



COMMITMENT TO CHILD SAFETY

At St Margaret's Berwick Grammar (**SMBG**, the **School**) ensuring every child feels safe is our top priority. We have zero-tolerance towards child abuse and strive to create a safe and welcoming environment where children feel secure at all times.

SMBG is committed to providing a fair, safe and productive environment where complaints are dealt with sensitively and expeditiously. Within this environment students are encouraged to come forward with their complaints in the knowledge that their complaint will be listened to, and action taken that the School deems appropriate and lawful.

All SMBG community of the School community are informed and aware of their respective rights and responsibilities; mutual respect is always expected by all parties.

This policy and procedures are based upon principles of fairness, justice and respect for others and support the School's willingness and responsibility to respond to complaints. Complaints will be treated seriously and sensitively, having due regard to procedural fairness, confidentiality and privacy requirements. Complaints should be handled quickly and as close as possible to their source and students with a complaint should raise their concerns as early as possible after their concern arises.

Purpose

To provide students of the School with a clear set of principles for resolving complaints.

Responsibilities

- The Principal is responsible for the School's compliance with this policy and procedure and resolving complaints as required with this procedure in conjunction with the Executive Team and others are required.
- All employees are responsible for abiding by these procedures, treating complaints seriously and sensitively, having due regard to procedural fairness and confidentiality and privacy requirements, and escalating complaints as soon as possible in line with this procedure

PROCEDURE

Complaint Resolution Procedures

Wherever possible, complaints should be resolved by a process of discussion, co-operation and conciliation to reach an acceptable outcome minimising potential detriment to ongoing relationships.

The student making the complaint and the Respondent will receive appropriate information, support and assistance in resolving the complaint. No person should be victimised because they raise a complaint or are associated with a complaint. All students who make a complaint are expected to participate in the complaints resolution process in good faith.

Please note that the processes outlined in this policy and procedure are intended to be conciliatory, non-adversarial and non-legal.

Complaint Resolution

The following procedures are provided as a guide to the way in which the School will address matters of complaint. However, there may be circumstances in which some of the steps outlined are not appropriate and the School will determine, on a case-by-case basis, the most appropriate method of handling the complaint.

The School will take whatever action it considers appropriate if there has been unlawful discrimination or harassment or bullying, including disciplining, suspending or expelling offenders.

Preliminary Action

Before initiating the complaint procedures, the student with the complaint is encouraged to try to resolve the complaint directly with the person/s concerned. If this is not possible or appropriate, the student/person with the complaint should initiate these general procedures, whereupon the School will determine the most appropriate method of handling the complaint.

Commencing The Process of Complaints Resolution

STEP 1 – TALK TO THE PERSON WITH IMMEDIATE RESPONSIBILITY

Where the student with the complaint has been unable to resolve the complaint themselves, they should address the matter with the person who has immediate responsibility. Students should approach the person immediately responsible in the communication channels.

In practice, students should raise their concerns with a classroom teacher or any member of staff they feel comfortable with, including:

- Their mentor
- Their House Leader
- A School Counsellor

Secondary School

Complaints involving students should initially be broached with the **Head of Students** at the relevant campus or, in the case of classroom matters, the appropriate teacher. These will be dealt with in line with the School's wellbeing procedures and codes of behaviour. Students with complaints against staff should initially approach the Principal.

Junior School

An age-appropriate approach to the resolution of complaints is employed in the Junior years within the general framework of the Junior Years student wellbeing and student behaviour support guidelines.

If you are in the Junior School – the Head or Deputy Head of the Junior School,

- Louise Sayar (sayar@smbg.vic.edu.au) or
- Peter Robertson (robertsonp@smbg.vic.edu.au)

If you are in the Secondary School – the Head of Students at your campus,

- Brooke White (whiteb@smbg.vic.edu.au – Berwick Campus) or
- Tristan Daloia (daloiat@smbg.vic.edu.au– Officer Campus).

- a. If the concern is about student safety and wellbeing, and you are not comfortable speaking with the staff referred to above - **the Principal Dr. Annette Rome** (principal@smbg.vic.edu.au) and/or the Schools Child Safety Officers.

- If your concern is about curriculum or staffing matters, the Head of Students at your campus,
 - Brooke White (whiteb@smbg.vic.edu.au – Berwick Campus) or
 - Tristan Daloia (daloiat@smbg.vic.edu.au– Officer Campus) or
- the Vice Principal Curriculum and Innovation, Meg Fortington (fortingtonm@smbg.vic.edu.au)
- b. If your concern is about a member of the School Leadership Team - the Principal Dr. Annette Rome (principal@smbg.vic.edu.au)
- c. If your concern is about the Principal - the Council President president@smbg.vic.edu.au

The School's focus will be on understanding the nature of the problem raised, the people involved and the options available to resolve the grievance.

GENERAL PROCEDURES

Where the complaint involves the person with immediate responsibility, the student with the complaint should refer the matter to the supervisor of the person with immediate responsibility. The person responsible should address the complaint with a view to resolving it as expeditiously as possible. This would require the person who is responsible to review the matter by, for example:

- carefully listening to the student/person's concerns and their desired outcomes
- requesting further information from the student/person and/or from third parties
- referring the student/person with the complaint to a copy of this document explaining the complaint procedures and the support available
- keeping appropriate, confidential records of the matter
- meeting with the student and / or others involved in the complaint
- meeting with and listening to the Respondent
- reviewing and responding to the complaint or, if it is unsuitable for resolution at this level, arranging for an appropriate person of authority to review and respond to the complaint, as in Steps 2 or 3 of these general procedures
- monitoring the situation during and for the time soon after the resolution process, or longer as is deemed necessary by the School.

STEP 2 – REFER THE MATTER TO A SUPERVISOR OF THE PERSON WITH IMMEDIATE RESPONSIBILITY

If the student making the complaint believes the complaint has not been resolved to their satisfaction during Step 1, they may refer the matter to the supervisor of the person with immediate responsibility. This would usually be the relevant Head of Students or Head of Department. The supervisor will try to resolve the matter in a timely manner, following similar processes outlined in Step 1.

If the complaint cannot be resolved within 2 weeks, or such other period agreed with the student making the complaint, the complaint will proceed to Step 3.

STEP 3 – REFER THE MATTER TO THE PRINCIPAL

If the complaint remains unresolved or is felt to be of such a serious nature that it cannot be resolved without investigation, it may be referred in writing to the Principal. After giving due consideration to the complaint, the Principal may elect to pursue a course/s of action involving, but not limited to some of the following:

- a) if the complaint is not clearly within the scope of the School's processes for misconduct or professional misconduct (such as fraud, corruption, criminal or unethical conduct, maladministration) or unsatisfactory performance, the Principal may initiate an investigation into the matter (which may include the appointment of an investigator) or seek to resolve the matter directly; or
- b) if the complaint falls within the scope of the School's provisions for misconduct/serious misconduct or unsatisfactory performance or other related areas, follow the appropriate disciplinary procedures; or
- c) if necessary, contact an appropriate outside agency

Any process under Step 3 will be instigated within 2 weeks of the Principal receiving the student. Any determination made by the Principal in accordance with Step 3 of these procedures with regard to the complaint will be final, except for the right of the student making the complaint to pursue the matter externally to the School.

Investigation Process

Generally, the person appointed to conduct an investigation will decide on the appropriate process, taking into account the principles of natural justice and the nature of the complaint, and will advise the parties of these matters.

The process undertaken by the Investigator may, if he or she considers it appropriate, include:

- i. Interview both the student making the complaint and Respondent and such other persons as the Investigator considers necessary and seek such further information as the Investigator requires;
- ii. Ensure the Respondent is fully informed of the details of the complaint and is given an opportunity to respond to the complaint;
- iii. Provide to the Principal a confidential report of his or her findings as to whether the complaint is justified or proven; and
- iv. If requested, recommend appropriate action which may include:
 - a. counselling for either or both parties
 - b. arranging for conciliation of the complaint
 - c. recommending disciplinary action
 - d. recommending that no further action be taken or
 - e. if the complaint is with the Principal, recommend to the Chairperson of the Council appropriate action

The Investigator will make all reasonable efforts to complete the investigation and report to the Principal as promptly as possible, without compromising the fairness of the process

Complaint Against the Principal

A complaint against the Principal under these procedures should be referred directly to the President n of the School Council if the complaint cannot be resolved directly with the Principal.

The President may initiate any of the procedures under these procedures that he or she considers appropriate to the circumstances and nature of the complaint. This includes the appointment of an Investigator to investigate and report confidentially to the President of their findings as to whether the complaint is justified.

The President will make all reasonable efforts to complete the procedures that are initiated as promptly as possible, without compromising the fairness of the process.

Outcomes of the Procedures

Outcomes will vary from case to case depending on the nature and circumstances of each complaint. It is expected that wherever practical, other than communication with impacted staff, any outcomes should remain confidential unless expressly agreed to between the parties.

Outcomes could include:

- The student making the complaint gaining a better understanding of the situation and no longer feeling aggrieved
- If appropriate the student/person making the complaint receiving a verbal or written apology
- If appropriate the Respondent receiving a verbal or written reprimand
- One or both parties agreeing to participate in some form of counselling or mediation
- Disciplinary action where a School Policy or Code of Conduct were found to have been breached, and/or where misconduct/serious misconduct or unsatisfactory performance has occurred and
- Disciplinary action may also be taken as appropriate, for example, where a person victimises another person because of their involvement in the complaint or an unnecessary disclosure of information (a breach of confidentiality) has occurred

Third party complaint referral

A complainant can also choose to contact an independent body such as the Victorian Registration and Qualification Authority (VRQA) if they are not satisfied with the outcome of the complaint.

Overseas Students

If an overseas student is not satisfied with the outcome of SMBG's internal complaints handling process, they may lodge an external appeal through the Overseas Students Ombudsman (OSO) which investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The services of the OSO are free.

Confidentiality

Confidentiality applies with respect to both information relating to the person making the complaint, and, if relevant, to a person against whom a complaint is made. SMBG is committed to maintaining the confidentiality of information throughout the complaints process. Personally identifiable information about a complainant will only be made available for the purpose of addressing the complaint and (unless the complainant consents) will be actively protected from disclosure.

Anonymous complaints are accepted. However, should additional information be required to investigate the complaint, the absence of identifying and contact information may mean investigation cannot be undertaken.

Record Keeping

Records are to be kept of all complaints raised under these procedures and all documentation and evidence collated, including notes taken by the person dealing with the complaint, are to be securely stored in personnel files. All persons who deal with a complaint on behalf of the School through each step described in these procedures, including a person appointed to investigate a complaint, will make a record of the complaint.

COMMUNICATION

This policy encourages students to speak up for themselves (student voice) and if they have a complaint that they want to make directly this policy guides them through the process. Throughout the process students are encouraged to consult with their parents who may prefer to make a complaint on behalf of their student.

RELATED POLICIES AND RESOURCES

Complaints and Grievances Policy

Review and Governance

This policy and procedure has been approved by the Executive Team and is reviewed every two years and/or earlier if required due to operational or regulatory changes.

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