



**(513) Complaint Resolution Procedure**



# Complaint Resolution

## Procedure (513)

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Approved By	Board		
Custodian	Stuart Rushton		
Relating documents and Forms			
References and Legislation			

## (513) Complaint Resolution Procedure

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## 1. Purpose and Scope

### 1.1 Purpose

This Policy aims to facilitate the smooth functioning of the school and to assist students, staff and parents to work successfully together. The guidelines complement the regular, informal communications that already take place between members of the school community.

Lorien Novalis School is committed to good communications and the efficient and fair resolution of grievances and complaints. The school acknowledges the right of teachers, parents and students to make complaints and to have their complaints handled by the school. The school understands that complainants can provide useful feedback and will endeavour to resolve genuine complaints in a positive and constructive manner.

The purpose of this policy is to provide processes for the effective management and



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resolution of grievances and complaints within the school and to define the procedure to be used in the acknowledgement, recording, tracking and resolution of complaints.

#### **1.2 Grievances/complaints that can be dealt with under this policy and procedures.**

Grievances/complaints that can be dealt with under this policy and procedures are any staff, parent or student grievances or complaints, except those listed in 2.1 below, relating to any decision, act or omission by a member of the school community, which is alleged to be wrong, mistaken, unjust or discriminatory.

#### **1.3 Grievances/complaints for which this policy is not applicable.**

Grievances or complaints in relation to the following are not to be dealt with under this policy and may be resolved using other mechanisms as appropriate.

##### **1.3.1 Staff**

- Appointments
- Breaches of Awards and Conditions of Employment
- Promotions, reclassification and allowances
- Matters of Occupational Health and Safety
- Procedures for termination on the grounds of ill-health
- Any matter that has, or in the opinion of the School Management, is likely to lead to prosecution
- Any matter which is subject to specific legislation, such as Privacy and FOI Act

##### **1.3.2 Students**

- Assessment of performance
- Matters covered by the Occupational Health and Safety Legislation
- Misconduct
- Any matter of child protection
- Any matter that has, or in the opinion of the School Management, is likely to lead to prosecution

##### **1.3.3 Parents**

- Assessment of performance of a student in their care
- Any matter which is subject to specific legislation, such as Privacy and FOI Act
- Matters covered by the Occupational Health and Safety legislation
- Misconduct
- Any matter that has, or in the opinion of the School Management, is likely to lead to prosecution.

## **2. Responsibility for implementation of the Procedure**

### **2.1 Receiving Complaints**



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#### **2.1.1 Oral Complaints**

School staff receiving oral complaints (including telephone complaints) should follow these steps:

Receptionists/Teachers/or Admin staff etc. who directly receive a complaint:

Identify yourself listen and record details and determine what the complainant wants.

If useful refer the complainant to the Grievance Procedure or give the complainant a copy of this policy

Confirm and record the details received

Empathise with the complainant in a courteous manner.

If it is more than a simple or straightforward matter that you can resolve easily - refer the matter to a senior teacher or manager as appropriate

Explain the courses of action available to the complainant.

Do not attempt to lay blame or be defensive.

Ensure the complainant is informed who the complaint will be referred to.

#### **2.1.2 Written Complaints**

School staff receiving written complaints should follow the same steps as above except the response should be given in writing by the person handling the complaint.

### **2.2 Complaint Resolution**

#### **2.2.1 Record and Evaluate the Complaint**

5.1.1 The following process is to be used by the Leadership Team for all complex/formal complaints:

Keep full confidential records of details of all complaints

Obtain full information from the 'complainant' about their complaint and the resolution they are Seeking



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Empathise with the complainant in a courteous manner

Do not attempt to lay blame or be defensive

Confirm the details received

From the information received determine the nature of the complaint

Record the complaint in the Issues Log

Determine who is the appropriate person to continue handling the complaint on the basis of perceived and real impartiality - Assign responsibility

Assignee to respond to the complainant to explain the courses of action available

Assignee to check whether the complainant understands and is satisfied with the proposed action and if not advise alternative course of action

Assignee to ensure the complainant is informed that the complaint is receiving attention without creating false expectations.

Assignee to provide acknowledgement eg a follow up email, phone call or letter – depending on nature and seriousness of complaint

If relevant Assignee to hold a formal interview with the subject(s) of the complaint

Assignee to provide an opportunity for the subject(s) of the complaint to respond to the complaint

Assignee to determine the 'issues' at the heart of the complaint and evaluate the validity of the complaint.

### **2.2.2 Taking Action to Resolve a Complaint**

5.2.1 If the complaint is considered to be a valid complaint, determine and promptly initiate appropriate action to resolve the complaint. Appropriate action includes, but is not limited to any or all of the following:

5.2.1.1 Conducting an evaluation of teacher(s) and/or student(s) behaviour, determining if action is needed and reporting appropriately the outcome of any



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action

5.2.1.2 Holding a three-way meeting with the complainant, teacher or other staff member and support person(s) to resolve the complaint. (NB teacher support person(s) should have at least three years experience in the school).

5.2.1.3 Seeking a meeting with any other interested parties and appropriate support person(s) to resolve the complaint.

5.2.1.4 Reviewing reasons for administrative action that is the subject of a complaint.

5.2.1.5 Reviewing any Policy that is the subject of a complaint and reporting outcome of review to the Leadership Team, then:

Determining if the Policy needs to be revised

If required revising the policy in accordance with the approved procedure

Publishing the revised policy in accordance with the approved procedure

5.2.1.6 Conducting a detailed investigation into the circumstances giving rise to the complaint.

5.2.1.7 Mediation using internal expertise - use appropriate persons and mediation process to bring about resolution.

5.2.1.8 For mediation using external expertise.

Seek the agreement between the school and the complainant as to the cost-sharing arrangements.

Use appropriate external expertise and mediation processes to bring about resolution

(Note: Any mediation requires the agreement of both parties. Parties are not required to settle in the mediation. However, if a settlement is reached, the terms of the settlement should be set down in writing, binding upon the parties.)



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#### 2.2.3 Resolution and Further Action on a Complaint

5.3.1 Once the appropriate course of action has been determined, advise the complainant. Seek agreement as to how the issues might be resolved. If agreement cannot be reached and/or the complainant is not satisfied with the outcome of the complaints resolution process they have three further options available to them:

5.3.1.1 Take no further action

5.3.1.2 Request further resolution or a review of the process from the Management Team.

5.3.1.3 Request that the matter be referred to the Ombudsman Committee. This committee will comprise of,

- 1) A teacher
- 2) A Board Member
- 3) A parent representative

The role of this Committee is to conclude the proceedings and their final ruling will be the closure of the issues.

#### 2.2.4 Disciplinary Issues

5.4.1 At the conclusion of a complaint resolution process some form of disciplinary action may be taken against a person or persons if:

They have breached one of the school's policies or standards

They have otherwise engaged in inappropriate conduct

A complaint is found to be vexatious

A person has breached confidentiality or discussed an incident about which a complaint has been made when there is an attempt in progress to resolve the complaint.

5.4.2 The nature of the disciplinary action will depend on the circumstances and the

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following may be taken into account in deciding what disciplinary action is appropriate:

The seriousness of the circumstances

Whether the person(s) knew what they were doing;

Whether the person(s) has been officially warned or disciplined before about the same type of conduct; and

Whether there are any circumstances that mean the person(s) should not be disciplined at all or not disciplined seriously.

#### 2.2.5 Disciplinary action

5.5.1 Disciplinary action could involve one or more of the following:

5.5.1.1 Possible options for disciplinary action against a teacher

Verbal warning - no staff file record

Written warning - letter on staff file

Compulsory counselling.

Suspension from duty with pay

Suspension from duty without pay

Dismissal

5.5.1.2 Possible options for disciplinary action against a parent

Verbal warning -- no file record

Written warning -- letter on file

Severance of relationship with the school

5.5.1.2 Possible options for disciplinary action against a student

Verbal warning -- no file record





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Written warning -- letter on file

Suspension.

Expulsion.

#### 2.2.6 Review Process

5.6.1 The Leadership Team shall review all open and recent grievances and complaints monthly in order to:

Monitor the progress of grievances and complaints

Assess the effectiveness of resolution processes

Determine the presence of any recurring complaints or issues

Assess the need for further corrective action.

5.6.2 Once resolved the person assigned to the complaint (Assignee) is responsible for advising the Director of Operations by email that the matter is closed.

5.6.3 The Daily Office Manager will record the matter as closed and enter the closure date on the Issues Register.

#### 2.2.7 Invalid and Vexatious Complaints

5.7.1 From time to time complaints received will be found to be invalid and/or vexatious. Complainants (and/or anyone acting on their behalf) may be considered to be vexatious complainants where previous or current contact with them shows that they meet two or more of the following criteria, in that the complainants:

Persist in pursuing a complaint where the School's complaints procedure has been fully and properly implemented and exhausted.

Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken not to discard new issues which are significantly different from the original

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complaint. These might need to be addressed as separate complaints.)

Are unwilling to accept documented evidence of treatment given as being factual, or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.

Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of school staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the school to investigate.

Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. (It is recognised that determining what is a 'trivial' matter can be subjective and careful judgment must be used in applying this criteria)

Have threatened or used actual physical violence towards staff at any time - this will in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be pursued through written communication. All such incidences should be documented.

Have in the course of addressing a registered complaint had an excessive number of contacts with the School placing unreasonable demands on staff. (A contact may be in person or by telephone, letter, fax, or email. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgment based on the specific circumstances of each individual case.)

Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint. (Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and should make reasonable allowances for this. They should document all incidents of harassment.)

Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

Display unreasonable demands or complainant expectations and fail to accept that these may be unreasonable (eg insist on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice).



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5.7.2 If the complaint is found to be invalid or vexatious it will not be further investigated. Affected parties will be informed of this decision in writing.

#### 3. Documentation and Records

#### 4. Version Control

Version Control	Date Effective	Approved By	Amendment
1			First Version