

### **Rationale**

The Deutsche Schule Melbourne – A German International School has both a desire and a responsibility to ensure that high standards of conduct are maintained by staff and students, parents and carers at all times, and that complaints and grievances are managed and resolved fairly, efficiently, promptly and in accordance with relative legislation.

We encourage school community members to provide feedback and raise issues as soon as they arise. We are committed to addressing these promptly to ensure a fast resolution for all concerned.

### **Definitions**

#### Grievances and complaints

An issue that arises where a member of the school considers they have been treated unfairly or unreasonably in any matter related to their employment with the school, to them being students of the school or parents or carers of students.

#### Unsatisfactory performance

To fulfil one's function in an unacceptable, poor or not good enough manner.

#### Serious misconduct

To behave in a seriously unacceptable or improper manner.

#### Support person

A person who provides professional and moral support to the school services officer concerned. He or she also acts as a witness to the process.

#### Legal or other representation

The school member that is the subject of an investigation has the right to the presence of a lawyer or other representative providing advice at any meeting.

### Confidentiality

The Head Teacher and the Chair of the Board must ensure that appropriate confidentiality is properly observed in relation to the management of any complaint, unsatisfactory performance or misconduct procedure.

### **Principles**

Positive, clear and effective processes for resolving grievances between the school and community members assists in the building of strong relationships, dispels anxiety, and ultimately provides students with an enhanced learning environment.

It is incumbent on the Head Teacher and Chair of the Board to act where grievances, such as complaints, unsatisfactory performance or serious misconduct involving a staff member is observed or has been brought to her or his attention, whether or not a formal complaint has been lodged.

We believe that all parties have rights when involved in a complaint or grievance, which include:

- the right of the member of the school to know allegation(s) being made against him or her
- the right of each party to be heard
- the right of each party to be treated fairly
- the right of the member to have a support person present during interviews
- the right of each party to a decision-maker who acts fairly and in good faith

### **Goals**

- To provide clear, positive and fair processes which allow grievances to be aired and resolved in a timely and effectively manner.
- To provide a harmonious, positive and productive school environment.
- To resolve complaints fairly, efficiently, promptly and in accordance with relative legislation.

### Strategies

- It is the Head Teacher and Chair of the Board's responsibility to provide a healthy and positive school environment that is free from discrimination and harassment. In doing so, they must ensure that all staff are aware of their rights and responsibilities.
- While we accept our responsibility to consult, and to communicate both clearly and effectively with the community, community members also have an obligation to read notices and newsletters, to attend briefings, and to seek clarification when required.
- There may, however, still be times when members of the community disagree or are confused about the things that we are doing.
- The Head Teacher and Chair of the Board will use his or her professional judgement, subject to legal or policy requirements, to decide if the matter should be dealt with as a complaint, unsatisfactory performance or serious misconduct.
- All matters must be treated with utmost confidentiality, and professional respect at all times.
- Documents relating to a complaint, unsatisfactory performance or misconduct will be placed by the Chair of the Board in a sealed envelope marked 'Confidential – Chair of the Board only' and filed on the school members personal file.
- Only the Chair of the Board or other authorised persons will access these documents as they are subject to strict privacy provisions. The Head Teacher and the Chair of the Board are responsible for ensuring that all documents are handled with absolute confidentiality, including faxes and emails.
- Application may be made under the Freedom of Information Act 1982 to view the documents relating to any of the procedures outlined in these guidelines.
- A complainant may at any stage choose to take their complaint directly to an external agency such as the Merit Protection Boards, Australian Education Union, Victorian Equal Opportunity Commission, the Human Rights and Equal Opportunity Commission or the Ombudsman.
- Where a complainant has real and substantial concerns that, as a result of raising a complaint, they may suffer a detriment, they may apply to access the provisions of the Whistleblowers Protection Act 2001.
- The Chair of the School Board will be kept informed of all complaints.

Date

October 2007, Revised August 2008

### Complaints Resolution Procedure

Complaints may arise from, for example:

- unprofessional conduct and/or unsatisfactory performance
- a particular incident
- allegations of unlawful discrimination
- allegations of unlawful harassment, including sexual harassment
- allegations of bullying
- a school practice or policy that a complainant believes is unfair, unreasonable or inappropriate
- decisions made, or not made, that a complainant believes are unfair, unreasonable or inappropriate

The Complaints Resolution Procedure may encompass informal and/or formal action. The following steps shall always be taken:

- Upon receiving of the complaint, the Head Teacher will assess the nature of the complaint and form a view regarding the appropriate course of action.
- The Head Teacher and Chair of the School Board will exercise his/her judgement as to whether or not they will act upon anonymous complaints.
- Some complaints may be determined to be vexatious or malicious in nature. Where the Head Teacher and/or Chair of the Board determine after due consideration that this is the case, the complaint should be dismissed and the complainant counselled about his or her action in lodging a complaint. Making a vexatious or malicious complaint may be an act of misconduct.
- The Head Teacher must decide whether the matter requires formal or informal resolution process.

#### Informal resolution process

An informal resolution process may occur where the complaint is minor, the complainant wishes the matter to be dealt with informally or the complaint has arisen from lack of or unclear communication.

- The process may involve talking to one or more of the parties, may include conciliation (bringing the two parties together to assist in achieving a resolution) and requires minimal documentation (e.g. diary

- entry, copy of written response to the complainant outlining advisable action taken).
- Community members may be accompanied by another person in a support role, at appointments to resolve grievances.
- The process may be formalised at any point as the Head Teacher sees appropriate.
- Steps involved may include:
  - trying to establish the facts as clearly possible, being wary of third hand information or gossip.
  - if the matter involves a parent wishing to discuss their child or an issue of everyday class operation, making an appointment to see their classroom teacher, detailing the reasons for the appointment.
  - making an appointment with the Head Teacher and/or Chair of the Board to discuss issues involving school policy, operations beyond the child's classroom, concerns about staff, or grievances that are probably not easily resolved.
  - providing the concerned community member with a copy of this Complaints and Grievances policy unless the matter is easily and satisfactorily resolved.

### Formal resolution process

A formal resolution process will be used when informal processes have not been successful, a complainant seeks a formal process, or the Head Teacher and/or Chair of the Board believe the complaint warrants formal investigation. Formal processes comprise the following steps:

#### Investigating the complaint

The Head Teacher and Chair of the Board should:

- establish the precise nature of the complaint.
- acknowledge receipt of the complaint in writing.
- inform the school member of the exact details of the complaint.
- provide the school member with an opportunity for written response.
- provide the school member with an indicative time-line for the investigation.
- consider all relevant matters in clarifying the complaint.
- keep written accounts of all interviews, statements and records of correspondence.

- provide the school member the opportunity to meet to clarify matters in response.

### Making a finding

The Head Teacher and Chair of the Board will determine if the complaint has substance under the civil standard of proof on the balance of probabilities, and will take into consideration:

- the circumstances and context of the complaint.
- whether evidence has been presented in credible and consistent manner.
- the absence of evidence where it should logically exist.

### Determining appropriate action

- Unsubstantiated complaints: The Head Teacher will clarify any misunderstandings and deal with the matter (eg: acknowledge different perspectives, remind the parties involved of the expected standard of conduct and monitor the situation carefully).
- Substantiated complaints: The Head Teacher may consider formal apologies, counselling, clarifications on expectations of appropriate conduct, verbal or written warnings, conciliation, or implementation of unsatisfactory performance or serious misconduct procedures, escalation to Board level.
- After making and acting on a decision the Head Teacher and the Chair of the Board will attach a copy of all documents/reports related to the complaints process to the school member's personal file.