



VPA Position Paper

Speak Up Process

Purpose

The Victorian Principals Association (VPA) seeks clarification around the 'Speak Up' process. Principals who have been investigated as a result of calls to the 'Speak Up' line have reported feeling uninformed, confused and disrespected. There are real issues around the investigation phase and where it fits in with current DET guidelines for managing complaints, misconduct and unsatisfactory performance. There is a real confusion between the complaints process of DET and the wider whistleblowing process.

Background to the VPA Position

The VPA position has been determined in the following context:

- There is a real concern for the health and wellbeing of principals being subjected to 'Speak Up' investigations.
- Confusion as to where the 'Speak Up' investigation process sits in current DET Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance.
- Principals are being treated unfairly. The following excerpt comes directly from DET's Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance:

Fairness for all

In the management of complaints, misconduct and unsatisfactory performance matters, the principles of natural justice must be observed as necessary. The Guidelines incorporate these principles and also include the following:

- *the right of an employee to know the allegation(s) being made against him or her*
- *the right of each party to be heard with respect to the allegations*
- *the right of each party to be treated fairly*
- *the right of the employee to have a support person present during meetings (the role of the support person/representative is set out in these Guidelines)*
- *the right of each party to a decision-maker who acts fairly and in good faith.*
- There is concern that the whole process contravenes the VPS Code of Conduct e.g. VPS Value of Respect which ensures freedom from discrimination, harassment and bullying. This initiative is not promoting an environment that encourages respect. Any vexatious complaint and/or anonymous complaints contravene this value.
- This initiative is not consistent with the charter.
- There is concern over the validity and reliability of anonymous callers to the 'Speak Up' line. Increasingly principal class members are being subject to complaints that are anonymous. About 47% of the 'Speak Up' line issues are anonymous.
- Vexatious complainants and spurious accusations take up scarce time and resources.
- The timeline of responding to complaints and the outcome of the investigation is unclear and unsatisfactory with no appropriate and proper resolution/or real closure (not both).
- Increasing number of complaints with no resolution; Principals are then left to manage even more challenging school level relationships.
- Regions are taking far too much time to investigate principals with no disclosure as to who has made the complaint.
- Support seems to be with the informant.

VPA Position

The VPA advocates for:

- A set of clear, consistent guidelines for the 'Speak Up' process that illustrate the alignment with current DET Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance.
- No anonymous complaints proceed to investigation or notification unless supported for further action by a properly triaged outcome from a panel that deems it as presenting a 'Potentially Serious Threat to the integrity of the DET' if substantiated.
- Absolute clarity as to what warrants investigation.
- The "Principles of Natural Justice" should be applied at all stages.
- Timelines need to be expedient and adhered to and principals must receive an official communication about the result at the earliest convenience.
- A rigorous triage process to be implemented to ensure frivolous and vexatious complaints are not escalated.
- There needs to be effective processes for holding vexatious complainants to account.
- Personnel undertaking investigations to have first-hand knowledge of the Principal role and DET policy and procedure.
- The backlog of complaints not being dealt with and concluded expeditiously, following initial notifications to principals of a complaint, is causing unreasonable and health-impacting stress, despite a lack of complaint integrity in a majority of cases. This needs to be remedied immediately.
- DET must clearly communicate to all school personnel that the current Complaints process is the first step, rather than going straight to the 'Speak Up' line.
- DET must be responsible for system support for Principals undergoing investigation irrespective of the nature of the complaints. DET has a responsibility to provide support to create a cohesive team at the school level after an investigation.