaints within two business days.

Who to contact regarding child wellbeing and safety concerns and complaints

In the first instance, parents and carers, volunteers, interns and other members of the school community should direct concerns and complaints regarding child wellbeing and safety, eg child abuse (sexual or physical), neglect or harm to the person(s) listed in the table below. This includes a complaint that concerns the school or the behaviour of anyone connected with the school.

Subject of complaints/concerns	Direct to	Comment
Incidents of child abuse or other child safety or child wellbeing concerns <i>plus see * below</i>	Principal (or Board Chair if it involves the Principal)	You may also wish to notify the class teacher. In addition, anyone can make a report or referral to the Child Protection Service, Victoria Police, Child FIRST, The Lookout & 1800 RESPECT
*Incidents of suspected sexual offence (including grooming) against a child	Victoria Police	Any adult or member of the school community who forms a reasonable belief that another adult has committed a sexual offence (including grooming) against a child under the age of 16 in Victoria must report this information to

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		police as soon as possible. Failure to disclose is a criminal offence
Reportable allegations of reportable conduct <i>Reportable conduct</i> includes sexual offences including grooming, sexual misconduct, physical violence (all against, with or in the presence of a child), behaviour that causes significant emotional or physical harm or significant neglect of a child.	Commission for Children and Young People (CCYP) online notification	Anyone can make such a notification.

The Principal and staff of the school (including teachers, educators and the school counsellor) may have obligations to report concerns regarding child wellbeing and safety (eg child abuse (sexual or physical), neglect or harm) to the appropriate authorities. These reporting obligations are detailed in the following policies: Serious Incident and Mandatory Reporting; and Reportable Conduct; and Child Safety and Wellbeing. They relevant obligations are summarised in appendices to the Serious Incident and Mandatory Reporting policy and the Reportable Conduct policy.

Who to contact regarding other concerns and complaints

Please direct other concerns and complaints to the relevant person(s) listed in the table below in the first instance, attempting to resolve the issue informally. If the matter remains unresolved, a formal complaint should be lodged using DSM's Formal Complaint Form and the resolution process will follow the procedure set out under the Complaints Resolution Procedure detailed in this policy.

Subject of complaints/concerns	Direct to	Comment
Classroom concerns	Class teacher	
Individual subjects	Subject coordinator	A list of current subject coordinators can be obtained from the school office.
Curricular concerns	Curriculum coordinator and/or Principal	Details of the curriculum coordinator(s) can be obtained from the school office.
School-wide concerns	Principal	
Breach of the Staff Code of Conduct	Principal (or Board Chair if it involves the Principal)	

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Subject of complaints/concerns	Direct to	Comment
Breach of the Parent Code of Conduct	Principal	
Breach of the Student Code of Conduct	Class teacher	
Formal complaints	Principal (or Board Chair if it involves the Principal)	

Escalating a complaint if a complaint resolution is deemed unsatisfactory

If the complainant is unhappy with the outcome, they can appeal the decision using the procedure described in the "Appeals" section of the Complaints Resolution Procedure described in this policy.

How a child can make a complaint or raise a concern at DSM

Students are informed regularly using age-appropriate language in class and during assemblies about how to raise concerns and that these will be taken seriously and dealt with.

Deutsche Schule Melbourne has multiple avenues for a child to lodge a complaint including:

- Student Representative Council Meetings
- Student Advocate
- School Counsellor
- School Captains
- Class Council Meetings
- 1:1 discussion with any of the child's teachers
- 1:1 discussion with the Principal or Assistant Principals

The staff member will complete the Formal Complaint Form after the complaint has been heard and lodge it with the relevant staff member/s and/or Principal for follow up.

A formal meeting/interview will occur with the student and impacted staff member/s. There will be at least two staff members present in the formal meeting with the student with one person acting as note-taker.

The investigation and follow up process will be explained to the student, including that they will receive a response in writing.

The student's parents will be advised of the situation.

If the student is unhappy with the outcome, they can appeal the decision using the procedure described in the "Appeals" section of the Complaints Resolution Procedure described in this policy.

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If the child's complaint or concern relates to child wellbeing and safety (e.g. child abuse (sexual or physical), neglect or harm), the Principal and staff of the school (including teachers, educators and the school counsellor) may have obligations to report it to the appropriate authorities. These reporting obligations are detailed in the following policies: Serious Incident and Mandatory Reporting; and Reportable Conduct; and Child Safety and Wellbeing. They relevant obligations are summarised in appendices to the Serious Incident and Mandatory Reporting policy and the Reportable Conduct policy.

External supports if a complaint resolution is deemed unsatisfactory

Complainants can contact a number of external agencies if they are unhappy with the resolution offered by the school regarding their complaint or the matter remains unresolved. They can also at any stage choose to take their complaint directly to the external agency. External agencies include:

- Victorian Institute of Teaching
- Department of Education and Training in Victoria
- Consumer Affairs Victoria
- Victorian Equal Opportunity and Human Rights Commission
- Victorian Registration and Qualifications Authority (VRQA) for complaints about compliance with the minimum standards.

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.

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.

Breach of a policy or Code of Conduct

Any breach of a school policy or a Code of Conduct will be considered under this policy by the Principal and will be dealt with on a case by case basis. This includes any breach by a staff member or volunteer.

The principal may take such action as considered appropriate in response to a breach of policy or Code of Conduct, including (but not limited to) the actions set out in the "Consequences of a breach" section of the relevant Code(s) of Conduct and/or the "Determining appropriate action" section of the Complaints Resolution Procedure.

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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 school 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 Principal 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 Principal 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 Principal 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 Principal 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 Principal 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 Principal to discuss issues involving school 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, a Formal Complaint Form has been lodged or the Principal and/or Chair of the Board believe the complaint warrants formal investigation. Formal processes comprise the following steps:

Investigating the complaint

The Principal and Chair of the Board should:

- establish the precise nature of the complaint.
- acknowledge receipt of the complaint in writing.
- inform the school member of the exact details of the complaint.
- provide the school member with an opportunity for written response.
- provide the school 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 school member the opportunity to meet to clarify matters in response.

Making a finding

The Principal 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 Principal 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 Principal may consider formal apologies, counselling, clarifications on expectations of appropriate conduct, verbal or written warnings, withdrawal of certain privileges or opportunities, exclusion from future school events or functions, exclusion from the school grounds and facilities, revocation of enrolment, conciliation, or implementation of unsatisfactory performance or serious misconduct procedures, escalation to Board level or an order under the School Community Safety Order Scheme.
- After making and acting on a decision the Principal and the Chair of the Board will attach a copy of all documents/reports related to the complaints process to the school member's personal file.

Appeals

- If the complainant considers the School's response to be unsatisfactory, the complainant may appeal the decision.
- The appeal must be in writing and addressed to the Board. The Board will convene a review panel of two or three staff members (must be Leadership or Extended Leadership) of the School to further investigate the complaint and appeal. This may involve a meeting with the complainant and any other relevant stakeholders.
- When the Board has liaised with the review panel on the findings, the Board will make a decision regarding the complaint / appeal. The complainant will be informed in writing of the outcome and reasons for the decision.

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Appendix 1

Deutsche Schule Melbourne Formal Complaint Form

Please use this form to lodge a formal complaint and submit it with supporting documentation. Formal complaint forms can be submitted to complaints@dsm.org.au or the School Principal. Deutsche Schule Melbourne will aim to acknowledge complaints within two business days of receipt.

Surname / First Name: _____

Address: _____

Contact Phone Number: _____

Contact Email Address: _____

Who has been impacted by this complaint? _____

Date, Time and Location of the Complaint: _____

Details of the Complaint- please ensure you provide as much detail as possible.

Has the matter been raised informally with the staff member involved in the issue? Yes/No

If your answer is no, then we recommend you raise the issue with the relevant staff member in the first instance to resolve the issue.

Solution: How could this issue be resolved? Please list your ideas.

Name: _____

Signature: _____

Date: _____