

COMPLAINT RESOLUTION PROCEDURE

1. PURPOSE

The purpose of this procedure is to set out the steps required to resolve a dispute, as described in the ELTHAM College Complaint Resolution Policy, which has arisen from a grievance.

2. SCOPE

This procedure applies to members of the ELTHAM College community other than staff. Staff should follow the [EC189-POL Staff Grievance Procedure](#).

3. WHAT IS A GRIEVANCE?

A grievance can be about anything done, or not done, by a College employee, student or parent which you feel affects you unfairly or unjustly, resulting in you having a grievance (a "cause for complaint") which you require to be resolved. A grievance can also be about discrimination or harassment.

Where you have a grievance, you may wish to address this grievance by making a "complaint".

Complaint – Australian Standard AS/NZS ISO 10002:2014 Guidelines for Complaints Management in Organisations defines a complaint as an *'expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required'*.

You do not have to be directly involved in the incident to have a grievance and make a complaint. You may have been an observer or witness to a matter which you believe requires resolution.

In all cases where the grievance relates to the operations of the College as determined by the Principal/College Executive, any resultant complaint will be dealt with by the Principal or the Principal's delegate.

4. RECOMMENDED PROCESS FOR RESOLVING COMPLAINTS

4.1 Informal Process

If possible the management of a complaint will be resolved via an informal process where the complaint is addressed, and actions agreed to satisfy the resolution of the complaint.

If you feel comfortable in doing so, you should speak to the person causing the grievance, and provide appropriate input as to why you believe a grievance exists. This may provide the person with an opportunity to address behaviour that they were unaware of, or is motivated by factors the person with the grievance has no knowledge of.

If the nature of the complaint relates to bullying or harassment, the complainant can refer the complaint to the College's Bullying and Harassment Advisors, he/she will provide support and assistance to resolve informal complaints. The following staff are the Bullying and Harassment Advisors:

- Director, Student and Staff Services
- Student Counsellor

However, some matters may not be able to be resolved via an informal process, and so will then be subject to a formal process.

If informal processes do not resolve the complaint, then the complainant should report the complaint using the process outlined in 3.2.

In all cases where the complaint involves matters which may be subject to criminal charges, or where the subject of the complaint must be reported to a regulatory authority, including the police, reporting appropriate to the nature of the matter will be actioned. Pending the advice of the regulatory authority, ELTHAM College will take all necessary steps to prevent further occurrences of the behaviour in question.

4.2 Formal Process

A formal complaint may be initiated by the aggrieved person if informal procedures are not successful or in situations where the allegations are more serious and informal procedures would be inappropriate.

- As noted above, at times the nature of a complaint may be referred to authorities for resolution, particularly in circumstances where there is a reasonable expectation of intervention of a formal legal process, or the matter is subject to mandatory reporting.
- The Deputy Principal or other person dealing with the complaint must ensure that the complaint is given to the person against whom it is made as soon as is reasonably practicable after receiving it, having regard to the need for the Principal to be satisfied that the case is one:
 - (a) which is appropriate for a formal complaint
 - (b) in which the conduct is sufficiently described in the complaint
 - (c) in which the correct procedures under this Policy have been followed.
- Assistance may be sought from an independent mediator where circumstances indicate this is required.
- The Formal Complaint Form [EC021-FORM](#) should be completed and submitted to the Deputy Principal, or other person as appropriate, who will convene and chair a Complaint Committee.
- The Committee will include a person nominated by the aggrieved and a staff member from the relevant area, who will be nominated by the Principal. If the complaint is against the Principal, the Complaint Form should be submitted to an appropriate person. (alternative paths). See 5(b).
- The Committee will appoint an appropriate investigator(s) (who may be a member of the Committee) to investigate the veracity of the complaint and any counter complaints which may arise.

- The Committee will seek to resolve the matter within ten (10) working days of all relevant information being made available to the Committee, and the Principal will as appropriate notify in writing all parties involved of the decision taken or further actions to be taken as a result of the findings of the Committee.
- If the parties agree to the Committee's resolution, then the matter is closed. In such circumstances both parties will be required to sign a statement which includes details of the resolution and acknowledges that the matter is resolved.
- The complainant or appellant will be provided with a copy of the written statement which details the outcome and includes details of the reasons for the outcome.
- Any decision taken by the Committee may be appealed to the Principal, who will not sit on the Committee, who will be responsible for the final decision based on the information contained in the appeal.
- At any stage the disputants can seek external arbitration. The solution is then no longer in the hands of the disputants or the College.

5. RECORDS

Where the matter becomes a formal complaint, it is expected that all parties, including the College, shall maintain documentary records of meetings, correspondence, steps taken to resolve a matter etc dealt with under these guidelines. At this time, parties involved should be asked for background information, and notes will be taken of the information furnished. Furthermore, any records, once the formal complaint is resolved, will be kept securely and confidentially in a file established for the purpose by the Principal but not in the staff member's personal file.

The privacy of all persons with an interest in the matters raised is paramount, and shall only be breached where a legislative instrument requires this, such as under Child Protection requirements.

6. INVESTIGATION

- a) Please refer to Appendix A – the Complaint Investigation Flow Chart, this documents the steps to be taken to investigate a complaint.
- b) Where the complaint involves the Principal, the matter may be referred to the Chairperson of the ELTHAM College Board or other person(s) as appropriate to the matter and as agreed with the complainant, who will then follow the steps below in place of the Principal in seeking to resolve the dispute. The Chair can be contacted by email on chair@elthamcollege.vic.edu.au.
- c) Where a complaint involving the Principal is referred to the Chairperson, the Chairperson will appoint a Committee in place of the Deputy Principal.
- d) A complaint as regards the operations of the College is not a complaint involving the Principal, and will in all cases be dealt with by the Principal or the Principal's delegate.
- e) The person against whom the allegation has been raised must respond to the allegations within fourteen (14) days of receiving the formal complaint.

- f) Following receipt of the response, the Principal/Chair shall then meet with each party in an attempt to identify the issues involved, review what steps have already been taken and give both parties an opportunity to undertake further informal measures. If the matter remains unresolved, the Principal/Chair should then advise them of the formal procedures to be followed.
- g) The Principal/Chair may appoint an investigator to carry out an investigation into the complaint. It would be expected that this would be completed and a report submitted to the Principal/Chair within ten working days. The investigation will include interviews with the complainant and the respondent, and if necessary with witnesses called by either party.
- h) The Principal/Chair and investigator will meet with both parties individually to discuss the report, its implications and the steps that will be taken to resolve the matter.
- i) If, at any stage of the resolution, the Principal/Chair believes and/or is advised that the matter may involve criminal activity, the Principal/Chair is obliged to refer the matter to the appropriate authorities. In such instances the activities to resolve the matter will be suspended until such time as the authorities have completed their inquiries, and the College reserves the right to take whatever other steps may be appropriate to manage the matter in the intervening period.
- j) If a resolution to the matter is reached (i.e. withdrawal or dismissal of the allegations, recommendations to prevent a recurrence, an apology, counselling, etc) the matter is closed. In such circumstances both parties will be required to sign a statement which includes details of the resolution and acknowledges that the matter is resolved.
- k) A record of the complaint, of all relevant matters dealt with during the dispute resolution process, final statements made by parties to the dispute, the agreed outcomes, and any other relevant matters will be retained by the College in records maintained by the Deputy Principal/Chair (or Principal where the Deputy Principal is a party to the dispute)
- l) If the issue is unresolved due to lack of evidence, both parties will be advised that the matter cannot proceed.

7. REVIEW OF DECISIONS

In some circumstances one of the parties to the dispute may not be satisfied with the outcome of the process undertaken to resolve the response, and/or the findings of that process. In such circumstances there will be a right of appeal, whether to an internal or external body. The parties to the dispute will be consulted as to a further review process, and the dispute will be referred to any agreed person or body for review. Where agreement cannot be reached as to how the appeal will be dealt with, a qualified external arbitrator/mediator will be appointed to undertake the review.

8. NATURAL JUSTICE

Both the complainant and complainee have the right to be afforded natural justice.

A person making a complaint has the right to:

- An understanding that all reasonable care will be taken to ensure the matter is handled confidentially

- An impartial hearing, and fair and equitable treatment
- Engage the person or organisation of their choice to provide assistance and support throughout the course of the matter
- Access to any documentation to be relied on by any person in the hearing relating to the complaint (including the person hearing the complaint).

A complainee has the right to:

- Be informed of the nature of the complaint in the first instance
- Respond to the complaint
- An impartial hearing, and fair and equitable treatment
- An understanding that all reasonable care will be taken to ensure the matter is handled confidentially
- Engage the person or organisation of their choice to provide assistance and support throughout the course of the matter (e.g. assisting with the preparation of responses, representation, accompanying to meetings, etc)
- Access to any documentation to be relied on by any person in the hearing relating to the complaint (including the person hearing the complaint).

9. REFERENCES

Internal References:

- [EC018-POL Bullying and Harassment Policy](#)
- [EC189-PRO Staff Grievance Procedure.](#)
- [EC036-POL Privacy Policy](#)
- [EC021-FORM Formal Complaint Form](#)

External References:

- [Australian Standard AS/NZS ISO 10002:2014 Guidelines for Complaints Management in Organisations](#)

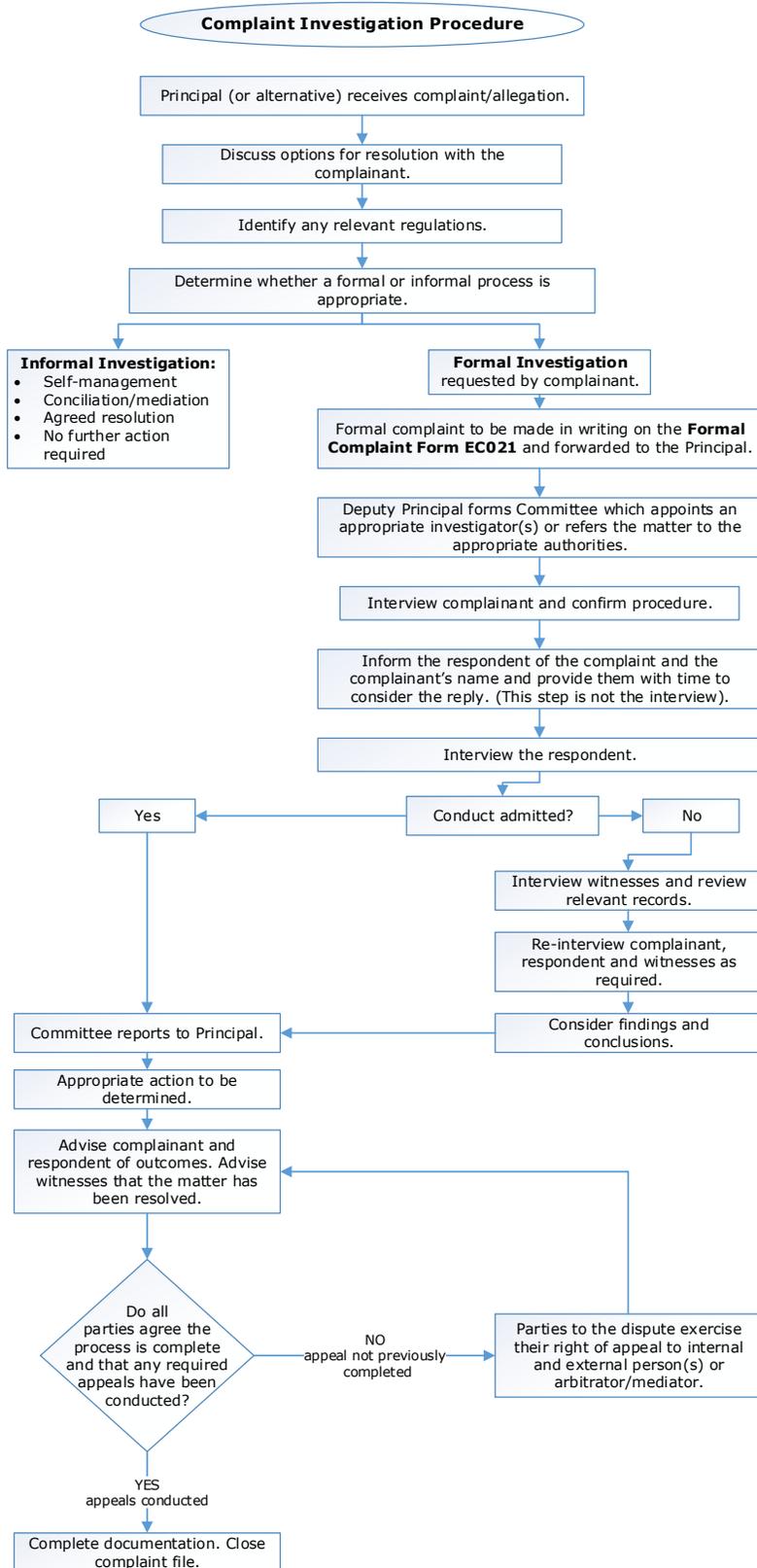
10. DOCUMENT VERSION CONTROL AND AMENDMENTS

Version	Date	Amendment	Author
1	August 16	Second Version	Executive
2	April 2017	Revised text	Business Manager
3	July 2017	Revised to include appeal process	Business Manager
4	July 2019	Updated version and date following bi-annual review. No changes to text.	Business Manager

5	March 2019	Ensure operational matters are dealt with by the Principal, clarify process where the complaint involves the Principal, clarify that an independent mediator may be engaged.	Business Manager
6	June 2020	Added Scope and Internal and External References	Business Manager

11. APPENDICES

Appendix A – Complaint Investigation Procedure Flow Chart



Appendix B – [EC021 Formal Complaint Form](#)



FORMAL COMPLAINT FORM

(To be submitted to the Deputy Principal)

Complainant's Name: _____ **Date:** _____

Best Contact Phone Number: _____

Note: In most situations the complainant must have initiated the Informal Complaint Procedure before filing a written formal complaint. The statement need not follow any particular format but shall include sufficient information to clarify the issues relating to the complaint, a description of any actions already taken and an indication of the resolution sought. This form will be provided to the other party(s) to the complaint, subject to confidentiality after considering the rights of the person(s) against whom the complaint is made against the needs for confidentiality of the complainant.

Summary of Complaint:

Action already taken:

List persons who may be contacted to provide further information:

(use additional paper if necessary)

Remedy Sought: _____

 **Signature of Grievant:** _____

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3	July 17	Revised to include appeal process	Business Manager
4	July 19	Updated version and date following bi-annual review. No changes to text.	Business Manager
5	March 19	Ensure operational matters are dealt with by the Principal, clarify process where the complaint involves the Principal, clarify that an independent mediator may be engaged.	Business Manager