



## COMPLAINTS HANDLING PROCEDURE

### 1. Introduction

#### 1.1 Purpose of a Complaints Procedure:

In our Catholic Schools we are committed to providing a safe and supportive working and learning environment for all employees and students. We acknowledge that employees, students and parents can sometimes feel aggrieved about something that is happening at the school which appears to be discriminatory, constitutes harassment or causes concern.

An employee, student, parent or community member can have a complaint or suggestion about any decision, behaviour, policy, act or omission (whether by the Principal, members of the leadership team or other staff/students) that they feel is discriminatory or unreasonable. Sometimes the aggrieved person can address the issue by raising the complaint directly with the person involved with the issue. However that is not always possible, and sometimes several attempts at local or face-to-face resolution may have been attempted or may have taken place with little success. Whilst most issues can be resolved through direct discussion with the parties, there may be instances in which to take up the issue with the other person on a face-to-face basis is not possible.

#### 1.2 Examples of complaints covered by this procedure include:

- o issues related to students discipline procedures
- o issues related to learning and teaching
- o damage/loss of personal property
- o bullying and harassment

1.3 In conjunction with this complaints procedure, notice is taken of relevant legislation, guidelines, policies and procedures pertinent to the issue, including for instance:

- o Enrolment Policy and Procedures
- o Suspension, Exclusion and Expulsion Policy and Procedures
- o Anti-Discrimination Act 1977
- o Child Protection Legislation Amendment Act 2003
- o Children and Young Persons (Care and Protection) Act 1998
- o Commission for Children and Young People Act 1998
- o Education Legislation Amendment (Staff) Act 2006
- o Government and Relation Appeals Tribunal Act 1980
- o Occupational Health and Safety Act 2000
- o Ombudsman Act 1974
- o Protected Disclosures Act 1994

- o Firearms Act 1996
- o Prohibited Weapons Act 1989

#### 1.4 Making a complaint:

Some complaints, because of the seriousness of their nature, are referred immediately to the Principal – eg. complaints about behaviour which places others at risk of serious harm. Parents should not approach the students of other families with a school/college related complaint. This is often a sensitive area and in order to protect all the parties it is advisable to work through the relevant teacher or member of the school leadership team.

##### 1.4.1 Before making a formal complaint:

If a problem or concern that arises within a school cannot be resolved with the person involved with the issue, then it would normally be raised with an appropriate staff member with a view to discussing the issue and seeking resolution of any problems or concerns.

##### 1.4.2 Making a formal complaint:

If the above process of raising the concern, obtaining the facts, and obtaining resolution has not produced a satisfactory outcome, the following procedure can be used. The purpose of this procedure is to offer a process by which employees/students/parents/community members can have complaints addressed. For example, if you feel that you are being harassed or discriminated against, this complaints handling procedure is available to you so your concerns can be dealt with in an appropriate manner. Who may use this procedure?:

- o All employees
- o Students within the schools
- o Parents of students at the school
- o Members of the wider community

## **2. Key Elements of Our Complaints Handling Procedure**

### 2.1 Impartiality:

When a complaint is made, it is investigated in a fair and impartial manner. No judgements or assumptions are made, and no action taken until the investigation is complete. If a complaint is made against you, your rights are protected and you are given an opportunity to present your views.

### 2.2 Confidentiality:

If you do make a complaint under this procedure it remains confidential. The only people who will have access to information about the complaint will be the person making the complaint, the person to whom the complaint is made, the person investigating and Catholic Education Diocese of Wagga Wagga staff who may be involved. The person about whom the complaint is made also has a right to be informed.

### 2.3 No victimisation:

If you make a complaint you do not suffer in any way as a consequence. The Principal of the school ensures that a person who makes a complaint and members of that person's family are not victimised in any way.

#### 2.4 Vexatious or malicious complaints:

There is an underlying assumption that complaints are made in good faith (and with good will) and with an intention for resolution as opposed to retribution.

#### 2.5 Timeliness:

Each complaint will be finalised within as short a period of time as possible. Complainants will be advised if the matter cannot be finalised within one month.

#### 2.6 Procedural Fairness:

Procedural fairness is a basic right of all individuals dealing with authorities.

Procedural fairness is generally recognized as having two essential elements:

The right to be heard which includes:

- \* the right to know why the action is happening
- \* the right to know the way in which the issues will be determined
- \* the right to know the allegations in the matter and any other information which will be taken into account
- \* the right of the person against whom the allegations have been made to respond to the allegations.

The right of a person to an unbiased decision which includes:

- \* the right to impartiality in the investigation and decision making phases
- \* the right to an absence of bias by the decision maker.

The availability of a line of appeal adds to the fairness of the process and offers a check, in case there is a perception of conflict of interest.

### **3. What To Do If You Have a Complaint**

#### 3.1 Approach the person involved:

In many situations, the most appropriate action is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that you find it offensive/hurtful/not acceptable. If it is about a work decision, tell the person why you think it is discriminatory or harassing or unreasonable. Telling the person will give them a chance to stop or change what they are doing or explain what they had decided and why.

#### 3.2 Contact the School:

Where you feel you cannot approach the person directly or you are not happy with

their response or reaction, then explain the problem to the appropriate person at the school. An inquiry at the school reception may be the first point of contact for people with complaints. You are advised as to the person designated to deal with the nature of the complaint. This person may be a Co-ordinator or the Assistant Principal or Principal. The designated person advises you of your options and what will happen if you make a formal complaint.

### 3.3 Contact Catholic Education Diocese of Wagga Wagga

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Where you feel you cannot approach the person directly or you are not happy with their response or reaction, and you have a good reason not to raise the issue either with the designated school person or the school Principal, then you can contact Catholic Education Diocese of Wagga Wagga (CEDWW) and explain the problem and issues. The Service Leader responsible for the school can advise you about your options. Please note that if the Service Leader forms the views that your complaint is more appropriately dealt with at the school level, then you will be advised of that and the school will be advised as well. Where students and parents make complaints these will automatically be referred to the school unless the complaint is against a decision of or about the Principal and has previously been raised with the Principal without resolution.

## **4. What happens next?**

4.1 Once you have made the complaint to the designated school or CEDWW person, that person then considers whether there are any reasons why he/she should not proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the designated person to deal with your complaint, it will, with your consent, be referred to another appropriate person.

4.2 The designated person interviews you or organises another appropriate person to interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You are also be told where you can go for assistance if you are not happy with the way the school/CEDWW is dealing with the complaint. The designated person takes a written record of the complaint.

4.3 The designated person speaks to the person about whom the complaint is made to hear their side of the story. Any witnesses will also be interviewed. These interviews are conducted separately and impartially. Written reports about the complaint may be requested. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment).

4.4 The designated person will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the person what action

you would like taken, e.g. a written apology from the person, a written warning, a change in policy or procedure etc. This allows the designated person to understand, from your perspective, what you believe you need from the process. It will not dictate the remedy that might ultimately apply.

## **5. Review**

If the complaint remains unresolved it will be reviewed by either the Principal, Service Leader or Director of Catholic Schools. They will make a final decision as to the outcome of the complaint.

Note that this review step will only be possible if the Principal or Service Leader has not been acting as the designated person.

## **6. Possible Outcomes**

6.1 If the complaint is upheld or sustained, the following are possible outcomes depending on the nature of the complaint:

- o An agreement between the parties
- o A verbal apology
- o A written apology
- o Disciplinary action
- o Review of policy or procedures

Where staff members are the subject of a complaint, action taken may be as part of staff disciplinary procedures. Where students are the subject of a complaint, action taken may be as stated in the relevant student discipline and pastoral care policies. Where the complaint is about a policy or procedure it may result in a review and/or change in the policy or procedure.

6.2 If a complaint is not upheld or not substantiated (e.g. there is insufficient evidence) but some issues come out of the investigation that are required to be addressed then, possible outcomes include:

- Relevant training for employees and/or students; and/or
- Monitoring of the behaviour of employees and/or students
- Counselling for the aggrieved person
- Mediation at the local level.

6.3 If the complaint is proved not to have happened at all, or if there is evidence that the complaint was made with the main purpose or intent of causing distress to the other named as the source of the grievance, the following are possible outcomes:

- Counselling for the person who made the complaint
- A written apology from the person who made the complaint
- An official warning
- Referral for disciplinary action for students and staff

The relevant designated person will make sure that whatever outcome is decided upon actually happens. The designated person or the school Principal (unless they are the object of the complaint or grievance) will also assess the effectiveness of the outcome from time to time.

## **7. Record Keeping**

Records of complaints, interviews and other documentation relating to a complaint are kept at the school (when dealt with at school level) in a separate secure complaints file. If the complaint is about a person, documents are placed in a restricted access file. If there are any serious ongoing management or care issues relating to a complaint, there will need to be a cross-reference to the restricted file on the staff member or student file.

A register of complaints and suggestions will be kept at each school and at Catholic Education Diocese of Wagga Wagga.

## **8. Designated Persons for Complaints**

### **8.1 At the School:**

Each school will consider the local school context and organisation and will nominate the designated person/s responsible for dealing with complaints in specific areas of school activity. When this occurs it should be clearly communicated to staff, parents and students, as relevant. A designated person will generally be a Co-ordinator or the Assistant Principal or Principal. If you are uncertain about who is the designated person for a specific issue, then contact the school office for this information.

### **8.2 At Catholic Education Diocese of Wagga Wagga:**

The designated person at CEDWW for complaints that are not able to be dealt with or resolved at the school is generally be the Service Leader who is responsible for the particular school.