



PENLEIGH AND ESSENDON GRAMMAR SCHOOL

## **Complaints and Appeals Policy for Parents, Associates and Others**

### **Introduction**

Penleigh and Essendon Grammar School fosters an environment in which relationships are responsive and respectful, grievances are investigated, and resolution of disputes is valued.

The school recognises the diversity of individual backgrounds and needs and seeks to promote wellbeing, resilience and belonging within our school community and good relationships with external agencies and the public.

The school acknowledges that students, parents, other associates of the school and members of the wider community all have the right, where reasonable grounds exist, to make and to have a complaint or appeal heard. This Complaints and Appeals Policy for Parents, Associates and Others provides access to procedures to facilitate the resolution of a dispute or complaint against the school in a wide range of circumstances.

Students seeking to register a complaint or resolution of a dispute are directed to the Complaints and Appeals Policy for Students.

### **Scope**

This policy applies to complaints and appeals directed by

- parents or carers of students,
- members of staff in some circumstances,
- other associates of the school, and
- members of the wider community.

This policy does not apply to concerns that staff may have in relation to their employment. Most complaints and grievances initiated by members of staff, including workplace behaviour, OH&S and other employment related issues are investigated through processes contained within the Enterprise Agreement (EA), other relevant awards or OH&S regulations. The policy does apply to other staff concerns that are not covered by these agreements and regulations.

This policy does apply to concerns that a prospective employee might have in relation to the appointment of staff.

This policy does not apply to matters relating to the safety of a child. For concerns about the safety of a child, refer to the Child Safe School Policy and Protection of Children and Managing the Risk of Child Abuse Policy.

In some circumstances an individual may seek action under whistle blower protection and should consult the Whistle Blower Policy.

## **Making a complaint**

In the first instance most complaints can be made either verbally or in writing. In general the process to be followed by a complainant varies according to their relationship with the school:

- a parent or guardian desiring to make a complaint should contact the Head of Section;
- a member of staff desiring to make a complaint under circumstances which do not relate to issues investigated through processes contained within the EA, other relevant awards or OH&S regulations, may do so by contacting the Director of Human Resources;
- a prospective employee making a complaint should contact the Director of Human Resources;
- other associates of the school and members of the wider community should address a complaint to our Privacy and Complaints Officer at [privacy.officer@pegs.vic.edu.au](mailto:privacy.officer@pegs.vic.edu.au).

A complaint related to school finances should be raised with the Director of Finance.

A complaint about any member of Senior Staff, including a Head of Section and the Vice Principal but excluding the Principal, should be made in writing and addressed to the Principal.

A complaint about the Principal should be made in writing and addressed to the Chair of the Board of Management.

## **Complaints resolution**

The school is committed to natural justice and seeks to resolve complaints and appeals in a restorative practices framework. The school will ensure that all those involved in the complaint resolution process will be able to present their points of view and will be treated with respect and afforded dignity.

The investigation and resolution process will be handled with confidentiality although the complainant should be aware that there may be occasions when information provided needs to be presented to other parties during the process. If that is necessary, the complainant will be informed before any confidential information is passed on.

The resolution procedure will deal only with the matter raised in the complaint and not with any other matters.

### **a. Informal resolution process**

In the first instance an attempt will be made to resolve the issue through mediation as described in the Policy of Mutual Respect or other informal means of resolution. Many matters will be resolved without the need for a formal grievance investigation. If the matter cannot be resolved through mediation or other informal process, Penleigh and Essendon Grammar School's formal complaints and appeals handling procedures will be followed.

### **b. Formal resolution process**

To initiate the formal process, the complaint must be lodged in writing with the appropriate member of Senior Staff as listed, namely: Head of Section, Director of Human Resources, Privacy and Complaints Officer, Director of Finances, Vice Principal or Principal. The nature and details of the complaint should be provided.

Complaints will be acknowledged when they are received.

In an initial enquiry the Senior Staff member to whom the complaint is addressed will investigate the matter to establish the facts. In consultation with the Vice Principal or Principal it will be determined whether the complaint:

- will be dismissed; or
- is to be handled informally; or
- is to be handled formally.

The formal investigation may include interviews, including with other involved parties, reviewing documentation, etc. If it is thought advisable and necessary an external advisor may be appointed as an investigator.

The complainant may be accompanied at all relevant meetings by a support person. The support person should not be involved in the grievance and should not advocate during the meeting.

In cases of dispute resolution a formal process will be employed in which all stake holders will be expected to participate.

The formal procedure will commence within 14 days of the lodgement of the complaint and the school will endeavour to reach a resolution within a further period of 14 days and inform all stakeholders of the outcome.

Resolution will occur when all those involved agree that the complaint (or an aspect of the complaint) is considered resolved. If not everyone agrees, the complaint procedures should continue until resolution is found, even if the resolution is to agree that the complaint is dismissed or that no further action should be taken.

Once the procedure is finalised, the school will immediately implement the outcome and any corrective or preventative action required. All parties will be informed in writing of the resolution.

A follow-up meeting or conversation will be scheduled with all those involved to ensure that the actions have been implemented as agreed and that no further matters are outstanding.

The school will maintain a record of the complaint and the outcome of the resolution process.

### **Appeals process**

Complainants and respondents have the right to appeal decisions.

Applications for the review of a decision should be directed to the Principal in writing.

The grounds for the appeal should be clearly identified.

Where the appeal relates to a resolution made by the Principal, the appeal should be addressed to the Board of Management.

An appeal should be made within 14 days of finalising the complaint resolution.

Appeals will be acknowledged when they are received.

The Principal has the discretion not to proceed with an appeal if:

- the application for review of the decision is frivolous, or vexatious;
- the action or instruction was both lawful and reasonable;
- the applicant has previously applied for review of the same action;
- the applicant does not have sufficient direct personal interest in review of the proposed action; or
- there are alternative internal review procedures to which the Principal will direct the applicant.

If a decision is made to proceed with the appeal, the Principal will determine the most appropriate way to conduct the investigation and review the decision.

The appeal will use the record of the complaint as agreed in the investigation procedure and will not re-hear the complaint itself.

The Principal may discuss the matter with the Chair of the Board of Management and consult an external advisor.

Once the review is completed the Principal will advise the applicant of the decision in writing.

Options include:

- confirming the action;
- undertaking further investigation of any new information made available; or
- varying the action; or
- setting the action aside and substituting a new action.
- dismissing the grievance as unsubstantiated.
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The school will maintain a record of appeals and their outcomes.

### **Complaints and appeals to the Board of Management**

Matters are referred to the Board of Management in the following circumstances:

- A complaint is made against the Principal; or
- The resolution of an appeal as proposed by the Principal remains in dispute.

These matters should be addressed to the Board of Management. The Chair will constitute a complaints sub-committee to conduct an investigation and deal with the issue.

The composition of the sub-committee will be decided by the Chair and approved by the full Board.

The sub-committee may approve appointment of an external consultant to conduct an investigation, mediation and /or arbitration.

The sub-committee, acting on behalf of the Board, will make recommendations to the full Board for any action to resolve the matter under investigation.

A record of the appeal and its outcome will be kept and the complainant or appellants will be advised in writing of the Board's decision.

The Board's decision will be final.

**Related Policies:**

- Child Safe School Policy
- Complaints and Appeals Policy for Students
- Enrolment Policy
- Mutual Respect Policy
- Privacy Policy
- Protection of Children and Managing the Risk of Child Abuse Policy
- Whistle Blower Policy

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