



# Complaints, Grievances and Appeals

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## 1. Purpose

Methodist Ladies' College (MLC) is committed to creating an environment that values good relationships and open communication, and where students, parents and staff work together in an environment of trust and mutual respect. The College's approach to handling concerns, grievances, complaints and appeals is based on the MLC values of respect, responsibility, compassion and courage.

The College understands that from time to time parents, external organisations and other stakeholders may be dissatisfied or have a complaint or grievance in relation to a decision taken or an action or activity for which the College is responsible. MLC's Complaints, Grievances and Appeals Policy sets out the College's approach to the resolution of complaints and grievances. References to complaints in this Policy includes grievances<sup>1</sup>.

## 2. Scope

This Policy applies to all members of the College community, including students, staff, parents/guardians (Parents) and other stakeholders such as members of the local community, suppliers and families on the College's enrolment wait-list and Information Sharing Entities (ISE's)<sup>2</sup>. It applies across all College settings and locations, (including Kew campus, the Boarding House, MLC Kindle, MLC Banksia and MLC Marshmead), both during and outside school hours and within and outside the physical school environments, including online.

Complaints and appeals relating to international (full fee paying) students are also covered by this Policy, to meet the requirements of the *Education Services for Overseas Students (ESOS) Act*, National Code Standard 10.

This Policy does not apply to:

- Concerns regarding child abuse – reference must be made to MLC's Child Safe Policy for guidance on child safety reporting procedures.
- Student issues – the College has an appropriate internal student friendly process for students to use when something goes wrong or is difficult for them.
- Staff issues in relation to their employment – those matters are covered in the MLC Staff Code of Conduct and the Dignity at Work Policy.
- Protected disclosures covered by the College's Whistleblower Policy.

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<sup>1</sup> Complaints are normally raised about a specific concern or issue, when the person making the complaint believes a decision, an action (or inaction) or a process is wrong or has been mishandled. Grievances can be more general in nature and may relate to more than one incident.

<sup>2</sup> Information Sharing Entities as prescribed under the Child Information Sharing Scheme or the Family Violence Information Sharing Scheme.

### **3. Policy Statement**

#### **3.1. Principles**

The College understands that staff and parents are committed to working closely together to provide the best educational opportunities for every student. MLC is committed to the development of professional, trusting and cooperative relationships between all members of the College community.

The College's Complaints, Grievances and Appeals Policy has the ultimate goal of resolving complaints fairly, effectively and efficiently, with a focus on student wellbeing and supporting student learning.

The College's approach to the management of complaints is based on the principles of procedural fairness, which includes ensuring that:

- all those involved in an issue have a reasonable opportunity to have their voice heard and explain their understanding of the context and any extenuating circumstances
- the response to the complaint is unbiased and consistent.
- the resolution of the complaint or grievance is proportionate to the issue.

Throughout any complaints process, the College will ensure that:

- student wellbeing needs are prioritised
- high levels of confidentiality are maintained, balanced with the need for procedural fairness and transparency
- complaints are handled in a conciliatory, non-adversarial and non-legal manner
- accurate records are made of the complaint and its resolution, in line with the College's Privacy Policy
- complaints are resolved quickly and, where possible informally, only drawing on the formal procedures when it has not been possible to reach an informal resolution
- issues are not escalated before all reasonable processes have been exhausted.

The College recognises that the opportunity to raise concerns and complaints, provides an opportunity for the MLC community to provide feedback to the College, forming the basis for future improvements.

It is not possible to respond to complaints received from an anonymous source and, by definition, the College will be unable to communicate any resolution or response to the person making the complaint.

#### **3.2. Responsibilities**

##### ***MLC Board***

- Approving this policy and reviewing it at least every three years.
- Responding to any formal complaint raised that relates to the Principal or appeals relating to the application of the complaints and appeals process by the Principal.

##### ***Principal***

- Ensuring the Policy is implemented and understood by all staff.

- Ensuring the Complaints Policy is communicated to parents and the wider College community.
- Responding to a formal complaint brought under this Policy, where requiring the Principal to be involved.
- Convening an Appeals Committee as required including the engagement of an independent external member of the Appeals Committee and where necessary, the referral of an unresolved appeal to an external body.
- Maintaining a register of formal complaints (listing the date, subject and resolution) for reporting to the MLC Board.

### **Staff**

- Responding to and resolving concerns and complaints in line with this Policy.

### **MLC community (including parents/guardians)**

- Raising issues promptly or as soon as possible after the issue occurs.
- Acting in good faith and in a calm and courteous manner and in accordance with the Parent Code of Conduct.
- Ensuring that complaints do not give rise to victimisation or reprisal.

## **3.3. Raising Complaints**

Information about where to make a complaint is publicised within the MLC community and on the College website. The methods available for making a complaint include in person (by appointment), by phone or in writing. If necessary, the College can provide support for community members with specific needs.

Where there is uncertainty as to who to contact, issues may be raised by telephoning the College on (03) 9274 6333, or via email [college@mlc.vic.edu.au](mailto:college@mlc.vic.edu.au). Complaints will be forwarded to the most appropriate person in the College to respond.

The College will endeavour to acknowledge receipt of all complaints within two (2) working days and advise the most appropriate next steps.

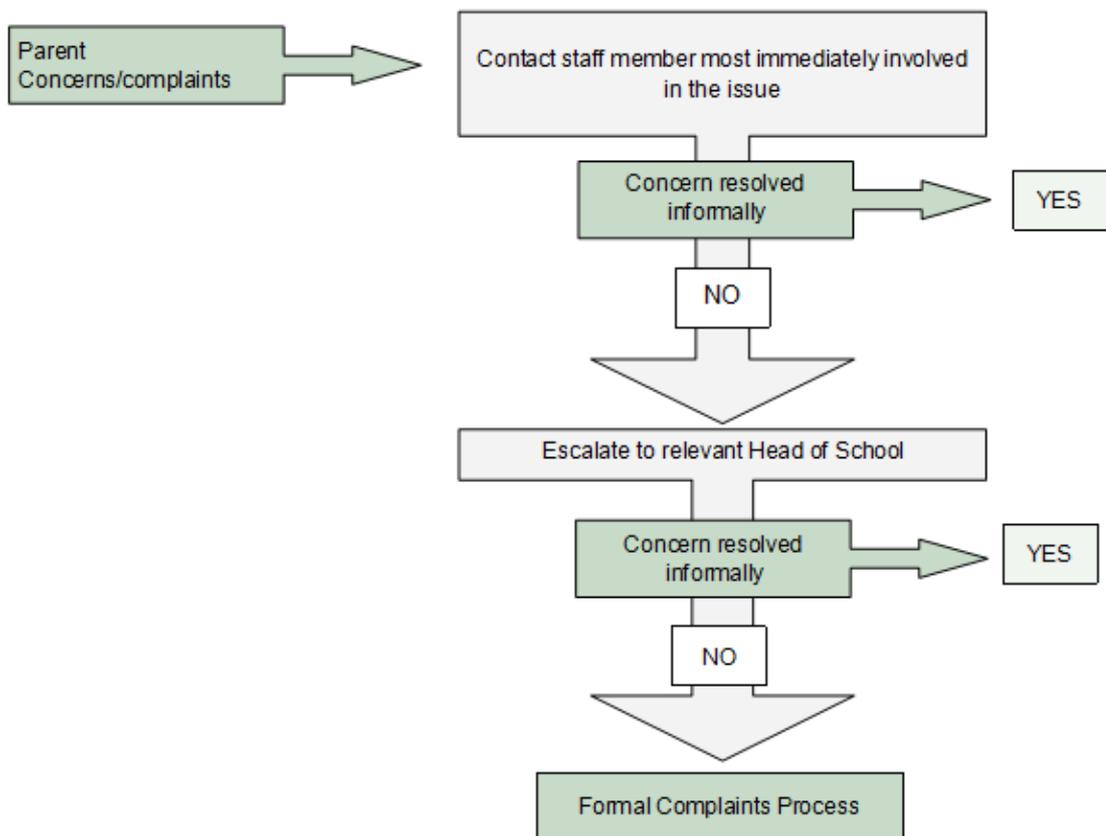
## **3.4. Informal Complaint Resolution**

The College will endeavour to resolve all complaints fairly, quickly and informally.

Where parents have an issue of concern or complaint, they should first contact the staff member most immediately involved with the issue. This may be a Teacher or Kindie educator, Tutor/Home Group Teacher, Student/House Coordinator or member of the Boarding House Leadership Team to attempt informal resolution of the concern. Where the issue involves this staff member or the concern cannot be resolved, the issue should be escalated to the relevant Head of School for further investigation. Concerns relating to MLC Kindie should first be escalated to the Director of MLC Kindie, and then to the Head of the Junior School, when required.

In situations where further attempts to resolve the issue informally are unsuccessful, the complainant may choose to lodge a formal complaint. Some complaints, because of the seriousness of their nature, will be referred immediately to the Principal.

An overview of the informal complaint resolution process is provided below:



### 3.5. Formal Complaints Process

#### 3.5.1. Making a Formal Complaint

If a concern is not resolved to the satisfaction of the complainant through the informal process, the formal complaints procedure may be followed.

A formal complaint should be made in writing and can be submitted using the [Formal Complaints Form](#) available on the MLC website. Any correspondence should be addressed to the Principal.

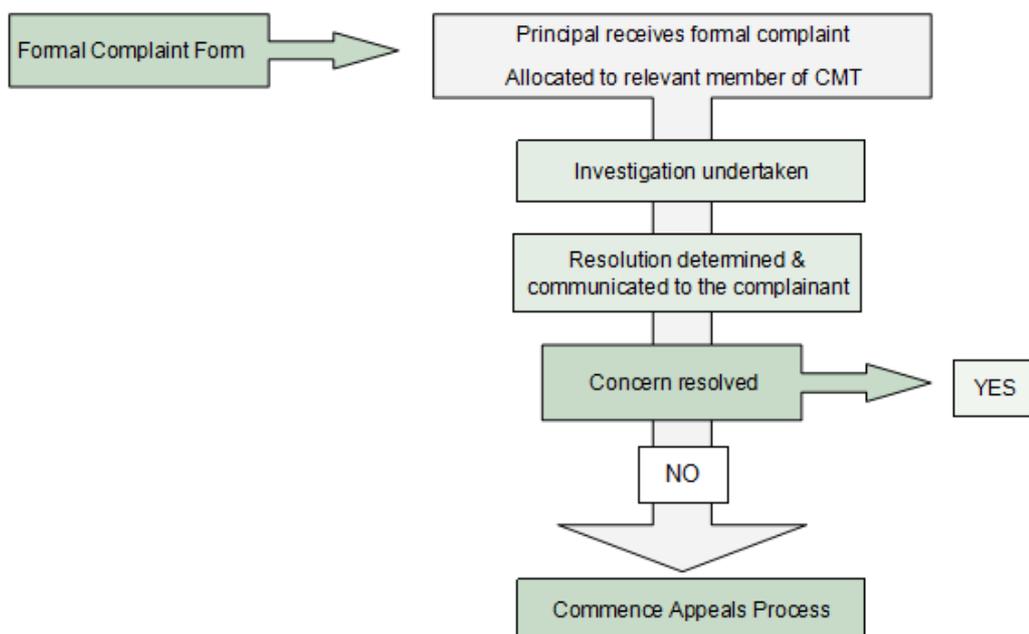
If there is more than one problem, issues should be listed concisely and clearly so that the extent of the problem is clear to the College. If more than one parent or a set of parents raises the same or a substantially similar problem, each complaint will be managed separately.

Complainants are asked to indicate how, if possible and practicable, they would want the complaint to be resolved. Complainants need to understand that in addressing complaints the College does need to consider the facts and interests of all parties involved.

If the complaint is in relation to the conduct of the Principal, the complaint should be made in writing using the [Formal Complaints Form](#) and should be addressed to the Chair of the MLC Board.

Formal complaints will be acknowledged within two (2) working days.

An overview of the formal complaints process is provided below:



### 3.5.2. Investigating Complaints

Some complaints can be resolved through discussion, but others require that the matter be investigated before coming to a resolution.

The Principal may appoint a senior member of staff to investigate the issue. This staff member will typically be a member of the College Management Team who has not previously been closely involved in the matter.

The investigation may take the form of interviews with others involved, reviewing documentation, etc. If it is thought advisable and necessary, the Principal may approve the appointment an external investigator.

In carrying out an investigation, the College will be mindful of the need for confidentiality. The complainant will be informed in advance of any decision to speak to others during the course of the investigation.

The investigation report is confidential to the College.

There may be some instances where complaints are determined to be vexatious or frivolous in nature. In this case the complainant will be informed that the College intends to dismiss their complaint. Making a vexatious complaint may be considered a breach of the Parent Code of Conduct.

### 3.5.3. The Complaints Meeting

The Complainant may be required to attend a meeting to discuss their complaint with the staff member appointed to investigate the matter. The Complainant may choose to have someone at the meeting to support them. The support person could be a relative or a friend, but it is not appropriate for that person to be a legal representative.

The meeting will discuss the matter thoroughly, with the objective of:

- a) establishing a clear description and understanding of the issue
- b) defining the claimed impact
- c) determining what is claimed will happen if the issue is not resolved
- d) establishing what action(s) is requested in order to resolve the complaint.

These points will be summarised briefly and will be included in the documentation of the complaint.

At each step of the process, all those attending the meeting will have the opportunity to put forward their point of view and will be treated with dignity and respect. Conversations must be respectful and constructive. If either party is of the view that the conversation has become confrontational and is no longer conciliatory, either party may ask for the conversation to be temporarily halted and re-scheduled for completion at another time

It may not be possible to agree the way forward in just one meeting; in this case further meetings will be scheduled until the issue has been considered as thoroughly as needed.

At any stage in the process, the College may decide that it would be helpful to seek either informal or formal mediation in order to resolve the complaint.

#### **3.5.4. Complaints Resolution**

Satisfactory resolution of the complaint may come from one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review College policies in light of the complaint

In resolving the complaint, a statement should be prepared confirming that those involved consider the complaint (or an aspect of the complaint) is resolved. This statement will include details of how the complaint has been resolved and provide description of each specific action or decision, including a note as to who is responsible for the action and by when. A copy of the statement will be provided to the complainant.

When the complaint is resolved (or dismissed), a follow up meeting or conversation may be scheduled to ensure that the agreed actions have been implemented and that there are no further matters outstanding.

#### **3.5.5. Complaints to the Board**

If the complaint is in relation to the Principal, the complaint should be made in writing using the [Formal Complaints Form](#) and should be addressed to the Chair of the MLC Board.

The Chair will constitute a complaints committee to deal with the complaint. The composition of the committee will be decided by the Chair. The committee may include a representative that is external to the College.

The complaints committee, acting on behalf of the Board, will decide how to proceed and will make recommendations for any action to resolve the matter to the Board.

When a complaint is made to the MLC Board, the Board's decision will be final.

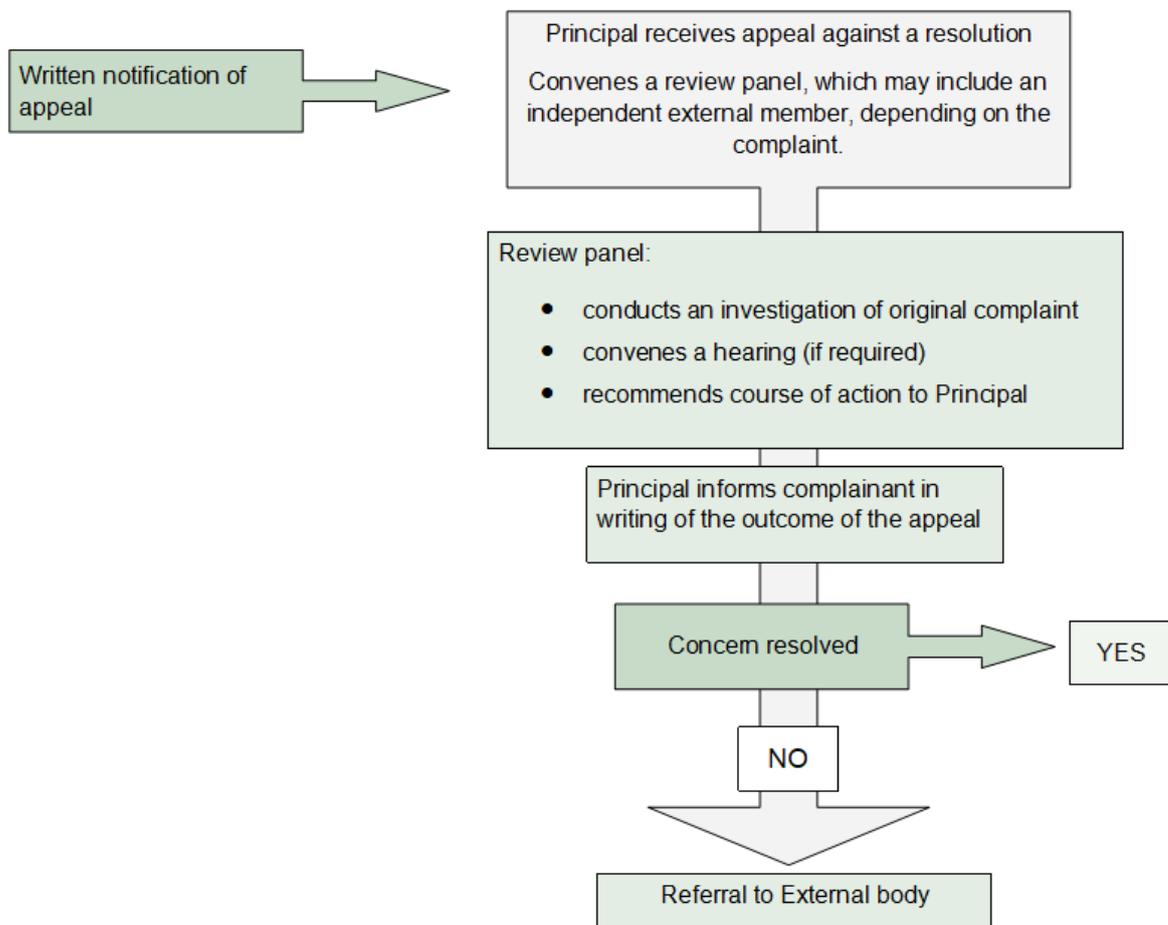
Where a complaint is made against, or involves the Chair of the Board, the matter will be managed by an independent external consultant or advisor.

### 3.6. Appeals

#### 3.6.1. Making an appeal

If a formal complaint is not resolved to the satisfaction of the complainant, it may, at the request of the complainant, be escalated to an internal Appeals Panel, chaired by the Principal or their nominee. An appeal must be made in writing within 14 days of finalising the complaint resolution and should be addressed to the Principal. The Principal will acknowledge the request for an appeal within two (2) working days.

An overview of the appeals process is below:



The grounds for the appeal should be clearly identified. The grounds could include the following:

- the complaints policy and procedures were not followed
- the resolution of the complaint is claimed to be insufficient, unfair, biased, unreasonable and/or disproportionate.

The appeal will use the record of the complaint and will not re-hear the complaint itself.

The complainant will be asked to indicate how, if possible and practicable, they would want the appeal to be resolved.

### **3.6.2. Responding to the appeal**

The Principal will assemble an Appeals Panel as needed. The make-up of the Appeals Panel will be determined by the Principal on a case-by-case basis, depending on the nature and complexity of the appeal being considered. The Principal may also choose to include an independent external person to be part of the Appeals Panel.

The complainant may be invited to attend a meeting in relation to the appeal and has the right to bring a support person to any meetings held.

The Appeals Panel will seek to resolve the complaint within 28 days from the date of referral and, in any event, no later than 42 days after the original complaint was received.

The Appeals Panel will decide how to proceed and will make recommendations for any action to resolve the matter. The Appeals Panel may approve the appointment of an external consultant to conduct an investigation, mediation and/or arbitration.

The decisions of the Appeals Panel are final. The MLC Board will be advised of the Appeals Panel decisions in relation to the resolution of complaints.

### **3.6.3. External referral of complaints**

In some situations, it may not be possible to resolve the complaint to the satisfaction of the complainant using these procedures.

If the matter still remains unresolved, then the individuals or the College may refer the matter to the relevant body, such as the Victorian Institute of Teaching, Consumer Affairs Victoria, Victorian Equal Opportunity and Human Rights Commission, or the Victorian Registration and Qualifications Authority (VRQA) for complaints about compliance with the minimum standards.

Unresolved matters relating to MLC Kindle may be referred to an appropriate authorised officer of the Department of Education (Eastern Metropolitan Region Office, Quality Assessment and Regulation Division, Level 3, 295 Springvale Road, GLEN WAVERLEY VIC 3150 via phone (1300 651 940) or email ([emr.gar@edumail.vic.gov.au](mailto:emr.gar@edumail.vic.gov.au)).

International students should refer below for the College's nominated external referral body for complaints.

## **3.7. International Student Complaints and Appeals**

Complaints relating to international students should in the first instance, be referred to the International Student Coordinator, or relevant Head of School. Formal complaints should be directed to the Principal in accordance with the process outlined in this Policy. During

this process, where interviews may need to be conducted, the international student has the right to bring a support person to any meetings held.

The College will maintain the student's enrolment for the duration of any complaint or appeal process.

If the international student complaint is not resolved using the College's internal complaints handling and appeals process, the College will advise the student of their right to access an external complaint handling and appeals process at minimal or no cost. This advice will be given to the international student within 10 working days of the completion of the internal complaints handling and appeals process.

The College nominates the Overseas Student Ombudsman (OSO) as the external dispute resolution provider to hear complaints or appeals from international students arising from the internal complaints and appeals process.

The contact details for the OSO are as follows:

**Call:** 1300 362 072 (if calling within Australia)  
+61 2 6276 0111 (if calling outside Australia)

**Enquiries:** 9:00 AM to 5:00 PM, Monday to Friday, AEST

**Postal:** Commonwealth Ombudsman, GPO Box 442, Canberra, ACT 2601

**Website:** <http://www.oso.gov.au/>

If the outcome of a student's complaint through the College's complaints and appeals handling process is favourable to the student, the College will immediately advise the student of this and implement any decision and/or corrective and preventive action required.

If the decision is made to suspend or cancel a student's enrolment, the change to the student's

enrolment will be recorded through the Provider Registration and International Student Management System (PRISMS).

Once the Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- leave Australia;
- show the Department of Home Affairs a new Confirmation of Enrolment (CoE); or,
- provide the Department of Home Affairs with evidence that they have accessed an external appeals process.

### **3.8. Complaints Regarding the Child Information Sharing Scheme**

MLC is an Information Sharing Entity (ISE) under the Victorian Child Information Sharing Scheme. ISE's may submit a complaint to another ISE about how they have undertaken any activities under the Scheme, including if a request for information has not been fulfilled.

Complaints in association with the Scheme may relate to perceived privacy breaches, a decision not to share information or the timeliness of responses to requests. This Policy will be used to resolve any complaints received from other ISE's.

In the event that a resolution cannot be achieved, issues may be referred to external oversight bodies such as the Office of the Victorian Information Commissioner, Health

Complaints Commissioner, or the Office of the Australian Information Commissioner (OIAC).

### **3.9. Records Management and Reporting**

The College will keep a record of formal complaints and appeals, that will include:

- the formal complaints form, whether completed by the parents or by the College and confirmed by the parents;
- a record of any meetings associated with the complaint or appeal;
- a record of the resolution; and,
- a record of any follow up meeting.

The College will retain documentation including the details, outcome and reason for the outcome of each formal complaint received by the College, with physical and electronic access restricted to appropriate users.

The Principal will report to the Board on the number and nature of complaints received and resolved.

### **3.10. Consumer Protection Laws**

Nothing in this Policy removes the right of the Student and/or Parent(s)/Guardians to take any action under Australia's consumer protection laws.

## **4. Related Documents**

- Child Safe Policy, and MLC Child Safety Program
- Student Code of Behaviour and Discipline Policy
- Parent Code of Conduct
- Whistleblower Policy
- Privacy Policy

## 5. Governance

DOCUMENT DETAILS		
<b>Title:</b>	Complaints, Grievances and Appeals Policy	
<b>Policy Approver:</b>	MLC Board	
<b>Policy Owner:</b>	Principal	
<b>Date Created:</b>	August 2021	
<b>Review Timeline:</b>	Triennial	
<b>Date of Next Review:</b>	October 2024	

VERSION CONTROL		
Version	Date	Description
V1	Sep 2021	Revised Policy

AUDIENCE	PUBLICATION LOCATION
All MLC staff	MLC Staff Hub > Document Central
Parents/Guardians	myMLCfamily
Wider community	MLC external website