



SOPHIA
MUNDI

Steiner Education and IB World School

Disputes & Complaints Procedures

Table of contents

1. Policy.....	3
2. Purpose and Background.....	3
3. Scope.....	3
4. Definitions.....	3
5 Procedures and activities	5
5.1. Who May Complain	5
5.2 What May Be Complained About	5
5.3. Who to Address Your Complaint T	5
5.4 How the Complaint Will Be Handled.....	6
5.5 Lodging a Complaint	6
5.6 Withdrawal of a Complaint	6
5.7 Management of Complaints.....	7
5.8 Responsibilities for Management of Complaints.....	7
5.9 Verbal Complaints	8
5.10 Written Complaints	8
5.11 Appointment of Investigator.....	8
5.12 Report by Investigator	9
5.13 Outcome of Disciplinary Process	9
5.14 Breach of Policy.....	9
6 Appeals.....	9
6.1 Appeals Regarding the Implementation of the IB Diploma Programme	10
7 Legal and regulatory basis for compliance	10
8 Roles and responsibilities	10
Appendix A Useful Information for Parents	11
Appendix B Useful Information for Students	14
Appendix C Complaints Pertaining to the Principal	15
Appendix D Complaints procedures – process map.....	16
Complaint Procedure when the Board of Directors gets involved:	17

1. Policy

Employees of Sophia Mundi Steiner School are responsible for managing the resolution of enquiries, concerns, complaints and disputes lodged by students, parents / guardians and members of the community.

Employees of Sophia Mundi Steiner School will make every effort to promptly resolve enquiries, concerns and complaints, in accordance with the principles of procedural fairness.

The Principal is responsible for establishing and maintaining processes for managing and reviewing enquiries, concerns and complaints.

2. Purpose and Background

Sophia Mundi Steiner School is characterised by a commitment to responding positively to complaints. In particular, the partnership between parents / guardians and the school should be a strong and reliable feature of the school. Parents / guardians and other school community members must be confident that staff will listen and respond to their needs and concerns.

This policy builds on good practice in our school. The policy has been developed, in cooperation with parents, staff members and other interested parties, to ensure that enquiries, concerns and complaints are dealt with promptly, fairly and contributes to continuous improvement. It is based on open and proactive school community relations.

The policy sets out the process for students, parents/ guardians, members of the community and staff members in their private capacity to have enquiries, concerns and complaints addressed by the school.

The school's mechanisms for the resolution of a range of complaints include:

- grievance procedures as outlined in this policy;
- provisions outlined under other school policies for complaints specifically related to discrimination or harassment; and
- Equal Opportunity (EO), Anti-Bullying and Anti-Harassment Policy.

Complaints of various kinds may also be lodged outside the school with agencies such as the Victorian Human Rights and Equal Opportunity Commission (VHREOC) or Victoria Police.

3. Scope

Employees of Sophia Mundi Steiner School are responsible for managing the resolution of enquiries, concerns, complaints and disputes lodged by students, parents / guardians and members of the community.

Employees of Sophia Mundi Steiner School will make every effort to promptly resolve enquiries, concerns and complaints, in accordance with the principles of procedural fairness.

The Principal is responsible for establishing and maintaining processes for managing and reviewing enquiries, concerns and complaints.

4. Definitions

4.1 *Alternative complaints resolution process*

Formal methods of complaint resolution such as mediation that may be utilised in the resolution of complaints.

4.2 Complainant

A student, parent/ guardian, member of the community, employee of the school or individual contractor appointed by the school in his or her private capacity who lodges a complaint

4.3 Complaint

The expression of dissatisfaction with any aspect of the school. It may be general in nature or relate to particular staff members, students or parents, a part of the school, a policy or a decision. A complaint must contain sufficient detail to enable it to be addressed and recorded

4.4 Appeal

An appeal is where an individual asks the school to reconsider a decision it has made regarding a disciplinary action, programme implementation, staffing or other educational matters

4.5 Responsible Person

The person who receives and manages the complaint.

4.6 Respondent

The person or persons who are the subject of a complaint

4.7 Management Team

The Management Team includes the Heads of Primary, Middle or Senior School, the Business Manager, Administration Manager and the Principal

4.8 Dispute

The expression of a pursued unsatisfied complaint against action taken by an employee of the school acting on behalf of the school; it may be general in nature or relate to a particular staff member or part of the school; and it may be lodged by any person other than a staff member employed by the school and acting in their official capacity

4.9 Enquiry/Concern

A request for service that can generally be addressed at the time of being raised without the need for more involved consideration

4.10 Investigation

Formal examination of a complaint by an authorised person

4.11 Managing a Complaint

Coordinating all the processes involved in addressing the complaint to its conclusion/resolution

4.12 Procedural Fairness

The concept of procedural fairness is derived from the principles of natural justice. A process that demonstrates procedural fairness is one in which:

- decision makers act fairly and provide reasons for decisions;
- the person affected is given a fair hearing;
- all parties to a matter have an opportunity to put their case where an adverse decision or finding is made; and
- all relevant arguments are considered, and irrelevant arguments are excluded.

4.13 Referring a Complaint

Forwarding the complaint to a more appropriate person or agency to manage

4.14 Resolution

An outcome of a complaint that is satisfactory to both parties

4.15 Unresolved Complaint

A complaint that has not been resolved to the satisfaction of the Complainant and may be referred by the Complainant to an outside agency.

5 Procedures and activities

5.1 Who May Complain

Students, parents, members of the community, employees of the school or individual contractor appointed by the school in their private capacity are entitled to have their complaints addressed by the school.

5.2 What May Be Complained About

A complaint may be made about the:

- provision of education; or
- conduct of any school employee or individual contractor appointed by the school; or
- conduct of a parent / guardian; or
- conduct of a student.

Employees who are the subject of a complaint are to be informed of the substance of the complaint.

Guidelines

The full text of the complaint is generally not provided to the person who is the subject of the complaint.

Complaints against employees should be sufficiently detailed so as to enable the employee to respond to the allegations against them. A detailed description of the incident/s, the alleged time and place when the incident/s allegedly occurred and the names of any possible witnesses to the incident/s should be provided, wherever possible.

5.3 Who to Address Your Complaint To

Complaints should be directed as follows:

What/who is Complaint About?	First Person to Report Complaint To (Responsible Person)	Second Person to Report Complaint To (Responsible Person) If dissatisfied with complaint outcome	Third Person to Report Complaint To (Responsible Person) If still dissatisfied with complaint outcome
<i>Teacher / Class Guardian</i>	Head of Primary, Middle or Senior School	Principal	
<i>Decision taken regarding the IB Programme</i>	IB Coordinator, Head of Senior School	Assistant Principal	Principal
<i>Student / Parent / Safety / Welfare</i>	Teacher / Class Guardian	Head of Primary, Middle or Senior School	Principal
<i>Registrar / Reception / Marketing / Other Administration</i>	Administration Manager	Principal	

<i>Accounts, Fees & Business Management</i>	Business Manager	Principal	
<i>Principal</i>	See Appendix E		

5.4 How the Complaint Will Be Handled

Complaints will be handled promptly, confidentially and in accordance with procedural fairness.

Persons who are the subject of a complaint, who make a complaint or provide information in the course of an investigation into a complaint shall not be subject to prejudice, intimidation, and harassment or be subject to any detriment because of their involvement.

Complainants and respondents are aware that they can have a friend or adviser present during any discussion.

Where disciplinary processes are commenced against a staff member as a consequence of a complaint being received, Complainants will be informed whether the allegation was substantiated or not substantiated. Complainants are not informed of the nature of any disciplinary action taken against a staff member in respect to disciplinary matters due to confidentiality requirements.

Appropriate confidentiality is to be observed in any discussion of complaints. This means that at the workplace these matters are to remain confidential between the staff member and his or her supervisor and any other parties who have a legitimate interest in the process.

Guideline

Such parties may include support persons, unions or professional associations.

5.5 Lodging a Complaint

A person can complain verbally or in writing. If a verbal complaint is complex or very serious the Complainant may be required to restate the complaint in writing or sign a written summary prepared by the person receiving the complaint.

A written complaint that contains personal abuse, inflammatory statements or material that is clearly intended to intimidate will not be addressed and the Complainant will be informed accordingly.

Similarly, a verbal complaint that contains personal abuse, inflammatory statements or comments of a threatening nature may be terminated at the discretion of the staff member after firstly warning Complainants of that intention.

A person making a written complaint must provide his or her name, address and details of the complaint.

5.6 Withdrawal of a Complaint

A person who has made a complaint is able to withdraw the complaint at any time. A written complaint should preferably, be withdrawn in writing. However, a signed and dated notation by the Responsible Person on the complaint, stating that it has been withdrawn by the Complainant, will suffice. A verbal complaint can be withdrawn verbally, and a notation made to that effect.

The Responsible Person who received the complaint must give notice in writing to any parties affected by the complaint that it has been withdrawn. Complaints that warrant investigation must be pursued even though the complaint has been withdrawn.

5.7 Management of Complaints

When a verbal or written complaint is made and the nature of the issue raised is such that it is appropriate to resolve it within the school, the Responsible Person receiving the complaint will take action to resolve the issue.

- Complaints made, where appropriate to do so, will be resolved promptly within the school.
- At any stage following receipt of a complaint, either party is entitled to refer the complaint to another authority for resolution, e.g.: the Victorian Registration and Qualifications Authority (VRQA), Victoria Police, or the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). This will not necessarily prevent the school from pursuing an investigation.

Guidelines

Complaints about the quality of education at a school, including its facilities, curriculum and assessment and how the school handles safety, welfare or discipline issues can be investigated by the Victorian Registration and Qualifications Authority (VRQA), which can be contacted in writing at:

Complaints Unit

VRQA

GPO Box 2317

MELBOURNE VIC 3001

Or email vrqa.complaints@edumail.vic.gov.au

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) can be contacted on (03) 9281 7100 or via email complaints@veohrc.vic.gov.au

- When complaints are made in writing about the conduct of any employee of the school, only the substance of the complaint will be provided to the Respondent. The full text of the complaint will not be provided to the subject of the complaint except in extraordinary circumstances. In most cases, the name of the Complainant will also be conveyed to the employee, unless a Complainant's identity needs to be withheld for safety and/or investigative reasons.
- The Responsible Person receiving the complaint can reject a complaint that in their opinion is vexatious, trivial or without substance, or does not warrant further action taking into account the provisions of this policy.

Guideline

Details of these complaints should be recorded in case there is a pattern of complaints that warrant consideration at a later date.

5.8 Responsibilities for Management of Complaints

5.8.1 Teachers, Class Guardians, Administration Manager and Business Manager

Teachers, Class Guardians, Administration Manager and Business Manager must:

- maintain confidentiality in dealing with each matter;
- resolve concerns and complaints where possible;
- communicate outcomes of concerns and complaints to the Head of School (Primary, Middle or Senior) or Principal where appropriate; and
- refer enquiries, concerns and complaints to the Head of School (Primary, Middle or Senior) or Principal where appropriate.
- ensure that Complainants and Respondents are aware that they can have a friend or adviser present during any discussion.

5.8.2 Principal

The Principal must:

- maintain confidentiality and impartiality in dealing with each matter;
- ensure, wherever appropriate, that concerns and complaints are resolved;
- develop and implement a process for registering, responding to and managing parent enquiries, concerns and complaints;
- ensure that the process for managing complaints includes recording and monitoring of complaints and their outcomes to enable improvements to be identified and implemented;
- ensure that enquiries, concerns and complaint procedures are communicated clearly to parents and community members;
- ensure that school policies and procedures are modified, where necessary, to address areas of concern;
- ensure that processes are consistent with all relevant school policies; and

5.9 Verbal Complaints

When the Responsible Person receives a verbal complaint, he/she will implement strategies to resolve the

Guideline

The Responsible Person may provide advice to the complainant on possible strategies to resolve the matter.

complaint.

Documenting/recording the substance and process of resolving these complaints must occur.

Guideline

If a verbal complaint is complex or very serious the complainant may be required to restate the complaint in writing or sign a written summary prepared by the Responsible Person.

5.10 Written Complaints

When the Responsible Person receives a written complaint, he/she will implement strategies to resolve the complaint.

Guidelines

All written complaints lodged with the Responsible Person should be acknowledged within five working days.

Alternatively, the Responsible Person may decide to reject a complaint on the grounds that it is vexatious, trivial or without substance, or does not warrant further action.

Every endeavour should be made to resolve the complaint within 14 days. If the circumstances warrant a longer timeframe for management of the complaint the Complainant needs to be informed of the reasons for the delay in addressing the matter and of the likely time frame required to conclude the matter.

Documenting/recording of complaints must occur in accordance with normal complaints processes and confidentiality requirements.

5.11 Appointment of Investigator

If a complaint is referred for investigation, the Principal will assign an appropriate person to perform this function.

The investigator will conduct the investigation in line with procedures and guidelines and subject to any direction from the Principal or their delegate and procedural fairness requirements.

5.12 Report by Investigator

The investigator must report regarding his/her findings of factual matters to the Principal or their delegate within a reasonable time, normally within 20 working days. Variations to this timeline will be monitored by the Principal.

The report must include details of the investigative process and findings of fact.

5.13 Outcome of Disciplinary Process

The Principal or their delegate will inform the Respondent of the outcome of the disciplinary process. The Complainant will be informed when the formal disciplinary process has been concluded and whether the allegation was substantiated or not substantiated. However, because disciplinary proceedings against an employee are strictly confidential between the employer and the employee, Complainants will not be informed of the nature of any disciplinary action taken against an employee.

5.14 Breach of Policy

Any breach of school policy by a parent will be considered under this policy by the Principal and will be dealt with on a case-by-case basis.

The Principal may take such action as considered appropriate in response to a breach of the policy including the:

- a. Provision of a verbal or written warning
- b. Withdrawal of certain privileges or opportunities
- c. Exclusion from future school events or functions
- d. Exclusion from the school grounds and facilities
- e. Revocation of their child's enrolment

6 Appeals

A member of the community may wish to appeal a decision taken by the Management team or Principal regarding decisions made about the implementation of the educational programmes at Sophia Mundi.

The appeals procedure is similar to the complaint's procedure. However, an individual can appeal only in writing.

- A written appeal that contains personal abuse, inflammatory statements or material that is clearly intended to intimidate will not be addressed and the person appealing will be informed accordingly.
- A person making a written appeal must provide his or her name, address and details of the appeal.
- A person who has made an appeal is able to withdraw the appeal at any time. A written appeal should preferably, be withdrawn in writing. However, a signed and dated notation by the Responsible Person on the appeal, stating that it has been withdrawn by the person appealing, will suffice.

Guidelines

All written appeals lodged with the Responsible Person should be acknowledged within five working days.

Alternatively, the Responsible Person may decide to reject the appeal on the grounds that does not warrant further action.

Every endeavour should be made to resolve the appeal within 14 days. If the circumstances warrant a longer timeframe for management of the appeal the person appealing needs to be informed of the reasons for the delay in addressing the matter and of the likely time frame required to conclude the matter.

6.1 Appeals Regarding the Implementation of the IB Diploma Programme

Students or parents/guardians should direct their appeal to the IB DP Coordinator or Head of Senior School, as appropriate within 14 days of the communication of the decision to the individual/school community. In receiving the appeal, the IBDP Coordinator will follow the same responsibilities as outlined in section 5.8.1

- Appeals regarding an Academic Honesty decision will follow the process laid out in the *Academic Honesty* policy.
- Appeals regarding internal subject grades will be managed by the IBDP Coordinator, in consultation with the subject teacher.
- Appeals regarding implementation of subjects for a new year group or the timetable will be handled by the Management Team.

In the appeals process, the school will expect its representatives and those bringing the appeal forward to demonstrate the attributes of the IB Learner profile, including being open-minded, balanced and reflective.

7 Legal and regulatory basis for compliance

- *AS4269 Australian Standard for Complaints Handling*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Safe Standards Ministerial Order 870*
- *Education and Training Reform Regulations (2017)*
- *Education and Training Reform Regulations 2007*
- *Education and Training Reform Act 2006*
- *Equal Opportunity Act 1995*
- *Privacy Act 1988 (Cth.)*
- *Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth.)*

8 Roles and responsibilities

Employees of Sophia Mundi Steiner School are responsible for managing the resolution of enquiries, concerns, complaints and disputes lodged by students, parents / guardians and members of the community.

Employees of Sophia Mundi Steiner School will make every effort to promptly resolve enquiries, concerns and complaints, in accordance with the principles of procedural fairness.

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9.1 Talking to the School

Introduction

The relationship between the home and the school plays a very important part in a child's education.

We cannot overestimate the critical role parents play in successful learning: parents contribute much to their child's development and are among the most important influences on the way in which the child approaches learning.

Teachers are responsible for the more formal aspects of children's learning, and successful teaching builds on the home experiences of the child. This is most effective where there is an active partnership with parents.

Two-way communication is a critical factor in the partnership between parents and the school. Where a partnership exists, it is easier for parents to feel confident about the teaching and learning taking place in the classroom and to solve problems

What Might You Talk to the School About?

Issues particular to your child:

- attitude;
- academic progress;
- participation;
- behaviour;
- how he/she gets along with teachers and other students socially and emotionally;
- physical and social development and well-being;
- development of responsibility;
- non-attendance or truancy; and
- learning program

issues. School or class issues:

- quality of teaching;
- homework;
- learning environment;
- general student behaviour;
- pastoral care for students;
- school policies and procedures; and
- conduct of staff.

How the School Communicates with You

The school may communicate to you through the following:

- reports on student progress;
- regular information about the school through newsletters;
- parent-teacher interviews;
- notes;

- surveys;
- displays of children's work;
- assemblies;
- special events and celebrations;
- specialised learning programs;
- parent information booklets; and
- parent information sessions.

You are welcome to talk to your child's teachers whenever you need to. However, you should make an appointment to talk with a teacher, to avoid disrupting the learning program.

Information that is Available from the School

The school will provide you with the following information:

- school policies;
- what is expected in relation to homework;
- curriculum details;
- information about participation in the Parents and Friends' Association, Parents College and othersupport groups;
and
- school fees.

What Can You Do If You Have a Problem?

Seeking information as early as possible can solve many problems. If you have any questions or concerns about your child's progress, the homework set or the assessment procedures, contact the Class Teacher/Guardian. The Class Teacher/Guardian will let you know the best way to contact them to arrange a mutually convenient time for a telephone conversation or meeting.

When You Have a Problem

- Try to identify the problem clearly. If there is more than one problem, list them to ensure that the extent of the problem is clear.
- Decide whether the problem is a concern, an enquiry or a complaint. This will help in finding a solution.
- Make an appointment to talk with the appropriate Responsible Person.
- Try to stay calm. Even if you don't feel it, being calm will help to get your concerns across more clearly than if you are upset or angry. It may help to take someone with you.

Procedures for Making Complaints

At all stages, staff members will work with you to work out an agreed plan of action and timeline.

If You Need Assistance in Resolving a Concern or Complaint

Staff members will help you:

- obtain information about school policies and procedures
- make enquiries about student programs, performance and behaviour
- clarify a problem and register a concern with the school
- direct letters of enquiry or complaint.

Stage 1: Discussion with staff member

Contact the appropriate Responsible Person to discuss your complaint. This is best done by making an appointment with them. Staff members will work with you to resolve the problem.

Stage 2: Review or investigation

Contact the Responsible Person who will work with you and the staff member to resolve the problem. You may wish to formalise your complaint. To do this, you may write to the Principal who will acknowledge the complaint with a written reply as soon as possible, even if a resolution is not available at this stage.

The Responsible Person will consider the issue and identify what action is to be taken and by when, and will clarify the process if a formal complaint is to proceed. This action and timeline will be confirmed with you in writing.

You should be aware that when a complaint is made in writing about the conduct of an individual staff member, that staff member would receive documentation of the substance of the complaint and, in most cases, the name of the Complainant.

10 Appendix B Useful Information for Students

Complaints Against Other Students

The internal disputes and complaints processes are conciliatory and non-legal and are available to students. Grievances brought by a student against another student will be dealt with in accordance with the *Student Engagement Policy* and *Behaviour Management Policy*.

Informal Complaints Resolution

In the first instance, students should contact the Class Teacher/Guardian to attempt mediation/informal resolution of the complaint. If the matter cannot be resolved through mediation, this formal disputes and complaints handling procedure will be followed.

Formal Complaints Handling Procedure

The process of this grievance procedure is confidential and any disputes or complaints are a matter between the parties concerned and those directly involved in the disputes and complaints handling process.

- The student must notify the school in writing of the nature and details of the dispute or complaint and this must be lodged with the Teacher / Guardian or Head of Middle or Senior School (Responsible Person).
- Each Complainant will have the opportunity to present his/her case to the Teacher / Guardian or Head of Middle or Senior School (Responsible Person).
- Students may be accompanied and assisted by a support person at all relevant meetings. (Legal representatives are not acceptable support persons at this stage of the disputes and complaints handling process).
- The formal grievance procedure will commence within 10 school days of the lodgment of the written complaint with the Responsible Person.
- Once the Responsible Person has come to a decision regarding the dispute or complaint, the student will be informed in writing of the outcome and the reasons for the outcome.
- If the grievance procedure finds in favour of the student, the school will immediately implement the decision and any corrective and preventative action required.
- All grievance procedures should be finalised within 20 school days and the student is required to maintain attendance at school as normal for the duration of the grievance procedure (unless otherwise directed by the school).

External Complaints Process

If the grievance procedure does not find in favour of the student or the student is dissatisfied with the result of the procedure, he/she will be informed of the external disputes and complaints process available to them at minimal or no cost.

The external body used for the school's external grievance procedure is the Dispute Settlement Centre of Victoria, which is part of the Department of Justice, Victoria.

Guideline

The Dispute Settlement Centre of Victoria can be contacted on 1800 658 528 or via email dscv@justice.vic.gov.au

Complaint Procedure:

Complainants have two options when raising complaints in relation to the Principal.

Option One – Complaint Handled by Principal and another member of the Management Team:

- Complainant is to document the nature of the complaint(s) as succinctly and accurate as they are able.
- Make an appointment to meet, submit and discuss the issue with the Principal and another member of the Management Team. In this discussion with the Complainant, it must be established whether they wish to take the matter further. If so, the Principal and the other Management Team member will investigate the complaint.
- However, if the initial communication makes it clear that there is a serious allegation - such as bullying or illegality - then the Principal and a Management Team member will need to investigate it anyway, even if the individual does not want them to.
- If the initial communication does not raise any such issue, and the Complainant wishes to pursue it no further, the matter is at an end.

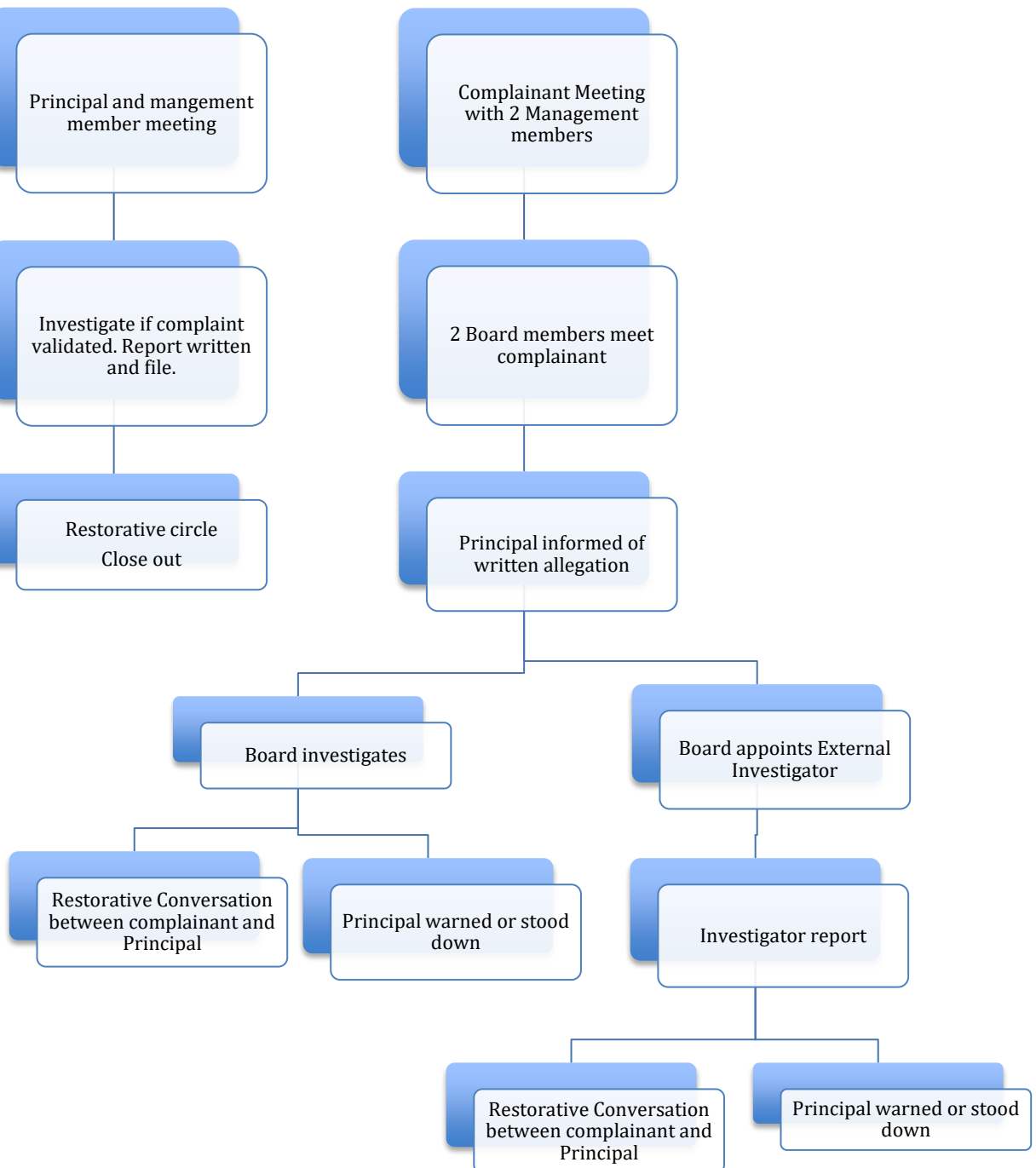
Option Two – Complaint Handled by any two members of the Management Team:

- Complainant is to document the nature of the Complaint as succinctly and accurate as they are able.
- Make an appointment to meet, submit and discuss the issue with any two members of the Management Team. In this discussion with the Complainant, it must be established whether the Complainant wishes to take the matter further. If so, the two members of the Management Team will investigate the complaint.
- However, if the initial communication makes it clear that there is a serious allegation - such as bullying or illegality - then the two members of the Management Team will pass the complaint to the Board of Directors, even if the Complainant does not want them to.
- If the initial communication does not raise any such issue, and the Complainant wishes to pursue it no further, the matter is at an end.

Option 1



Option 2



13 Complaint Procedure when the Board of Directors gets involved:

When the Board becomes aware of a serious allegation pertaining to the Principal, as communicated to the Board by the two members of the Management Team or Principal, there are several, escalating, steps that may be taken.

1. Two Directors speak to the Complainant to see whether they wish to take the matter further, knowing that this will involve communicating the issue to the Principal, to ensure natural justice. Even if the Complainant says no, they do not wish the matter to be raised with the Principal, if the initial communication makes it clear that there is a serious allegation - such as bullying or illegality - then the Board may need to investigate it anyway, even if the Complainant does not want them to.
2. If the Complainant does wish to go further, see whether the Complainant wishes to complain about the Principal's conduct (eg, bullying), or whether the Complainant simply wishes to bring an issue to the Board's attention (knowing that the issue will then be communicated to the Principal, but will not be pursued as a complaint). The Board should explain the process that will be followed in either case (see 3 and 4 below).
3. If the Complainant simply wishes to communicate an issue, they must meet initially with two members of Management then the two Directors should meet with the Complainant. First, they should inform the Complainant that if the matter is in substance a complaint that needs to be investigated and determined, then it should be made in writing to the Board, and that at any stage during the meeting if the Board members form the view that it is in substance such a complaint they will ask the Complainant to make a written complaint if they wish to pursue it. Second, they should inform the Complainant that even if there is no complaint, the issue may be communicated to the Principal to the extent the Board considers necessary to bring the issue to their attention. Then they should hear the Complainant out and, if it appears that the Complainant simply wishes to raise an issue and not press a complaint, they should ordinarily then meet with the Principal and explain the issue as raised with the Principal (making it clear that the Complainant elected not to press it as a complaint) and give the Principal the opportunity to say anything in response, then leave it at that.
4. If the Complainant makes a written complaint, the Board should appoint two Directors to investigate the complaint. If it is considered appropriate because of the nature of the complaint, the Board may appoint an external person (not a parent or friend of the school) to investigate the complaint. The Board should consider whether to instruct a lawyer, so that the communications and documents resulting from the process will be subject to client legal privilege. The investigator will meet with first the Complainant, then the Principal, then any other person the investigator considers necessary to hear from to get the full range of information. The investigator then reports back to the Board. The investigator may also be instructed to make recommendations to the Board, BUT this should not be communicated to the Complainant or the Principal, who are told only that the investigator will report back to the Board. If the investigator is instructed to make recommendations, these should be done in a separate document to the report.

The main distinction between 3 and 4 is that after the process in 3 has been followed, the matter is left with the Principal and the Board has no further role. Whereas after the process in 4 has been followed, the Board must consider whether the complaint has been proven and, if it has, should take appropriate action.