

# POLICY AND PROCEDURE

## CONCERNS AND COMPLAINTS POLICY

### GRM 1.4.4

Date Approved:	10/05/2023
Date Effective:	10/05/2023
Scheduled Review Date:	10/05/2024
Policy Category:	Governance and Risk Management
Policy Owner:	Principal

#### 1. Context

SEDA College (Victoria) is committed to creating an environment that values good relationships and open communication, and where students, parents and staff work together in an environment of trust and mutual respect.

The College understands that from time-to-time 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 College is responsible. The Concerns and Complaints Policy sets out the College's approach to the resolution of complaints and concerns. This is to ensure that all concerns and complaints regarding the College are managed in a timely, effective, fair, and respectful manner.

#### 2. Definitions

A reference or term included in this policy is defined as follows;

**"SEDA College"** or **"the College"** refers to SEDA College (Victoria).

A **"grievance"** is a real or imaginary wrong causing resentment and regarded as grounds for complaint.

A **"concern"** is an issue or feedback which is raised informally in order to improve or change a situation. No formal resolution or outcome is sought by the person raising the concern.

A **"complaint"** is as an expression of dissatisfaction about an organisation related to one of more of the following:

- its services or dealings with individuals
- allegations about the conduct of its staff, volunteers or other individuals engaged by the organisation.
- another child or young person at the organisation, or the handling of a prior concern.

and where the complainant is seeking a resolution or outcome.

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### 3. Application

This Policy applies to members of the College community, including students, parents/carers, and other stakeholders such as members of the local community, suppliers, families on the College's enrolment wait-list and Information Sharing Entities (ISE's)<sup>1</sup>.

This policy does not apply to:

- (a) Staff grievances, which should be raised in accordance with the College's Grievance Policy.
- (b) Concerns regarding child abuse, reportable conduct, and student safety, which should be addressed in accordance with the Child Safety Responding & Reporting Obligations Policy.
- (c) Legal matters, including requests for compensation, payment, and redress.
- (d) Protected disclosures covered by the College's Whistleblower Policy.
- (e) Any criminal matters which will be referred to Victoria Police.

### 4. Statement of Policy

SEDA College welcomes feedback, both positive and negative, and is committed to continuous improvement. We value open communication with our families and are committed to understanding complaints and addressing them appropriately.

The College's approach to handling concerns and complaints is based on the goal of building relationships between students, staff, and parents/carers, and of creating a safe and supportive learning and working environment for students and staff. We understand that it is in the best interests of students for there to be a trusting relationship between families and the College.

The College expects that all parties will act respectfully and in good faith, in a calm and courteous manner where the rights and responsibilities of all parties are recognised.

We work to create an environment where child safety complaints and concerns are readily raised, and no one is discouraged from reporting an allegation of child abuse to relevant authorities.

A complaint can be made about:

- any product or service provided by the College
- a staff member, volunteer, contractor, family, or student at the College
- a third-party providing services on the College's behalf including their trainers, assessors or other staff

<sup>1</sup> Information Sharing Entities as prescribed under the Child Information Sharing Scheme or the Family Violence Information Sharing Scheme.

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## 4.1 Concerns and Complaints process for Students

The College acknowledges that issues or concerns can cause stress or worry for students and impact their wellbeing & learning. We encourage our students to raise issues or concerns as they arise so that we can work together to resolve them.

Students with a concern or complaint can raise them with a trusted adult at the College, for example with the classroom teacher, Education Support Staff or Regional Manager. This person will take your concern or complaint seriously and will explain what steps we can take to try resolve the issue and the support we provide.

A parent, carer, or another trusted adult outside of the College can talk to us about the issue instead. Information about our parent/carer concerns and complaints process is outlined further below.

Further information and resources to support students to raise issues or concerns are available at:

- [Reach Out](#)
- [Headspace](#)
- [Kids Helpline](#) (call 1800 55 1800)

## 4.2 Concerns and Complaints process for Parents / Carers and School Community

### 4.2.1 Preparation for raising a concern or complaint.

The College encourages parents, carers or members of the community who may wish to submit a complaint to:

- Carefully consider the issues you would like to discuss
- Remember you may not have all the facts relating to the issues that you want to raise
- Be informed by checking the College's policies and procedures. These can be found on MySEDA in the College Information tile.

You are welcome to have a support person to assist you in raising a complaint or concern. Please advise us if you wish to have a support person to assist you, and provide their name, contact details, and their relationship to you.

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#### 4.2.2 Raising a concern.

The College is always happy to discuss with parents / carers and community members any concerns they may have. The table below indicates to whom in the first instance the concern should be directed. Where possible, SEDA College staff will work to ensure that concerns are appropriately addressed.

Concern	Directed to:
Learning issue, or issue occurring at the College or classroom	Teacher
If the issue relates to the teacher	Regional Manager
Behaviour or wellbeing, or an incident occurring in the classroom or College	Teacher or Regional Manager
Issue relating to another College staff member or complex student issue	Assistant Principal (Education or Operations) or the Principal
Issue relating to College policy, management, staffing or very complex student management issues, or any other issue	Principal

All concerns regarding staff or complex student management issues will be recorded in the College Concerns and Complaints Register and acted upon promptly to resolve complaints. Where a complaint has been raised a staff member will record the details of a concern using the Concerns and Complaints Notification Form.

If a concern is not resolved to the satisfaction of the complainant through the informal process, then they may choose to raise a complaint.

#### 4.2.3 Making a complaint.

Parents/carers or community members may wish to make a complaint to a member of the College. This can be done either informally or via the Formal Complaint Form (available on the College website or MySEDA).

If you would like to make a complaint, in most cases, depending on the nature of the complaint raised, we will first seek to understand the issues and then convene a resolution meeting with the aim of resolving the complaint together. The process for making a complaint is outlined in further detail below.

Concerns or complaints may be anonymous. However, it may be difficult for the College to investigate a complaint if the complainant cannot be contacted.

##### (a) Expectations

SEDA College expects a person raising a complaint to:

- do so as soon as possible after the issue occurs and to provide complete and factual information about the complaint.
- maintain and respect the privacy and confidentiality of all parties and acknowledge that a common goal is to achieve an outcome acceptable to all parties with the primary interests of the student involved.

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- act in good faith, and in a calm and courteous manner where the rights and responsibilities of all parties are recognized
- show respect and understanding of each other's point of view and value difference, rather than judge and blame.
- Be considerate of each other's views and respect each other's role.

SEDA College expects its staff to:

- address concerns and complaints in line with the relevant federal and or state legislation
  - Victoria: Department of Education and Training *2006 Dignity and Respect statement*
- follow the processes outlined in this policy and procedure.
- notify the complainant of the right to seek the assistance of a support person or advocate (who does not receive a fee for service).
- provide the complainant with a copy of this policy if they do not already have one.
- maintain confidentiality where possible. In the interests of natural justice, and in order to effectively investigate complaints, the details of a complaint may need to be discussed with persons affected. While staff will conduct this process sensitively, it may not prevent the **student's identity from being known.**
- Adopt an ethical, fair, and professional approach at every stage of the complaints and appeals process.
- View complaints as providing an opportunity to review and improve SEDA College policies and practices, and also to gain insight into levels of stakeholder satisfaction. Complaints will be viewed as opportunities for improvement.
- Be focused on the resolution of the complaint, with the interests of the student/s involved at the centre.

### **(b) Process**

This policy does not prevent external legal rights of complaint or review and appeal.

All complaints will be recorded in the College Concerns and Complaints Register and acted upon promptly to resolve complaints. Where a complaint has been raised a staff member will record the details of a complaint using the Concerns and Complaints Notification Form.

Complaints will be acknowledged in writing and finalised as soon as practical.

SEDA College will try to resolve complaints within 20 working days or more quickly if possible. There may be occasions where more time is required to investigate a complaint. A student will be notified of any delay.

Where a decision cannot be made within 60 calendar days the complainant/appellant will be informed in writing of the reason why and will receive fortnightly updates on the matter until a resolution is reached.

SEDA College will communicate the outcome or resolution of a complaint or appeal to affected persons.

### **(c) Investigating complaints**

Some complaints can be resolved through discussion, but others require that the matter be investigated before coming to a resolution.

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The Principal may appoint a senior member of staff to investigate the issue. This staff member will typically be a member of the College Leadership Team who has not previously been closely involved in the matter.

The investigation may take the form of interviews with others involved, reviewing documentation, etc. If it is thought advisable and necessary, the Principal may approve the appointment of an external investigator.

In carrying out an investigation, the College will be mindful of the need for confidentiality. The complainant will be informed in advance of any decision to speak to others during the course of the investigation.

The investigation report is confidential to the College.

There may be some instances where complaints are determined to be vexatious or frivolous in nature. In this case the complainant will be informed that the College intends to dismiss their complaint. Making a vexatious complaint may be considered a breach of the Parent Code of Conduct.

#### **(d) Outcome or resolution**

After a complaint has been investigated, the relevant staff member may decide that the complaint is substantiated in whole or in part. A staff member may then offer an appropriate remedy or action. A remedy or action may include one or more of the following:

- an explanation or further information about the issue.
- **acknowledgement of each other's perspective and an agreement on ways to manage differences.**
- agreement on what constitutes acceptable behaviour.
- an undertaking that unacceptable behaviour will change.
- mediation, counselling, or other support.
- an apology or expression of regret.
- a change in decision.
- a change to policy, procedure, or practice.
- the cancelling of a debt.
- a fee refund.
- a re-assessment.

A remedy or action will be implemented as soon as practicable. SEDA College seeks to use a restorative justice approach to resolve issues that pertain to student behaviours that have impacted on class colleagues, staff, or the broader community. These outcomes are negotiated with the student as part of the restorative justice process.

After a complaint has been investigated, a staff member may decide to dismiss the complaint. A complaint may be dismissed if the complaint cannot be substantiated. No remedy or action is required.

On communication of the outcome of the complaint the complainant may:

1. Accept the outcome  
or
2. Appeal the outcome and request an internal review

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## (e) Appeals

A request for an internal review of a decision outcome is handled via the following procedure. There are no fees for an appeal or review of a decision unless engaging external services, in which case, the associated costs will be kept to a reasonable level.

- i. Each complainant can only request one internal review against a decision or outcome.
- ii. If the complainant is not satisfied with a decision or outcome, the complainant must complete in full the Complaint Appeal Form. This is found on MySEDA. This must be submitted within 14 days of finalising the complaint resolution. The original Formal Complaint Form and any supportive information is to be submitted by one of the following:
  - In person to the SEDA College Principal or the College Board Chair
  - Email: [principal@scv.vic.edu.au](mailto:principal@scv.vic.edu.au)
  - Post: Attention SEDA College Principal or SEDA College Board Chair  
PO Box 1237, CAMBERWELL VIC 3124
- iii. Should the *Complaint Appeal Form* be completed anonymously, acknowledging, investigating, and providing a resolution/outcome may be difficult for SEDA College to complete.
- iv. The SEDA College Principal or the College Board Chair will acknowledge in writing within 2 business days that they have received the *Complaint Appeal Form* and any supportive information.
- v. The grounds for the appeal should be clearly identified. The grounds could include the following:
  - the complaints policy and procedures were not followed
  - the resolution of the complaint is claimed to be insufficient, unfair, biased, unreasonable and/or disproportionate.
- vi. The appeal will use the record of the complaint and will not re-hear the complaint itself.
- vii. The complainant will be asked to indicate how, if possible and practicable, they would want the appeal to be resolved.
- viii. The complainant can revoke the request for review at any time, as such no remedy or action or decision is required.
- ix. Parties involved in the allegations of an internal review will be advised.
- x. The SEDA College Principal or the College Board Chair will establish a Review Committee (consisting of 3 members drawn from College staff and Board members) to convene and advise the complainant of the final outcome. The Review Committee may:
  - Uphold and confirm the decision;
  - Vary the decision; or
  - Set the decision aside and substitute a new decision.
- xi. The complainant can request or may be requested to meet with the Review Committee to be interviewed or conduct a meeting to determine the facts of the matter.

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- xii. Either party has the right to have a third party support person, present at any meeting. That support person may not act for fee or reward.
- xiii. The Review Committee must notify the complainant of the outcomes of the Review in writing within 20 working days of the original decision. The notice will outline the reason for the decision and also advise the complainant (if they are a Victorian student) that they have the right to appeal to the Victorian Registration & Qualifications Authority (VRQA). <http://www.vrqa.vic.gov.au/complaints/Pages/complaints.aspx>

#### **(f) External referral of complaints**

In some situations, it may not be possible to resolve the complaint to the satisfaction of the complainant using these procedures.

If the matter still remains unresolved, then the individuals or the College may refer the matter to the relevant body, such as the Victorian Institute of Teaching, Consumer Affairs Victoria, Victorian Equal Opportunity and Human Rights Commission, or the Victorian Registration and Qualifications Authority (VRQA) for complaints about compliance with the minimum standards.

#### **(g) Complaints regarding the Child Information Sharing Scheme**

SEDA College is an Information Sharing Entity (ISE) under the Victorian Child Information Sharing Scheme. ISE's may submit a complaint to another ISE about how they have undertaken any activities under the Scheme, including if a request for information has not been fulfilled.

Complaints in association with the Scheme may relate to perceived privacy breaches, a decision not to share information or the timeliness of responses to requests. This Policy will be used to resolve any complaints received from other ISE's.

In the event that a resolution cannot be achieved, issues may be referred to external oversight bodies such as the Office of the Victorian Information Commissioner, Health Complaints Commissioner, or the Office of the Australian Information Commissioner (OIA).

### **4.3 Record keeping & other requirements**

The College will keep a record of formal complaints and appeals, that will include:

- the formal complaints form, whether completed by the parents or by the College and confirmed by the parents;
- a record of any meetings associated with the complaint or appeal;
- a record of the resolution; and,
- a record of any follow up meeting.

The College will retain documentation including the details, outcome, and reason for the outcome of each formal complaint received by the College, with physical and electronic access restricted to appropriate users.

The Principal will report to the Board on the number and nature of complaints received and resolved.

The College also follows regulatory policy to ensure that record-keeping, reporting, privacy, and employment law obligations are met when responding to complaints or concerns.

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Nothing in this Policy removes the right of the Student and/or Parent(s)/Guardians to take any action under Australia's consumer protection laws.

#### 4.4 Implementation & Communication

This policy will be communicated to the College community in the following ways:

- available via the MySEDA portal
- Available publicly on the College website
- Included in the staff induction process
- Staff will be briefed annually about this policy
- Included in the College staff & student handbooks
- Included in student orientation week
- Hard copy available from the College administration upon request

The Principal will report annually to the Board on the student complaint data. Reports will be de-identified of student information and will address common or recurring themes.

This policy will be regularly reviewed under SEDA College's policy review process. As part of that process, SEDA College will check that this policy remains consistent with relevant legislation.

#### 5. Referenced Documents

The following documents should be considered when reading this policy:

- Ministerial Order 1359
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)
- Child Safety and Wellbeing Policy
- Record Keeping and Information Management Policy
- Child Safety Responding & Reporting Obligations Policy
- Parent Code of Conduct
- Whistleblower Policy
- Privacy Policy

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## 6. Policy History

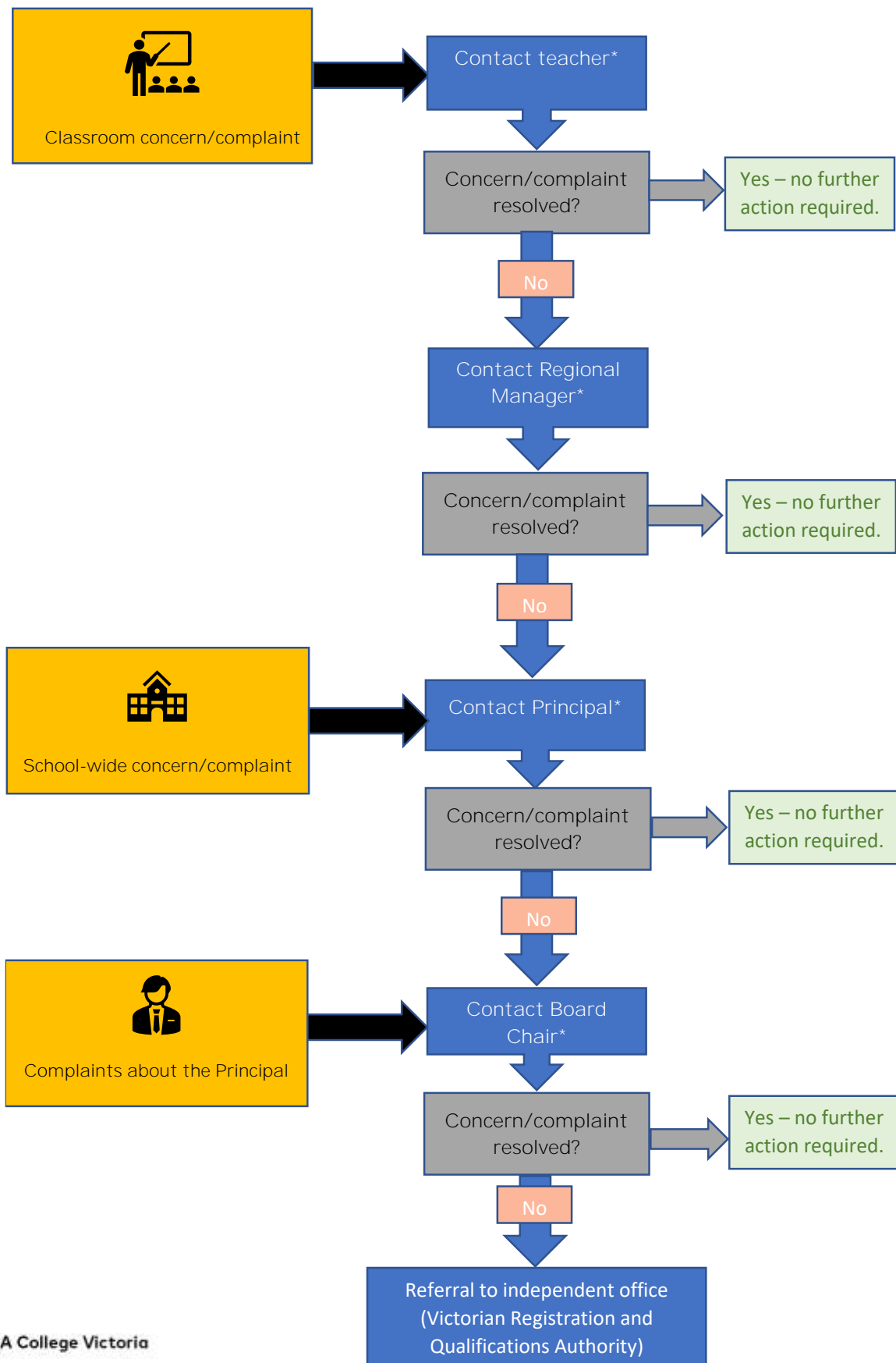
Version	Policy Owner	Approval Date	Effective Date	Summary of Changes
V1	Principal	11/11/2016	11/11/2016	
V2	Principal	27/06/2019	27/06/2019	Changed the name of the policy to include grievances, expanded the Context and Application to include the school community, and included a reference in the Context to procedural fairness. Updating staff position titles and minor text changes including typographical errors.
V3	Principal	08/06/2022	08/06/2022	Update letterhead, address, and include references to child safety
V4	Principal	10/05/2023	10/05/2023	Added- <ul style="list-style-type: none"> <li>• Child focused context</li> <li>• Referral of complaints to another policy area if required</li> <li>• Commitment to continuous improvement</li> <li>• Complaints process separated for students and parents/ carers</li> <li>• Reference to different types of concerns and complaints</li> <li>• Reference to complaints resolution being specifically child centred</li> <li>• Record keeping requirements</li> <li>• Reference to Child &amp; Family violence information sharing scheme</li> <li>• Communication of policy</li> <li>• Child safety responding &amp; reporting obligations added to referenced documents</li> <li>• Complaints management &amp; flowchart added</li> <li>• Actions following a concern or complaint chart added</li> </ul>

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## CONCERNS AND COMPLAINTS MANAGEMENT FLOWCHART



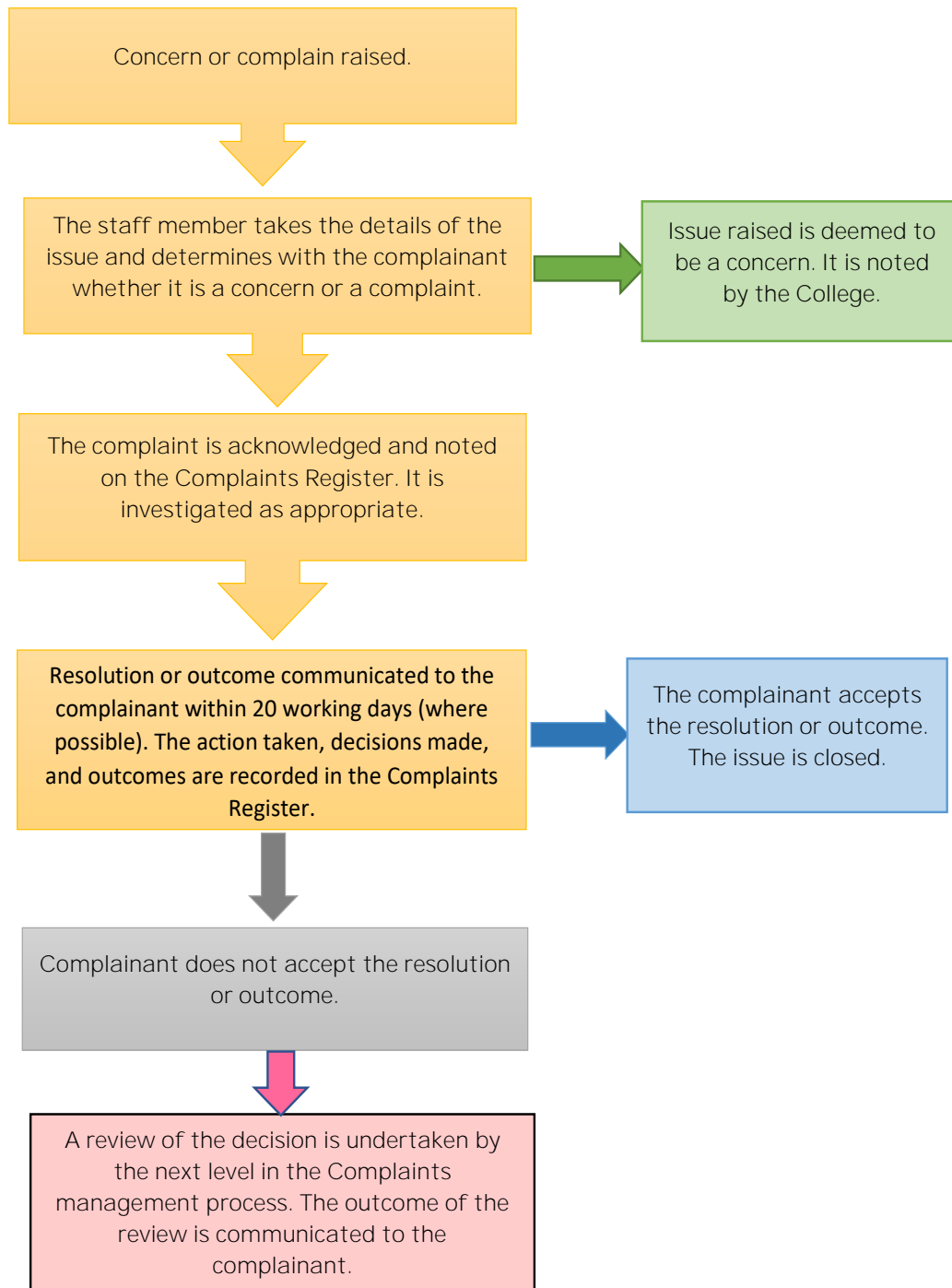
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## \*ACTIONS UPON RECEIPT OF A CONCERN OR COMPLAINT

It is the responsibility of the College to work with the complainant (and student if appropriate) to achieve a mutually agreed resolution.



When the College has exhausted all reasonable avenues and a mutually agreed resolution cannot be reached, the complainant may contact the VRQA and request their assistance with the resolution.

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