

# Managing Complaints and Grievances Policy

## Rationale

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

## Scope

This policy applies to all members of the Luther College community.

## Exclusions

This policy does not cover the following:

- Complaints from staff related to workplace discrimination, bullying, sexual harassment or other forms of harassment (please refer to the [Luther College Positive Workplace Policy](#));
- Complaints, concerns or issues regarding child protection (please refer to the [Luther College Mandatory Reporting Policy](#)).
- Complaints, concerns or issues brought up by a student against another student (please refer to the [Luther College Student Bullying and Harassment Policy](#) or the [Luther College Behaviour Management Policy](#)).

## Definitions

<b>Complainant</b>	Person making the complaint.
<b>Complaint</b>	An expression of dissatisfaction by any person about any act, behaviour, omission, situation, decision or service provided that the complainant considers unfair or unjust.
<b>Due Process</b>	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.
<b>Natural Justice</b>	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.

<b>Respondent</b>	Person about whom the complaint is made and who is required to respond to the complaint.
<b>Restorative Justice</b>	This is a process that involves some form of restoration being made where it has been established that wrong doing has occurred.
<b>Support Person</b>	Any person willing to support the interests of the Respondent.

## Principles

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

Luther College seeks to resolve these matters in a professional, respectful and timely manner and with minimal disruption to the core business of the College. The College 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 College, 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.

Luther College 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***

Luther College 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 College 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. Luther College considers such behaviour intolerable, as well as an unacceptable abuse of school policy.

## **Defamation**

Confidentiality protects everyone and minimises the risk of defamation. Luther College complaint management protocols require confidential management of all complaints. As the College 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**

Luther College would hope that any member of the school community with a complaint will provide the College with an opportunity to resolve any matter, at the lowest level, before lodging a complaint with an external agency. If a Complainant is not satisfied with the College's action, then the right to lodge a complaint with an external agency remains.

If a staff member 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 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 Luther College 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 Luther College Records Management Schedule.

## Further Information

Please refer to the [Luther College 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:** April 2015

**Document to be Reviewed:** April 2020

**First Approval Date:** 2015

**Previous Version:** N/A

**Document Owner:** Principal

**Document Editor:** Human Resources Coordinator