

Student Care, Safety and Welfare: Complaints and Grievances Policy and Procedure

1. Context

Advance College of Education (ACE) is an independent, specialist school which caters for young people primarily aged 15- 19 years who have become disengaged from mainstream education. Our students may have significant gaps in academic achievement and might find it difficult to learn in a group setting, which can lead to behavioural and social struggles at school. The College has three campuses at Hastings, Mornington and Rosebud which offer the Victorian Certificate of Applied Learning (VCAL) at Foundation, Intermediate and Senior Levels.

The VCAL qualification is based on adult learning and youth development principles that focus on developing the literacy, numeracy, work related and personal development skills required to successfully map and navigate a pathway to further education and/or employment.

The program aims to:

- Use curriculum that builds on students' interests, abilities and strengths;
- Provide practical 'hands-on' activities to facilitate learning;
- Provide opportunities to integrate learning outcomes across one activity;
- Recognise all student achievements and value their contribution;
- Allow students to learn at their own pace and in different ways according to their preferred learning style;
- Build resilience and confidence;
- Encourage and support active participation in the community; and
- Extend learning experiences beyond the classroom.

ACE recognises the human rights of all people to access quality education in a safe and inclusive environment free from discrimination.

2. Rationale

Advance College of Education is committed to providing a safe and supportive working and learning environment for all members of the College community. To achieve this the school fosters trusting and cooperative relationships where regular, open and constructive communication between all stakeholders is encouraged. The school acknowledges that misunderstandings and differences of opinion may occur from time to time and that these need to be resolved in a satisfactory manner for all parties. ACE has developed a framework for resolving parent/carer or student complaints and grievances in a dignified and respectful manner.

3. Aims

The College's Complaints and Grievances Policy and Procedure aims to establish clear guidelines for responding to and resolving concerns raised by parents, caregivers or students. The policy ensures that:

- ACE meets its obligation to respond to parents, caregivers or student complaints in a fair, effective and efficient manner.
- Parents, caregivers and students are informed of how they may raise their concern or complaint with the College.
- A formal and transparent process for resolving complaints is maintained and communicated to all members of the College community.

This policy does not apply to critical incidents, emergency management or criminal offences.

4. Policy

ACE's Complaint and Grievances Policy reflects the following guiding principles:

- **Visibility / Accessibility:** Information about how and where to make a complaint, as well as how they will be handled, will be clearly communicated to the College community. This policy will be made publicly available via the ACE website. The complaint-handling process is flexible and includes the ability to make a complaint in person, via email, phone or in writing.

Support will be provided to parents/carers/students with special needs (including translations, interpreters). Complainants will also be able to seek the services of an advocate if they wish to.

- **Responsiveness:** Receipt of a written complaint or email will be promptly acknowledged by the College. Dependant on the grievance or complaint this may be by a member of staff, the Leadership Team or the Principal. Complaints will be addressed promptly with parents/carers/student kept informed on the progress of their complaint.
- **Objectivity:** Each complaint will be treated in an equitable, objective and unbiased manner.
- **Cost:** There will be no cost to the parent/carer/student for access to the complaint handling process at the College.
- **Protection of Privacy:** Personally identifiable information concerning the parent/carer/student will be actively protected from disclosure except where needed in relation to the complaint. This means that the complaint will only be discussed with those directly involved in the complaint handling process.
- **Student Focused:** The College will remain open to feedback including complaints and will demonstrate a commitment to resolving complaints with the educational wellbeing of students as the first priority.
- **Accountability:** The College is accountable, both internally and externally, for their decision making and complaint management performance. ACE will provide explanations and reasons for decisions made to the relevant stakeholders as required.

The best interests of the school community will generally exceed those of any individual.

5. Implementation

5.1 Communication

The College policy on Complaints and Grievances is made available to all students, staff, parents and carers in the following mediums:

- An overview at the Enrolment Interview
- A summary in the Staff/Student Handbooks
- The College Website

The Policy is 'kept alive' through:

- Presentations and discussion at staff meetings.

5.2 Responsibilities

The Chair of the College Board:

- Will respond to any formal complaint raised that relates to the Principal.
- Will respond to an appeal that is lodged in relation to an unresolved formal complaint.

The Principal:

- Will determine the complaints procedures and ensure that they are implemented in a way that is consistent with this policy.
- Will ensure the policy and procedure is communicated to parents/carers/students and the wider school community.
- Will respond to formal complaints brought under this policy.
- Will retain a register of formal complaints (listing the date, subject and resolution) for reporting to the College Board on an annual basis and to be available to the VRQA as required.

Staff:

- Will respond to and resolve concerns and complaints raised informally.

5.2 Scope

This Policy and Procedure applies to parents/carers and students of Advance College of Education. Anonymous grievances with no identifiable source will not be considered under this Policy.

The College shall use this Policy where appropriate, to seek to resolve grievances which fall within ACE's area of responsibility. All cases of serious misconduct including but not limited to, sexual offences, criminal charges, or serious incidents will be referred to external authorities.

Child Protection Procedures

Nothing in this document replaces procedures developed by the College in respect of the investigation of matters arising under the Child Safe Standards (refer to *ACEP30 Student care, Safety and Welfare: Child Safe Policy and Procedure*).

5.3 Definition

Grievance/Complaint: A complaint or a grievance is an expression of dissatisfaction with a real or perceived threat at our College where a response or a resolution is expected. The dissatisfaction will usually arise from a perception that ACE has done something wrong, failed to do something it should have, or acted unfairly or inappropriately. The complaint may be about a staff member, a student, a decision, educational services provided or a policy or procedure.

5.4 Relevant Legislation

- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations (2017)
- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards
- Child Safe Standards Ministerial Order 870
- Privacy Act 1988 (Cth).
- Child, Wellbeing and Safety Act (2005) (Vic.)
- Children Legislation Amendment (Reportable Conduct) Act 2017
- Crimes Act 1958 (Vic.)
- Equal Opportunity Act 2010 (Vic.)
- Abuse in Schools Privacy and Data Protection Bill 2014 (Vic)
- Working with Children Act 2005

6. Procedure

6.1 Making a Complaint

Where a parent/carer/student is dissatisfied with action taken, decisions made or educational services provided a complaint can be made to the College in person, via the phone or in writing or email.

Prior to making a formal complaint the College encourages the complainant to raise their concern or issue with the relevant staff member in an attempt to resolve the issue.

The complaint should be made to the following stakeholders dependant on circumstance:

- The student's Home Teacher where it relates to teaching and learning issues or incidents that occur in their class or group.
- The Education Support Coordinator (ESC) or the Learning Engagement Coordinator (LEC) if students from several classes are involved.
- The Principal or a member of the Leadership Team where an issue or concern relates to a staff member or complex student issues.
- The Principal about issues relating to school policy or school management.
- The Principal about issues relating to other students or other families.

Clarification regarding the appropriate point of contact for a complaint can be made by contacting the College.

Complainants can seek the services of an advocate when they feel they are unable to express their concern clearly. An advocate can be a friend or someone who is available through an appropriate support organisation who does not receive a fee for service.

- All parties involved in addressing a complaint may seek the services of a mediator when there is difficulty coming to an agreement.
- ACE will ensure that the complainant is aware of these supports. A complainant who wishes to use these support services should ensure the person addressing the concern or complaint is aware of their intention and agrees.

6.2 Expectation:

ACE expects parents/carers/student raising concerns or complaints to:

- Do so promptly, as soon as possible after the issue occurs or the concern has been realised.

- Provide complete and factual information about the concern or complaint, preferably in writing or via email.
- Maintain and respect the privacy and confidentiality of all parties.
- Acknowledge that a common goal is to achieve an outcome acceptable to all parties.
- Act in good faith, and in a calm and courteous manner.
- Show respect and understanding of differing points of view and value difference, rather than judging and blaming.
- Recognise that all parties have rights and responsibilities which must be balanced.

ACE will not tolerate parents/carers who directly approach students from other families with a school related complaint. In the interests of safety and respect for all within the College community, parents/carers must bring their concerns or complaints to the relevant staff member, or the Principal to ensure that an appropriate resolution can be achieved.

6.3 Initial Response to Complaints:

ACE will make all reasonable efforts to promptly respond and resolve complaints made by any member of the school community.

Upon receipt of a complaint of a serious nature (those that require intervention or investigation), the College will document:

- Name and contact details of the person with a concern or complaint.
- The date the concern was expressed or complaint made.
- The form in which the concern or complaint was received (such as face-to-face, by telephone, in writing, by email).
- A brief description of the concern or complaint.
- Any recommendations for future improvement in the College's policy or procedures.

The College will then:

- Promptly acknowledge receipt of the concern or complaint either in writing or via email.
- Establish a clear timeline for investigating and responding to the complaint and commit to adhering to this timeline.
- Provide the complainant with a copy of this policy and procedure in order to establish clear expectations. This may also be accessed via the College's website.

Upon receipt of a concern or complaint of a less serious nature (those anticipated not to require intervention or investigation) the school will:

- Acknowledge receipt of the concern or complaint verbally and will commit to providing a prompt response to the complainant with possible resolutions.

6.4 Addressing Complaints:

ACE may choose to consider either an informal or more formal approach to addressing complaints. The College will generally, in the first instance, choose an informal approach as it may prevent the escalation of a minor dispute to a more serious complaint.

6.4.1 Informal Options: The following informal options could be considered:

- **Self-resolution** – The parties themselves may resolve concerns in open discussion with the provision of relevant information or the clarification of issues. This option involves reflection and conversations respectful of each person's needs.
- **Supported self-resolution** – The parties may be assisted to resolve a possible misunderstanding, miscommunication or lack of clarity about the issue in question by a support person such as the Principal, a member of the Leadership Team, a colleague, or the School Psychologist providing professional advice or support.

6.4.2 Formal Options: In circumstances where no mutually acceptable resolution to the matter is reached through informal resolution, or in cases where the matter is considered to be serious, formal procedures can include:

- **Intervention** – The Principal may meet with the party, or parties separately or jointly. If this does not resolve the issue then the Principal will decide and notify the parties of that decision.
- **Facilitated mediation** – The parties may be assisted by a facilitator who is trained in mediation to identify issues, explore options and consider alternatives to find a resolution.

The facilitator may be an external mediator, the Principal, a member of the Leadership Team or the School Psychologist.

- **Investigation** – A complaint about a person concerning an alleged serious breach of legislation, College policy or procedure (e.g. student bullying, student drug and alcohol issues) may require an investigation. This may also involve relevant members of Independent Schools Victoria.

6.4.3 Complaint Escalation: If a matter cannot be resolved at the College level through formal or informal options, or if the complaint is about the College Principal, the complainant may be referred to the Victorian Registration and Qualifications Authority (VRQA phone: 9637 2806) for the complaint to be dealt with in accordance with their complaints policy.

6.4.4 Complaint Resolution: Where a concern or complaint is substantiated in whole or part and a resolution has been agreed upon, the College will offer an appropriate response. This may include, but not be limited to the following:

- An explanation or further information about the issue.
- Mediation, counselling or other support.
- An apology, expression of regret or admission of fault.
- To change its decision.
- To change its policies, procedures or practices.
- To cancel a debt (such as for school payments).
- A fee refund.

6.4.5 Complaints Against Teachers & Staff Members:

The nature of the complaint will determine who is the most appropriate person or body to manage a complainant's concerns.

- **Misconduct: All complaints of alleged misconduct or serious misconduct by a teacher or staff member should first be reported to the College Principal.** Complaints about teachers can also be reported to the Victorian Institute of Teaching (VIT) which is the regulator in relation to the registration and investigation of serious misconduct (including conduct which is of a physical or emotional nature) of all teachers in the state of Victoria.

In some cases, certain actions which involve physical or emotional misconduct, such as unlawful assault or threats to the person, may constitute a criminal offence. These types of offences should be reported to and investigated by the police. Initial consultation with the Principal of the College may help to determine the appropriate course of action in these circumstances.

- **Child Abuse (Including Sexual Offences):**

Where a complaint relates to an allegation of physical, emotional or sexual abuse, or when complaints are sufficiently serious or repeated, the Principal is under a legal obligation to report the matter to the appropriate authorities, ensure a comprehensive investigation, and work with all parties to facilitate a resolution.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child needs protection from physical or sexual abuse, and that the child's parents are unwilling or unable to protect the child, they must report that belief to the Department of Health and Human Services/Child Protection and/or Victoria Police as described in the joint protocol: PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools. There are legal obligations on all adults to report child abuse to police once a 'reasonable belief' is formed that a sexual offence has been committed against a child. Failure to disclose a sexual offence against a child is a criminal offence under Section 327 of the Crimes Act 1958 (Vic.) and applies to all adults (18 years and over) in Victoria.

The school also has a statutory duty to inform the Victorian Commission for Young People & Children of any alleged misconduct committed by a staff member or volunteer.

Complaints involving communication with children under 16 years by teachers, staff, or any other person to prepare or 'groom' a child for future sexual activity is a criminal offence under Section 49B (2) of the Crimes Act 1958 (Vic.) and must be reported to the police. The

offence of grooming applies to any person aged 18 years or over and does not apply to communication between people who are both under 18 years of age.

- **Complaints Against the School Principal:** In the case of complaints involving the Principal a complaint in writing should be made directly to the Chair of the College Board.

6.4.6 Appeals Process:

Complainants and respondents are entitled to appeal decisions made. Appeal applications can be made by making an application to the Principal for a decision to be reviewed.

- Prior to making an application for a decision to be reviewed, the individual must discuss the matter initially with the ‘Investigator’.
- Requests to review a decision must be in writing and briefly set out reasons for the appeal and the outcome sought.
- The College has the discretion not to proceed with the appeal which may include, but is not limited to the following:
 - Where the application for review of the action was made more than one year after the action complained of, and there are no exceptional circumstances explaining this delay.
 - Where the application for review of the action is frivolous or vexatious.
 - Where the action or instruction was both lawful and reasonable (taking account of all the circumstances).
 - Where the affected person has previously applied for review of the same action under these provisions.
 - Where the affected person does not have sufficient direct personal interest in review of the action; and / or,
 - Where there are alternative internal review procedures (including, but not limited to, disciplinary action, promotion, anti-bullying, sexual harassment or discrimination and action arising under the relevant occupational health and safety laws) in which case the College will advise the complainant of the alternative procedure.
 - Upon receipt of an application for review, the Principal will determine the most appropriate way to review the decision in accordance with the principles outlined above.
 - The Principal may, dependent on circumstances and at their discretion, discuss and/or refer the matter to the Chair of the College Board.

Once the review is completed, the Principal will advise the individual of the College’s decision.

Options the Principal may adopt include:

- Confirming the decision of the initial investigation.
- Undertaking further investigation of any new information made available.
- Varying the action.
- Setting the action aside and substituting a new action; or
- Dismissing the grievance as unsubstantiated.

If an appellant is not satisfied with the outcome or the way in which the College has handled the appeal, they can contact the VRQA.

<p>Creation Date: Version Two. Created 20/08/2021</p>	<p>Next Review: 2024 or as required due to changes in relevant Acts, Laws, or should situations arise that require earlier consideration.</p>	<p>Availability: Web: ✓ K-drive: ✓ On request: ✓</p>	<p>Actions: Communication to the whole College via the College newsletter in March each year. Circulate and discuss at staff meeting annually.</p>
--	--	--	---