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DOCUMENTS:	– Appeal/Complaint Report Form – Appeal/Complaint Register
REFERENCES:	– Human Resources Manual – Disciplinary Process Employees – Student Information Booklet – Access & Equity – Appeal Policy – Children’s Protection Policy
RELEVANT STANDARDS	– Education Standards Board (ESB) – ELICOS National Standards – Education Services for Overseas Students (ESOS) Act 2000

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POSITION:	PRINCIPAL		

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PURPOSE

This policy and associated procedures have been developed to give directions for the process for managing and addressing concerns and complaints. It includes details about the responsibilities and accountabilities of employees and contractors if a complaint arises.

POLICY

At AIS:

- All stakeholders should expect to receive quality service from AIS employees
- All stakeholders will be treated in a fair and equitable manner
- All complaints will be treated seriously, and responses made in a timely manner.
- Where possible, complaints/concerns should be resolved directly between the concerned parties

SCOPE

This policy encompasses:

- current and past students
- employees
- contractors
- suppliers and providers
- regulatory authorities
- parents of AIS students.

This policy does not cover Appeals. Please refer to the Appeals Policy and Processes.

DEFINITIONS

- Advocate:
 - An individual who accompanies a Complainant to support them throughout the process. An advocate for the purposes of this policy does not include Legal Representation.
- Appeal:
 - An appeal arises when a stakeholder is not satisfied with a decision taken by AIS.
- Complaint:
 - A complaint arises when a stakeholder is dissatisfied with, or aggrieved by, an action or event under the control of, or within the environment or activities of AIS.
- Complainant:
 - Person or entity that lodges a complaint.
- Concern:
 - an issue of interest which is raised informally to improve or change a situation.
- Contractor:



- Individual or entity engaged by AIS under contract to deliver specified work on its behalf e.g. relief teacher.
- Stakeholder:
 - General term inclusive of any individual or entity with whom AIS has a relationship including but not limited to employees, students, contractors and suppliers.
- Frivolous or Malicious Complaint:
 - a fictitious complaint or one made intentionally without foundation or to cause detriment or mischief

PRINCIPLES THAT INFORM THIS POLICY

1. Confidentiality will be maintained. Only the people directly involved in making or investigating a complaint will have access to the information about the complaint
2. AIS will act in accordance with Privacy and other relevant legislation
3. AIS will act with integrity, treating people in a fair and equitable manner
4. AIS will appoint a staff member to investigate and address the complaint
5. Impartiality is critical. All parties will be provided with equal opportunity for discussion. No assumptions will be made, and no action will be taken until all relevant information has been collected and considered.
6. Stakeholders may be represented by an advocate or have a support person involved in the process.
7. If required, an external independent mediation process may be used to resolve the complaint.
8. No action will be taken against anyone for lodging a valid complaint or assisting someone to lodge or manage a complaint.
9. Mandatory Notification procedures will be appropriately followed.
10. AIS will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a complaint.
11. All complaints will be dealt with as quickly and transparently as possible.
12. An individual has the right to withdraw a complaint at any stage. However, where the complaint concerns proven misconduct and/or breach of law or regulatory compliance on the part of any individual or entity OR where the failure to resolve the complaint would adversely affect other individuals or AIS, AIS reserves the right to finalise the investigation of the original complaint and take the necessary recourse.
13. Complainants found to have made a 'Frivolous or Malicious Complaint' will face appropriate disciplinary action.
14. This policy does not apply to situations where there are legislated requirements for the issue.

RESPONSIBILITIES

Principal

1. Provide appropriate AIS policies, processes and standards so that complaint potential is minimised.
2. Respond as a matter of priority to any issue identified as a potential 'complaint' and therefore an opportunity for improvement.
3. Address and satisfactorily bring complaints to a timely conclusion.
4. Utilise the learning from complaints in the continuous improvement process as a key strategy to ensure that the complaint is not repeated.

Director of Teaching and Learning

1. Support the Principal in the implementation of this policy.

Employees and Contractors

1. Provide quality service to all stakeholders
2. Immediately report potential risks for complaint to the Principal or delegate.
3. immediately report actual complaints to the Principal or delegate.
4. Assist in the appropriate resolution of complaints.

Managing Director

1. Assist in the resolution of complaints that are not resolved via the Principal.

END OF POLICY

APPENDIX 1: PROCEDURES FOR ADDRESSING COMPLAINTS

Children

Children will first be encouraged to address all complaints or concerns by verbally advising the staff member with whom they feel most comfortable doing so.

If the complaint relates to an allegation of abuse the staff member is to immediately advise the Principal and the Child Protection Policy is to be followed.

If the complaint does not relate to an allegation of abuse, the staff member will support and assist the child and their parent(s) through the complaints process as per Non-Employee Stakeholders below.

Non-Employee stakeholders

A complaint in relation to AIS services should follow the steps listed below. If for whatever reason the stakeholder is unable to undertake any of the following steps, they should speak with a senior member of staff with whom they are comfortable.

NB: The stakeholder is encouraged, at any stage of the process, to invite an advocate or support person to participate.

AIS will provide assistance throughout the process.

The process will be:

1. Within ten (10) working days of the complaint event, the Complainant will advise AIS verbally, by telephone, facsimile, email or by letter. Advice received Verbally (face to face or via telephone) will also need to be lodged in writing within the specified time limit;
2. Within five (5) working days of the receipt of a complaint, and in conjunction with an AIS representative, the Complainant will document the issue using a Complaint/Appeal Report Form. For teaching complaints, the responsible person will be the Principal, while all other complaints will be directed to the Principal or delegate.
3. Processes will follow the following guidelines:
 - 3.1. If appropriate, in the first instance, the AIS representative will meet to discuss and negotiate a resolution with the person(s) concerned.
 - 3.2. If the outcome of the initial discussion is not satisfactory, the non-employee stakeholder should within five (5) working days advise the AIS representative or any AIS employee that they request mediation/intervention by an alternate party;
 - 3.3. Within five (5) days of receipt of the request for mediation, an AIS representative nominated by the Principal or delegate will meet with the Complainant and other relevant parties and document the complaint in the Complaint/Appeal Register and manage the Complaint/Appeal Report Form which will be updated and co-signed throughout the process. This will include setting of timeframes and



provision of copies of all documents and agreements to all parties throughout the process;

4. If resolution is not reached within five (5) working days, the Complainant should request referral to the Principal or delegate for further action/determination;
5. Within five (5) working days the Principal or delegate meets with all parties.
6. Within five (5) working days the Principal or delegate is to provide their decision in writing to all parties.
7. If resolution is not reached the complainant should request referral to the Managing Director of AIS for further action/determination. Referral to the Managing Director must be in writing clearly stating the reasons why the Complainant is dissatisfied with the decision and lodged within five (5) working days of receipt of the decision.
8. The Managing Director will meet with both the AIS representative and the Complainant within five (5) working days of receiving the appeal notice. The meeting is to be documented.
9. Within five (5) working days of the meeting the Managing Director will inform the Complainant of their decision to either uphold or set aside the AIS representative's initial decision. The decision may be given verbally or in writing, however, written notification within the specified five (5) working days of the decision must be provided to the Complainant supporting verbal advice.
10. If the Complainant is dissatisfied with the Managing Director's decision or they consider that the complaint process was unsatisfactory they may:

- a. Lodge an Appeal with AIS (please refer Appeal Process)
- b. request that an external mediator agreeable to all parties be engaged.

AIS utilises the services of:

Access Programs
45 Wakefield St, Adelaide SA 5000
(08) 8215 6799

c. contact:

- Education Standards Board (ESB) of SA
- SA Office of Consumer & Business Services 13 18 82
- SafeWork SA
Website: www.safework.sa.gov.au
Telephone: 1300 365 255
- Workplace Ombudsman Tel: 13 13 94 or www.fairwork.gov.au
- Union Representative – refer relevant Union
- Or other relevant regulatory body as may be available related to the specific issue.



11. If all AIS avenues of appeal process are not successful, the Managing Director should advise in writing:
 - the Complainant of their right to seek legal intervention;
 - the Principal or delegate of the Complainant's intention to seek legal action.
12. All issues, negotiation/mediation, outcome details and agreements:
 - are recorded in writing;
 - a copy is provided to all parties within seven (7) days of completion of each event;
 - are signed by all parties;
 - a copy is filed in line with Privacy Principles.

Employees

If an employee has a complaint the following process should be undertaken.

If the Complainant finds, for whatever reason, that they are unable to undertake any of the following steps, they should speak with a senior member of staff with whom they are most comfortable.

If the complaint relates to the conduct of another employee:

1. Dependent on the nature of the complaint in the first instance attempt to discuss and negotiate a solution with the person concerned;
2. Within five (5) days employee to request mediation/intervention from the Principal or delegate;
3. The Principal or delegate will document the complaint in the Complaint/Appeal Register and manage the Complaint/Appeal Report Form which will be updated, co-signed and copies provided to all parties throughout the process;
4. If a resolution is not reached with the intervention of the Principal or delegate an external facilitator agreeable to all parties should be engaged.
 - a. AIS will normally utilise the services of:

Relationships Australia
Australia Wide Tel: 1300 364 277
 - b. Other legislative authority as may be related to the specific issue.
5. If the external facilitator is unable to assist with an acceptable resolution the Complainant should be advised of their right to seek legal intervention.

If the complaint relates to a policy/procedure or system issue, the complainant should initially ask for a copy of the appropriate process.

If the Complainant is not satisfied that the process has been correctly followed, they should discuss the issue directly with their Supervisor and the following process instigated:

1. Advise the Principal or delegate of the concern
2. Employee and the Principal or delegate to meet and complete a Complaint/Appeal Report Form
3. If a resolution is not reached with the intervention of the Principal or delegate and
 - .1 the issue relates to a possible *breach of legislation*, an external facilitator specialising in the relevant legislation and agreeable to all parties should be engaged.

If the external facilitator is unable to assist with an acceptable resolution in regard to a breach of legislation;

- the Principal or delegate should be advised by the Complainant in writing of the intention to notify the relevant Regulatory or Legislative Body, and/or of possible legal intervention;
- the Complainant should be advised by the Principal or delegate of their right to seek legal intervention.

or

- .2 If the issue relates to an internal policy or procedure which does not breach legislative, moral or ethical obligations, the Principal or delegate's decision will be final.

The issue, negotiation details, outcome and signed agreement by all parties:

- are recorded in writing;
- a copy is provided to the employee within seven (7) days of completion of each event;
- a copy is filed in line with Privacy Principles.

Handling Complaint

On receiving a complaint, the person who received the complaint must determine if they are the appropriate person to resolve the matter. Where they consider it would be inappropriate for them to handle the matter, or if the matter is outside the scope of their responsibility, they will discuss this with the Complainant within 24 hours of receiving the complaint. The person receiving the complaint is responsible for assisting the Complainant to a more appropriate person. This may require escalation to the next level of responsibility.

Where the person receiving the complaint believes that they are the appropriate person to deal with the matter, they should arrange to discuss the complaint with the Complainant at a time convenient to both parties, but as soon as practical after the matter is first raised. Action to resolve the complaint should commence as soon as possible.

Important Steps for Investigation and Resolution



1. **Complaints**

Where possible, minor interpersonal issues and misunderstandings should be resolved quickly and with minimal formality. In such cases, the emphasis is on ensuring that individual needs and expectations are met without deterioration to the relationship.

2. **Progress To Resolution**

All parties should be consulted throughout the investigation, and no action is to be taken toward resolving their complaint without their prior knowledge and agreement. At a minimum, the parties will be given regular reports on the progress towards resolution of their complaint. The timeframe should be agreed by all parties dependent upon the nature of the complaint.

The person investigating the complaint should establish with the parties the options for resolution they perceive as satisfactory. These are initial ideas and may change or be further developed after more detailed investigation.

If at any stage of the process it becomes apparent that the matter is more complex or serious than originally considered the matter should be referred to a more appropriate person.

3. **Resolution**

If the parties are satisfied with the proposed resolution, all agreed actions should be documented, implemented as soon as is reasonably possible and the complaint considered resolved.

Where resolution is not achieved, the matter should be escalated to the next level of responsibility.

The complaint process does not intend to preclude recourse to other avenues of resolution including Industrial Relations Commission for conciliation or arbitration purposes, or State Authorities, but rather to facilitate an agreeable and speedy resolution.

Guidelines for Negotiating Solution of a Complaint

- Negotiation should focus on 'win – win' situation
- Outcome should aim for the preservation of long-term relationship
- Process, activities and outcomes should provide benefits for all parties.

Step 1 - PREPARATION

- Date & Time that is suitable to all parties
- Ensure that venue is private, neutral and comfortable
- Prepare meeting agenda commencing with a positive opening statement



- Clearly articulate the guidelines for negotiation of solution e.g. Demands are not acceptable, blame and justification will not contribute to a positive and outcome focussed discussion/negotiation, etc.

Step 2 – CLARIFICATION OF ISSUE

- Identify what the issue is
- Focus discussion on the issue
- Listen carefully and empathise
- Identify shared/common needs

Step 3 – IDENTIFY & DOCUMENT SOLUTION(S)

- What are the individual and shared needs for outcome
- Ensure solutions are achievable for both parties
- Discuss and prioritise identified solutions
- Negotiate final and most appropriate and satisfactory solution
- Develop action plan and timeframe for the implementation of the solution ensuring all tasks are achievable for all parties within nominated timeframe(s)

Step 6 – FORMAL AGREEMENT

Agreement should include:

- Identification of all parties to the agreement
- Goal/outcome(s) to be achieved
- Non-negotiable items
- Expectation of all parties
- Realistic timeframe(s)
- Evaluation process
- Communication process
- Signature off all parties
- Date.

Agreement and copy of the finalised Complaint/Appeal Report Form are to be:

- are recorded in writing;
- copied to all parties within seven (7) days of completion of each event;
- a copy is filed in line with Privacy Principles.

Complaint/Appeal Register & Form

The Complaint/Appeal Register is to be updated with Agreement details.

The Complaint/Appeal Report Form is to be updated throughout the process and details of the Agreement to be recorded.