



Complaints Policy and Procedure

OakTree College ('the College') is committed to creating and providing a safe and respectful teaching and learning environment where students can learn in an environment where they feel safe and secure as well as feel empowered to lodge a complaint.

1. Purpose

The purpose of this policy is to set out the principles and procedures governing the College approach to the resolution of complaints from parents, carers or guardians, students and/or external organisations and stakeholders.

The College strongly believes that staff are committed to working closely together with parents, carers or guardians and students to provide the best educational opportunities for every student. The College is committed to the development of professional, trusting and cooperative relationships between the College and the College community.

2. Scope

This policy applies to concerns, for example:

- A breach of the obligations by the school in relation to the democratic principles or curriculum requirements as set out in the Education and Reform Act (2006) and Regulations (2017);
- Availability of information about the College's performance;
- The right of a parent or student to access information about the student's achievement or performance including privacy matters;
- Decisions, actions, or activities for which the College is responsible, and which are thought to go against the spirit of the College's mission, values, policies or which are alleged to be inequitable or procedurally unfair;
- Perceived personal concerns that impact school-related interpersonal relationships including (but not limited to) issues like; bullying, harassment, child safety, supervision, first aid, duty of care.

3. Principles

The overarching principles upon which this policy is based are as follows:

Good faith:

The complaints process assumes and relies upon all parties engaging in good faith, with an open approach to considering reasonable options and solutions.

Procedural fairness:

All parties to a complaint will be treated fairly, and in a manner that respects their right to an unbiased, timely and transparent process.

The decision-maker will not be biased or appear to be biased nor have a personal or professional interest in the matter of the complaint.

Matters that are not relevant will not be taken into account.

All complaints are considered on their merits, on the basis of information relevant to the complaint and any mitigating circumstances.

All parties have the right to be heard before decision is made, including the right to respond to statements or material that is to be relied upon in reaching a determination.

Where the complaint concerns the actions of an individual or individuals, respondents have the right to be informed of the allegations and the right to respond.

Confidentiality and privacy:

A complaint will be treated by all parties with appropriate confidentiality. The College will ensure that the handling of complaints does not contravene and privacy requirements. Unless required otherwise by law, information arising in the course of a complaint will be circulated only between the parties and other persons involved on a need-to-know basis, and documentation will be stored securely.

Anonymity:

Students who have a complaint and wish to remain anonymous may lodge their complaint by emailing the Executive Principal. However, it should be noted that these complaints may be difficult to investigate because of inadequate information. The Executive Principal will progress these matters at their discretion. Further, while the College will accept anonymous complaints it does not guarantee the ongoing anonymity of complainants.

Proximity:

Every reasonable effort will be made by the parties to the complaint to resolve the matter at the level closest to the parties locally and informally (bearing in mind the need to identify and resolve any conflict of interest). This policy is designed to apply when that local level resolution (i.e. discussion with the classroom teacher or staff proves more difficult and a formal process is required).

Conflict of interest:

Anyone involved in the complaint investigation and resolution process will be required to declare any conflicts of interest and may be excluded from the matter.

Timelines and acknowledgement:

All complaints will be acknowledged in writing within 48 hours of receipt of the complaint, however they are lodged.

All relevant levels of authority within the College will make every reasonable effort to resolve and conclude complaints within 15 working days.

The school must formally advise the complainant in writing of the outcome as soon as possible (within 15 working days of receipt of the complaints).

When this is not possible, the College will inform the complainant in writing of the delay and the reasons for it, and the expected timeframe for completion.

Recordkeeping:

All records related to a complaint process will be retained and kept securely in line with the privacy and record keeping requirements.

Flexibility:

The College will ensure that the complaint process is responsive and flexible. In practice that means that parents, carers or guardians or students are able to make a complaint in person, by phone or in writing. The school will provide support for all parties with specific needs, for example, language translation or disability.

Support:

The College supports the personal wellbeing of students and staff who are parties to a complaint. The College will provide appropriate support to all parties. Complainants are welcome to have a support person present for all or any face-to-face meetings in relation to the complaints process.

Continuous improvements:

Information will only be used for the purpose of resolving the complaint in accordance with this policy, with the provision that aggregated and de-identified data can be used to support the College's monitoring and continuous improvement processes.

No disadvantage:

A student or complainant making a complaint will not be disadvantaged simply because of having made the complaint.

Accessibility:

All complainants will have access to this policy.

No victimisation:

The College will not tolerate victimisation in any form of:

- a student or person who lodges a complaint,
- a student or person who provides information about a complaint matter, or
- any other person involved in investigating or adjudicating the complaint.

Disciplinary action in line with the Student Behaviour Policy will be taken against any student who retaliates against or victimises a person as outlined above.

Right to withdraw:

A complainant making a complaint has the right to withdraw the complaint at any stage of the process. However, the College retains the right to address complaint matters, even in cases where a complaint has been withdrawn, in order to meet its obligations.

Vexatious and frivolous complaints:

Any student or person who uses the complaints process to make a frivolous or vexatious complaint, or who is deliberately misleading in relation to a complaint, may be subject to the disciplinary process outlined in the student behaviour policy or reported externally to the appropriate authority.

Right to seek external review:

If, at the conclusion of the complaints process, the complainant remains dissatisfied with the complaint process, they may lodge a request for an external review with the Victorian Ombudsman or the Victorian Registration and Qualifications Authority and other appropriate agencies.

4. Commitment

The College is committed to Child Safety and has zero tolerance of child abuse. In the context of this policy, the response to a complaint relating to child safety, particularly any in relation to Indigenous children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, will be given the highest priority and attention.

In resolving a complaint, the College will give priority to the student's wellbeing, safety and educational needs.

Due to the College student cohort from diverse backgrounds, where relevant, interpreters will be funded and provided by the College as part of the complaints process to students, parents, carers or guardians about the child safety requirements and dedicated meetings can be arranged.

5. Legal Requirements

The regulatory basis for compliance includes:

- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations (2017)
- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards for School Registration
- Child Safe Standards Ministerial Order 1359
- Privacy and Data Protection Act 2014 (Vic)
- Health Records Act 2001 (Vic)
- Victorian Data Sharing Act 2017

6. Procedure

Informal complaints resolution

Some issues may be handled quickly and in an informal manner. Students, parents, carers or guardians (or College staff on behalf of a student) can raise a complaint locally (i.e. with the classroom teacher or staff). In most cases, these issues can be resolved through informal discussions with appropriate staff members.

Any concerns or complaints in relation to child safety or abuse must be managed in accordance with the **Managing Child Safety Complaints Procedure**.

How to raise a formal complaint

If complainants are unable to resolve a matter informally, or wish to make a formal complaint, they can do so by any of the following means:

- Sending an email to oaktreecolleges@gmail.com
- Writing a letter addressed to the Assistant Principal, Executive Principal or Board Chair,
- Telephoning and asking to speak to the Assistant Principal or Executive Principal via 0424 833 606

Process for managing complaints (excluding concerns or complaints in relation to child safety or abuse – please refer to Managing Child Safety Complaints Procedure)

(Refer to Appendix 1 flow chart)

Level 1: Where possible, the College encourages concerns to be raised and resolved speedily and informally with the member of staff most directly involved e.g. classroom teacher.

Level 2: Where the concern has not been resolved to the satisfaction of those concerned, a formal complaint under the auspices of this policy and procedure may be made to the Assistant Principal via oaktreecolleges@gmail.com

- All complaints will be acknowledged in writing within 48 hours of receipt of the complaint, however lodged;
- All relevant levels of authority within the College will make every reasonable effort to investigate, resolve and conclude complaints within 15 working days of receipt. When this is not possible, the College will inform the student in writing of the delay and the reasons for it, and the expected timeframe for completion;
- In conducting the investigation, the process will comply with the overarching principles as outlined in the policy section.

If the complaint concerns the decisions, actions or activities of the Assistant Principal, a formal complaint should be escalated to the Executive Principal via oaktreecolleges@gmail.com.

If the complaint concerns the decisions, actions or activities of the Executive Principal, a formal complaint should be escalated to the Chair of the College Board via oaktreecolleges@gmail.com

Level 3: If, at the conclusion of the complaints process, the complainant remains dissatisfied with the complaint process, they may lodge a request for an external review with the Victorian Ombudsman, Victorian Equal Opportunity and Human Rights Commission or the Victorian Registration and Qualifications Authority and other appropriate agencies.

7. Implementation

The Executive Principal and/or the Assistant Principal is responsible for determining that the complaints process is appropriately implemented in a way that is consistent with this policy. The Executive Principal will report to the College Board annually and be available to the education regulator, the Victorian Registration and Qualifications Authority, as required.

College staff are responsible for responding to and resolving concerns raised informally and be proactively informed in any investigation as part of the formal complaints process.

Any breach of any College policy will be considered under this policy by the Executive Principal and will be dealt with on a case-by-case basis. The Executive Principal may take such action as considered appropriate in response to a breach of the policy including the:

- provision of a verbal or a written warning,
- exclusion from future school events or functions,
- exclusion from the school grounds and facilities,
- revocation of their child's enrolment in line with the Enrolment Policy.

8. Communication

The College will communicate this policy via the College website to the school community. This policy will be referenced in the parent/student handbooks.

9. Contact

For questions about this policy, contact the Executive Principal.

10. Related Policies

- Duty of Care Policy
- Child Safety Policy
- Managing Child Safety Complaints Procedure
- Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedure
- Student Behaviour Management Policy
- Enrolment Policy
- Anti-Bullying and Anti-Harassment Policy
- Privacy Policy
- Occupational Health and Safety Policy

11. Approval and Review

Document owner:	Executive Principal
Approved by:	College Board
Approval date:	10 November 2024
Next review date:	June 2025 (and every 12 months thereafter)

Appendix 1 – Complaints Procedure flow chart

