



Mernda Hills Christian College

Community Complaints and Appeals Policy

Document Control

Revision Number	Review Date	Implementation Date	Description of Changes	Prepared By	Approved By
Gilson College					
	Aug 2021	Sep 2021	<ul style="list-style-type: none">General review	Exec Leaders	Gilson College Council
Mernda Hills Christian College					
1	May 2023	Jan 2024	<ul style="list-style-type: none">General review	Exec Leaders	Exec Leaders
2	Nov 2023	Jan 2024	<ul style="list-style-type: none">Updated in accordance with advice from VRQA	Exec Leaders	Exec leaders

Rationale

This Policy, along with Mernda Hills Christian College's (the College) other child safety policies, tells everyone involved in our school how they can help the College community to be sure all children are treated safely and appropriately.

Its purpose is to assist staff, students and parents at Mernda Hills Christian College in resolving issues that may arise in a cooperative way..

The Principal is responsible for the efficient and effective organisation, management and administration of the College, including its complaint-handling processes.

The College takes all complaints seriously and will act accordingly, including acting to resolve complaints and concerns promptly and thoroughly. It welcomes opportunities raised through complaints to improve practices and learning opportunities for students.

This policy should be used along with the College's *Child Safety and Wellbeing Policy* and *Codes of Conduct*, which outline expected and appropriate behavior, actions and decisions around children and by doing so, help protect them.

Additionally, refer to the *Procedural Fairness Policy* and *Privacy Policy*.

Definitions

1. **A grievance or complaint** is a report (informal or official) by a College community member indicating they have suffered harm, damage, or loss due to a College decision or the behaviours and actions of any individuals associated with the College. These include, but are not limited to concerns like child abuse, and issues related to specific legislation, such as child well-being and safety, human rights, and discrimination legislation.
2. **Complainant:** is the party or person making the complaint.
3. **Parent:** A 'parent', in relation to a child, includes a guardian and any person who has parental responsibility for the child including parental responsibility under the Family Law Act of the Commonwealth, and any person with whom a child normally or regularly resides.
This policy also applies to:
 - a. a person who is authorised to act on behalf of the parent such as a support person or an advocate
 - b. a mature minor student
 - c. an adult student
4. **Support person:** A 'support person' is someone who assists the complainant through the complaint process, and may be an internal or external person to the school
5. **Advocate:** An 'advocate' is someone acting on behalf of the complainant
6. **ASV staff:** refers to Adventist Schools (Victoria) Limited staff

Scope

1. Staff members,
2. Volunteers,
3. Contractors,
4. Education practicum students,
5. Mernda Hills Christian College students 18+ years of age,
6. Governance members,
7. Other stakeholders.

Overview

1. The College recognises a family's right to make a complaint and its responsibility to provide a framework within which to resolve complaints.
2. All parties are treated fairly, and those involved in a complaint are provided with a reasonable opportunity to respond to the issues raised and to present their views.
3. The primary purpose of the complaint process is to resolve complaints with a focus on student wellbeing and to support students to remain engaged in learning.
4. This policy is intended to support the resolution of complaints in a manner that enables students and families to maintain a positive relationship and active engagement in education.
5. The handling of complaints is private and confidential, and any complaints are a matter between the parties concerned and those directly involved in the complaints handling process. Information will only be shared on a need-to-know basis. For more information about how personal information is handled see the **Privacy Statement on p.5**, of this policy.
6. The Principal will ensure that the complaints processes and procedures will be transparent and well understood. When resolving complaints, staff, students, and parents will be expected to take account of the increased level of risk associated with the specific nature of some activities and the vulnerability of particular groups, such as ATSI students, culturally and linguistically diverse students, disabled students, LGBTQIA+, and other vulnerable students. Adjustments will be made as required to cater for these vulnerable groups (eg. translator, additional support person, other means as is appropriate). A simplified version of the complaints process (*MHCC Complains Process - Students*) is available for students through Seqta and in key locations around the school (eg. Wellbeing space, main corridors).
7. Procedures followed by the College in responding to complaints or concerns relating to child abuse are outlined in the College's Child Safety and Wellbeing Policy, pp.15-17. The policy contains reference to PROTECT Easy English posters and booklets that students and parents can access. p.17. The Child friendly PROTECT posters are displayed around the school for easy student access. The College's 5 Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse poster is displayed in key areas of the school, including staff offices. The Principal ensures that these critical actions are followed in the response to complaints or

concerns raised relating to child safety, and that the College is sensitive to the diversity and characteristics of its community and their more vulnerable members (see point 6 above).

8. In responding to complaints and concerns, the school meets recordkeeping, reporting, privacy and employment law obligations as outlined in the school's Privacy Policy and the ASV Record Management and Retention Policy.
9. If the student or parent/legal guardian remains dissatisfied with the outcome of a complaint investigation, they will be advised of a further review through the appeals process. See p.7
10. Grievances brought by a student against another student will be dealt with under the *Student Code of Conduct* and *Student Behaviour Policy*. The College uses the Positive Behaviour for Learning framework, and Restorative Practices to resolve initial conflict between students - more details can be found in the *Student Handbook*.

Types of complaints

1. Complaints may be related to
 - a. duty of care to students
 - b. child safety and well-being, including, but not limited to, concerns like child abuse,
 - c. human rights abuses
 - d. discrimination
 - e. actions and behaviours that violate the College's student, parent, staff and child safe protection codes of conduct
 - f. actions and behaviours that breach the College's behaviour management policy and procedures and respectful behaviours policy
 - g. decisions made by the College

Roles and responsibilities

Class teacher/Level leader

- a. initially receives complaints where the complaint can be, or is appropriate to be received at this level,
- b. always considers their duty of care to the student or students involved in the complaint
- c. acknowledges receipt of a complaint (verbal or written) within two school days
- d. speaks with the complainant to ensure they are aware of the school's complaint policy, and to better understand the issues or problem
- e. attempts mediation/informal resolution of the complaint
- f. escalates the process with the Head of School (or Principal if required) if mutually agreed resolution is not reached

- g. keep written records of complaints and resolutions

Principal or delegate such as Head of school

- a. trains all school staff on the school's complaint-handling procedures and provides development opportunities on complaint management
- b. always considers their duty of care to the student or students involved in the complaint
- c. if the complainant has not raised the issue with the relevant teacher, the Principal will ask them to initiate discussions with the teacher in the first instance, if appropriate in the circumstances.
- d. ensures teachers are advised about the complaint where appropriate
- e. ensures written records of serious, substantial or unusual complaints that require resolution actions and document all steps taken to achieve agreement

Where the complaint cannot be, or isn't appropriate to be, resolved with the teacher, the Principal:

- a. provides a prompt response with indicative timelines relevant to the nature of the complaint
- b. speaks with the complainant to ensure they understand the problem and provides any additional support to help resolve the complaint
- c. acknowledges the goal is to endeavour to achieve an outcome that supports the best interests and wellbeing of the student and that is, where possible, acceptable to all parties
- d. advises the complainant how the complaint will be addressed
- e. provides updates throughout the process as agreed with the complainant
- f. seeks advice from appropriate people within ASV and/or external agencies
- g. considers the wellbeing of students, teachers and other staff members
- h. in situations where further time is required, will consult with the complainant and discuss any interim solutions.

Where appropriate the Principal:

- a. may arrange a meeting with the complainant, teacher/s and/or Head of School
- b. discusses the College's findings with the complainant in an attempt to reach an agreed resolution
- c. communicates to the complainant steps they have taken or intend to take to prevent a similar incident or issue from occurring again.

CEO, Adventist Schools Victoria

- a. where the Principal is the subject of the report of inappropriate behaviour, a verbal report followed by a written report is to be made to the CEO Seventh-day Adventist Schools (Victoria) Limited (ASV) by the complainant.
- b. if the complainant is a staff member and is reporting child abuse the staff member must make a mandatory report then provide a report to ASV. Police should also be informed.
- c. in the case of inappropriate behaviour that is not child abuse related, initially an attempt to informally resolve the complaint will be undertaken by ASV.
- d. If this is unsatisfactory or does not result in a resolution of the matter, the formal internal complaints handling procedure of the College and ASV will be followed.

Volunteers

- a. may be the recipient of a complaint
- b. if the complainant has not raised the issue with the relevant teacher, these persons **must** ask the complainant to initiate discussions with the teacher in the first instance, if appropriate in the circumstances
- c. if not appropriate in the circumstances the volunteer will escalate the complaint to the Head of School or Principal

Child Safety Officer, Wellbeing Officer, Counsellor or Chaplain

- d. may be the recipient of a complaint
- e. if the complainant has not raised the issue with the relevant teacher, these persons can ask them to initiate discussions with the teacher in the first instance, if appropriate in the circumstances.
- f. if not appropriate in the circumstances they will escalate the complaint to the Principal
- g. may in their role, act as a support person for the complainant, as appropriate

Other members of the College (eg. parent, contractor, relief teacher etc)

- h. may be the recipient of a complaint
- i. complaints related to individuals connected to a particular part of the school (eg. parents, relief teachers, other approved visitors) should be discussed initially with the relevant Head of School.
- j. for complaints related to contractors or other support staff (eg. cleaners, bus drivers) please contact Front Reception in the first instance. They will arrange for the most appropriate team leader to contact you to resolve your concern.
- k. if not appropriate in the circumstances they will escalate the complaint to the Principal

Support Person or Advocate

A complainant can have a support person to assist at any time in the complaint process. A support person's role may include:

- a. discussing difficulties the complainant is experiencing in relation to the complaint
- b. helping to develop a good working relationship between the family and the school
- c. assisting the complainant to understand department policy and guidelines and the resolution being proposed for the complaint.

A support person can be a family member, a friend, a community member or a person provided through a support or advocacy agency.

A complainant must advise the College that they want to include a support person, advocate or another representative when making a complaint, and provide the name, contact details and relationship to the complainant of the nominated person.

Similarly, the College must inform the complainant when they intend to involve other people including ASV staff to assist with the complaint process.

Failure to notify of the inclusion of third parties can result in the rescheduling or cancellation of the meeting.

Process for making a complaint

If a student and/or parent considers the behaviour and actions of a staff member, volunteer, contractor, education practicum student, Mernda Hills Christian College student 18+ years of age, or other stakeholder in the school to be inappropriate, harmful, damaging or abusive, they should report the behaviour in the first instance to the:

- a. Principal or Head of School
- b. Child Safety Officer, Wellbeing officer, Counsellor, Chaplain, or any other staff member.

Students

1. An easy English **Complaints Process for Students: Getting Help poster** posted around the school and on Seqta portals assists student to know when and how to get help or make a complaint
2. If a student considers the behaviour of an adult associated with the school to be inappropriate, harmful, damaging or abusive, they should report the behaviour in the first instance to their class teacher, homeroom teacher or level leader
3. If the complaint involves the inappropriate behaviour by the class teacher or a relief teacher, report directly to the Head of School or Principal
4. If the matter cannot be resolved through mediation, the matter will be referred to the Principal.
5. At this point, the student should notify the school in writing of the nature and details of the complaint (See College Grievance Appeal Form below).

6. Each complainant has the opportunity to present his/her case to the Principal/other. Students may be accompanied by a support person.
7. The formal complaints process will commence within 10 working days (term time) of the lodgement of the complaint with the Principal/other.
8. Once the Principal has come to a decision regarding the complaint, the student will be informed in writing of the outcome and the reasons for the outcome.
9. If the complaints procedure finds in favour of the student, the College will immediately implement the decision and any corrective and preventive action required.
10. If the complaints procedure does not find in favour of the student or the student is dissatisfied with the result of the complaints procedure, he/she will be informed of the complaints and appeals process available to them.
11. The College undertakes to finalise all grievance procedures within 10 working days (during term time) where possible.

Parent(s)

1. Parent(s), in general, should contact the Class teacher/Level leader/Head of School in the first instance to attempt informal resolution of the complaint.
2. If the matter cannot be resolved through informal processes, it will be referred to the Principal or his representative for mediation/formal processes.
3. At this point, parent(s)/legal guardians must notify the school in writing of the nature and details of the complaint.
4. Each complainant has the opportunity to present their case to the Principal or his representative. Parent(s)/legal guardians may be accompanied by a support person.
5. The College's internal formal complaints process will commence within 10 working days of the lodgement of the complaint with the Principal or his representative.
6. Once the Principal has come to a decision regarding the complaint, the parent(s)/legal guardian will be informed in writing of the outcome and the reasons for the outcome. Where appropriate, the Principal may also present the complaint to the College Advisory Council. The Council will provide a recommendation to the Principal as to the appropriate resolution.
7. If the complaints procedure finds in favour of the parent(s)/legal guardian, the College will immediately implement the decision and any corrective and preventive action required.
8. If the complaints procedure does not find in favour of the parent(s)/legal guardian or the parent(s)/legal guardian is dissatisfied with the result of the complaints procedure, the College will inform them of the complaints and appeals process available to them.
9. The College undertakes to attempt to finalise all grievance procedures within 10 working days

within a term.

10. Please Note: If the matter is of a very serious or illegal nature. Adventist Schools Victoria and the appropriate legal authorities will be involved.

Procedures

Informal procedure:

1. Clarify the Issue

Before you approach the College or your child's teacher:

- a. be clear about the topic or issue you want to discuss.
- b. focus on the things that are genuinely affecting your child.
- c. always remain calm and remember you may not have all the facts.
- d. think about what an acceptable outcome for you and your child would be.
- e. be informed; check the relevant College's policies or guidelines.

2. Contact the College

There are a number of ways you can informally raise concerns you have about your child and their education. You can:

- a. write a note to your child's teacher outlining your concerns.
- b. make an appointment to speak on the phone or in person with their class teacher, the year level coordinator or home-group teacher; ensuring that you inform the College about the issue you wish to discuss.
- c. consider speaking with the College's Child Safety Officer, Wellbeing officer, Counsellor, or Chaplain if you feel that this would be appropriate;
- d. arrange any meeting times or phone calls through the College office (this is more convenient for both you and your child's teacher and does not interrupt teachers during the time they need to be with their students).

The class teacher or year level coordinator, together with any others who may be involved, should be given a reasonable amount of time (no more than 5 working days) to take the steps required to resolve or address your concerns.

A written response will be given at each step (if the matter is not solved informally). Remember, it may not always be possible to resolve an issue to your complete satisfaction. If you are unhappy with the outcome, you can:

Formal procedure:

1. Contact the Principal/Head of School

Most concerns are resolved by following the first two steps above. However, if the issue remains unresolved after you have approached your child's teacher you can then ask to see the Head of School, or Principal.

To do this, you will need to request an appointment through the College Front Reception. Please note that:

- a. the Principal may ask another senior staff member to speak with you on their behalf. If a teacher is going to be present at the meeting it is more likely to occur outside of classroom hours;
- b. you may choose to deal with this informally, or you may put the matter in writing to commence a formal process.

If your concern is related to issues of College policy, as outlined in the College Handbook, or are in relation to the VRQA Minimum Standards, these should be raised more formally (in writing) with the Principal. If the matter is addressed formally, a written response for the decision will be provided.

Appeals procedure

Where the Principal is not the subject of a complaint, they (or their representative) are the agreed complaints officer. If you would like to make an appeal regarding a formal response from the school, you are able to:

1. Contact Seventh-day Adventist Schools (Victoria) Limited Head Office

Contact with the School's head office should only take place if all other steps have not led to a satisfactory resolution. All contact should be in writing to the Chief Executive Officer at office@asv.vic.edu.au or phone +61 3 9264 7730. A written response will be provided to you within 10 working days.

2. Contact Relevant Independent Regulatory Authorities

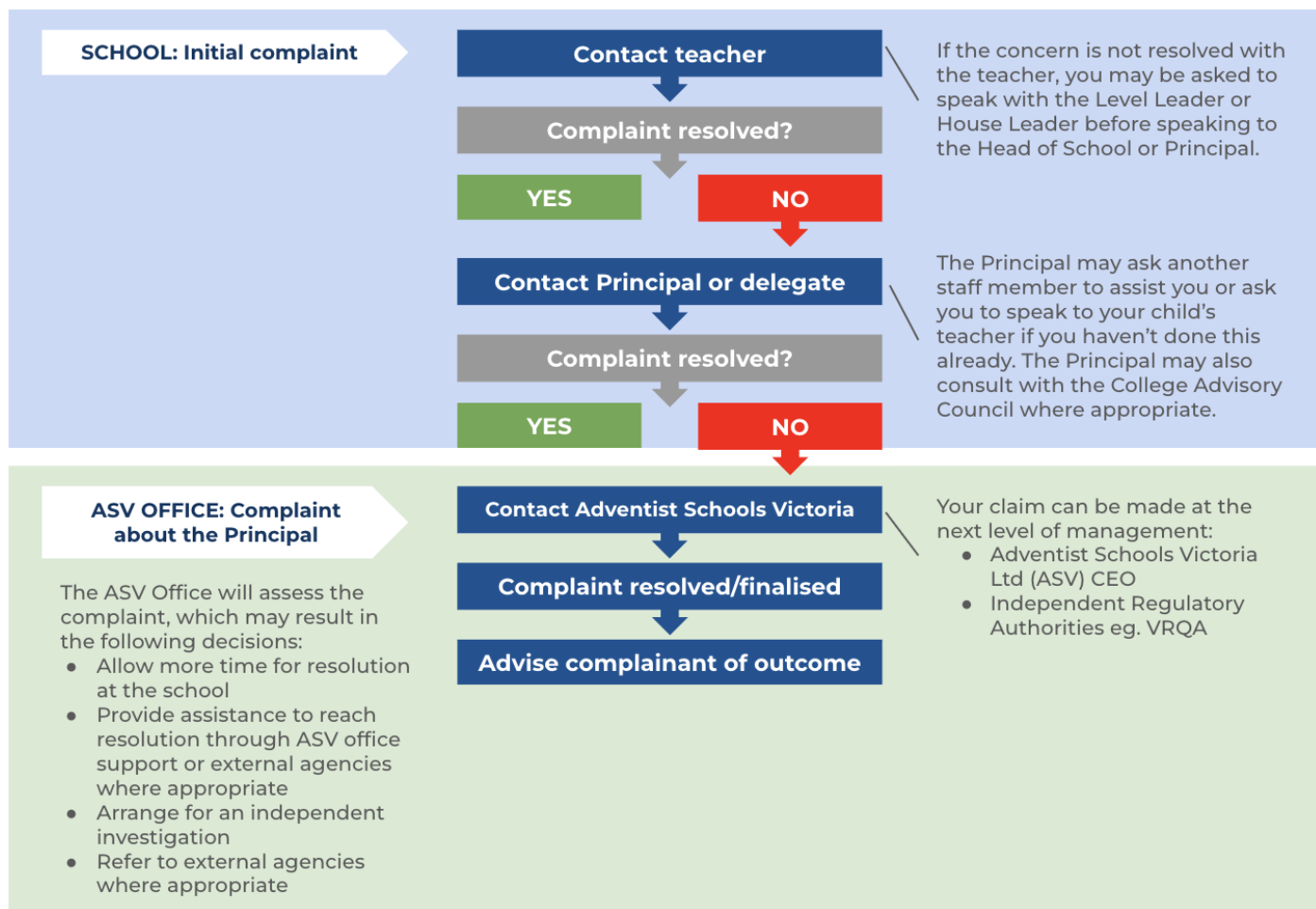
The complainant has the right to seek further resolution through relevant independent authorities, such as the Victorian Registration and Qualifications Authority (VRQA), Victorian Institute of teaching, The Ombudsman Victoria, and the Victorian Equal Opportunity and Human Rights Commission. Refer to the External Services list on pp. 5&6 below for contact details.

Written Acknowledgement

At each level of formal and appeals processes within the College, the complaints officer will provide written acknowledgement of complaint to all parties including:

1. An outline of the process and expected time frame for the complaint to be reviewed.
2. Consideration of all relevant information including the views of all parties in line with school policy.
3. Ensuring an impartial decision is made based on appropriate evidence and proper investigation of the facts and inform all parties of the reason for the decision.
4. Once an agreement between the parties has been reached, provide a written response.
5. Provide all parties with details of the appeal process if a resolution is not reached at each level.

Appeals process flow chart



Privacy

The College must handle personal, sensitive and health information in accordance with relevant legislation: the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).

The information provided in the complaint process will be used to assess and respond to the complaint. Complaint-related information is stored securely and accessed primarily by those with a role in complaint handling. When necessary and allowed by law, information may be disclosed outside the complaints process, such as where there is a serious risk to the safety of individuals.

You can request access to information about you held by the College and ASV. To request access, first speak with the person handling your complaint. It may be appropriate to use the Freedom of Information process.

For more information about how personal information is handled please see the school's *Privacy Policy* and the *ASV Record Management and Retention Policy*.

External Services

Complainants can contact these external agencies if they are not satisfied with the outcome of a complaint's investigation by the College:

- VRQA Ph: 03 9637 2806 Website: vrqa.vic.gov.au

- Victorian Institute of Teaching Ph: 1300 888 067 Website: vit.vic.edu.au
- Ombudsman Victoria Ph: (03) 9613 6222, Website: ombudsman.vic.gov.au
- Victorian Equal Opportunity and Human Rights Commission Ph: 1300 292 153
 - Email: complaints@veohrc.vic.gov.au Website: humanrightscommission.vic.gov.au

Interpreting Services

A complainant can use the National Translating and Interpreting Service by calling 131 450.

Related Policies

- Anti-bullying and harassment Policy
- Behaviour Management Policy
- Child Safety and Wellbeing Policy
- Child Safe Protection Code of Conduct
- Community Code of Conduct
- Duty of Care
- Mandatory Reporting Policy
- Privacy policy
- Procedural Fairness Policy
- Record Management and Retention Policy (ASV)
- Respectful Behaviour Policy

Relevant Documentation

- Complaints Process for Students: Getting Help poster

Relevant Legislation

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)
- Code of Conduct for Victorian Public Sector Employees
- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2017 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Family Violence Protection Act 2008 (Vic)
- Family Violence Protection (Information Sharing and Risk Management) Regulations 2018 (Vic)
- Health Records Act 2001 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Public Interest Disclosures Act 2012 (Vic)
- The Public Records Act 1973 (PR Act) (Vic)
- Wrongs Act 1958 (Vic)