**MILC**

**Staff and Parents Complaints and Grievances Policy**

**Overview**

MILC (MILC) recognises that it is in the best interest of students and parents or guardians for there to be a trusting and co-operative relationship between members of the community and MILC. Complaints and grievances are an important way for MILC community to provide information and feedback to MILC and request a formal response or corrective action.

MILC recognises a person’s right to make a complaint and its responsibility to provide a framework within which efforts can be made to resolve complaints.

MILC believes that complaints are best handled in an environment where people feel able to speak up about issues concerning the education and wellbeing of students and conduct of staff.

An effective complaint-handling system has a clear process for resolving complaints, treats people fairly, is timely and provides those people involved in a complaint with a fair opportunity to respond to issues and to present their views.

**Note**

This policy does not apply to matters about which there are existing rights (and processes) for review and appeal, such as matters relating to serious employee misconduct, student critical incidents and criminal activities.

When addressing concerns or complaints, MILC must:

* abide by relevant regulatory and legislative frameworks
* maintain confidentiality
* balance the rights and responsibilities of all parties
* ensure all parties are aware of their right to advocacy
* act in a manner that seeks to achieve an outcome acceptable to all parties

All overseas students are required to comply with student visa conditions and MILC has a duty to comply with all appropriate student welfare support arrangements until the relevant complaints or appeals process is resolved.

At MILC, the Complaints Manager is the Managing Director, who may appoint an Investigator to review the details of a complaint and submit a report. The Investigator may be an internal staff member of appropriate authority or a suitably qualified and experienced external provider.

**Purpose of this Policy**

The purpose of this policy is to ensure that:

* MILC meets its obligation to respond to complaints and grievances in a fair, effective and efficient manner
* Members of the community are informed of how they can make a complaint and the process to resolve the matter

**Scope**

This policy applies to all parents, staff and members of the MILC community.

**Definitions**

For the purpose of this policy the following terms are defined as follows:

* a “complaint” and/or “grievance” is an expression of dissatisfaction with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision at MILC.
* a ‘parent’ includes:
	+ a person who has parental responsibility for ‘major long term issues’ as defined in the Family Law Act 1975 (Commonwealth)
	+ a person appointed as ‘guardian’ pursuant to the Children Youth and Families Act 2005 (Victoria)
	+ an informal carer with whom the child normally or regularly resides, and who has day- to-day care and control of the child
* a complaint is considered to be ‘unresolved’ when agreement cannot be reached on a course of action and/or a remedy, or if the remedy cannot be implemented.
* a complaint is considered to be ‘resolved’ when an acceptable outcome to both parties has been reached.
* a complaint is considered to be ‘finalised’ when the Managing Director has made a final determination on the matter after exhausting the processes set out in this policy

**Guiding Principles**

MILC’s complaint-handling process reflects the following guiding principles, which are informed by the Australian/New Zealand Standard – Guidelines for complaint management in organizations (AS/NZS 10002:2014).

1. Visibility
Information about how and where to make a complaint, as well as how a complaint will be handled, should be regularly publicised within MILC community. The actions taken to respond to a complaint should be well documented and include the reasons underpinning any decisions made.
2. Accessibility
Information about how to make a complaint and MILC’s procedures when responding to a complaint should be easily accessible. The complaint-handling process should be flexible and include the ability to make a complaint in person, by phone and in writing. Support should also be given to complainants with special needs, including translations, interpreters and enabling a complainant to seek the services of an advocate.
3. Responsiveness
Receipt of written complaints should be acknowledged by communicating with the complainant as soon as possible. Complaints should be addressed promptly and the complainant kept informed of the progress of their complaint when the matter is complex and will take time to bring to resolution.
4. Objectivity
Each complaint must be treated in an equitable, objective and unbiased manner.
5. Cost
There should be no cost to the complainant for access to the complaint-handling process at MILC.
6. Protection of Privacy
Personally identifiable information concerning the complainant should be actively protected from disclosure except where needed in relation to the complaint. This means that the complaint should only be discussed with those directly involved in the complaint-handling process.
7. Student-focused
MILC should be open to feedback including complaints and should show a commitment to resolving complaints with the educational wellbeing of students as the first priority.
8. Accountability
School Boarding Premises are required to have a fair, effective and efficient complaint- handling process. School Boarding Premises are accountable, both internally and externally, for their decision making and complaint-handling performance. School Boarding Premises need to be able to provide explanations and reasons for their decisions.
9. Continual Improvement
Complaint-handling procedures should be regularly reviewed for improvement. Complaint data and feedback should be used to identify recurrent themes and to implement improvement measures where a need is identified.

**GENERAL INFORMATION ABOUT HANDLING COMPLAINTS AND GRIEVANCES**

MILC maintains and publicises a fair, effective and efficient complaint-handling process, so that complaints and grievances about events or decisions at MILC can be addressed.

The Managing Director is responsible for the efficient and effective organisation, management and administration of MILC including MILC’s complaint-handling processes.

Members of the community who have a complaint should, in the first instance, make the complaint to the appropriate staff member. This may be the class teacher, Boarding Supervisor, Student Support Officer or Managing Director. Complaints about MILC Managing Director should be referred to the Director.

When addressing a complaint, it is expected that community members and MILC staff will:

* show respect and understanding of each other’s point of view
* operate within applicable legislation
* acknowledge that their goal is to achieve an outcome acceptable to all parties
* act in good faith and in a calm and courteous manner
* recognise that all parties have rights and responsibilities which must be balanced.

**UNREASONABLE COMPLAINANT CONDUCT**

All complaints should be considered in accordance with MILC’s complaint-handling procedures, outlined in this document, including when the complaining party’s behaviour is thought to be unreasonable.

The relevant Complaints Manager considers a range of factors and views. However, the Complaints Manager, in consultation with the Managing Director, may at any point in the process outlined in this policy consider a complaining party’s behaviour to be unreasonable. In these circumstances, it is appropriate for the Managing Director to communicate the basis on which the conclusion was made to the complainant in writing. The Managing Director may also indicate an acceptable procedure for future communication with the complainant about their complaint.

MILC considers behaviour to be unreasonable when:

* it is clearly and significantly outside the expectations of co-operation, courtesy and respect
* it calls for staff resources and time unjustified by the nature or significance of the complaint
* an action or complaint is brought without merit, often to cause annoyance to another person
* it is oriented towards conflict
* it has an unreasonable cost impact to MILC.

**ROLE OF MILC**

Complaints and grievances are addressed in an environment where parties feel able to speak up about issues concerning the education and welfare of their children, or about functions/operations of MILC. This is reflected in open, two-way communication within MILC, clear roles and responsibilities for all members of MILC community, realistic expectations about what can be achieved by MILC and an effective, published complaints and grievances handling procedure.

MILC’s initial response to an incident or issue at MILC is critical. It is appropriate to acknowledge what has occurred with those involved and offer an expression of regret for any upset or distress they may have experienced. Those involved in the matter should be assured that the complaint will be explored and, where possible, a full explanation will be provided once the facts are known. Where appropriate, MILC should also indicate the steps it intends to take to prevent a similar incident or issue from occurring again.

**School Boarding Premises RESPONSIBILITIES**

It is the responsibility of MILC to respond to and address written (letter and email) and verbal (face-to-face and phone) complaints raised. (Refer Appendix 1 for detailed procedures of complaint response)

MILC:

* maintains fair procedures for complaint-handling. As a minimum the procedures include:
* who to contact when making a complaint
* a description of the actions MILC could take once a complaint is received
* a time frame for acknowledging written complaints and an expected time frame for complaint resolution
* the types of outcomes that the complainant could expect
* information about what MILC will do if the complaint is not able to be resolved by MILC and the options the complainant has to take their complaint further
* considers all complaints by:
	+ raising the issues in the complaint with relevant staff and/or members of MILC community
	+ consulting, where appropriate, with relevant external stakeholders for technical or other advice
	+ discussing MILC’s findings with the complainant in an attempt to reach an agreed resolution
	+ considering the engagement of a mediator where a complaint has the potential to become intractable
* publicises MILC’s complaint-handling procedures within MILC community and make them readily available
* reviews MILC’s complaint-handling procedures regularly
* ensures that formal complaints and grievances received are recorded and actions taken to resolve the complaint are well documented
* ensures a record of all formal complaints, both written and verbal, is maintained
* ensures all staff are aware of MILC’s complaint-handling procedures
* actively assists community members with the complaint process, informing them that at any point of the complaint process they are able to be supported by a support person. The complainant should inform the appropriate Complaint Manager if they want to include a support person in the complaint process and provide the name, contact details and the relationship to the complainant. A support person’s role may include:
* assistance for the complainant to clarify the issues in the complaint
* discussion of difficulties being experienced by the complainant
	+ assistance in the development of a co-operative and collaborative working relationship between the complainant and MILC community
	+ assistance for the complainant to understand MILCs’ policy and guidelines and the resolution being proposed for the complaint.

**RESOLVING COMPLAINTS**

The Managing Director may enlist the services of external bodies to help resolve a complaint. Where a complaint is found to be justified, MILC is able to resolve the complaint by:

* an apology or expression of regret
* a change of decision
* a change of policy, procedure or practice
* offering the opportunity for counselling or other support

**COMPLAINTS REGISTER**

MILC will maintain a Register of Complaints. As noted in the attached procedure, complaints will not be added to the Register if:

* they are deemed minor, frivolous or
* are resolved using the informal process noted in the procedure.
* complaints will be added to the Register if:
* they are deemed vexatious (and dismissed as a result) or
* follow the formal resolution process noted in the procedure.

From time to time, MILC Council will review the activity noted on the Complaints Register and review any key areas of concern or issues that are regularly reported. MILC Council may request additional detail from the Managing Director on:

* trending complaint areas and/or
* any specific impact on MILC – Financial or Reputational.

APPENDIX 1

**PROCEDURES FOR HANDLING COMPLAINTS**

When MILC receives a complaint (either written or verbal), MILC must follow the processes outlined in the following steps:

1. Report the Complaint
A complaint is made by a parent, staff member or member of MILC Community or a member of staff.
2. Acknowledge the complaint
The member of staff will acknowledge receipt of the complaint and will pass the information to the appropriate Complaints Manager.
3. Record the complaint
The complaint is recorded in the on – line system and the appropriate Complaints Manager is notified. The Complaints Manager will determine if the complaint is vexatious or frivolous. If the complaint is deemed vexatious or frivolous, the complainant will be advised and no investigation will be conducted.
4. Complaint handling
There are two different ways of handling complaints: through an informal process or a formal process. The Complaints Manager will determine the initial response based on the complexity of the complaint.

a) Informal process
Most complaints, concerns and disputes raised with a staff member are of a minor nature, or the complaint is a result of misunderstanding or lack of communication. These kinds of complaints are better resolved through an informal process. Informal procedures can take three distinct forms:

* an informal discussion between the Managing Director and the complainant often leads to resolution.
* the Head of Campus talks to both the complainant and the respondent separately and then reaches a resolution
* the Head of Campus can bring the complainant and respondent together for conciliation

Note: If a complaint is resolved through the informal process, the complaint will not be added to the Complaints Register.

b)  Conciliation
Conciliation is not mandatory; however, bringing the complainant and respondent together to discuss their different perspectives on the issue encourages quick and simple resolution. If the complaint is resolved at this point, the complainant will be formally advised in writing by the appropriate Complaints Manager.

If, however, the informal process does not resolve the complaint, then formal procedures should be implemented. Note that an informal process may be formalised at any time by the Managing Director, the complainant or the respondent.

c)Formal process

There are three steps to the formal procedure:

1. investigating the complaint;
2. making a finding;
3. determining appropriate action.

Formal procedures begin with requesting the complaint be put in writing, if it has not already been done. To investigate the complaint, the Managing Director, or investigator must:

* establish the precise nature of the complaint
* investigate the complaint for substance
* notify the respondent in writing of the complaints against them
* 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
* keep written accounts of all interviews and discussions

Note: If a complaint is moved to the formal process for resolution, it will be added to the Complaints Register.
Dismissal of complaint
To make a finding, the Managing Director, Head of Campus, relevant member of Campus Executive or investigator must consider all the evidence. If it is established the complaint has no substance and evidence is vague or ill-defined, then the complaint can be dismissed. A letter outlining the outcome of the investigation must be sent to both the complainant and the respondent.

**UNSATISFACTORY PERFORMANCE PROCEDURES**

If the evidence is clear and the Managing Director or the Head of Campus can substantiate the complaint, appropriate action will then be determined by the Managing Director.
A written response outlining the issues, the decision made, and the outcome of the complaint will be sent to both the complainant and the respondent.
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 MILC policies or procedures or if the complainant has unrealistic expectations about the outcome of their complaint.

**REPORTABLE CONDUCT AND MISCONDUCT**

If the complaint fulfills the definition of reportable conduct, the conduct will be reported to the Commission for Children and Young People (CCYP). If it involves alleged misconduct by a teacher, it will be reported to their direct employer. When the complaint involves such reports, it must be treated through the formal process outlined above.

**SERVICE STANDARDS**

| Action | Response from date of receipt of complaint |
| --- | --- |
| Acknowledge complaint | 2 school working days |
| Assess the request and respond | 10 school working days |
| Complete investigation and notify complainant of outcome | 45 school working days |

*Note: School working days does not include term breaks or non-student days. When an external investigation is undertaken, the response may take longer than 45 school working days.*

**FRIVOLOUS OR VEXATIOUS COMPLAINTS**

Vexatious complaints are considered serious misconduct. If a complaint is determined by the Complaints Manager, in due course, to be vexatious or frivolous in nature, then the Managing Director can dismiss the complaint with no further action. The Head of Campus will advise the complainant if the complaint is dismissed, and on what grounds.
Such vexatious or frivolous complaints can result in action.

Note: In these instances, the complaint will be added to the Complaints Register to ensure that an historical record is available for future reference.

For the purpose of this policy:
\*Vexatious is defined as a claim made for the sole purpose of harassing or injuring another party.
\*Frivolous is defined as a claim that has no merit whatsoever.

**CONFIDENTIALITY AND DOCUMENTATION**

Complaint handling procedures must be confidential in nature.
It is the Managing Director’s (or Managing Director’s delegate’s) responsibility to ensure that all complaints are handled with absolute confidentiality and that all documents are confidentially and securely stored.

**DECISION REVIEW**

If the complainant is not satisfied with the investigation process or the official outcome, they may present written notification to the Managing Director. If the complainant is not satisfied after review by the Managing Director or if the decision was made by the Managing Director or the complaint is about the Managing Director, the complainant can then write to the Director, requesting a review of the complaint resolution process.
The Director will consider the request if:

1. new information is provided, and confirmed by the Director after review,
2. a breach of procedure is established, or
3. the matter is considered to relate to the Director’s responsibilities and  function

The Director will:

1. Acknowledge receipt of the request within 5 school working days
2. Assess the request and provide a written response on next steps within a further 10 school working days.
3. Complete the assessment and provide an outcome within a further 30 school working days.

Note: School working days do not include term breaks or non-student days.

The outcome will be:

1. To endorse the decision of the Managing Director of MILC, or
2. Request the Managing Director to conduct a new investigation to review the complaint on the basis of any new information received, or an issue related to procedural breach.

The Director will inform the complainant of their decision.

**Appeals**

Appeals must be submitted in writing and will be managed by the Managing Director or Director as appropriate.