

Toorak College

Complaints Policy and Procedures

1. Purpose of this policy

- 1.1 Toorak College understands that occasionally 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 responsible¹. Where possible the college encourages such concerns to be identified and resolved speedily and informally through our parent/guardian communication guides; the complaints policy is designed to apply when that proves more difficult and a formal process is required.
- 1.2 The purpose of this policy is to set out the principles, guidelines and procedures governing the college's approach to the resolution of complaints from parents /guardians. 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. Principles

- 2.1 The College believes that staff, parents and students are committed to working closely together to provide the best educational opportunities for every child. The College is committed to the development of professional, trusting and cooperative relationships between the school, parents and the college community.
- 2.2 Where possible, the school encourages concerns and complaints to be identified and resolved speedily and informally through our **communication guides for academic and pastoral queries**; this can be done via phone, email or in person directly with the college staff; the complaints policy is designed to apply when that proves more difficult and a formal process is required.
- 2.3 The College seeks the assurance from members of its community that complaints do not give rise to victimisation or reprisal.
- 2.4 The College believes that 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 college will undertake to respond to both the specific and (where applicable) the systemic issues raised by the complaint.
- 2.5 The College 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, particularly any in relation to children with disabilities, children from linguistically and culturally diverse backgrounds, Indigenous children, and children who are vulnerable, will be given the highest priority and attention².
- 2.6 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.
- 2.7 The complaints policy and procedures are intended to be conciliatory, non-adversarial and non-legal.

¹ The Complaints Policy is written primarily with parents in mind. The same policy can, however, also be used in responding to complaints from external organisations and other stakeholders.

² Concerns raised in relation to the Child Safe Standards will be dealt with in accordance with the school's Child Safe Policy.

3. Principles governing the way in which complaints are handled

- 3.1 In resolving a complaint the school will give priority to the student's wellbeing and educational needs.
- 3.2 The College will respond to all formal complaints in a timely manner. The College 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.
- 3.3 The College 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.
- 3.4 The College 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.
- 3.5 The College will endeavour to respond to each complaint in a fair, objective and unbiased manner, taking into account the school's mission and values. Anyone involved in the complaint will be required to declare any conflicts of interest.
- 3.6 In dealing with the complaint, the school is committed to acting in a confidential manner and expects that parents involved in the complaint will show similar respect for the process and for others involved by doing likewise.
- 3.7 The complaints procedures will be restricted to dealing with the matter raised by the complaint and not with any other matters.
- 3.8 The College may determine that a complaint is vexatious (where the complaint is designed to harass, annoy or embarrass the College 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.
- 3.9 The College will ensure any actions, outcomes and the resolution of a complaint are well documented, kept on file and that the parents concerned have a copy of the final decisions.
- 3.10 The College will ensure that the handling of complaints does not contravene the College's Privacy Policy. The school will seek actively to prevent the disclosure of personally identifiable information concerning the parents and students involved in the complaint.

4. Who handles complaints?

- 4.1 Where possible, the College encourages concerns to be identified and resolved speedily and informally with the member of staff most directly involved via the College's communications process. e.g. classroom teacher/head of year/the deputy principal/the principal.
- 4.2 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 deputy principal/principal.
- 4.3 If the complaint concerns the decisions, actions or activities of the principal, a formal complaint should be made to the Chairman of the Toorak board, Peter Wickenden via email at peter@burkebond.com.au
- 4.4 Any appeals process should be addressed to the Chairman and will be handled by a sub-committee of the governing board.

5. What issues are covered by this policy?

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

- 5.1 A breach of the obligations by the school in relation to the democratic principles as set out in the Education and Reform Regulations (2017)³.
- 5.2 Availability of information about the College's performance.
- 5.3 The right of a parent or student to access information about the student's achievement.
- 5.4 Decisions, actions, or activities for which the College is responsible and which are thought to go against the spirit of the College's mission and values or which are alleged to be inequitable or procedurally unfair.
- 5.5 Perceived personal concerns that impact school-related interpersonal relationships.

6. Scope

- 6.1 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).
- 6.2 The Complaints Policy does, however, apply to concerns that a prospective employee might have in relation to the appointment of staff.
- 6.3 The Complaints Policy does not specifically apply to students. The College has created an internal student friendly process for students to use when something goes wrong or is difficult for them.

7. Breach of policy

- 7.1 Any breach of College policy by a parent will be considered under this policy by the principal and will be dealt with on a case-by-case basis.
- 7.2 The principal may take such action as considered appropriate in response to a breach of the policy including the:
 - a. provision of a verbal or a written warning
 - b. withdrawal of certain privileges or opportunities
 - c. exclusion from future school events or functions
 - d. exclusion from the school grounds and facilities
 - e. revocation of their child's enrolment.

8. Legal and regulatory basis for compliance

- 8.1 Education and Training Reform Act 2006 (Vic)
- 8.2 Education and Training Reform Regulations (2017)
- 8.3 Victorian Registration and Qualifications Authority (VRQA) Minimum Standards
- 8.4 Child Safe Standards Ministerial Order 870
- 8.5 Privacy Act 1988 (Cth).

³ This, together with 5.2 and 5.3, are requirements as set out in the VRQA *Guidelines to the Minimum Standards* (January, 2019) page 6.

9. Roles and responsibilities

- 9.1 The governing board is responsible for:
- a. determining this policy and reviewing it on an annual basis
 - 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
- 9.2 The principal is responsible for:
- a. determining the complaints procedures and ensuring that they are implemented in a way that is consistent with this policy
 - b. 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
 - c. responding to a formal complaint brought under this policy
 - d. 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.
- 9.3 Members of staff are responsible for:
- a. responding to and resolving concerns and complaints raised informally
 - b. responding to concerns raised by students.

10. Links to other policies

- 10.1 Child Safe Standards Policy
- 10.2 Grievance Policy (staff)
- 10.3 Whistle blower Policy
- 10.4 Privacy Policy
- 10.5 Record Management Policy
- 10.6 Student Wellbeing Policy
- 10.7 Anti-Bullying Policy.

11. Procedural documents

- 11.1 Informal concerns and complaints: Communication guides for academic and pastoral queries. (Appendix A)
- 11.2 Toorak College Formal complaints procedures (Appendix B)
- c. how a complaint can be raised
 - d. how an investigation or inquiry will be conducted
 - e. the procedures for handling the complaint
 - f. guidelines for recording the complaint, decisions taken in response to the complaint and the resolution.
 - g. complaints form
- 11.3 Appeals (Appendix C)
- h. how an appeal can be raised and on what basis

- i. how the appeal is handled
- j. guidelines for recording the complaint, decisions taken in response to the complaint and the resolution.

12. Policy review

- 12.1 The governing board will review this policy and monitor its implementation, including the register of complaints, on an annual basis.

13. Version 2, Date March 2020

Approved by Principal: Kristy Kendall and Toorak College Board

Appendix B Formal complaint procedure

1. Making a complaint

- 1.1 Parents are asked to discuss any concerns with the classroom teacher/head of year/the deputy principal/the principal at an early stage so that the school can work together with parents to resolve these as promptly and efficiently as possible. Guidelines for making and resolving a concern using the informal process are covered in our parent/guardian communication guides found in student diaries.
- 1.2 If the concern or complaint is not resolved to the satisfaction of the parents through the informal process, the formal complaints procedure may be followed as set out in this document.
- 1.3 The formal complaint should be made in writing using the formal complaints form and should be addressed to the principal.
- 1.4 If the complaint is in relation to the principal, the complaint should be made in writing using the formal complaints form and should be addressed to the Chair of the governing board.⁴
- 1.5 Parents may choose to make the complaint in person, by email at complaints@toorakc.vic.edu.au or by phone, in which case they are asked to make arrangements to meet or speak to the principal at a convenient time:
 - k. if parents 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.
 - l. if parents arrange to meet with the principal in person or by phone, it is important that, as set out in the policy, the conversation is respectful and constructive. If either the principal or the parent 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
 - m. If parents decide to make the complaint in person or by phone, the school may use the formal complaints form to record the complaint. The parents will be invited to review the completed form to confirm that the complaint has been accurately recorded.
- 1.6 It is helpful if the complaint is clearly identified before contacting the school:
 - n. if there is more than one problem, parents are advised to list the issues concisely and clearly so that the extent of the problem is clear to the school.
 - o. if more than one parent or a set of parents raises the same or a substantially similar problem, each complaint will be managed separately.
- 1.7 Parents are also asked to indicate how, if legal, possible and practicable, they would want the complaint to be resolved.

⁴ 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.

2. Investigating the complaint

- 2.1 Some complaints can be resolved through discussion but others require that the problem or allegation be investigated before coming to a resolution.
- 2.2 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.
- 2.3 The investigation may take the form of interviews with others involved, reviewing documentation, etc. If it is thought advisable and necessary, the principal may appoint an external advisor as investigator.
- 2.4 In carrying out an investigation, the school will be mindful of the need for confidentiality. The parents will be informed in advance of any decision to speak to others during the course of the investigation.
- 2.5 The investigator will be asked to prepare a brief written report outlining their findings. [The investigator's report is confidential to the school.]

3. The complaints meeting

- 3.1 The principal will normally chair the complaints meeting.
- 3.2 Parents 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.
- 3.3 The meeting will discuss the matter thoroughly, ideally using the following steps:
 - p. a clear description and understanding of the issue
 - q. the claimed impact and whom it impacts
 - r. what is claimed will happen if the issue is not resolved
 - s. 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.

- 3.4 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.
- 3.5 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.
- 3.6 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.

4. The complaints resolution

- 4.1 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.
- 4.2 In resolving the issue, the following steps should be followed:
 - t. a statement confirming that those involved consider the complaint (or an aspect of the complaint) is resolved

- u. how the complaint is resolved
- v. 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.

- 4.3 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.

5. Record keeping

- 5.1 It is important that consistent, well-structured, concise and complete information is on file for current and future use.
- 5.2 The parents will be provided with a copy of the record of the complaint.
- 5.3 The following documentation will form the record of the complaint:
- w. the formal complaints form, whether completed by the parents or by the school and confirmed by the parents.
 - x. a record of the complaints meeting and the steps followed as set out in §3.3
 - y. a record of the resolution as set out in §4.2
 - z. a record of the follow up meeting.
- 5.4 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 secured by the principal or the governing board (in the case of a complaint made against the principal) as is appropriate.

6. Appeals

- 6.1 If parents 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.

7. Complaints to the governing board

- 7.1 If the complaint is in relation to the principal, the complaint should be made in writing using the formal complaints form and should be addressed to the Chair of the governing board.
- 7.2 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.
- 7.3 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.
- 7.4 When a complaint is made to the governing board, the board's decision will be final. complaints form

Appendix C Appeals within the complaints process

8. Making an appeal

- 8.1 If parents believe that their complaint is not resolved or that the resolution is unsatisfactory, they may appeal the complaint to the governing board.
- 8.2 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.
- 8.3 The grounds for the appeal should be clearly identified. The grounds could include the following:
 - aa. the complaints policy and procedures were not followed
 - bb. the resolution of the complaint is claimed to be insufficient, unfair, biased, unreasonable and/or disproportionate.
- 8.4 The appeal will use the record of the complaint as agreed and will not normally re-hear the complaint itself.
- 8.5 Parents are also asked to indicate how, if legal, possible and practicable, they would want the appeal to be resolved.

9. Responding to the appeal

- 9.1 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.
- 9.2 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.
- 9.3 The appeal committee may approve the appointment of an external consultant to conduct an investigation, mediation and/or arbitration.
- 9.4 The appeal committee [has full delegated powers to resolve the issue / will make recommendations to the full board as to the actions required to resolve the issue]
- 9.5 The decisions of [the appeal committee / the governing board] are final.

10. Record keeping

- 10.1 A full record of the appeal will be made following a similar structure to that outlined in the complaints procedures.
- 10.2 Parents will be provided with a copy of the final decisions of the appeal.
- 10.3 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 governing board (in the case of a complaint made against the principal) as is appropriate.



Toorak College Formal Complaints Form

11. Personal details

Name:	
Address:	
Phone:	
Email:	

12. Student details (if applicable)

Name:	
DOB:	
Year Level	
Class or Wellbeing Teacher	

13. Details of the complaint

Please outline and specify details of the complaint including

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

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14. Resolution

How could this matter be resolved?

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15. Signature

Parent Signature:	Date:
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16. Next steps

Please submit the complaints form by email to one of the following email addresses:

complaints@toorakc.vic.edu.au or in person at either senior school or junior school reception

'You will receive an acknowledgement that your complaint has been lodged. The acknowledgement will set out the next steps in responding to your complaint.'

If the complaint is in regard the Principal, please email the Chairman of the Board at

peter@burkebond.com.au

17. Administration: School Use

Date form received:

Received by:

Date form acknowledged:

Acknowledged by: