

Complaints Policy and Procedure

1. Purpose

The purpose of this document is to provide a set of principles and procedures by which complaints will be handled at Eastside Lutheran College (ELC).

2. Scope

This policy applies to staff, students, parents/carers, and members of Eastside Lutheran College community, and may be used either in relation to complaints raised by groups or by individuals in relation to:

- bullying
- discrimination
- harassment
- unfair treatment
- victimisation

Provision is also made for the lodging of complaints by persons external to the ELC community as the complaints form is located on our public website.

Circumstances do exist in which this policy does not apply, including:

- in relation to issues which are outside of the responsibility or scope of Eastside Lutheran College in its role as an employer; or
- where an existing review, appeal or complaint procedure is already in process.

3. Objectives

The objective of this policy is to support a harmonious, fair, and just working and learning environment by ensuring that staff, students, parents/carers, and the Eastside Lutheran College community have access to processes that allow for grievances, disputes, problems and complaints to be resolved.

Eastside Lutheran College believes that all staff have an obligation and responsibility to proactively promote a workplace free of bullying and intimidation, irrespective of the parties involved. All complaints will be dealt with in a supportive environment without victimisation or intimidation by anyone connected with the complaint, either during or after the resolution procedure.

The emphasis of this policy and its accompanying procedures is on resolving problems as promptly and harmoniously as possible by directing complaints to the most appropriate resolution mechanism. The best possible resolution is where the complainant and the respondent come together to resolve the issue “based on God’s Word as found in Mathew Chapter 18 versus 15-17.”

4. Definitions

Allegation	A statement of fact contained within a complaint. Such statements remain allegations until proven by supporting evidence.
Bullying	<p>Bullying is repeated and unreasonable behaviour directed towards an individual that creates a risk to health and safety, where:</p> <ul style="list-style-type: none"> - 'Repeated behaviour' refers to the persistent nature of the behaviour and can involve a range of behaviours over time; and - 'Unreasonable behaviour' means behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.
Complaint	An expression of dissatisfaction with a situation, service, facilities, policy, procedure, or behaviour, for which a response or resolution may be explicitly or implicitly expected.
Discrimination	<p>When someone is treated unfairly because they belong to a particular group of people or have a particular characteristic.</p> <p>For example: treating someone unfairly or differently because of their sex, pregnancy, race (including colour, ethnicity and descent), disability, sexual preference, religion, transgender, carer's responsibilities, marital status, social origin, political belief, employee association activity, irrelevant criminal record, or age.</p>
Indirect Discrimination	Indirect discrimination occurs when there is a requirement or rule that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups - unless the requirement is reasonable in the circumstances.
Harassment	Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, considering all the circumstances, would expect to cause offence, intimidation, or apprehension.
Eastside Lutheran College community	For the purpose of this policy, Eastside Lutheran College community refers to alumni, associations (including, but not limited to, Eastside Lutheran College Alumni Association and the Parents' Association, governing bodies (such as Eastside Lutheran College Board and LEVNT), volunteers, contractors, and sub- contractors of the College. Parents, carers, and families are also covered by this designation.

Victimisation	<p>Punishing, or threatening to punish someone. It is against the law to punish, or threaten to punish someone because they have:</p> <ul style="list-style-type: none"> - asserted their rights under equal opportunity law, - made a complaint, - helped someone else make a complaint, - refused to do something because it would be discrimination, sexual harassment, or victimization. <p>Examples of victimisation can include (but are not limited to) bullying and intimidation by co-workers, being denied a promotion, or demoted to a position with lower responsibility, dismissal from work, or being refused further work. The legal definition of victimisation is when someone “subjects or threatens to subject the other person, or an associate of that other person, to any detriment” (Anti- Discrimination Act 1998; Section 18(2)).</p>
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5. Policy statement

The primary objective of this policy is to achieve the resolution of complaints. Eastside Lutheran College has a duty of care to students, staff and to Eastside Lutheran College community to resolve complaints quickly, and with a minimum of distress. As such, complaints should be handled according to the following principles:

- All complaints should be acknowledged. Formal complaints will be acknowledged in writing (this may be via email); informal complaints may be acknowledged verbally.
- The resolution of complaints should be as prompt as possible, unless it is not practical, lawful or ethical to do so.
- It is expected that all involved should engage with the resolution processes in good faith, with a desire to work co-operatively to problem-solve any matters arising.
- It is expected that all parties will treat one another with respect. Individuals must not harass or victimise other parties involved in the matter.
- Confidentiality and privacy will be strictly observed by all parties at all stages.
- Complainants and respondents will be informed of the outcomes of these processes wherever appropriate.

Principles of fairness and natural justice

Children, young people, staff, families and carers are listened to and can share problems and concerns. To achieve this, our complaints procedures enable our response to complaints to be child and Youth focused. Eastside Lutheran College recognises the legal and ethical rights of staff, students, and Eastside Lutheran College community members to:

- raise any complaint or concern related to bullying, discrimination, harassment, unfair treatment or victimization.
- have that concern, problem or complaint dealt with confidentially, fairly, and within a reasonable time frame.
- have a support person present (noting that a support person is not an advocate and that their details are to be provided to the person managing a formal complaint prior to the first meeting of the parties) during the complaints process.
- access mediation at any point during the complaints process, upon request.
- access legal advice at any time.

Commitment to Restoring Relationship - Our Values in action

In keeping with the ELC Commitment to Restoring Relationship, it is our expectation that all complaints are handled according to 'an attitude of goodwill to all people, not seeking self-gratification, but seeking to build up others'.

Informal resolution

Eastside Lutheran College believes that the best possible resolution of a complaint is through an informal process in which the complainant and the respondent come together to resolve the issue. Informal complaint processes may be handled at the discretion of the parties involved, and record keeping is not mandated at this initial step. Where the complaint is with respect to a child's schooling, staff are required to keep a record of the complaint and resolution in keeping with Eastside Lutheran College's Records Management Policy from the onset of the complaint.

Formal resolution

Where it is not possible for a complaint to be resolved informally, a formal process may be engaged. This process commences upon the lodgement of a formal complaint (generally by using the complaints form) and will be conducted according to the ELC complaints policy and procedures. Where it has not already commenced, lodging a Complaint Form will trigger the commencement of the formal record-keeping process. Subsequent investigations will require that all relevant documentation is kept, and that thorough records of the complaint's resolution process are maintained.

Records Management

During the informal resolution phase, record keeping occurs at the discretion of the staff member managing the complaint.

Upon the commencement of the formal resolution process, the following records must be kept:

- The Complaints form.
- Notes of meetings.
- Interview notes.
- Witness statements.
- Phone call records.
- Written documentation (including, but not limited to letters and email).

A record of the outcome of the complaint investigation must also be kept. All records kept by the College should be dated, signed, and retained according to the Records Management Policy.

Complaints lodged using the Complaints Form will be assigned to the appropriate member of staff for investigation. The complainant will then be notified of the name or job title of the staff member tasked with investigating a complaint. Should there be a perceived conflict of interest, complainants are asked to notify the principal immediately with their concerns, so that an alternate selection can be considered.

Records will be retained within the supporting system (CompliSpace) and used to identify trends that may emerge. These records will be managed according to the College's Privacy Policy.

Upon receipt of a Complaint notification, the designated staff member is expected to act as soon as is practicable, observing the following rules of natural justice:

- Inform all parties of receipt of the complaint.
- Inform all parties of the procedures to be followed, and provide copies of the policies, procedures and guidelines considered relevant.
- Explain to the complainant that the requirements of procedural fairness may mean that their identity may be disclosed to the respondent.
- Inform the respondent of any allegation made against them and allow time for a response.

- Provide the respondent with an opportunity to formally respond to the allegation and provide any explanation for the alleged conduct.
- Conduct a factual investigation of the allegation(s) made, interviewing all parties, and considering all relevant information.
- Act fairly, impartially, and without bias, by considering all relevant information and mitigating factors.

Conflict of interest

Where it may be demonstrated that there is a conflict of interest, or where a potential conflict of interest may be perceived with respect to the person responsible for mediation, or any other of the complaint resolution processes detailed within this policy and its associated procedures, complainants and respondents have the right to request alternate personnel.

Timelines for resolution

The timelines for resolution of a complaint or grievance can vary significantly depending upon the circumstances of both the report and the process that ensues as a result. Where a complaint is complex, or has a long history associated with it, it may take months to resolve, and involve investigations, mediation, and interviews. A grievance over a one-time incident, however, may be resolved within a matter of hours. The college will always endeavour to resolve a complaint as quickly as possible and seek to keep the involved parties informed of the status of the process.

The Complaints Form

The complaint process serves as a single point of entry for all complaints that have progressed to the formal stage. Despite being a single form, this process handles complaints from staff, students and Eastside Lutheran College community members of parents, volunteers, and contractors separately, and will distribute the complaint to the relevant staff member depending on the details entered by the complainant. Where a complaint is received via other mechanisms (e.g. email), and once informal resolution options have been exhausted, staff may either direct the complainant toward the online form or complete the form themselves based on the communication that they have received.

Formal complaints against The Principal are not processed through this form. Complaints of this nature need to be emailed directly to the Chairman of the Board so that they can be managed separately from staff, student, and ELC community complaints.

Please Note: Complaints can be lodged via the link at the bottom of the website.

6. Responsibilities

Principal	Ultimately responsible for dealing with complaints made in respect to most College matters; may delegate responsibility to College Directors, Managers and Coordinators.
Deputy Principal or Business Manager	Deals with most complaints that escalate to a formal process; may oversee or advise on complaints at a less formal level upon request or where deemed helpful.
Relevant Head of School	Deals with lower-level complaints that are settled by less formal discussion and resolution.
Eastside Lutheran College staff	May receive complaints via informal channels; responsible for redirecting families to the formal process where informal processes fail. Should seek help or advice from their supervisors or Head of School where required, or where escalation to a formal process seems likely.

7. Supporting/related documents

Anti-Bullying Policy – Staff	Practice and Behaviour Guidelines
Anti-Bullying Policy – Students	Privacy Policy
Anti-Discrimination Policy	Records Management Policy
Eastside Lutheran College Code of Conduct	Commitment to Restoring Relationship - Our Values in action (DRAFT for approval)

8. Procedures

The Complaints Procedures for staff, students and ELC community members, parents, volunteers, and contractors are set out in the following pages which form part of this procedure:

Information for staff

- Managing a complaint
- Managing a complaint (flowchart)
- Lodging a complaint (flowchart)

Information for students

- Complaints flowchart for students

Information for parents/carers/ELC community Members

- Complaints flowchart for parents/carers/community members

Complaints Procedure

INFORMATION FOR STAFF

What do I do if I need to make a complaint?

If you have a complaint regarding a situation, service, facilities, policy, procedure, or behaviour within the College, please follow the flowchart entitled 'Staff: lodging a complaint'.

What if I receive a complaint from a parent, student, or community member?

Any staff member at Eastside Lutheran College may receive a complaint. If you receive a complaint, your first step should be to consider the nature of the issue and the possible risks associated with it. If you feel that a complaint is beyond your ability to resolve, you should seek help from your supervisor or Head of School. If it is appropriate for you to manage the complaint, refer to the 'Staff: managing a complaint' flowchart.

Are there complaints that I should *not* manage myself?

Some complaints must be referred to specialist staff, or to college Leadership. Should you receive a complaint about any of the following, please speak with your Head of School, the Deputy Principal or the Business Manager immediately:

- allegations of a safeguarding children nature against an employee*
- allegations of corruption or misconduct
- a risk of harm or significant harm to a child*
- privacy or data breach issues
- issues or complaints relating to Children's Services (Pre-Kindergarten/ Kindergarten/ OSHC), or the National Quality Framework.

*Where a complaint or grievance involves allegations regarding safeguarding of children, your primary obligation is to report the matter to the appropriate authorities (as per the Mandatory Reporting Policy). The college also requests that you notify your Head of School, and the Principal immediately, and complete the Mandatory Report Notification Form.

Where a complaint relates to privacy or data breach issues, please contact the Business Manager (who is the college privacy officer) at privacyofficer@elc.tas.gov.au.

Where informal processes have been engaged, but failed to provide a resolution, you are required to complete (or encourage the complainant to complete) the Complaints Form.

What if my complaint is against The Principal?

Complaints against the Principal follow an entirely separate procedure. To make a complaint against the Principal please email the Board Chair at board.chair@elc.tas.edu.au and your complaint will be directed accordingly.

The Complaints Procedure

The subsequent pages of this document will outline the procedure to be undertaken upon the receipt of a complaint from a member of Eastside Lutheran College community, including students and their families.

STAFF: MANAGING A COMPLAINT

As a staff member of Eastside Lutheran College, there may be occasions in which you are required to manage a complaint presented to you by a parent, student, staff, or community member. Where this is the case, the following procedure applies. At each step in this procedure, it is expected that staff will:

- listen to the complaint,
- acknowledge the issues raised,
- gather as much information as possible,
- communicate your decision, providing reasons,
- implement your outcome actions; and either,
- close the complaint or refer to the next step in the process.

(STEP 1: The informal process) Most complaints should be resolved at this level, without the need for further escalation. Class teachers, subject teachers and Pastoral Care teachers are often in the best position to handle routine concerns about matters relating to their own areas of responsibility. Manage the complaint at your discretion, being mindful to seek further help (step 2) if required.

(STEP 2) Some complaints may require further support. Where this is the case, your next step is to speak with your supervisor or manager, who will support you through the resolution process and arrange a meeting between the relevant parties. Record keeping should begin at this point, particularly if the complaint is recurrent.

(STEP 3A: The general formal procedure) It is the college's expectation that relatively few complaints will require management at the next level. Should resolution prove impossible at the informal level; a complaint should now progress to the formal resolution process. This process is initiated at the completion of the Complaints Form, which may be completed either by the complainant, or by the staff member in receipt of a complaint submitted via the College Webpage or by alternate means (e.g. email). Completion of the form will escalate the matter to the relevant Head of School and trigger the commencement of formal record keeping. The Head of School should seek to resolve the complaint according to the same steps outlined above.

(STEP 3B: The formal process Re: the Principal) If the Complaint is against the Principal email the Board Chair at board.chair@elc.tas.edu.au and your complaint will be dealt with by the Board Chair in a separate process.

(STEP 4: Formal review by the Principal) This is usually the final step in the general formal Complaints procedure. Any decisions made by the Principal are usually final. The Principal will request to meet with both parties to seek a mutually agreed upon resolution. Where agreement cannot be reached, the Principal will collate all the available information and make a determination. Both parties will be informed of the Principal's decision in writing.

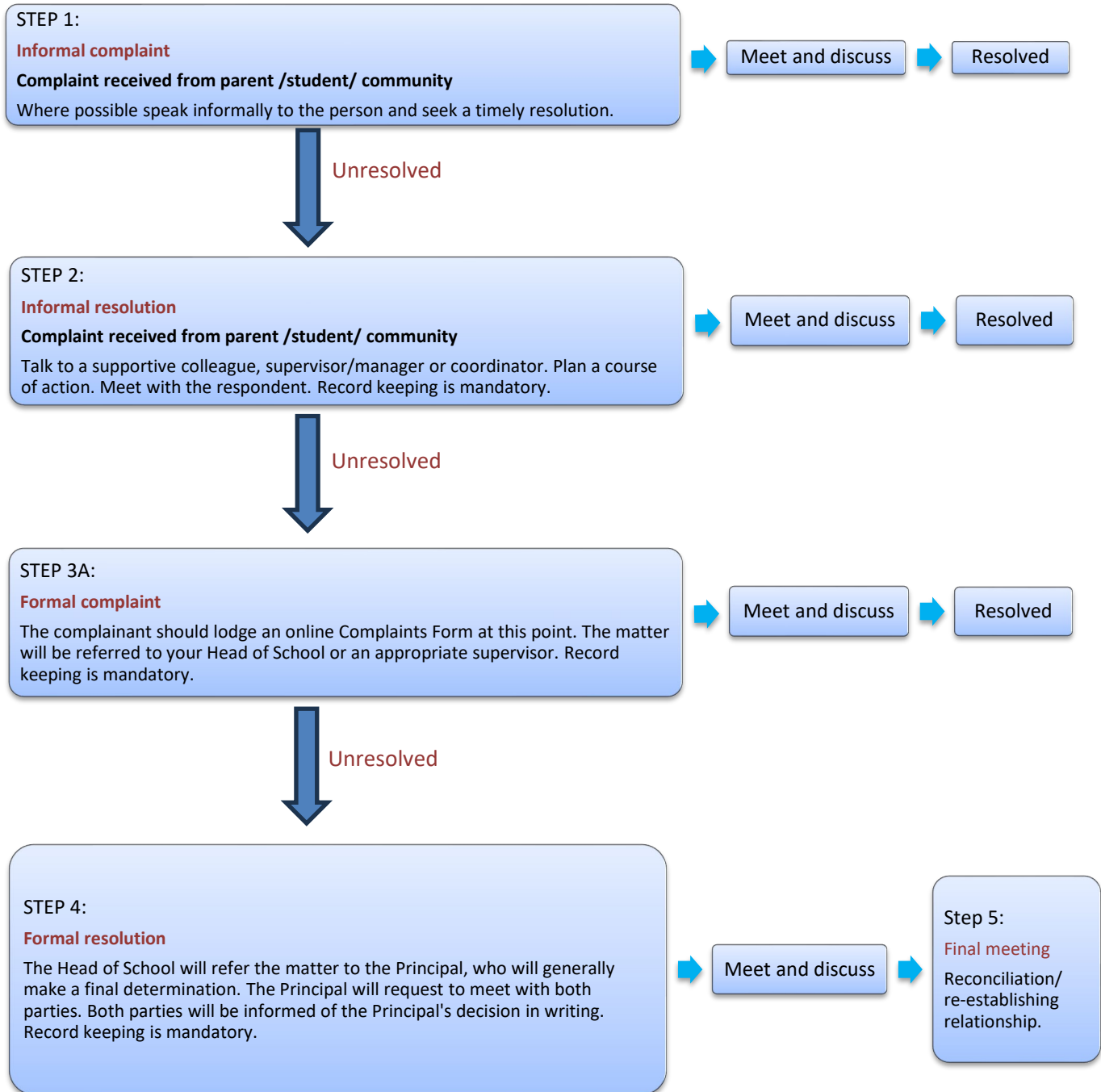
NOTE: External mediation and/or legal advice is available at any time during the formal complaints procedure.

If a complainant is dissatisfied with the principal's decision in Step 4 or following Step 5:

STEP 6	<i>Further action</i>	Formal letter to the Chair of the Board. If a complainant continues to be dissatisfied with the decision or process, they may write a formal letter of complaint to the Chair of the Board and further to that, to the Director of LEVNT.	Meet and discuss	<i>Relationship restoration and building.</i>
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NOTE: In the flowcharts that follow, any formal complaints made regarding The Principal follow a similar formal process, but such complaints are not managed by staff of the school (including the principal) so Step 3B does not appear on any of the flow charts. Should you receive a complaint about the principal from a parent, student, or staff member, please direct them to consider sending an email to the Chair of the Board at board.chair@elc.tas.edu.au

STAFF: MANAGING A COMPLAINT (FLOWCHART)

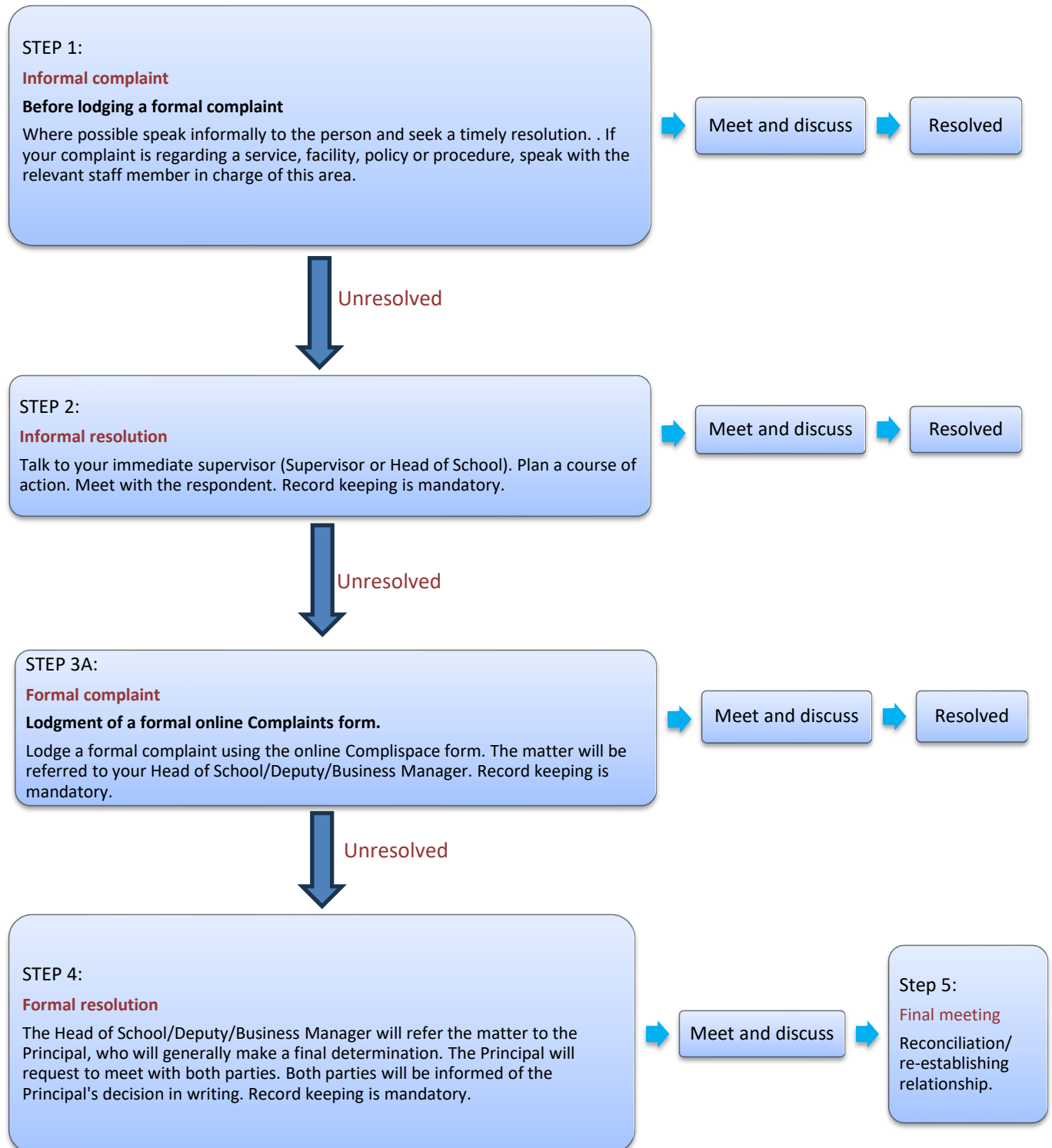


NOTE: External mediation and/or legal advice is available at any time during the formal complaints procedure

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STAFF: LODGING A COMPLAINT (FLOWCHART)



NOTE: External mediation and/or legal advice is available at any time during the formal complaints' procedure

If a complainant is dissatisfied with the principal's decision in Step 4 or following Step 5:

STEP 6	<i>Further action</i>	Formal letter to the Chair of the Board. If a complainant continues to be dissatisfied with the decision or process, they may write a formal letter of complaint to the Chair of the Board and further to that, to the Director of LEVNT.	Meet and discuss	<i>Relationship restoration and building.</i>
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INFORMATION FOR STUDENTS

What do I do if I have a complaint?

If you have a complaint regarding a situation, service, facilities, policy, procedure, or behaviour within Eastside Lutheran College, please follow the flowchart enclosed after this information.

What should I expect throughout this process?

The first step of this process requires you to attempt to resolve the complaint by informal means. Speak with the person involved and try to reach a mutually beneficial outcome. If you cannot resolve the issue at this first step, speak with a student leaders, a staff member, or someone you trust, at Eastside Lutheran College. They will walk you through the rest of the complaints process. You can expect any of our staff to:

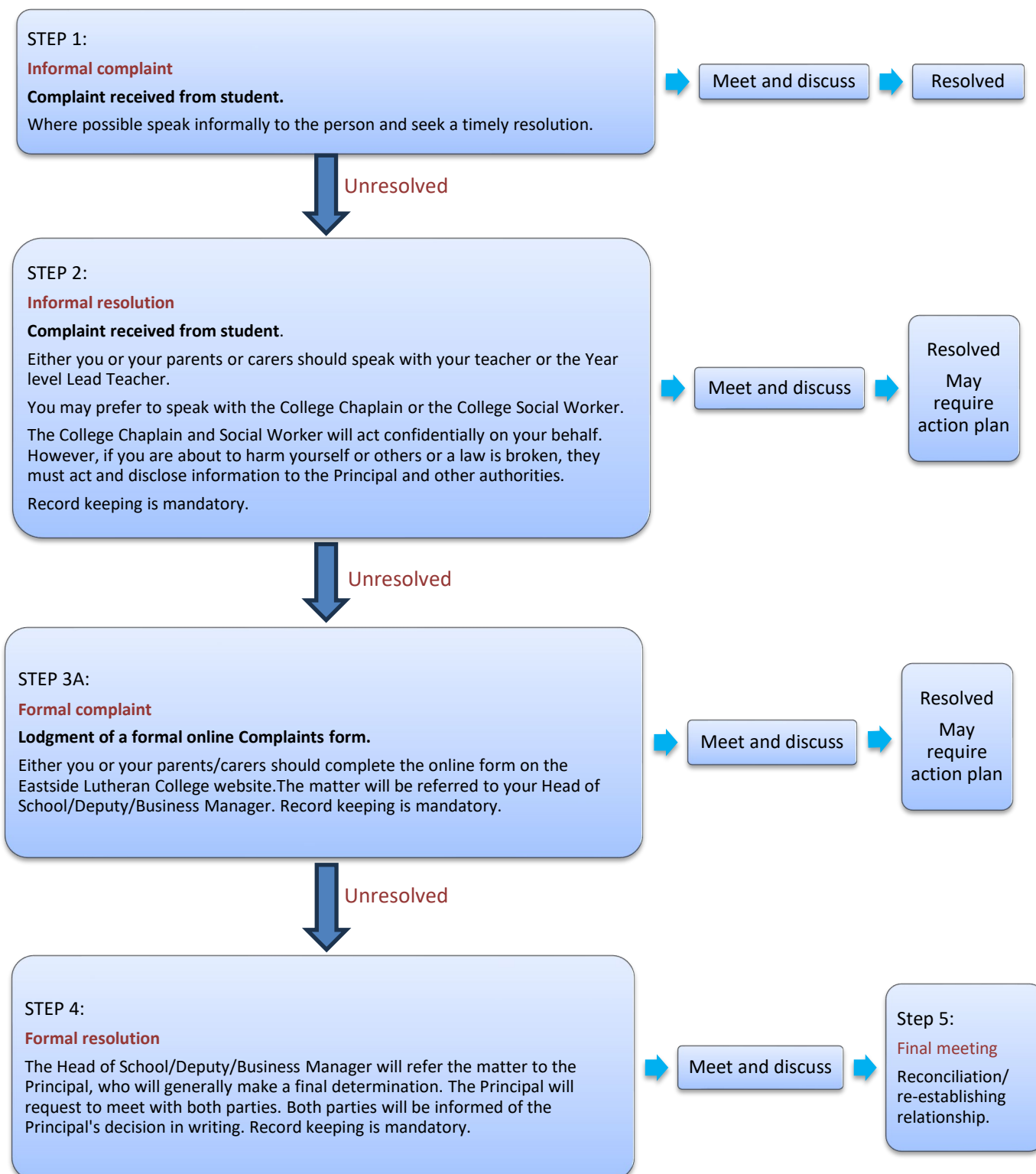
1. Listen to your Complaint,
2. Acknowledge the issues you have raised,
3. Gather as much information as possible,
4. Communicate their decision, providing reasons,
5. Implement their outcome actions,
6. Close the complaint or refer to the next step in the process.

If at any point you feel that the staff member assigned to the resolution of your complaint is not an appropriate person, you have the right to request that another staff member manage the process.

What is expected of me throughout this process?

Eastside Lutheran College expects that you will continue to maintain your enrolment and attendance throughout the complaints and appeals process.

FLOWCHART FOR STUDENTS



NOTE: External mediation and/or legal advice is available at any time during the formal complaints' procedure

If a complainant is dissatisfied with the principal's decision in Step 4 or following Step 5:

STEP 6	<i>Further action</i>	Formal letter to the Chair of the Board. If a complainant continues to be dissatisfied with the decision or process, they may write a formal letter of complaint to the Chair of the Board and further to that, to the Director of LEVNT.	Meet and discuss	<i>Relationship restoration and building.</i>
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INFORMATION FOR PARENTS / CARERS / THE EASTSIDE LUTHERAN COLLEGE COMMUNITY

What do I do if I need to make a complaint?

If you have a complaint regarding a situation, service, facilities, policy, procedure, or behaviour within the College, please follow the flowchart on the following page.

What should I expect throughout this process?

At each step of the process, it is expected that the managing staff member will adhere to the following process:

1. Listen to your Complaint.
2. Acknowledge the issues you have raised.
3. Gather as much information as possible.
4. Communicate their decision, providing reasons to you.
5. Implement their outcome actions.
6. Close the complaint or refer to the next step in the process.

(STEP 1: The informal process) The first step in this process is an attempt at informal resolution. Please follow the flowchart (attached) to ensure that your complaint is directed to the teacher or staff member directly associated with your complaint. The College does not condone parent's discussion with other parents regarding school-based complaints. It is also never appropriate to talk with a Teacher Aide or non-teaching staff member regarding any aspect of the College.

NOTE - Phone or email the College Office 03 62446885 admin@elc.tas.edu.au

If your complaint is of a more general nature i.e., behaviour of students or a staff member in public, noise etc or finance, please phone the College Office and your complaint will be directed to the appropriate department.

(STEP 2: Further Support) Some complaints may require further support. Where this is the case, your next step is to speak with a senior staff member (e.g. Learning Area Coordinator, Head of School). Records of any discussion and resolution will be kept by the staff member managing the complaint.

(STEP 3A: The formal process)* It is the expectation that relatively few complaints will require management at the next level. Should resolution prove impossible at the informal level, a complaint should now progress to the formal resolution process. Should you wish to file a formal complaint, you will need to complete the Complaints Form, which is available online. Completion of the form will escalate the matter to the relevant Head of School/Deputy Principal/Business Manager and trigger the commencement of formal record keeping.

(STEP 4: formal review by the Principal) This is usually the final step in the Complaints Procedure. Any decisions made by the Principal are usually final. The Principal will collate all of the available information and make a determination. You will be notified of this decision in writing.

(STEP 5: formal letter to the Chairperson of the College Board) If any party continues to be dissatisfied with the decision or process, they may write a formal letter of complaint to the Chair of the Board who may involve the Director of LEVNT. You will be notified of the decision in writing.

***(STEP 3B: The formal process)** If the Complaint is regarding The Principal, email the Board Chair at board.chair@elc.tas.edu.au and your complaint will be directed accordingly.

FLOWCHART FOR PARENTS / CARERS / THE ELC COMMUNITY

LODGING A COMPLAINT - PARENT/ COMMUNITY - FLOW CHART				
	CATAGORY	PROCESS	ACTION	RESOLUTION
STEP 1	Informal Complaint	<p>Speak to the Teacher</p> <p>If your complaint relates to an issue with another student or a classroom event or process it is VERY IMPORTANT that you speak directly with the teacher involved in the first instance. Please phone the Office and make an appointment to see the teacher so your complaint can be dealt with in a timely manner.</p>	Meet and discuss or discuss via phone or email	Resolved
STEP 2	Informal Resolution	<p>Talk to a relevant Coordinator (Learning Area, Learning Enrichment, Curriculum) or Head of School - They will plan a course of action. Meet with the respondent. Record keeping is mandatory.</p>	Meet and discuss	Resolved
STEP 3	Formal Complaint	<p>Lodge a formal online Complaints form</p> <p>This form accessed through the College website will be forwarded to the appropriate senior staff member, who will act upon the complaint according to the issues and people involved. Record keeping is mandatory.</p>	Meet and discuss	Resolved
STEP 4	Formal Resolution	<p>Follow on from Step 3 for further resolution.</p> <p>The Principal will meet with all parties and make a decision. This decision will be in writing. Record keeping is mandatory.</p>	Meet and discuss	Resolution Relationship restoration and building.
STEP 5	Further action	<p>Formal letter to the Chairperson of the Board.</p> <p>If you continue to be dissatisfied with the decision or process, you may write a formal letter of complaint to the Chair of the Board who may involve the Director of LEVNT.</p>	Meeting and discuss	Final resolution Relationship restoration and building.

NOTES:

- External mediation and/or legal advice is available at any time during the formal complaints' procedure
- Complaints regarding the Principal follow a similar procedure, but it is triggered by an email direct to the Board Chair and will not be seen by the principal.

FREQUENTLY ASKED QUESTIONS

What do I do if my complaint is not resolved by these processes?

If matters still remain unresolved, parties have the right to seek arbitration through the courts, an ombudsman, or other legal channels. These processes may entail a financial cost.

What if my complaint is against the Principal?


Complaints against The Principal follow an entirely separate procedure. To make a complaint against The Principal please email the Board Chair at board.chair@elc.tas.edu.au and your complaint will be directed accordingly.

Any complaint you may have against the college, or its governing Board, may be addressed to the Non-Government Schools Board through the Office of the Education Registrar: <https://oer.tas.gov.au/non-government-schools/complaints-concerning-non-government-schools/>

9. Review of this Policy and Procedure

This Policy and Procedure is to be kept for three (3) years until review, unless there is a significant legislative or organizational change requiring earlier review.

The master copy is kept in Teams in read-only PDF form. All other copies (including printed copies) are uncontrolled.

Authorised by: Eastside Lutheran College Board	Board Chair 	Date of Authorisation: 30 th April 2024
Review Date:	Triennial	Next Review Date: May 2027

10. Review Details

Date	Version	Description of changes
16/5/2024	1.0	Updated to reflect recommendations from OER for school registration