

Managing Complaints and Grievances Policy



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Rationale

The Good Shepherd Lutheran Primary School endeavours to provide a quality Christian education where the whole person can grow and develop with confidence and dignity. The School 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 School seeks to resolve these matters in a positive, professional, respectful and timely manner.

Scope

This policy applies to all members of the Good Shepherd Lutheran Primary School community.

Exclusions

This policy does not cover the following:

- Complaints, concerns or issues regarding child protection (please refer to the Good Shepherd Lutheran Primary School Mandatory Reporting Policy and Child Protection and Safety Policy.
- Complaints, concerns or issues brought up by a student against another student (please refer to the Good Shepherd Lutheran Primary School Behaviour Management Policy and Bullying and Harassment Policy.

Definitions

Complainant	Person making the complaint.
Complaint	An expression of dissatisfaction by any person about any act, behaviour, omission, situation, decision or service provided that the complainant considers unfair or unjust.
Due Process	The principle where the rights of the individual are acknowledged and a just process of investigation should occur when allegations are made against the person.
Natural Justice	This is a process that involves the avoidance of initial judgment being made, ensuring that the respondent is given information about the allegation against them and is given the right of response before any penalty is imposed.
Respondent	Person about whom the complaint is made and who is required to respond to the complaint.
Restorative Justice	This is a process that involves some form of restoration being made where it has been established that wrong doing has occurred.
Support Person	Any person willing to support the interests of the Respondent.

Principles

All members of the School community have the right to raise genuine issues of concern. The guiding principles of this document include natural justice, due process and restorative justice.

The Good Shepherd Lutheran Primary School seeks to resolve these matters in a professional, respectful and timely manner and with minimal disruption to the core business of the School. The School will endeavour to resolve the complaint as quickly as possible, however, the timeframe for resolution depends on the complexity, nature and scope of the complaint.

In keeping with the ethos of the School, there is a commitment to resolve disputes in the first instance through processes of dialogue and conciliation, at the lowest level possible. Therefore, in the first instance, the aggrieved is strongly encouraged to attempt a resolution of a dispute or complaint informally through dialogue and negotiation with the relevant individual.

The Good Shepherd Lutheran Primary School is committed to the sensitive handling of complaints. Whilst confidentiality is important, there may be circumstances in which it is not possible to uphold a person's right to confidentiality. For example, as a matter of due process and natural justice, the respondent has the right to know the allegation against them and who has made the allegation. As such, complainants cannot be guaranteed anonymity with respect to their complaint.

Considerations

Victimisation

The Good Shepherd Lutheran Primary School recognises that reasonable steps should be taken to ensure that complainants and those involved in the complaint process do not suffer further disadvantage, retaliation or threats. The School will not tolerate victimisation.

An individual is victimised if he/she is threatened with, or subjected to, any form of detriment because of a complaint, or because of participation in the process of resolution.

Vexatious Complaints

Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of the School community.

Where it is found that a complaint has been made in bad faith to cause distress to one or more persons, or as a practical joke, disciplinary measures will be taken. The Good Shepherd Lutheran Primary School considers such behaviour as an unacceptable abuse of School policy.

Defamation

Confidentiality protects everyone and minimises the risk of defamation. The Good Shepherd Lutheran Primary School complaint management protocols require confidential management of all complaints. As the School has undertaken to investigate any complaints received, and as investigations may involve witnesses, any complaint will be dealt with confidentially.

Inappropriate breaches of confidentiality may jeopardise an investigation, injure the reputation of the parties involved and negate any defences against defamation.

Grievances

The Good Shepherd Lutheran Primary School hopes that any member of the School community with a complaint will provide the School with an opportunity to resolve the matter, at the lowest level, before lodging a complaint with an external agency. If a Complainant is not satisfied with the School's action, then the right to lodge a complaint with an external agency remains.

If a staff member believes that the process of handling a complaint and/or the outcome of the complaint has been unfair and/or inappropriate, he/she has the right to pursue the Dispute Resolution Procedure identified in Section 9 of the Lutheran Education South Eastern Region (Victorian Schools) Multi Enterprise Agreement 2014.

If a parent or student believes that the process of handling the complaint and/or the outcome of the complaint has been unfair and/or inappropriate, he/she has the right to pursue other legal remedies or avenues of recourse.

Consequences, Outcomes and Remedies

If a complaint is substantiated, then all aspects of the case must be taken into account when making recommendations for appropriate outcomes or remedies, including:

- the severity and frequency of the complaint;
- the weight of evidence;
- the impact on the Complainant;
- the intention of the Respondent;
- prior behaviour of, or documented warnings to, the Respondent(s).

Where it is found that breaches of School policy or the law have occurred, remedies may range from an apology through to disciplinary action, including termination of employment, depending upon the circumstances of the case.

It is important to ensure that members of the School community are able to continue to participate fully in the school environment with minimum interruption to the working/learning environment. Mediation may be an outcome of a complaint, regardless of substantiation.

Outcomes or remedies may also include measures to ensure both the Complainant and the Respondent receive individual and personal counselling to ensure their safety and wellbeing in the School. Counselling for the Complainant and/or Respondent may also be a recommended outcome of complaint, regardless of substantiation.

Records Management

All documentation in relation to complaints, whether dealt with informally or formally, must be taken in a strictly factual and professional manner, kept to a minimum, and stored in accordance with the School's Records Management Schedule, and the following protocol:

- central, secure and confidential file;
- accessed, if required, on a strictly 'needs' basis (for example, in relation to further complaints or evidence in any subsequent legal proceedings);
- destroyed as per the School's Records Management Schedule.

Further Information

Please refer to the Good Shepherd Lutheran Primary School Managing Complaints and Grievances Procedures for further information.

Review

This policy will be reviewed every five years, or as required by legislation.

Date of Endorsement: November 2016

Document to be Reviewed: November 2021