



STAFF COMPLAINTS RESOLUTION POLICY

1.0 INTRODUCTION

Melbourne Girls Grammar ('MGGS' or 'the School') is committed to providing a fair, safe and productive work environment. Employees have the right to raise complaints related to their employment. It is expected that the parties involved in a complaint should try to resolve the complaint informally through discussions before proceeding to the formal procedure provided in this policy. Complaints will be dealt with fairly, consistently, promptly and with sensitivity by the School.

2.0 PURPOSE

To provide MGGS and its staff with a clear set of principles in relation to staff complaints.

3.0 SCOPE

This policy applies to all staff of MGGS.

4.0 DEFINITIONS

Chairman	Chairman of the School Council.
Complainant	The staff member who lodges the complaint.
Executive Team	Persons employed by the School as the Principal, Deputy Principals, Business Manager and Directors of Programs, by whatever name called.
Complaint	<p>A complaint may involve any act, omission, situation or decision, related to the MGGS environment, which directly affects a staff member and is perceived by the staff member to be unfair, unlawful, unjust or discriminatory. A complaint may include but not be limited to matters arising from:</p> <ul style="list-style-type: none">• acts of harassment, bullying, and physical or emotional violence• performance management processes (other than a performance management procedure or conduct management procedure) commenced or conducted under the MGGS Collective Agreement 2013 (or any replacement agreement).

Investigator	An impartial person appointed by the Principal (or where the complaint is with the Principal, the Chairman) to conduct an investigation into the substance of the complaint who may be external or internal to the School and shall not have any prior involvement in the subject matter of the complaint, and if internal, shall not be an employee to whom the Complainant or Respondent directly reports.
Principles of Natural Justice	General procedural fairness in the handling of a complaint including: <ul style="list-style-type: none"> • the right to a fair hearing; • the right to attend hearings with a friend or support person, if required; • the opportunity for all parties involved to be heard; • the Respondent having full knowledge of the nature and substance of the complaint; • the right to an independent, unbiased decision-maker; • the right to a prompt resolution, where practicable; • a final decision that is based solely on the relevant evidence.
Respondent	The staff member against whom the complaint is made.

5.0 RESPONSIBILITY

All staff are expected to conduct themselves in accordance with the Values and Mission of MGGS and the VIT Code of Conduct, and promote a harmonious working and learning environment.

Members of the Executive Team, Heads of Department, Year Co-ordinators, School Chaplain and key staff with a responsibility for promoting a harmonious environment and actively managing interpersonal issues to prevent complaints arising.

The Business Manager is responsible for the provision of advice, procedural guidance to all parties in the Formal Procedure stage and promulgation of this Policy.

The Principal has overall responsibility for the effective implementation of this Policy.

6.0 ACTIONS

6.1 Preliminary Action

1. Before initiating the following procedures, complainants are encouraged to try to settle any complaint directly with the person(s) concerned.
2. A Complainant should raise a complaint with the Respondent as early as possible.

3. At any time while trying to settle the complaint, a Complainant or Respondent may consult confidentially with anyone they choose, including their Union Representative, and may seek advice and/or coaching and support on how to approach the complaint from the Deputy Principals or the Directors of the Early Learning and Junior, Middle and Senior Programs.

6.2 Informal Procedure

1. The informal procedure for the settlement of complaints will not normally be invoked unless the Complainant has attempted to settle the complaint directly with the Respondent as outlined in the Preliminary Action section above.
2. A Complainant may refer a complaint to the Deputy Principals for settlement of the complaint. The Deputy Principals, in consultation with the Principal, may deal with the complaint or appoint another person considered appropriate to do so.
3. In the event the complaint is with the Principal, the Complainant may refer the complaint to the Chairman. The Chairman may deal with the complaint or appoint any other person the Chairman considers appropriately qualified to do so.
4. To commence the Informal Procedure the Complainant must provide in writing to the Deputy Principals, or to the Chairman if the complaint is with the Principal:
 - a clear statement of the complaint, including the parties to the complaint;
 - a suggested solution which the Complainant believes would settle the complaint. An appropriate solution will focus on achieving a productive working environment or relationship, rather than apportioning blame.
5. Within 10 working days of receiving the notification of the complaint the Deputy Principal (or, where applicable, the Chairman) will determine whether the subject matter falls within the definition of a complaint.
6. Where it is determined that the subject matter falls within the definition, the Deputy Principal or, where applicable, the Chairman and/or such other person appointed to deal with the complaint will:
 - gather such other information as required to assist with the settlement of the complaint, including providing the Respondent with the statement of the complaint and the opportunity to respond; and
 - attempt to settle the complaint through discussion; or arranging counselling, mediation and/or conciliation (“the Informal Procedure”).
7. Where it is determined that the subject matter of the complaint falls outside the definition of a complaint, the Deputy Principal (or where applicable the Chairman), will advise the Complainant accordingly. The Deputy Principal or the Chairman as applicable may also dismiss a complaint if in his or her view the complaint is ill-advised, misguided, frivolous, malicious or vexatious.
8. The Deputy Principal (or where applicable the Chairman), or such other person appointed to deal with the complaint, will determine the

appropriateness of including the Respondent's supervisor in seeking to settle the complaint promptly and confidentially.

9. After the conclusion of the Informal Procedure, the Deputy Principal (or where applicable the Chairman), or such other person appointed to deal with the complaint will write to both the Complainant and Respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process and, where the complaint is not against the Principal, inform the Principal.

6.3 Formal Procedure

It is expected that the Complainant and the Respondent will use their best endeavours to promptly and confidentially resolve the complaint through the informal process. Accordingly, the formal procedure for the settlement of complaints is available only where the parties have first attempted a resolution through the Informal Procedure or in cases where the Deputy Principal, or the Chairman where the complaint is with the Principal, has agreed to by-pass the Informal Procedure.

1. If settlement of the complaint has not been achieved for any reason by the Informal Procedure, including as a result of a determination by the Deputy Principal (or where applicable the Chairman) that the subject matter falls outside the definition of a complaint or as a result of the complaint being dismissed under the Informal Procedure, a party may seek settlement of the complaint through the Formal Procedure. The Formal Procedure will normally be invoked within five working days of the parties being notified of the outcome of the Informal Procedure or from the date of the conclusion of the unsuccessful mediation and/or conciliation.
2. A formal complaint may only be commenced by lodging a Complaint Lodgement Form with the Business Manager or with the Chairman if the complaint is with the Principal.
3. The Principal, or the Chairman where the grievance is with the Principal, must appoint an Investigator to hear the complaint within twenty working days of receipt of the Complaint Lodgement Form.
4. The Investigator must conduct any investigation in accordance with the Principles of Natural Justice.
5. The Investigator will, within twenty working days, or earlier where practicable, of appointment:
 - interview both the Complainant and Respondent and such other persons or seek any further information the Investigator considers necessary;
 - determine whether the complaint is justified and recommend to the Principal (or where applicable the Chairman) appropriate action which may include: counselling for either or both parties; arranging for conciliation of the complaint; recommending disciplinary action; or that no further action be taken.
6. If in the Investigator's view, the complaint is ill-advised, misguided, frivolous, malicious or vexatious, the Principal (or where applicable the Chairman) will advise the Complainant, and where appropriate other parties, in writing of this finding and the reasons for the finding and where appropriate take action in accordance with relevant staff provisions against the Complainant.

7. On receipt of the Investigator's report, the Principal (or where applicable the Chairman) will:
 - take such action he or she deems appropriate; and
 - notify in writing both the Complainant and Respondent of the outcome of the process, the reasons for the decision and specify any action to be taken.
8. The decision of the Principal, or where the complaint is with the Principal, the Chairman, is the final step in the complaint process and is not open to challenge via any other School procedures.

7.0 CONFIDENTIALITY

All persons associated with the informal and formal actions should maintain confidentiality.

8.0 VICTIMISATION

Employees who participate in a process under this policy must not be victimised or harassed because:

- they have given information in connection with the complaint;
- they have been involved in any matter in connection with the complaint; or
- it is believed that they intend to be involved in, or have been involved with, the complaint.

Victimisation or harassment may constitute misconduct or serious misconduct under applicable employment agreements and/or laws.

9.0 FORMS/RECORD KEEPING

All documentation and evidence collated in relation to complaints under the informal and formal procedures and all Complaint Lodgement Forms will be securely stored in personnel files under the supervision of the HR Officers and may be used to demonstrate what steps were taken to settle the complaint.

10.0 REFERENCES

Melbourne Girls Grammar Educational Strategic Intent
Melbourne Girls Grammar School Collective Agreement 2013
MGGS Positive Relationships and Respectful Workplace Policy
Fair Work Act 2009
Equal Opportunity Act 2010
Victorian Institute of Teaching

11.0 REVIEW

The Business Manager will review the operation and effectiveness of this Policy every two years and will report to the Principal, who in turn will report to the School Council.