

# CATHOLIC EDUCATION DIOCESE OF WOLLONGONG COMPLAINTS POLICY



## **Building a Safe and Supportive Culture in our Catholic Schools How does a Complaints Procedure fit in?**

Catholic schools in the Diocese of Wollongong are committed to a safe and supportive environment. This is characterised by fairness, mutual trust, respect and reconciliation. Those in leadership positions have a key role in promoting an environment and building a community based on these values. The principles, guidelines and procedures set out in the Policy documents *Maintaining Right Relationships* and *Safe Work Environment* are the framework for school leaders, students, staff, parents and the wider community to develop a safe and supportive environment.

A safe and supportive environment is developed when all members of a school community promote open communication, tolerance and positive relationships and embrace responsive, just and transparent processes. When clear preventative policies are applied consistently and issues that can give rise to complaints are identified early, matters can be resolved before they escalate to the point where relationships are damaged. To promote positive and effective relationships all staff are encouraged to recognise the distinction between personal and professional conflict so that appropriate relationships can be maintained, even where there might be professional disagreement.

Complaints and suggestions can be opportunities for growth and improvement. A community that is open to complaints and suggestions is characterised by signs of impartiality and confidentiality, respect for the dignity of those involved, and is proactive in ensuring there is no fear of victimisation. The processes in the *Complaints Handling Procedure* are to ensure procedural fairness, with a fair hearing and a reasonable decision.

The *Complaints Handling Procedure* helps build a safe and supportive culture as it ...

- Encourages early intervention in issues before they damage working relationships
- Ensures that behaviours destructive to positive relationships (such as bullying, harassment and discrimination) are identified as being unacceptable and are appropriately managed
- Ensures that complaints are dealt with consistently
- Enables a school community to identify patterns of unacceptable conduct and enables prevention strategies to be developed and implemented
- Encourages individuals, with support, to resolve issues directly without third party intervention, and reduces the likelihood that external agencies will need to be involved

The *Complaints Handling Procedure* forms an important element in the Diocese's commitment to ensuring safe and supportive environments for our school communities. Leadership teams are responsible for ensuring that it is explained, that the processes for raising matters of concern are well understood, and that the processes for responding to matters of concern are implemented.

Peter Turner Director of Schools  
Diocese of Wollongong  
25 May, 2007

# COMPLAINTS HANDLING

## 1. Introduction

### 1.1 Purpose of a Complaints Procedure

In our Catholic Schools we are committed to providing a safe and supportive work 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, constitute harassment or cause concern.

An employee, student, parent or community member can have a complaint about any decision, behaviour, 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 have been attempted or 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:

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

### 1.3 In conjunction with this complaints procedure, note should be taken of relevant legislation, guidelines, *policies* and *procedures* pertinent to the issue, including for instance:

- Work Health and Safety issues
- Child Protection issues, eg
  - *The Care, Wellbeing and Protection of Children and Young People*
  - *Professional Conduct and Child Protection*
- *Enrolment Policy and Procedures*
- *Suspension Exclusion Policy*
- *Staff Relations Policy*

### 1.4 Making a complaint

Some complaints, because of the seriousness of their nature, should be referred immediately to the Principal – e.g. complaints about behaviour which places others at risk of serious harm.

Parents are ill advised to approach the children of other families with a school 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.

#### 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 such problems or concerns.

#### **1.4.2 Making a formal complaint**

If the above process of raising the concern, obtaining the facts, and obtaining resolution is not producing 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?

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

## **2. Key elements of our complaints handling procedure**

### **2.1 Impartiality and procedural fairness**

If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

### **2.2 Confidentiality**

You can feel secure that if you do make a complaint under this procedure it will remain 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 Office staff who may be involved. The person about whom the complaint is made also has a right to be informed.

### **2.3 No victimisation**

You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The Principal of the school will ensure that a person who makes a complaint is 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.

### **3. What to do if you have a complaint**

#### **3.1 Approach the person involved**

In many situations, the most appropriate thing to do first 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 it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory or harassment or so 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 you can 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 will be advised as to the person designated to deal with the nature of the complaint. This person may be a Coordinator or the Assistant Principal or Principal. The designated person will advise you about what your options are and what will happen if you make a formal complaint.

#### **3.3 Contact the Catholic Education Office - Head of School Services**

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 school designated person or the school Principal, then you can contact the Catholic Education Office (CEO) and explain the problem and issues. The CEO officer will usually discuss with you raising your concerns at the school level. The CEO officer can also advise you about your options.

Please note that if the CEO officer 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 back 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 school or CEO officer, that person will then consider whether there are any reasons why he/she should 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 will then interview you or organise 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 will also be told where you can go for assistance if you are not happy with the way the school/CEO is dealing with the complaint. The designated person will then take a written record of the complaint.

**4.3** The designated person will then speak to the person about whom the complaint is made to hear their side of the story. Any witnesses will also be interviewed. These interviews will be 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 (eg 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, eg a written apology from the person, a written warning, 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, or Head of School Services or Head of Human Resource Services. 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 / Head of School Services / Head of Human Resource Services 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:

- An agreement between the parties
- A verbal apology
- A written apology

Where staff members are the subject of a complaint, action taken may be as stated in the Staff Relations Policy. Where students are the subject of a complaint, action taken may be as stated in the relevant student discipline and pastoral care policies.

- 6.2 If a complaint is not upheld or not substantiated (eg 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. Appeals

There are three avenues of appeal if you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you.

### 7.1 Appeals at school level

- To the Principal if the Principal has not been involved in investigating or examining the complaints, or is not the person named as the source of the grievance
- To the Head of School Services if the Principal has been involved

#### ***The appeal will consider:***

- The way the complaint was handled and examines the outcome
- If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action
- If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again

### 7.2 Appeals at Catholic Education Office level

- To the Head of School Services/Head of Employee Services at the Catholic Education Office, or any designated officer for receiving complaints, where the appeal is from the school
- If the complaint has been received and managed by the Catholic Education Office then the appeal is to another Head of Service or to the Director, as appropriate.

Someone other than the person who first handled the complaint will always deal with an appeal.

### 7.3 To an external agency

If you are not happy with the way your complaint has been dealt with by the school or the Catholic Education Office, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint. The agencies that would most likely have jurisdiction are:

- Human Rights and Equal Opportunity Commission (Federal)
- NSW Anti Discrimination Board

## 8. Child Protection Procedures

Nothing in this document replaces procedures developed by the Catholic Commission for Employment Relations, the Wollongong Catholic Education Office and the Independent Education Union of NSW/ACT in respect of the investigation of matters arising under *Part 3A Ombudsman Act 1974*.

## 9. Record Keeping

Records of complaints, interviews and other documentation relating to a complaint are kept at the school (where dealt with at school level) in a separate complaints file. If the complaint is about a person, documents are placed in a restricted access file. If there are considered to be 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.

## 10. Designated Persons for Complaints

### **10.1 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 Coordinator 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.

### **10.2 At the Catholic Education Office**

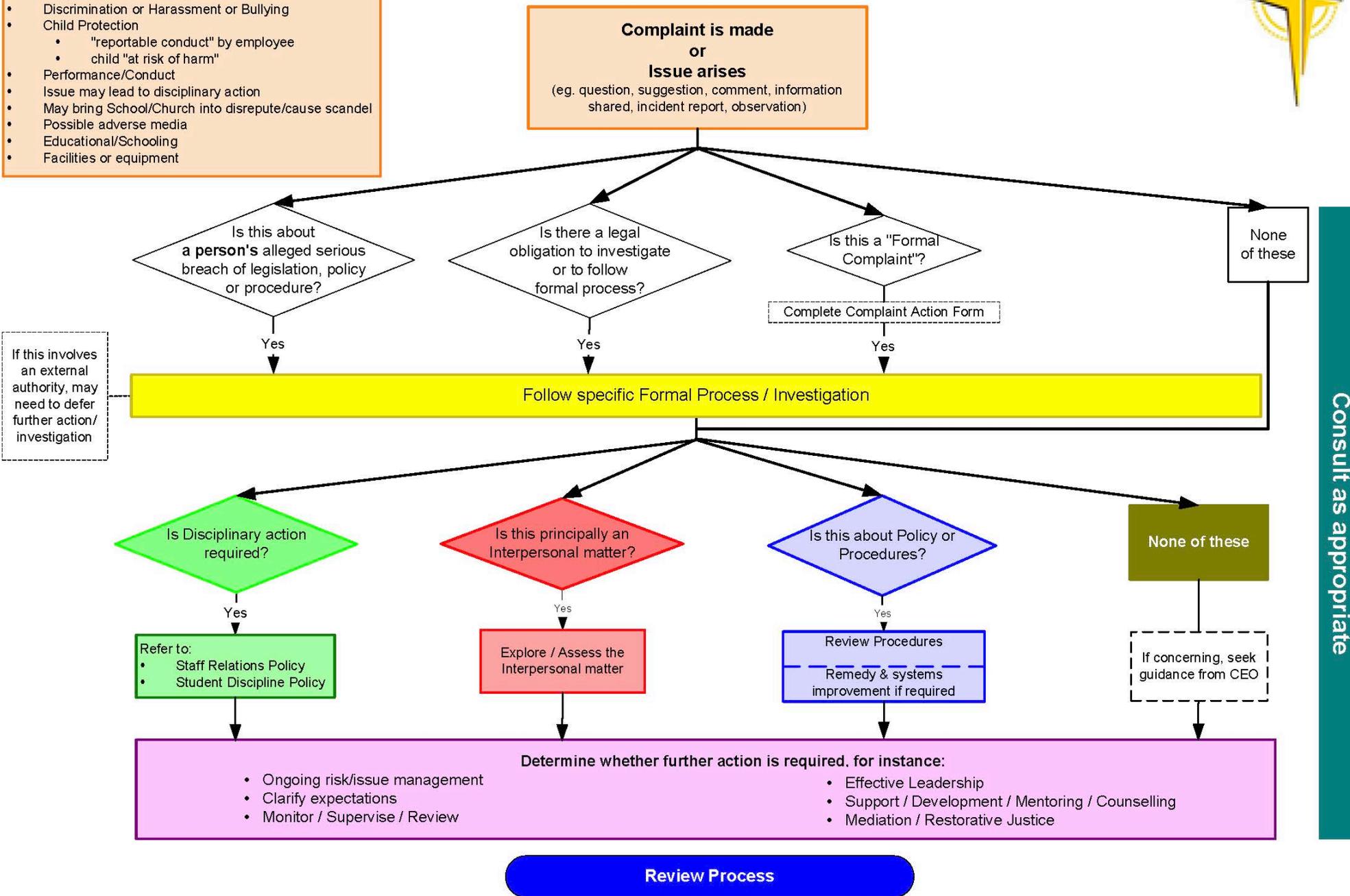
The designated person at the Catholic Education Office for complaints that are not able to be dealt with or resolved at the school will generally be the Head of School Services who is responsible for the particular school.



**Some types of Complaint/Issues:**

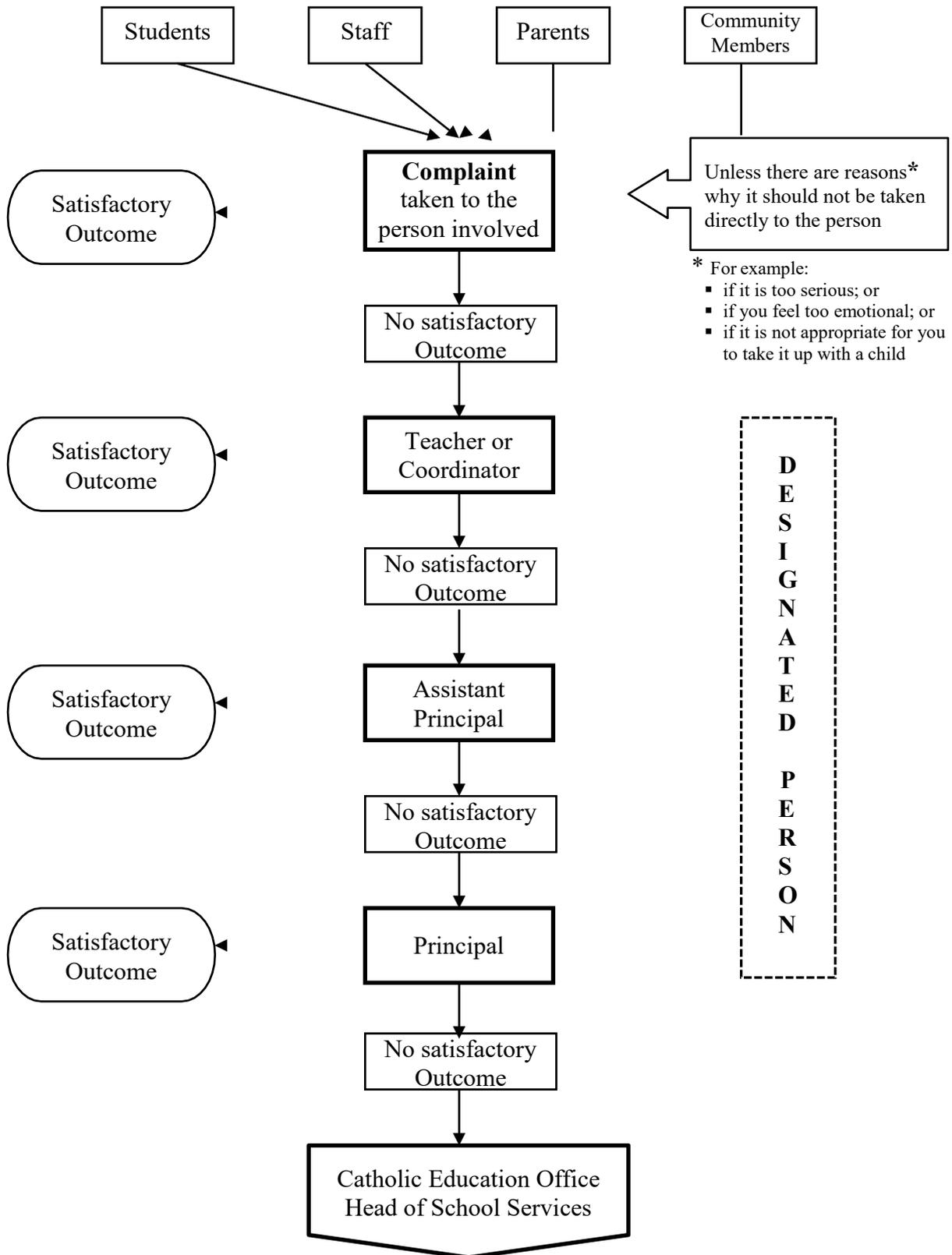
- OH&S
- Duty of Care
- Discrimination or Harassment or Bullying
- Child Protection
  - "reportable conduct" by employee
  - child "at risk of harm"
- Performance/Conduct
- Issue may lead to disciplinary action
- May bring School/Church into disrepute/cause scandal
- Possible adverse media
- Educational/Schooling
- Facilities or equipment

# Model for Handling Complaints and Difficult Issues



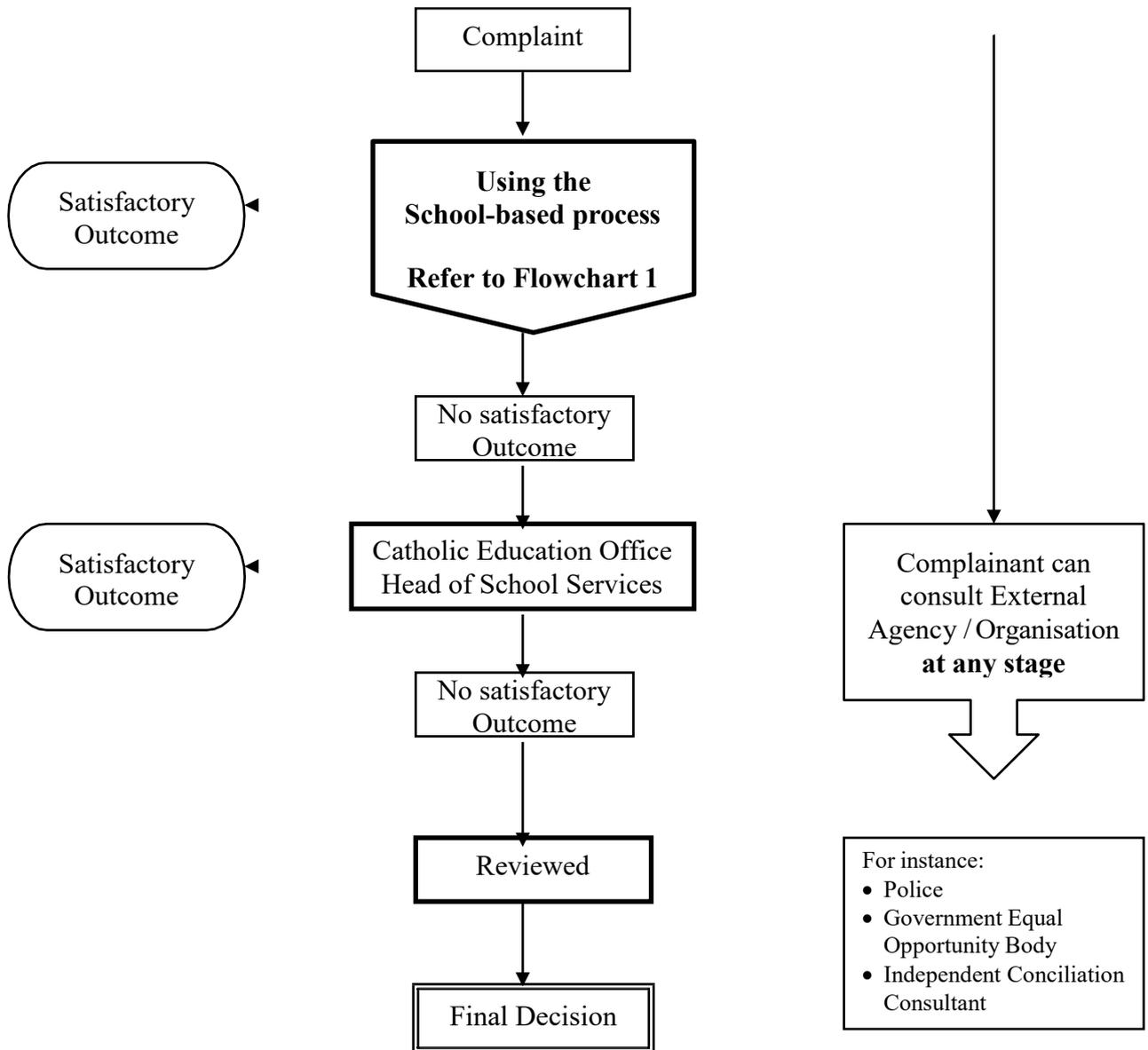


**School-Based Process for Resolution of Complaint**





**Process for Resolution of Complaint -  
Involving Catholic Education Office &/or External Agency**





# COMPLAINT FORM

## 1. Your details

Family Name:

Given Name(s)

Address:

Phone No: (*home*)

(*work*)

(*mobile*)

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## 2. Are you a... (*Please tick box*)

- Student  
 Parent or Caregiver (*Name of student*) ...  
 Staff member  
 Other (*Please specify*) ...
- 

## 3. Have you discussed your matter with a designated staff member?

- Yes       No

If Yes, when?

Who dealt with the matter?

What was the result?

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## 4. Please give details of complaint and outcome you are seeking.

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Date:

Signature:

**Please mail this form or hand it in at the school office.**

Privacy Notice:

The information provided on this form will be used by the school to follow up your complaint. The information may be provided by the school to the Catholic Education Office who monitor the services provided by the school or to the police for law enforcement purposes. The provision of this information is voluntary. It will be stored securely. You may correct any personal information provided at any time by contacting the school office.