

Complaints and Conflict Resolution Policy

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Policy	
Relevant to	All College community members – staff, students, parents/carers/guardians, Council members.
Responsible Officer	Principal
Contact Officer	Complaints Officer
Authorisation	College Council
Date Introduced	01/09/2012
Effective Date of Latest Version	01/08/2020
Next Review Date	01/06/2025 This policy will be reviewed after 12 months and then every five years, or as required by legislation.
Relevant Legislation or Source	<ul style="list-style-type: none"> ▪ Education and Training Reform Act 2006 (Vic) ▪ Education and Training Reform Regulations (2017) ▪ Victorian Registration & Qualifications Authority (VQRA) Minimum Standards ▪ Child Safe Standards Ministerial Order 870 ▪ Privacy Act 1988 (Cth)
Linked Victory LC Policy	<ul style="list-style-type: none"> ▪ Child Protection Policy ▪ Mandatory Reporting Policy ▪ Bullying & Harassment Policy ▪ Behaviour Management Policy
Linked Victory LC Procedure	<ul style="list-style-type: none"> ▪ Complaints & Conflict Resolution Procedure – VLC Community ▪ Workplace Complaints & Dispute Resolution Procedure – VLC Staff
Linked Victory Guidelines/Manual	Code of Conduct
Key Words	Complaint, Complainant, Defamation, Due Process, Restorative Justice, Support Person,
Destination	CompliSpace, College Website

Revision / Modification History			
<i>Date</i>	<i>Version</i>	<i>Summary</i>	<i>Policy/Procedure</i>
01/01/2016	1	New Policy	Complaints & Conflict Resolution Policy
27/06/2019	2	Full Review of Policy / Procedures	Complaints & Conflict Resolution Policy
01/8/2020	3	Full Review of Policy / Procedures	Complaints & Conflict Resolution Policy

COMPLAINTS & CONFLICT RESOLUTION POLICY



Purpose

This policy defines the principles and procedures regarding complaints and conflict resolution at Victory Lutheran College.

Victory Lutheran College endeavours to provide a quality Christian education where the whole person can grow and develop with confidence and dignity. The College strives to provide a safe, respectful and supportive environment for all students, parents and staff.

From time to time staff, parents or students may have concerns regarding relational, educational, behavioural or school environment complaints or grievances. The College seeks to resolve these matters in a positive, professional, respectful and timely manner.

Implementation

- **Review**
The Principal is responsible for review of this policy.
- **Advice and Support**
The College Executive Leadership Team, College Council, LEVNT & ISV personnel can give advice on this policy.
- **Communication Strategy**
This policy will be communicated via the Learning Management System (Cirrus) as well as available through the College website. Information will also be regularly provided via our College newsletter.

Authorisation of Policy

Responsible Officer: Principal

01/08/2020

Authorised: College Council

01/08/2020

Definitions

Complaint

Complaints or conflict situations involve two or more people with different expectations and views, each one taking a position and acting on what they believe is right. In addition, Victory Lutheran College has expectations that must also be taken into account.

Within the context of this process, a complaint is defined as an expression of dissatisfaction by a student, parent, staff member or other member of the Victory Lutheran College community with any action or behaviour of a staff member or an aspect of Victory Lutheran College life or employment which the complainant perceives as adversely affecting him or her, or a student of Victory Lutheran College.

The complaint may relate to real or perceived:

- sexual harassment
- harassment or bullying
- discrimination on the grounds of disability, race, religious belief, political viewpoint, gender, marital status, pregnancy, sexual preference, national or ethnic origin
- unfair, unreasonable or improper treatment
- alleged poor performance (of teaching or administrative duties)
- conflict of interest
- behaviour that is contrary to the standards defined in the LEA code of ethics
- allegations of bias
- ongoing personal conflict

An employee's complaint may also relate to issues such as:

- behaviour or perceived inaction by a staff member which has or is likely to have an unreasonable negative impact on another staff member's ability to fulfil their duties
- administrative decisions concerning people that are arbitrary, capricious or made without appropriate consultation
- industrial issues – anything that has a bearing on conditions of employment (salary, terms of employment, working conditions, work load, etc)

Complainant

A person who is dissatisfied. This may be a parent, student, staff member or other member of the Victory Lutheran College community.

Defamation

At times a complainant and the employer and employees who attempt to deal with a complaint internally may be threatened with an action of defamation. Although there is little risk of such action succeeding against a genuine complainant who seeks information and support from the appropriate people only, it is important that:

- a complainant is advised not to discuss the complaint issue with all and sundry;
- each person who is legitimately provided with information relating to the complaint takes great care to protect that information. Leaving a computer screen open or a note lying on a desk can put the person at risk in any legal action;
- each person who legitimately passes on information does so "without malice" and to ensure the health and safety of the complainant.

Facts at issue	Details of the complainant's and respondent's names and contact information, place and date and description of the alleged behaviour, why it is in question, whether there was any authority to engage in the alleged conduct, whether there was any breach of any policy, behaviour, standard or law.
Good faith complaint	A complaint submitted by a complainant who has honest belief based on reasonable grounds.
Impact of an investigation	Managing the impact of an investigation means: <ul style="list-style-type: none"> ▪ anticipating where the impact will be greatest ▪ considering how the investigation is likely to affect staff morale ▪ devising strategies to minimise the adverse effects ▪ devising strategies to restore relationship wherever possible
Procedural fairness	Procedural fairness is also referred to as "natural justice". It applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way and works to ensure that decision making is fair and reasonable. Justice should not only be done, it should be seen to be done. In effect it means that bias (both real and perceived) is avoided and all parties are given a fair hearing.
Respondent	The subject of a complaint – the person alleged to have caused the dissatisfaction, through their words, action or inaction.
Vexatious complaint	A complaint that is submitted for an improper purpose – for example, as an act of revenge, to obtain personal benefit or because the person likes to complain all the time.

Policy Statement

1. Rationale

As a Lutheran school, Victory Lutheran College seeks to be a place of physical, social and psychological safety for all where legal requirements are fulfilled, and where caring, cooperative and respectful relationships contribute to supportive communities that reflect the values of the gospel of Jesus Christ. At Victory Lutheran College there is a focus on love, justice, compassion, forgiveness, service, humility, courage, hope, quality and appreciation.

"If it is possible, as far as it depends on you, live at peace with everyone" (Romans 12:18)

From time to time, concerns regarding educational, behavioural or school environment issues may arise. For this reason, Victory Lutheran College has developed a set of procedures to work through unresolved situations, or where an action or decision is considered unfair or inappropriate. This is the reality of sin and our inability to live in perfect harmony with one another. However, through God's grace and forgiveness, and by the guidance of the Holy Spirit, we strive to reconcile differences and resolve all conflict amicably.

To this end we are guided by the Scriptures:

- "If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses" (Matthew 18: 15,16)
- "Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen." (Ephesians 4:29)
- "Be kind and compassionate to one another, forgiving each other, just as in Christ, God forgave you." (Ephesians 4:32)

Victory Lutheran College is committed to using Restorative Practices (RP) to address issues of concern, resolve conflict and restore peace.

RP consists of a philosophy and continuum of processes based on the premise that it is preferable for people involved in a conflict, wrong doing or misbehavior (where possible) to be actively involved in the process of resolution and that repairing harm done to people and relationships is an effective way to build a safe and caring community.

2. Guiding Principles

Aims

- The grievance procedure provides guidelines for raising an unresolved issue or complaint and having it considered seriously. It is essential, therefore, that before the process begins, all parties participating are familiar with the process and with the Christian principles underpinning it.
- It is recognized that individuals in Victory Lutheran College community are at different stages in their faith journeys and that this could affect their readiness and/or willingness to engage in prayer throughout the procedural steps.
- Informal resolution of a grievance is encouraged and is always the preferred option. This is reached when the outcome is satisfactory to all. The formal process is set in motion where the informal process does not reach a satisfactory outcome.

Commitment

- Victory Lutheran College leaders model best practice in handling complaints.
- Victory Lutheran College community members are informed about complaint resolution procedures and the people with the responsibility for receiving and dealing with complaints.
- Complaint resolution processes rely on people acting in good faith, exercising good judgement, being honest and open, focusing on the issues not the person, and communicating in a courteous and respectful manner.
- Victory Lutheran College Council will support and encourage conflict resolution training for the Principal and Staff to assist the grievance process.

Fairness

- People are entitled to lodge a complaint.
- Complaints are lodged in good faith.
- All complaints are taken seriously.
- Every reasonable effort is made to ensure that a person who lodges a complaint will not be treated unfairly or victimized, the person dealing with a complaint is not intimidated or coerced and the respondent receives a fair hearing.
- Subject to duty of care or other legal obligations, people are informed of any allegations against them or grounds for adverse comment about them.
- All parties are given reasonable opportunity to reflect on information and to put forward their case.
- Only matters relevant to the complaint under consideration are taken into account.
- As far as possible and appropriate, confidentiality is respected and maintained by all parties through the resolution process, save where persons are required to be informed on a “needs to know basis” or where statutory or legal requirements demand that matters be reported.
- Reasonable inquiries or investigations are made before a decision is made about the validity or otherwise of a complaint.
- All parties to a complaint are informed of the decision and the reason for it.
- Investigation and decision-making arrangements do not conflict.
- No person decides a case in which they have a direct interest.
- All parties are entitled to personal and/or professional advice, support or representation.
- Application of the rules of procedural fairness may vary from one context and situation to another.

Advocacy and Support

- Students are entitled to have a staff member or parent support them through the complaint resolution process, including attending meetings.
- All other complainants are entitled to have a support person to support them through the complaint resolution process, including attending meetings.

Resources

- Roles and responsibilities for receiving and dealing with complaints are clearly defined and designated, and relevant staff provided with training in communication skills and handling complaints.
- Designated staff have sufficient authority to handle complaints or ready access to those who do have the necessary authority.

Access

- Complaints resolution procedures are accessible, consistent and apply to all participants.
- Participants have the right to exercise choice in the method of resolution of a complaint.
- Complaints can be lodged in multiple formats.
- Complainants are encouraged to identify themselves to allow optimal investigation and resolution of an issue. However, anonymous complaints are taken seriously, recorded and considered as far as practically possible as they can lead to a productive outcome in some circumstances.
- The applicable and relevant complaints handling procedures are available to all members of Victory Lutheran College community, in either print or electronic form.
- The complaints handling procedures are regularly promoted within Victory Lutheran College and community.

Assistance

- Complainants are not required to repeat their complaint to a number of different people.
- Complainants are allowed a support person in the complaint process.
- Victory Lutheran College designates people to receive and manage complaints.

Mediation and Counselling

- Counselling is available to staff through:
 - College Pastor and/or Chaplain, or
 - Director of Well-being, or
 - through the College's Employee Assistance Program accessible through the Access EAP 24 hour contact line 1800 818 728.
- Counselling is available to students and parents through our:
 - College Well-being Team, including Director of Well-being and/or Counsellors;
 - College Pastor and/or Chaplain;
- All parties involved in addressing a complaint may seek the services of a mediator when there is difficulty coming to an agreement.
- Mediation can be requested through the Principal, or if the matter concerns the Principal, from the Chair of the Victory Lutheran College Council.

Responsiveness

- Complaints are dealt with speedily and sensitively.
- Early intervention, effective management and prompt resolution are seen to be critical.
- In general, complaint resolution closest to the source of the problem is the most effective.

Remedies

- An effective complaints procedure includes a variety of options for resolution.
- The grievance procedures may result in the decision or action not changing or being reversed. Sometimes the only achievable outcome may be the enactment of forgiveness. Sometimes it may be an understanding to follow or improve guidelines or procedures in the future.
- Acknowledgement and an apology are expected when a complaint has substance. Where possible, there should be an agreement about how harm can be repaired.
- A complainant should be provided with evidence that the complaint has been addressed in a transparent and consistent manner.

Data Collection and Use

- Complaints are recorded in a systematic and standard way and records filed.
- Records of complaints include sufficient information to allow subsequent analysis if needed.
- Recorded complaints are analysed to determine if there are any recurring patterns.
- Any patterns of behaviour are dealt with by Victory Lutheran College Leadership Team.

Reviews

- Complaints handling procedures are regularly reviewed for responsiveness and effectiveness.

Referrals

- A complainant has the option to refer the complaint if they are not satisfied with the outcome reached by Victory Lutheran College or if the complaint is regarding the Principal. Depending on the type of complaint the following referral avenues are available:
 - Victory Lutheran College Council
 - Executive Director of Lutheran Education Victoria, New South Wales and Tasmania (LEVNT) (03) 9236 1250 or director@levnt.edu.au
 - Victorian Registration and Qualifications Authority (VRQA)
*Note the VRQA **does not investigate all complaints**, however, can refer you on to the external agencies who do. For example, the VRQA cannot investigate refund disputes, however Consumer Affairs can. Online complaint form <http://www.vrqa.vic.gov.au/StateRegister/Public.aspx/LodgeComplaint>*
 - The Victorian Institute of Teaching (VIT)
Note the VIT deal with complaints that relate to allegations of misconduct, serious misconduct, serious incompetence or a teacher's mental and physical ability to teach. The VIT encourages you to follow the College's grievance policy and only refer the matter to the VIT if the complaint cannot be resolved in this forum.

Further Workplace and industrial referrals are outlined in the Workplace Complaints and Dispute Resolution Procedure.