

## Complaints Resolution Policy

BHCS encourages all members of the school community to attempt to resolve complaints and concerns through the school if possible. It is also your right to seek help from outside the school.

Communication and resolution processes should always be based upon parties acting in good faith, exercising good judgement, being honest and open and focussing on the issue and not the person.

Each complaint is to be dealt with on its particular circumstances and merits and any settlements reached through the process will not constitute any binding precedent for future cases.

In dealing with the complaint, informally or formally, every reasonable effort should be made to ensure that natural justice is afforded to all parties.

This means in practical terms:

- Subject to any duty of care or other legal obligations, respondents should normally be informed of all allegations and the basis for and the specific circumstances which give rise to the complaint.
- The right of all parties to be heard and to put forward their case.
- Investigations must be taken thoroughly and expeditiously.
- Only matters relevant to the complaint under consideration should be taken into account.
- As far as is possible or appropriate, confidentiality will be respected and maintained by all parties throughout the resolution process. The people involved will only be informed on a need-to-know basis because they are tasked with dealing with the complaint, advising how it should be handled, or they are responsible for providing information such as witness statements, or where legal requirements determine that the matter is to be reported.

It is recognised that the application of the principles of procedural fairness can vary, depending upon the context and nature of the complaint and the nature of the response sought.

Name of Policy: Complaints Resolution Policy  
Responsibility for Implementation: Principal  
Date implemented: 2008  
Next Review Date: September, 2024

Policy Number: BHPOL-000112  
Day-to-day responsibility: All Staff  
Last updated: March, 2023

### **FOR STUDENTS**

Students are encouraged to approach the person they are most comfortable with, in order for the matter to be raised with the most appropriate person. This can be a:

- Homegroup teacher
- Team Leader
- Head of School
- Deputy Principal; or someone in the welfare team such as
- Chaplain; or
- Welfare Coordinator.

These people will seek to assist students in ensuring their complaint is heard and directed to the correct area.

### **LODGING A COMPLAINT**

Complaints can be emailed to [complaints@bhcs.vic.edu.au](mailto:complaints@bhcs.vic.edu.au) or by approaching a member of Leadership or by phoning the school to request a meeting.

The following principles will apply to the lodging of a complaint:-

- The health, safety and wellbeing of all members of the School community remain the highest priority.
- People are entitled to lodge a complaint.
- Complaints should be lodged in good faith and without frivolous, malicious or vexatious intent.
- The complaint will be heard promptly and will be taken seriously.
- The right to complain will be affirmed and the complainant will not be pressured in any way.
- Allow staff to recognise and refer a complaint that needs to be dealt with by a more senior member of staff, such as a Senior Manager or, if necessary, the Principal.
- The School will make every reasonable effort to ensure a person lodging a complaint will not be treated unfairly or victimised because of the grievance.
- All resolution policies and processes acknowledge and value different perspectives and will operate under the principles of impartiality, promptness and protection from victimisation.
- The complainant will be reminded that this policy does not remove the right of any person lodging a complaint to proceed to an external body or authority.

The Principal or his appointed delegate has the responsibility for investigating complaints of discrimination, harassment, bullying, vilification and victimisation.

### **INTERNAL RESOLUTION**

The School supports wherever possible an informal, amicable and equitable resolution of a serious complaint through discussions, mediation and/or conciliation to achieve an agreed course of conduct and behaviour aimed at enabling all parties to continue at the School free from harassment and retribution.

Complainants are encouraged to firstly, and where practicable, seek to resolve a complaint informally. Formal procedures for the resolution of a complaint will normally be invoked when a matter cannot be resolved by informal means.

### **FORMAL COMPLAINTS**

A formal complaint should be made in writing to the relevant department and dependent on this should be addressed to one of the following, the Business Manager, Head of Primary School, Head of Middle School, Head of Senior School, Head of VCE and VCAL, or the Deputy Principal. It would normally be dealt with in the following manner:

- Discussing the complaint in a private location.
- Allowing the complainant to tell the whole story.
- Affirming the right to complain.
- Acknowledging the complainant's concerns.
- Appropriate notes of each key point will be taken, repeating them to the complainant and asking whether they represent an accurate record of the allegations.
- Show empathy with the complainant's emotion, but reserve the right to request the complainant to be civil or terminate the interview.
- Avoiding immediate judgements or debate, or becoming defensive or angry in the early stages of discussion.
- The complainant will be asked what he or she wishes to achieve in terms of resolution.
- Options will be explored and a plan of action devised.
- The issue of confidentiality will be raised. Who should be informed about the complaint will be discussed.
- The student and staff member's interest will be uppermost.
- Offer time to the complainant to reconsider.
- Implementation of the agreed action. The complaint will be investigated to work out whether it is more likely the behaviour happened than not and, if so, how serious it is.
- A response will be given within the timeline set and the decision will have reasons given.
- Where the person responsible for handling the complaint is satisfied that a complaint of unacceptable behaviour is false and either malicious, vexatious or mischievous, serious consideration will be given to disciplinary or administrative action against the complainant.

### **REFERAL TO THE PRINCIPAL\***

If a complaint is not resolved to the satisfaction of the complainant via the means outlined previously in this policy, the complainant may choose to take no further action, or to refer the complaint to the Principal.

The Principal will attempt to resolve the serious complaint using the means outlined in this policy. If the action taken by the Principal is unable to resolve the complaint, the complainant may choose to take no further action, or to refer the matter to outside authorities.

\*In instances where the complaint is regarding the Principal, this should be put in writing, addressed to the Chairman of the School Council and handed to Reception.

### **PROVEN COMPLAINTS**

If proven, the consequences related to the complaint may include counselling, the removal of privileges, a parental interview, suspension or other such disciplinary action as is necessary. The school may also need to discuss the incident with parents and/or staff.

BHCS will monitor how the complaint was resolved and the wellbeing of those involved. Further action will be taken if the problem behaviour continues.

### **DOCUMENTATION**

While the detail and formality of record keeping may vary according to each issue, appropriate documentation should be maintained.

Records will need to be kept if further disputation occurs or in the case of future legal action. Details such as dates, names, contacts, statements, relevant files, staff involved and outcomes should be recorded.

Records should be kept in the locked files in the Principal's office.

### **ANONYMOUS COMPLAINTS**

Complaints from an anonymous source will be investigated as practicably as is possible. However, it is difficult to undertake a thorough investigation and resolution if the complainant cannot be identified or does not want information to be passed to the relevant people. Complainants are therefore encouraged to identify themselves.

### **CONFIDENTIALITY AND MANDATORY REPORTING**

The School will treat a complaint with respect and sensitivity. However, a complainant should not assume communications with the School, or any documents supplied to the School, will necessarily be kept confidential. Although the School will endeavour to deal with complaints with appropriate discretion, the School reserves the right to disclose details of the matter to other persons who, in the School's opinion, need to know them in order to facilitate the

resolution of the complaint. In cases such as Mandatory Reporting the matter will be reported to the relevant authorities.

### **WITHDRAWING A COMPLAINT**

A complaint can be withdrawn at any stage. If a complaint is withdrawn, the matter will be deemed to be closed.

### **REFERRAL OF A COMPLAINT TO EXTERNAL BODIES**

Where a serious complaint is not or cannot be resolved within the School, the parties may seek assistance from outside professional agencies or judicial bodies in order that a further attempt can be made to resolve the matter.

### **REFERRAL TO THE SCHOOL COUNCIL (PREV. BOARD)**

As a general rule the Chairman of the School Council is not directly involved in the first instance with the receipt, investigation or resolution of a serious complaint other than grievances within the School Council itself or in instances where the complaint is regarding the Principal.

In some circumstances the Principal will discuss a serious complaint with the Chairman of the School Council and/or School Council Members. This contact must be made only via the Principal or the Business Manager. If necessary, the matter will be referred to the School Council if additional strategies or policies consistent with the School's Risk Management Plan are required.

### **RESPONSIBILITIES**

#### **Principal**

- Committed to providing all staff and students with a safe working and learning environment.

#### **Senior Leadership Team**

- Have a responsibility to ensure that the relevant policies and guidelines are followed with regard to the resolution of complaints.

#### **Staff Members**

- Have the responsibility of making themselves aware of and abiding by the policy and if lodging a complaint follow the procedures outlined in this policy.

#### **Business Manager**

- Provides advice and support to staff members, and managers.

**WHERE THIS POLICY CAN BE FOUND**

A copy of this policy can be found on the School's website at  
<http://www.bhcs.vic.edu.au/complaints-policy.html>

Staff can also locate a copy of this policy in the Shared Policies & Handbooks Drive.

**FLOWCHART FOR ESCALATING COMPLAINTS**

