

Complaints, Grievances and Disputes Policy and Procedure

1.0 PURPOSE

The purpose of this policy is to:

- Provide an outline of the complaints process at Youth2Industry College so that students, parents/carers, staff and other members of the College community are informed of how they can raise complaints or concerns about issues arising at our College
- Ensure that all complaints regarding Youth2Industry College are managed in a timely, effective, fair and respectful manner

2.0 SCOPE

This policy relates to complaints brought by staff, parents/carers, students or the wider College community and applies to all matters relating to our College. This policy does not cover complaints relating to Association members or members on the College Board.

3.0 IMPLEMENTATION

Youth2Industry College welcomes feedback, both positive and negative, and is committed to continuous improvement. We value open communication with our families and are committed to understanding complaints and addressing them appropriately. We recognise that the complaints process provides an important opportunity for reflection and learning.

We value and encourage open and positive relationships with our College community. We understand that it is in the best interests of students for there to be a trusting relationship between families and our College.

When addressing a complaint, the College endorses the guiding principles of the National Safe Colleges Framework and will:

- Affirm the rights of all members of the College community to feel safe and be safe at College
- Acknowledge that being safe and supported at the College is essential for student wellbeing and effective learning
- Accept responsibility for developing and sustaining safe and supportive learning and teaching communities that also fulfil the College's child protection responsibilities
- Encourage the active participation of all College community members in developing and maintaining a safe College community where diversity is valued
- Actively support young people to develop understanding and skills to keep themselves and others safe
- Commit to developing a safe College community through a whole-College and evidence-based approach

- Facilitate access to counselling (where possible) for affected participants
- Ensure all incidents will be dealt with promptly, thoroughly, fairly and confidentially
- The Youth2Industry College is under a legal obligation of a duty of care to provide a safe learning environment. Any incidences of bullying, harassment or discrimination that are reported must be investigated, in order to comply with this duty of care. The Youth2Industry College accepts and acts on its duty of care

4.0 WHEN CAN A COMPLAINT BE MADE?

Complaints may be made in circumstances where the Youth2Industry College values, codes of conduct and/or policies have not been applied. Complaints, grievances and concerns covered by this procedure include:

- Issues related to learning and teaching
- Issues related to student discipline procedures
- Damage/loss of personal property
- Bullying, discrimination and harassment

5.0 LEGAL OBLIGATIONS

The College recognises that some complaints may not be resolved within the confines of the College and that any complainant is entitled to seek further redress as outlined below.

Pathways for pursuing a complaint outside the confines of the College include:

Independent Schools Victoria (ISV). The Victorian Institute of Teaching (VIT); The Victorian Registration & Qualifications Authority (VRQA).

The Education Training and Reform ACT Regulations - Part 8 - breach of the principles, requires the VRQA to investigate complaints from members of the public alleging a breach by a registered College or a person, body or College registered under Division 3 or 4 of Part 4.3 of the ETR Act, of the principles in s1.2.1 (a), (c), (e) or (f) of the ETR Act.

Advice from the VIT website is as follows:

“In many cases, concerns you have about a teacher can be resolved appropriately by discussing them with the teacher's employer. Before you lodge a complaint with us, we encourage you to contact and speak with the:

- Principal
- The governing body of the College

We can only deal with complaints that relate to allegations of:

- Misconduct
- Serious misconduct
- Serious incompetence
- A teacher's mental and physical ability to teach

If your complaint relates to one or more of these areas, then you may lodge a complaint with VIT about a registered teacher.”

6.0 WHAT TO DO IF YOU HAVE A COMPLAINT, GRIEVANCE OR CONCERN

6.1 Approach the Person Involved

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory, harassment, unfair, unjust or unreasonable. Telling the person will give them a chance to stop or change what they are doing or explain what they had decided and why. In this way many situations can be resolved before they become formal complaints. If the complaint is able to be resolved immediately, and no further action is deemed necessary, the person receiving the complaint will document it appropriately in their personal file for future reference.

6.2 Contact the College

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, then you can explain the matter to the appropriate person at the College. This person may be a classroom teacher, Leader of Senior School or Principal. The designated person will advise you about what your options are and what will happen if you make a formal complaint. All staff are authorised to receive complaints in the initial stage and act as a 'designated person'. Once the complaint becomes a formal complaint it will be passed on to the Principal who will then be deemed the Investigating Officer unless the complaint is about the Principal in which case the Chair of the College Board will be the Investigating Officer. The Investigating Officer may co-opt other staff to assist in any part of the process. Occasionally some parents/carers may contact the College Board directly with a matter of concern. The College Board is not involved in the day to day running of the College and will refer any complaints back to the Principal.

6.3 Contact the Victorian Institute of Teaching (VIT), The Victorian Registration & Qualifications Authority (VRQA), Independent Colleges Victoria (ISV)

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, and you have a good reason not to raise the issue either with the College designated person or the College Principal, then you can contact the VIT or VRQA or any relevant other statutory body. An officer will usually discuss raising your concerns at the College level with you. They can also advise you about your options. These bodies can also assist with advice if you feel the matter with the College has not been resolved.

7.0 PROCEDURE FOR MAKING A COMPLAINT

Youth2Industry College encourages students, parents/carers or staff of the College who may wish to submit a complaint to:

- Carefully consider the issues you would like to discuss
- Think about how the matter could be resolved
- Be informed by checking the policies and guidelines set by the College

Any complaint that comes to the attention of the College is to be handled in the most appropriate manner at the earliest opportunity.

Some complaints, because of the seriousness of their nature, should be referred immediately to the Principal – e.g. complaints about behaviour which places others at risk of serious harm. All issues to do with the abuse of children should trigger the procedures outlined in the QMS: 401 Y2IC Child Safety Policy.

Before making a formal complaint

If a problem or concern that arises within the College cannot be resolved with the person involved with the issue, then it would normally be raised with an appropriate staff member with a view to discussing the issue and seeking resolution of such problems or concerns.

Making a formal complaint

If the above process of raising the concern, obtaining the facts, and obtaining resolution is not producing a satisfactory outcome, the following procedure can be used using the Complaint Form. The purpose of this procedure is to offer a process by which employees/students/parents/community members can have complaints dealt with.

Who may use this procedure?

- All employees
- Students within the College
- Parents/carers of students at the College
- Members of the wider community

Key elements of our complaints handling policy

- **Access:** This policy and its associated procedures should be easily accessible, simple to understand and well-publicised to ensure ease of implementation. All Youth2Industry College students and staff members should understand how to receive and pass on complaints. The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issues raised; to ensure that all parties have access to an appropriate resolution and that opportunities for further concerns to arise are minimised. All members of the Youth2Industry College community will be supported in trying to resolve complaints at the lowest level possible (where appropriate) to ensure timely and efficient handling and reduce the potential for unnecessary escalation of concerns.
- **Natural justice and procedural fairness:** All parties will be afforded natural justice and procedural fairness in the handling of complaints by the Youth2Industry College including:
 - Ensuring that all parties to a complaint know what to expect during the complaint handling process
 - Carrying out the complaint handling process in a transparent manner
 - Providing all parties with equal opportunity to participate in the process; treating all parties in a respectful manner; and
 - Providing reasons for decisions made
- **Equity:** The age, culture, disability, language, religion, gender and sexuality of the parties will be considered in actions and decisions related to a complaint. The Youth2Industry College will always endeavour to investigate concerns raised with it regardless of the manner in which they are expressed. The person lodging the complaint will not be disadvantaged through lodging a complaint in good faith, regardless of the outcome. They will be entitled to be assisted by a support person which may be a member of the person's family, a friend, carer or other person (not being a solicitor, barrister or other legally trained person).
- **Confidentiality and Recording:** The privacy and confidentiality of parties will be respected to the extent practicable and appropriate, with acknowledgment that matters may be subject to the requirements of legal and other authorities. Accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions.
- **Resolution:** Where it is within the Youth2Industry College's responsibility, fair and reasonable remedies will be offered where appropriate. There will be regular monitoring, review and reporting of complaints received and actions taken.

The operation of the complaints handling process and findings will be reported to management and the College Board to improve the Youth2Industry College's service delivery and learning environment. Preventative and corrective action will be taken to eliminate the causes of complaints and to improve the quality of the Youth2Industry College's policies and operating environment.

- **Authority:** Individuals involved in handling complaints will have the necessary authority and management support to carry out the process effectively, and will have (where specific skills are required, such as mediation) access to appropriate training and resources to fulfil their role.
- **Conflict of Interest:** Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.
- **Timeliness:** Each complaint will be finalised within as short a period of time as possible. Complainants will be advised if the matter cannot be finalised within one month.
- **Subpoenas and Court Orders:** The College must comply with the law and respond to any subpoenas issued. The College must be informed of any court orders pertaining to a child and undertakes to do its best to support those court orders. However, the College is not obliged to enforce court orders to the detriment of the safety of staff and other students.
- **Consideration for persons of a Culturally Diverse, Family Diverse or Linguistically Diverse Background, or with a Disability/Learning and Access Need:** The College understands and respects the diversity of the College and wider community and understands that a range of issues may affect a complainant which means the College needs to make allowances for or provide assistance with the process as set out in this policy. For example, an interpreter may be required to ensure that facts are accurate, and the exchange of information is fairly represented. The College will endeavour to honour due diligence in this area and make every effort to accommodate diverse needs to ensure equality of process.

8.0 INVESTIGATING A FORMAL COMPLAINT

- Once you have made a formal complaint to the College, the Principal will decide whether there are reasons to proceed to deal with the complaint and the most suitable personnel to be involved in the process.
- If the complaint is against the Principal, the Chair of the College Board will establish a meeting of nominated people from the Board and/or from agencies, who will then decide whether there are any reasons to proceed to deal with the complaint and the most suitable personnel to be involved.

In making the decision to proceed, this subcommittee may elect to also initially meet with the Principal. Decisions including what steps, if any, are required to mitigate risks the Principal may pose to children whilst the investigation is being conducted. This subcommittee should access the Reportable Conduct Guide to assist them with this process. <https://ccyp.vic.gov.au/assets/resources/Reportable-Conduct-Guidance/CCYP-Investigation-guide.pdf>

- If its decided to proceed to deal with the complaint you will be formally interviewed either by the Principal, the above subcommittee (for complaints against the Principal) or another appropriate person. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to not be supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the College is dealing with the complaint. The designated person will then take a written record of the complaint.
- The designated person will then speak to the person about whom the complaint is made to hear their side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. Written reports about the complaint may be requested. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment etc.).

The designated person will then tell you what the other people said and discuss what should be done to sort out the matter. You should tell the person what action you would like taken, e.g. a written apology from the person, a written warning, etc. This allows the designated person to understand, from your perspective, what you believe you need from the process. It will not dictate the remedy that might ultimately apply.

- Review - If the complaint remains unresolved it will be reviewed by the Chair of the College Board. They will make a final decision as to the outcome of the complaint.

9.0 OUTCOME

Parties will be advised of the outcome of the investigation. If the complaint is substantiated, immediate steps will be taken to ensure that the behaviour is not repeated and appropriate action is taken. The person lodging the complaint will not be victimised in any way for having made a report in good faith.

Depending on the nature of the complaint, there may be a recommendation for an apology, clarification, mediation, disciplinary action (ie suspension, expulsion), additional training, or a commitment to cease the behaviour. Disciplinary action will be commensurate with the seriousness of the matter. In some circumstances, disciplinary action may include termination of employment (applicable to College staff).

If a complaint is not substantiated (ie there is insufficient evidence) but some issues arise from the investigation that need to be addressed, possible outcome may include:

- Targeted training to the College staff or student
- Monitoring of behaviours
- Counselling or mentoring
- Mediation at the local level

If a complaint is proved not to have happened at all or there is evidence the complaint was made with the purpose to cause distress, possible outcome may include:

- An apology
- Commitment to changed behaviours
- Counselling and/or additional training
- An official warning for behaviours to cease
- Referral for disciplinary action

10.0 APPEALS

There are avenues of appeal if you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you.

Appeals at College level

- To the Principal - if the Principal has not been involved in investigating or examining the complaints or is not the person named as the source of the grievance.
- To the Chair of the College Board if the Principal has been involved.

The appeal will consider:

- The way the complaint was handled and examination of the outcome
- If he/she believes it was handled properly (and in accordance with the steps outlined in this policy) and that the outcome was appropriate he/she will take no further action.
- If he/she thinks that the complaint was not handled properly (and in accordance with the steps outlined in this policy), or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

Someone other than the person who first handled the complaint will always deal with an appeal. Refer to **QMS: 400 – 41 Y2IC Complaints and Appeals Form**.

To an external agency

If you are not happy with the way your complaint has been dealt with by the College, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint. The agencies that would most likely have jurisdiction are:

- Human Rights and Equal Opportunity Commission (Federal)
- Victorian Equal Opportunity and Human Rights Commission
- VIT
- VRQA
- Consumer Affairs Victoria
- Fair Work Ombudsman
- WorkSafe Advisory Service

11.0 CHILD PROTECTION PROCEDURES

Nothing in this document replaces procedures developed by the College in respect of the investigation of matters arising under the Child Safety Standards in the QMS: 401 Y2IC Child Safety Policy.

12.0 RECORD KEEPING

Records of complaints, interviews and other documentation relating to a complaint are kept at the College (where dealt with at College level) in a separate complaints file and collated on the **QMS: 400-42 Y2IC Complaints and Appeals Register**. If the complaint is about a person, documents are placed in a restricted access file. If there are considered to be serious ongoing management or care issues relating to a complaint, there will be a cross-reference to the restricted file on the staff member or student file.

13.0 COMMUNICATION OF THIS POLICY AND PROCEDURES

This Policy and associated procedures will be available in on the College website, SharePoint and summaries in the Student and Staff Handbooks.

14.0 ASSOCIATED DOCUMENTS

- QMS: 401 Y2IC Child Safety Policy
- QMS: 400-41 Y2IC Complaints and Appeals Form
- QMS: 400-42 Y2IC Complaints and Appeals Register

VERSION CONTROL DETAILS

Revision History

Date	Version	Author	Change Reference
25/5/2020	1.0	P. Vakakis	Initial Policy
28/2/2022	2.0	P. Vakakis	Updated on Investigation process
17/10/2023	3.0	Y2IC Board	Updates to Section 8

Reviewers

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