

Muhammadiyah Australia College

COMPLAINTS MANAGEMENT POLICY



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Authors:	MAC Board of Directors
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MUHAMMADIYAH AUSTRALIA COLLEGE COMPLAINTS MANAGEMENT POLICY

1 Purpose

- 1.1 The purpose of this policy is to provide the process and procedures for receiving, responding to and investigating complaints and grievances at Muhammadiyah Australia College (**College**).

2 Objective

- 2.1 The College is committed to building a College community that features positive and respectful relationships. Each member of the College community, including staff, parents and students, are contributors to the building of the College community. We commit to working with the College community to resolve any complaints in a fair and efficient manner, where timeliness and responsiveness are seen as an effective means to encourage communication. We consider this contributes to building trust and resolving issues for the betterment of all concerned.
- 2.2 The objective of this policy is to ensure that:
- all complaints are managed and resolved fairly, efficiently, transparently and promptly;
 - the College community is aware of the process that is applied to achieve resolution of any complaint;
 - complaints are handled in a confidential, non-adversarial and professional manner; and
 - complaints are handled in accordance with the principles of procedural fairness and with sensitivity to all concerned.

3 Scope

- 3.1 This policy applies to College staff, volunteers, parents/guardians, students and others involved in the programs and activities of the College. Every employee, student and family member has a responsibility to comply with this policy and to treat everyone who is part of this College community with dignity and respect.
- 3.2 The complaint process does not include matters of staff conduct that should be addressed through performance management or through disciplinary action.
- 3.3 This policy does not apply to complaints alleging criminal or unlawful behaviors. These types of complaints will be referred to the relevant authorities.

4 Guiding principles

- 4.1 The College commits to the following principles in managing complaints:

Impartiality and procedural fairness

- The complaint will be investigated in a fair and impartial manner by a person who is not the subject of the complaint.
- All investigations will be conducted in a procedurally fair manner and according to the principles of natural justice.
- Each party to a complaint has a right for their voice to be heard.
- Each party to a complaint may wish to bring a support person to any meetings held during

an investigation. A support person is present for moral support only and is not to speak on behalf of or to represent the relevant person. Support persons are also required to maintain confidentiality. We ask that these requirements are explained to the support person before they attend any meeting.

Confidentiality

- No action will be taken against the person about whom a formal complaint is made (respondent) until they are made aware of any allegations so that they may respond.
- The College respects the privacy of individual and will protect personal information provided by a complainant in the complaints and grievances process. As part of an investigation other parties may be informed on a need to know basis.
- Mediators are to use discretion and maintain confidentiality.
- Any deliberate breach of confidentiality may result in a finding of misconduct and may lead to disciplinary action for employees, including termination of employment. However, if a grievance involves a child protection issue or if it is considered that someone is in danger, external authorities will be informed immediately.

Timeframes

- The College is committed to conducting formal investigations in a timely and efficient manner, relative to the nature of the matter being investigated.
- The College will acknowledge a receipt of a formal complaint within **5 working days** and will endeavour to provide a written response within **30 days** from the receipt of a written complaint.
- The College will endeavour to complete investigations of formal complaints as quickly as possible, noting that in some cases investigations may take some time to complete, including because of their complexity, the number of witnesses and the availability of the complainant, the respondent (being the person about whom the complaint is made) and any witnesses. The College will let the parties involved know if the resolution of a formal complaint will take longer than 30 days to respond to.

No Victimisation

- The Principal will ensure that a person will not be victimised in any way or subjected to a detriment for raising a complaint or grievance or participating in an investigation in any capacity, or planning to do so.

Conflict of Interest

- It is important for the complainant to feel confident in:
 - Being heard fairly
 - An unbiased decision making process
- Should a conflict of interest arise during a grievance or complaints management process that involves any management/coordinator/leadership staff member then an alternative mediator/arbitrer will be nominated by the College.

5 Expectations of complainants

- 5.1 When addressing a complaint, it is expected that community members and College staff will:
- raise the concern or complaint as soon as possible after the issue has arisen
 - show respect and understanding of each other's point of view
 - operate within applicable legislation
 - act in good faith to achieve an outcome acceptable to all parties
 - communicate and respond in a calm and courteous manner
 - recognise that all parties have rights and responsibilities which must be balanced
 - provide complete and factual information about the concern or complaint
 - observe confidentiality and a respect for sensitive issues
 - have realistic and reasonable expectations about possible outcomes/remedies
- 5.2 In the case of a parent's concern/complaint that relates to your child's treatment by another student or students while at the College, we expect that you will refer your complaint directly to the College, via your child's class teacher, Deputy Principal or Principal. Under no circumstances should you approach another student while in the care of the College to discuss the issue or chastise them. Direct contact with parents to resolve the matter is also discouraged if the complaint pertains to issues or incidents that have arisen at the College.
- 5.3 Complainants who are unreasonable, threatening or discourteous can expect their discussions with any College staff responding to their complaint to be terminated until such time as an alternative discussion time is arranged by the College.

6 What is a complaint?

- 6.1 A complaint is any expression of dissatisfaction made to the College by a parent, student, staff member or any member of the College community, where a response or resolution is explicitly or implicitly expected by the complainant.
- 6.2 This could relate to, but is not limited to issues regarding the practice of teaching, the College's operations or unprofessional conduct at the College or any matter deemed to be significant.
- 6.3 The College accepts that complaints may either be formal or informal. An **informal complaint** is generally less serious in nature and may arise from a stakeholder (e.g. a parent) having a contrary view to the College and/or a College decision. In an informal complaint, the complainant will generally not require a formal investigation into the complaint.
- 6.4 Any other complaint should be deemed as a **formal complaint**.

7 Structure of Complaints Management Process

- 7.1 The College will adopt a four step approach to complaints management:
1. **Step 1** Receipt of complaint and acknowledgement
 2. **Step 2** Investigation
 3. **Step 3** Response
 4. **Step 4** Resolution

5. Step 5 Review

- 7.2 The Principal (or delegate) is responsible for the efficient and effective organisation, management and administration of the College including the College's complaint-handling processes.
- 7.3 Complaints about the Principal should be referred to the Chair of the College Board of Directors.

8 Step 1 - Notification of Complaint and Acknowledgement

- 8.1 An informal complaint may be made in person, by telephone or in writing with any College employee or nominated representative.
- 8.2 An informal complaint can be raised directly with the relevant staff member or their superior. If the matter involves your child or an issue of everyday class operation, contact the staff member concerned, preferably by email, explaining the nature of your concern and request for a telephone conversation or meeting.
- 8.3 A person visiting the College to make a complaint is advised that the Principal may not be immediately available to discuss the complaint. However, details regarding the complaint can be taken by the office staff, and an appointment time can be made to meet with the Principal.
- 8.4 The staff member may be able to respond to your complaint by return email or telephone with a satisfactory outcome. At times, parties may be assisted to resolve a misunderstanding, miscommunication or lack of clarity through the support of another person, such as another member of staff or the Principal.
- 8.5 If a person believes that their complaint was not addressed appropriately, they can elect to make a formal complaint in writing to the College.
- 8.6 All formal complaints must be made in writing and addressed to:
- the Principal; or
 - to the Chair of the College Board of Directors, regarding complaints about the Principal.
- 8.7 Where possible, a complaint should include the following information:
- full name and contact details of the complainant
 - full name of the respondent (person about whom the complaint is made)
 - dates and times of any specific incidents relating to the complaint
 - names of any students or staff relevant to the complaint
 - any desired outcome or suggestion for resolution
- 8.8 If an anonymous complaint is received, the College will determine how to deal with it. It may be that a lack of specificity and/or no identifiable source means that it cannot be investigated.
- 8.9 Complainants will receive an acknowledgement of their formal complaint within 5 working days of receipt unless the complaint is resolved to the complainant's complete satisfaction by the end of the 5th business day after the complaint was received and the complainant has not requested a response in writing. The acknowledgement will:
- confirm the nature of the complaint and the details provided; -
 - advise of the staff member that is handling the complaint and provide their full contact details;

- confirm any initial steps being undertaken to resolve the complaint; and
 - enclose a copy of this Policy.
- 8.10 The College will refer the complaint to the most appropriate person to investigate. There will be many occasions that this will be someone other than the Principal. The investigating staff member may conduct a preliminary investigation or communicate with the complainant to discuss the matter further.
- 8.11 The staff member dealing with the complaint will establish a clear time frame for the investigation and when you can expect a response from them. The College will endeavour to provide a written response within 30 days from the receipt of the formal complaint.

9 Step 2 Investigation process

- 9.1 In order to provide a considered response to any complaint, staff will undertake an investigation of the complaint and provide a response of their findings to the complainant.
- 9.2 If the complaint is of an urgent nature the College will endeavour to provide a considered response as soon as practicable after receipt of the complaint.
- 9.3 To investigate the complaint, the relevant contact person must:
- establish the precise nature of the complaint
 - investigate the complaint for substance, and decide if the complaint should be upheld
 - notify the respondent in writing of the complaints against and allow enough time to arrange a support person to attend an interview
 - advise both the complainant and respondent of their right to have a support person with them at all interviews and discussions
 - interview the complainant and respondent separately
 - give both the complainant and respondent appropriate opportunity to contribute their views on, and responses to, the issues raised in the complaint
 - keep written accounts of all interviews and discussions
- 9.4 If it is established that the complaint is vexatious, malicious or has no substance, or that the evidence is vague or ill-defined, then the complaint can be immediately dismissed. In these instances, a letter outlining the outcome of the investigation must be sent to both the complainant and the respondent and counselling may be offered.
- 9.5 If the evidence is clear and the relevant contact person can substantiate the complaint, they must then make a determination, formulate a resolution and provide a written response to the complainant and respondent.

10 Step - 3 response

- 10.1 The considered response to the complainant will include the following:
- details of any investigations undertaken and the findings, subject to the Privacy Policy and applicable privacy legislation;
 - the position which the College has taken with respect to the complaint; and
 - a recommended resolution.
- 10.2 The response will be reviewed by the Principal or relevant member of the College Executive prior to dispatch.
- 10.3 In some cases, the handling and investigation of a complaint may reveal a matter that must be reported to an external body including but not limited to the Commission for Children and

Young People, Department of Health and Human Services and Victoria Police. Any such matter should be referred to the College Principal in the first instance.

11 Step - 4 Resolution of complaints

11.1 Resolutions will vary from cases to case depending on the nature and circumstances of each complaint. Resolutions could include, but are not limited to:

- a verbal or written apology;
- mediation – with an internal or external mediator;
- offering the opportunity for student counselling or other support;
- an assurance that the situation complained of will not recur;
- disciplinary action/performance coaching involving a staff member;
- behavioural contract (in the case of a student);
- assistance to the complainant;
- indication of the College's intention to change policies or procedures to address the cause of the complaint; and/or
- any other appropriate resolution that may be appropriate in the circumstances.

11.2 The College is committed to ensuring procedural fairness when determining an appropriate resolution to a complaint and will, where possible:

- provide any person likely to be affected by a resolution an opportunity to present his or her position;
- ensure that the decision-maker is and remains unbiased;
- determine a resolution based upon any logically probative evidence provided; and
- a communication confirming the resolution of the complaint will be sent to the complainant.

11.3 A complaint may only be closed if the complaint has been resolved to the complainant's satisfaction, the Principal's satisfaction or the complaint has been referred to the College's Board for resolution and the College Board has made a final decision.

11.4 If there is any doubt whether a complaint may be closed, the Principal will consult with the Chair of the College Board.

11.5 It may not always be possible to resolve all complaints to the complainant's satisfaction. This could happen when the nature of the issues raised in the complaint is governed by College policies or procedures or if the complainant has unrealistic expectations about the outcome of their complaint.

12 Step 5 – Review and Escalation of complaints

12.1 If the matter cannot be resolved by the implementation of steps 1 to 4 above, then the matter may, on the written request of the complainant or respondent, be reviewed again by the Chair of the College Board.

12.2 A written response outlining the review decision made and the outcome of the complaint should be sent to both the complainant and the respondent. The complaint will be closed if the resolution is accepted.

12.3 If after all escalation points have been engaged, a complainant believes that their complaint has not been resolved to their satisfaction, the complainant may seek further resolution through relevant independent authorities, such as the Victorian Registration and Qualification

Authority (VRQA).

13 Withdrawal of complaints

- 13.1 A complaint can be withdrawn at any stage during the complaint management procedures. A complaint should be retracted in writing by the complainant and addressed to the Principal of the College.

14 Recording Complaints

- 14.1 All complaints received at the College will be recorded, even those which are about issues perceived as trivial or minor. This helps us to identify key risk areas or any whole-College issues which, if left unresolved, could lead to harm or injury or more serious concerns.
- 14.2 The following information about complaints received will be recorded:
- contact details of the complainant
 - date of complaint and method of communication
 - nature of the complaint and the requested resolution
 - the name of the staff member handling the issue
 - any actions and the timeframe taken, minutes of meetings and communication
 - a statement of the outcome, including the closure date and date of advising the complainant of the outcome.
- 14.3 The College reviews all data from the complaint and the complaint process and procedures to identify opportunities to improve its care and service.

15 Implementation of this policy

- 15.1 Parents, teachers, students and the College community will be informed about this policy. It will be available on the College's website and communicated during the induction and enrolment processes.
- 15.2 All staff will be made aware of their responsibilities with regard to the policy. Training will be provided to staff on the commencement of their employment and annually on identifying risks and their responsibilities.

16 Breach of policy by staff

- 16.1 Any breach of this Policy should be escalated to the Principal who will oversee the remediation of any breaches. The Principal is responsible for ensuring appropriate actions are taken to address breaches of this Policy in accordance with the College's disciplinary procedures.
- 16.2 The escalation should be to the Chair of the Board if the breach of policy is alleged against the Principal.

17 Review

- 17.1 This Policy will be reviewed annually by the Board and may be revised to improve existing procedures or reflect changes in any applicable legislation. The Chair of the Board is responsible for ensuring that this Policy, and any related documents, are updated when necessary to reflect changes in the law or when otherwise appropriate.