

Complaints and Grievances

Policy and Procedure

Purpose

This policy and procedure outlines how Hester Hornbrook Academy (HHA) will deal with complaints and grievances in a fair, open and timely manner. It applies to all HHA students, parents/guardians/carers, staff (including contractors and volunteers), the HHA Board, and other stakeholders.

Scope

- This policy and procedure applies to all HHA students, parents/guardians/carers, staff (including contractors and volunteers), the HHA Board, and other stakeholders.
- HHA acknowledges that complaints provide organisations with information about service delivery faults and organisational weaknesses. Complaint handling can be effective in resolving a problem before it gets worse, providing a remedy to the affected individual(s) who has suffered disadvantage, and nurturing good relationships between HHA and its people.
- This policy is based on providing and maintaining education services that are fair and reasonable and afford a forum where issues or inadequacies can be resolved. This process provides adequate opportunity for complaints and appeals to be forwarded to HHA management in a timely, confidential and sensitive manner.

Policy

This policy and procedure aims to:

- Ensure that the HHA environment is harmonious and free from intimidation, harassment and other unfair treatment
- Promote clear, honest and open communication
- Provide a timely and effective mechanism for staff, students and others to express their concerns or make complaints when they occur so that options for a resolution can be identified as soon as possible
- Ensure concerns and complaints are handled impartially, justly, confidentially and with the appropriate sensitivity
- Define the responsibilities and rights of staff, students, visitors and managers in resolving concerns and complaints.

Definition of a Complaint

- A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person.
 - A complaint can be formal or informal.

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Roles, Responsibilities and Rights

The HHA Board and Principal are responsible for:

- Providing leadership in demonstrating a commitment to the resolution of complaints made to HHA;
- Ensuring there is an effective, timely, impartial, and just system for dealing with complaints;
- Fully investigating complaints that reach Step 4 (Principal) or Step 5 (Board), or delegating an appropriate staff member or convening a decision-making committee to do so (see 2.12);
- Making final decisions relating to complaints within the HHA process.

The Assistant Principal is responsible for:

- Ensuring that all complaints are registered in the HHA Complaints Register (RiskMan).

Leaders, Education Staff and Wellbeing Staff are responsible for:

- Exercising primary responsibility for receiving and resolving complaints and any conflict in their areas in a timely and fair way;
- Advising people of their right to make a complaint where appropriate;
- Providing advice and assistance to people who have a complaint.

Complainants are responsible for:

- Providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
- Engaging openly in the complaint handling process, including participating in discussion with other parties to resolve the concerns;
- Responding to HHA requests for information in a timely manner;
- Respecting those individuals involved in the complaint handling process.

Respondents are responsible for:

- Providing a clear and honest account of their concerns and their expectations for the outcome of the complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
- Engaging openly in the complaint handling process, including participating in discussion with other parties to resolve the concerns;
- Responding to HHA requests for information in a timely manner;
- Respecting those individuals involved in the complaint handling process.
- As stated in the Hester Hornbrook Academy Student Welfare Procedure, HHA recognises the right of all its students to give feedback and complain about HHA's services and have their grievances fairly heard and actioned when required.
- Complainants have a right to have a support person involved with any processes regarding a complaint. The following people may be considered as support persons:

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- Classroom Youth Worker
 - Classroom Education Staff
 - Wellbeing staff or Education Staff who is not directly involved in the matter
 - Fellow students or staff members not directly involved in the matter
 - Friend or family member of the complainant's choice
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- Complainants also have the right at any time during the complaint and appeal process, to seek the advice or mediatory services of an external independent body for example the Dispute Resolution Centre of Victoria. Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will meet the financial costs of such services.

Complaint Handling Principles

The following principles underpin HHA's complaint handling processes:

- **Access:** this Complaints Policy & Procedure must be easily accessible on the HHA website, simple to understand and well-publicised to ensure ease of implementation. All members of the HHA community should understand how to receive and pass on complaints. The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issues raised, to ensure that all parties have access to an appropriate resolution and that opportunities for further concerns to arise are minimised. All members of the HHA community will be supported in trying to resolve complaints at the lowest level possible (where appropriate) to ensure timely and efficient handling and reduce the potential for unnecessary escalation of concerns.
- **Procedural Fairness and Natural Justice:** all parties will be afforded natural justice and procedural fairness in the handling of complaints by HHA including:
 - Ensuring that all parties to a complaint know what to expect during the complaint handling process;
 - Carrying out the complaint handling process in a transparent manner, based on sound evidence and free from bias;
 - Providing all parties with equal opportunity to participate in the process;
 - Treating all parties in a respectful manner; and
 - Providing reasons for decisions made.
- **Equity:** actions and decisions in relation to complaints will be made having regard to the age, culture, disability, language, religion, gender and sexuality of the parties. HHA will always endeavour to investigate concerns raised with it regardless of the manner in which they are expressed. A complainant will not be disadvantaged through lodging a complaint in good faith, regardless of the outcome. Complainants and respondents will be entitled to be assisted by a support person which may be a member of the person's family, a friend, carer or other person.

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- **Confidentiality and Recording:** the privacy and confidentiality of parties will be respected to the extent practicable and appropriate; with acknowledgment that matters may be subject to production under the Freedom of Information Act or may be subject to subpoena. Accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions.
- **Resolution:** where it is within HHA's responsibility, fair and reasonable remedies will be offered where appropriate. There will be regular monitoring, review and reporting of complaints received and actions taken. The operation of the complaints handling process and findings will be reported to management and the Board to improve HHA's service delivery and workplace environment. Preventative and corrective action will be taken to eliminate the causes of complaints and to improve the quality of HHA's policies and operating environment.
- **Authority:** individuals involved in handling complaints will have the necessary authority and management support to carry out the process effectively, and will have (where specific skills are required, such as mediation) access to appropriate training and resources to fulfil their role.
- **Conflict of Interest:** Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.

Rights of Staff Involved in Complaints

HHA staff are entitled at all times to be treated with respect and courtesy when handling complaints.

Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward staff, the Principal may decline to further consider the complaint and institute proceedings for misconduct against the person under applicable policies of HHA or refer the matter to an external agency.

Complaints/Appeals Process

- The process by which complainants/appellants should follow when making a complaint/appeal to HHA is outlined in the flowchart in Appendix 1.
- Throughout this process references to 'complaint' also apply to an 'appeal.'
- In detail, this process is:
 - The complainant makes notes about the details of their complaint (eg. time, place, what happened, who's involved, other witnesses)
 - If appropriate, the complainant takes their complaint directly to the person involved (eg. HHA staff member).
 - This step is skipped if there are reasons why it should not be taken directly to the person. (eg. it's too serious, complainant feels too emotional, or complainant feels it is not appropriate to discuss directly).

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- The key contact people in HHA at this step are the staff member involved and their manager. Their roles during this step are:
 - a. Receiving the complaint
 - b. Acknowledging the complaint
 - c. Assessing/investigating the complaint within the context of their role
 - d. Where possible, resolving the complaint and providing a satisfactory outcome to the complainant
 - e. Advising people of their right to make a formal written complaint where appropriate
 - f. Providing advice and assistance to people who have a complaint.
- If a satisfactory outcome is not reached in Step 2, or it needs to be skipped, the complainant takes their complaint to different HHA staff member that they trust.
- The key contact people in HHA at this step are the staff member approached and their manager. Their roles during this step are:
 - g. Receiving the complaint
 - h. Acknowledging the complaint
 - i. Assessing/investigating the complaint within the context of their role
 - j. Where possible, resolving the complaint and providing a satisfactory outcome to the complainant
 - k. Advising people of their right to make a formal written complaint where appropriate
 - l. Providing advice and assistance to people who have a complaint.
- If a satisfactory outcome is not reached in Step 3, the complainant completes the HHA Complaint/Appeal Form (Appendix 2), and sends it to the HHA Principal. This begins HHA's formal complaint review process, leading to a full investigation and a decision by the HHA Principal, the Principal's delegate, or the decision-making committee that the Principal convenes.
- The key contact person in HHA at this step is the HHA Principal, who can be contacted via email. Their role during this step is:
 - a. Formally receiving the HHA Complaint/Appeal Form via email
 - b. Sending an acknowledgment of the complaint directly to the complainant in writing
 - c. Fully investigating the complaint, or delegating an appropriate staff member or convening a decision-making committee to do so
 - d. Ensuring the complaint is dealt with in an effective, timely, impartial, and just manner
 - e. Making a final decision on the complaint and providing an outcome to the complainant, providing written reasons for the final decision and the outcome directly to the complainant within 3 weeks (or as soon as practicable) of receiving the complaint.

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- If a satisfactory outcome is not reached in Step 4, the complainant may ask the HHA Board to review the Principal's decision. This begins the HHA Board formal complaint review process, leading to a full investigation and a decision by the HHA Board, their delegate, or the decision-making committee that the Board convenes.

The key contact person in HHA at this step is the HHA Board Secretary, Jacquie Scales, who can be contacted via email at jscases@mcm.org.au. Her role during this step is:

- a. Formally receiving the HHA Complaint/Appeal Form via email
 - b. Sending an acknowledgment of the complaint directly to the complainant in writing
 - c. Ensuring that the Board receives, reads and fully investigates the complaint, or delegating an appropriate Board member or convening a decision-making committee to do so
 - d. The Board must ensure the complaint is dealt with in an effective, timely, impartial, and just manner
 - e. The Board must make a final decision on the complaint and provide an outcome to the complainant, providing written reasons for the final decision and the outcome directly to the complainant within 3 weeks (or as soon as practicable) of receiving the complaint.
- If a satisfactory outcome is not reached in Step 5, the complainant will be advised that they may take their complaint to the VRQA for a formal external review (see 2.20).
 - The key contact person in HHA at this step is the HHA Principal, who can be contacted via email. Their role during this step is:
 - Provide the VRQA's contact details to the complainant
 - Ensure all HHA staff are ready and willing to support the VRQA's external review of the complaint in any way needed.

HHA May Decline Complaints

HHA may decline to deal with a complaint at any time where the Principal forms the view that:

- the complaint is:
 - frivolous
 - vexatious
 - not made in good faith
 - misconceived
 - lacking in substance
 - lacking in currency
- a claim has been commenced (either by the complainant or HHA) in a court or before another judicial authority;

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- the subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency;
- the subject matter of the complaint may be more appropriately dealt with by an external agency;
- HHA has already dealt with the substance of the complaint in the past.
- Note: all internal processes should be completed and implementation of recommendations not unduly delayed.

Referral of Complaints

In general, HHA will consult with the complainant to identify how the complainant wishes the complaint to be handled and the outcomes the complainant is seeking without reference of the matter to third parties. However, where the conduct complained about amounts to serious misconduct (e.g. serious risk to the health and safety of staff or students), to a criminal offence, or where mandatory reporting is legislated, HHA has an obligation to deal with the matter under the relevant rules and to refer the matter to the Police or other agency for investigation e.g. WorkCover.

Records, Privacy and Confidentiality

Accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties which relate to management of the complaint and all decisions made in relation to the complaint. All records must be marked "Confidential."

Only the people who are directly involved in the complaint, or in helping to resolve it, are to have access to information about the complaint.

All documentation of complaints managed under this Policy will be held by the HHA Principal. Complaint documentation is to be kept separate from personnel or student administration files, and these should be annotated only where a person has had a penalty imposed as result of disciplinary action as an outcome under this Policy.

All records and information collected under this Policy will be kept confidentially according to the HHA Privacy Policy.

Time Limits

Investigation of formal complaints/appeals will be completed and a written decision provided to the complainant/appellant within 3 weeks of the Complaint/Appeal Form (Appendix 2) being received by the HHA Principal.

It is recognised that time delays may be experienced where communication is required across campuses or with other external bodies. In exceptional circumstances, where it is not possible for an action to be completed within the time limit, steps must be taken to ensure that the process is completed within a reasonable time. Under such circumstances the complainant will be kept informed of the progress.

While staff must endeavour to comply with time limits, no action or determination made under this policy is invalidated simply because a time limit is exceeded.

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Appeals

All staff, students, and clients of HHA have the right to appeal decisions made by management and staff of HHA.

Procedures for dealing with appeals on assessment decisions are addressed by the relevant Education Staff in the first instance.

Where assessment decisions cannot be resolved between the student and relevant staff member then this policy and procedure (the HHA Complaints and Grievances Policy & Procedure) will apply.

Counselling

If the complainant/appellant feels they require counselling at any time during the complaint/appeals process, they will be encouraged to find a service that is right for them through using the Lifeline Service Seeker, available at <https://lifeline.serviceseeker.com.au/>

Independent Mediation and Advocacy

At any time during the complaint and appeal process the complainant/appellant may seek the advice or mediation services of an external independent body, such as the Dispute Resolution Centre of Victoria – a free mediation service, which may be accessed via telephone Toll Free 1800 658 528 or email dscv@justice.vic.gov.au Further information can be accessed at <http://www.disputes.vic.gov.au/>

Other mediation, advocacy and advisory services may be accessed through:

- Australian Dispute Resolution Association (<http://adra.net.au/>)
- Youthlaw (<http://youthlaw.asn.au/>)
- Justice Connect (<https://www.justiceconnect.org.au/>)

Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will meet the financial costs of such services.

Formal External Review by VRQA

If the complainant is not satisfied with the outcome of their complaint or the way it has been managed during HHA internal process, they will be advised that they can contact the Victorian Registration and Qualifications Authority (VRQA) via telephone +61 3 9637 2806 or email vrqa@edumail.vic.gov.au for a formal external review of the complaint/appeal. Further information can be accessed at <http://www.vrqa.vic.gov.au/complaints>

- This policy and procedure is communicated to all HHA students through:
 - An introduction to these rights and responsibilities during their initial pre-enrolment interviews.
 - Consistent reminders in class.
 - Inclusion of the section in Appendix 3 in the HHA Student Handbook.
 - The provisions outlined in the HHA Communications Policy.
- This policy and procedure is communicated to all HHA staff by:

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- Including information on complaints and grievances and this procedure in every staff member's induction.
- Being reminded on a consistent basis of their rights and responsibilities in relation to complaints and grievances under the Staff Code of Conduct, and the relevant section of the HHA Staff Handbook.
- The provisions outlined in the HHA Communications Policy.
- This policy and procedure is communicated to parents/guardians/carers and the HHA community by:
 - Being informed where this procedure can be accessed upon student enrolment, and at the start of every school year thereafter.
 - The provisions outlined in the HHA Communications Policy.

Accountability
Hester Hornbrook Academy Student Welfare Policy Hester Hornbrook Academy Bullying & Harassment Procedure Hester Hornbrook Academy Privacy Policy
Legislative context
Equal Opportunity Act 2001 (Vic) Education and Training Reform Act 2006 (Vic) Australian Education Act 2013 (Cth) VRQA Independent School Application Form – C.4.1.iv

Supporting Material

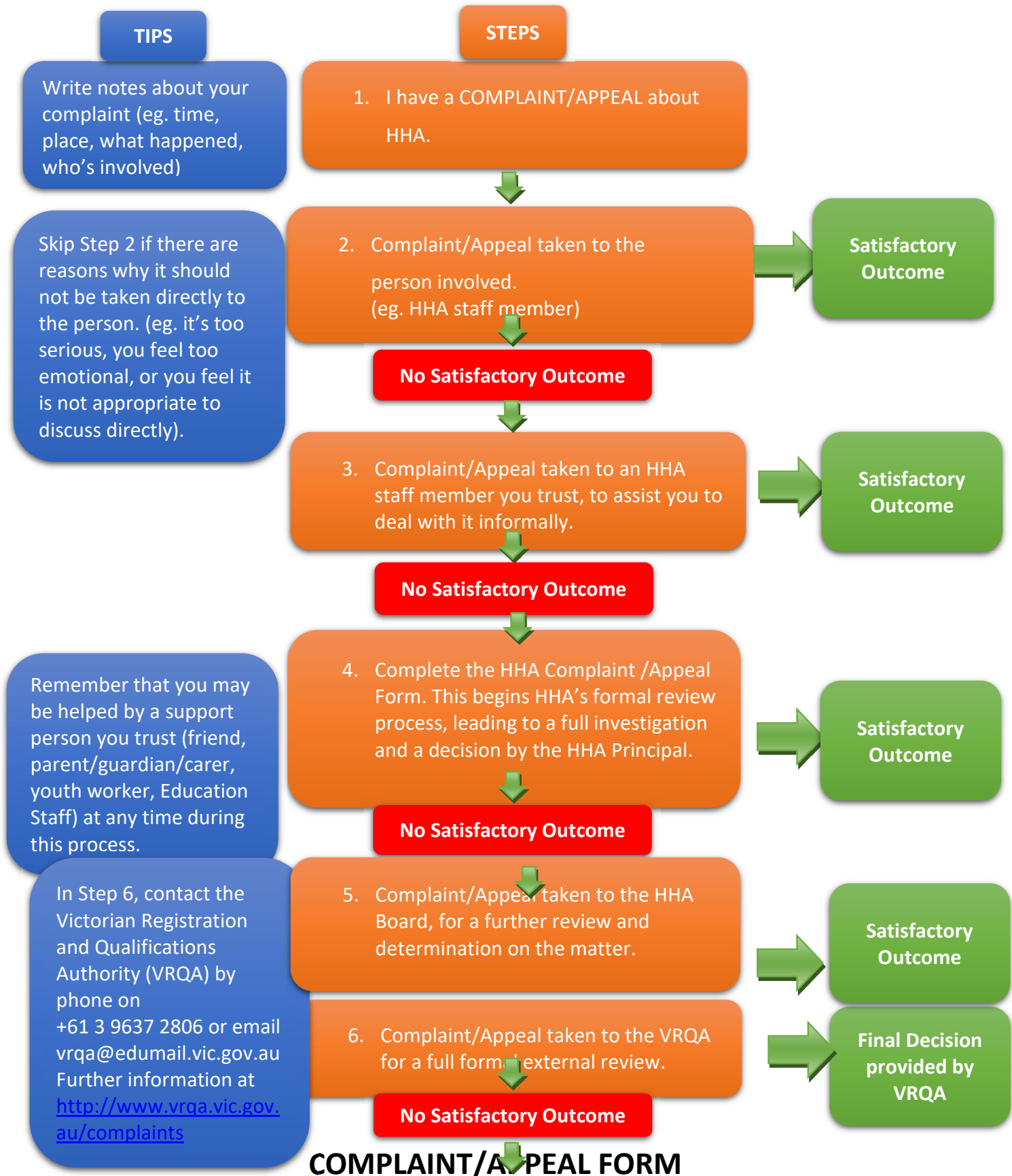
Document number	Document title
Version 1	21 June 2016 – Original Version
Version 2	9 November 2016 – Updated to ensure compliance with VRQA and Minimum Standards for Schools
Version 3	1 February 2017 - Further updates to ensure compliance with feedback provided by VRQA
Version 4	January 2019 – reviewed and approved
Version 4	January 2022 – reviewed and approved
Next review date	January 2025

Development and Review

Owner: Principal, HHA
Author: Principal, HHA
Approval Date: January 2022
Review Date: January 2025

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Appendix 1: Complaints/Appeals Process Flowchart



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Please complete this form and submit to the HHA Principal via email.

Contact Person: _____

Date: / /

Best way to contact you: _____

Class: _____

Please tick one of the following boxes:

- ☐ I am unhappy with a service provided by HHA (Complaint)
☐ I disagree with a decision that has been made by HHA (Appeal)
☐ Other: _____

Details of complaint/appeal:

How would you like your complaint/appeal to be resolved?

Please attach any additional information that you think will assist in investigating your complaint/appeal.

Your complaint/appeal will now be formally investigated by HHA Management, including the Principal.

If you are unhappy with the decision reached after this process, you may ask for further review by the HHA Board. If you are still unhappy, you may at any time request a formal external review by the VRQA. Further information at <http://www.vrqa.vic.gov.au/complaints>

Signature: _____

Name: _____

Date: _____

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Appendix 3: Complaints and Appeals Entry in HHA Student Handbook.

Complaints and Appeals

You are the best person to know how the service you receive from us is working for you. We want you to have the chance to give us feedback and to have your say about what works and what could work better for you. If you are unable to do this, a representative of your choice can support you to do this, or they can do this on your behalf.

We treat all complaints seriously, and in line with the Hester Hornbrook Academy Privacy Procedure. We will try at all times to be open and honest with you so you know it is ok to have your say. Any feedback or complaint you make will not affect the service you receive in any way.

Remember complaints and appeals are different things. An appeal is a process that can be initiated when you think we have made the wrong decision about something... anything. It could be that you think we have not assessed a piece of work fairly, we have not enrolled you in the course you wanted, we have decided that certain information needs to be kept and you don't like it. We don't promise to change our decision but we do promise to reconsider it and give you a written and verbal explanation of why we did or did not change the decision.

HHA takes complaints and appeals seriously.

We see complaints and appeals as an opportunity to:

1. Ensure students (and others) are given a fair go
2. Encourage students to participate in a democratic process on their own behalf and with support where needed, thus offering students a participatory learning opportunity
3. Ensure our education and training programs are constantly learning from student feedback and are being altered in light of that feedback and subsequent assessment for a better program for all students

The HHA Website contains complaints and appeals information and forms for students.

Appeals, include (but are not limited to) assessment outcomes, course enrolment, record keeping processes, right to attend events and disciplinary decisions. HHA staff will support students through this process while ensuring they respect student privacy.

Alternative way to make a complaint

It is important to you and for us that you let us know when you are not happy about something. We ask that if you don't want to complete the above process you can speak to your staff about your complaint. If you feel that your concerns have not been properly acted on please speak to a member of HHA management.

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HHA has a process that we follow when you make a complaint. Your class Youth Worker or Education Staff can explain this process to you and will give you more information about it.

You have the right to seek advice, support and/or someone to speak on your behalf at any time during this process. Please speak with your Youth Worker or someone you trust about how to find this help.

What will happen next?

When you make a complaint, we will contact you promptly to acknowledge that we have received it. We will attempt to resolve the situation as soon as possible. Sometimes, due to the complexity or seriousness of the complaint more time may be needed to investigate the complaint, look at ways to rectify the situation, if that is required, and take appropriate action. You will be kept informed in writing of the outcome.

Who can you talk to if you are unhappy with the outcome?

If at any time you feel that your concerns have not been properly acted on please ask to speak to a member of HHA management.

Remember, if you are unhappy with any decision we make you can always appeal the decision via our appeals process.

Alternative way to appeal a decision

It's really easy and we absolutely want you to be involved in the appeals and decision making process because we value your input. Talk to a trusted HHA staff member and ask them to help you write a letter to your Education Staff or HHA management outlining the decision that was made and why you believe it is the wrong decision and what decision you would like to have made.

Your appeal will be responded to and a meeting will be arranged. Notes will be taken at this meeting. A resolution may include: a change to the original decision, an explanation of why the original decision was made or a referral of the appeal.