



Catholic Education Office
DIOCESE OF BATHURST

'With Jesus Christ as our inspiration and guide, we are called to provide high-quality Catholic education in the Diocese of Bathurst'

GUIDELINES FOR THE MANAGEMENT OF COMPLAINTS

1. Mission and Values

In partnership with the family, parish and community, our schools nurture a relationship with God in Christ Jesus, celebrate and share the Catholic faith, and educate to enable all to make a positive contribution to the world.

We are therefore committed to:

- a safe, inclusive and professional learning environment
- just and right relationships that recognise and respect the dignity of each individual.

2. Purposes

- to ensure complaints are dealt with speedily and effectively
- to allay concerns or fears and help prevent issues developing into major problems
- to provide guidance in dealing with complaints to ensure a successful outcome for all parties.

These guidelines apply to complaints received about personnel employed by the Catholic Education Office (CEO) as well as volunteers, religious and contractors.

3. Expectations

It is expected that all personnel to whom these guidelines apply will:

- respect the rights of others and refrain from actions that will bring forward a legitimate complaint
- actively promote a fair and just working environment
- work in cooperation with each other
- follow these guidelines if they receive a complaint.

4. Definitions

A complaint is any concern about personnel employed by the CEO, volunteers, religious and contractors. It also includes concerns about organisational, curriculum or cultural matters that are expressed to the school or the CEO. A complaint may be received from a parent, student, staff member in a diocesan school or Catholic Education Office, a priest or a member of the public. It may be delivered in person, by letter, email or phone call.

5. Guidelines

The following inform these guidelines:

1. Anyone raising a complaint is responsible for participating in the process in good faith. Malicious or vexatious complaints do not meet the good faith criterion.
2. A formal complaint should normally be lodged as soon as possible after the incident occurring.
3. Anyone who raises a complaint in good faith will be protected from detrimental action, including victimisation or unfair treatment.
4. All parties are encouraged to resolve complaints at their source or at the lowest level of management necessary for their proper resolution. All parties are welcome to take a support person to any meeting about the complaint.
5. Complaints should be investigated in an open and unbiased manner with all parties seeking a fair hearing and clarification of the issues.
6. No decisions or resolutions should be made until all the facts are clear.
7. Whenever possible, the wishes of the person making the complaint, in relation to the resolution process, will be taken into account and confidentiality will be respected at all times within the constraints of the need to fully investigate the complaint. However, this may not be possible in some circumstances. Where the complaint is of a very serious nature, formal action may be required beyond the wishes of the staff member, for example when a staff member raising a grievance alleges behaviour that is potentially unlawful.
8. These guidelines do not limit the right of any person to use other available agencies and processes, such as trade unions, the Anti-Discrimination Board or the Ombudsman, or legal process. Anyone raising a complaint should advise the principal or CEO if the matter is being pursued through alternative or external avenues.
9. The Complaints procedures shall be consistent with the Church's teaching on human dignity.
10. At all times, the principles of procedural fairness and timeliness will be applied.
11. Any complaint that constitutes a child protection issue is managed in accordance with the Diocesan Child Protection Policy.
12. Principals and CEO personnel are to maintain a Complaints Register (Appendix 1) and record all complaints received. This register is to indicate the date on which the complaint was received and the action taken. This register is to be kept in the school for 7 years or, depending on the complaint, for a period of time specified in diocesan Records Retention guidelines.
13. Generally, a complaint about a student should be raised first with the class teacher and/or the principal of the school.
14. The Complaint Resolution Process (see flowchart Appendix 2) gives guidance to the complaints management process.
15. All stages of the complaint handling are to be documented and a copy kept on file at the school and/or CEO.

6. Procedures

• Approach the other party

Where appropriate, the complainant is encouraged to try to resolve any complaint directly with the person/s concerned. This may be the easiest way of resolving the issue if the complainant feels comfortable speaking to the other person involved. The complainant needs to explain to the person concerned why their behaviour, decision or actions caused concern. Through discussion, the issues may become clear and the parties have a chance to address the problem. Many complaints can be resolved at this level.

- **Approach a member of staff to act as an intermediary**

If the complainant is not comfortable approaching the person/s directly concerned, they may approach another member of staff eg the principal or a supervisor to act as an intermediary. A meeting can be arranged by the principal or a supervisor to address the concerns and work towards a resolution of the problem.

- **Make a formal complaint**

If the complaint is not able to be resolved directly or in the above meeting, the complainant may lodge a formal written complaint with the school or the CEO. It is important that this is dealt with speedily by the Principal or supervisor and a written response is made.

- **Raise the complaint directly with the Catholic Education Office**

If the above steps are not successful, the issue may be raised directly with the Catholic Education Office.

What will the principal or supervisor who handles the complaint do?

As soon as possible after you report your complaint, the following will happen:

- The principal or a supervisor receiving the complaint will obtain information from the complainant about the issue and document this information.
- That person will explain how the rest of the complaints procedure works (including what will be done to protect the complainant).
- As soon as possible after the initial interview, the principal or supervisor will address the complaint(s) with the other party/parties. All parties are welcome to have a support person present at any meeting.
- If more information is required the principal or supervisor may need to speak to witnesses.
- If he/she decides to speak to witnesses, this should be done very carefully to safeguard confidentiality. In the interests of confidentiality, only relevant witnesses will be interviewed. 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.
- The principal or supervisor will decide how the complaint should be resolved and will let all parties know.
- The principal or supervisor will inform the complainant in writing of the resolution and of any changes that will be made to procedures to help prevent this situation re occurring. An apology should be offered for any action that caused the concern.
- The principal or supervisor involved will monitor the situation for an appropriate period of time.
- If a complaint is not upheld or substantiated but some issues come out of the investigation that are required to be addressed, possible outcomes include:
 - relevant training for employees and/or students; and/or
 - monitoring of the behaviour of employees and /or students
 - counselling for the aggrieving person
 - mediation at the local level
- If the complaint is not proved 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/staff

• Appeals

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

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 CEO 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

Appeals at Catholic Education Office Level

- to the designated officer for receiving complaints, where the appeal is from the school
- if the complaint has been received and managed by the CEO, then the appeal is to another CEO officer or to the Executive Director

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

To an External Agency

If the complainant is unhappy with the way the complaint has been dealt with by the CEO or the school, they may wish to go to an external agency for further advice and assistance. The complaint may be taken to an external agency at any stage in the procedure. The agencies most likely to have jurisdiction are:

- the Australian Human Rights Commission
- NSW Anti-Discrimination Board

Who else can help?

At any time during a complaints procedure all parties can get legal advice from the union representative or any other legal representative.

Designated Persons

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, Assistant Principal or Principal.

At the Catholic Education Office

The designated person for complaints that are not able to be dealt with or resolved at the school will generally be the relevant Schools Consultant responsible for the particular school.

7. Legislative Framework

1. Anti-Discrimination Act 1977
2. Racial Discrimination Act 1975
3. Disability Discrimination Act 1992
4. Sex Discrimination Act 1984
5. Occupational Health and Safety Act 2000
6. Ombudsman Act 1974 (NSW)

8. Related Policies and Guidelines

1. Workplace Grievance Policy Catholic Education Office Bathurst 2009
2. Discrimination, Harassment and Bullying Policy Catholic Education Office Bathurst 2009
3. Occupational Health and Safety Policy Catholic Education Office Bathurst 2009
4. Child Protection Policy Catholic Education Office Bathurst 2009
5. Section 5.6.2 'Registration Systems and Member Non-government Schools (NSW) Manual NSW Board of Studies February 2008
6. Code of Conduct for Employees Catholic Education Office Bathurst 2009
7. Staff Discipline Policy Catholic Education Office Bathurst 2009

9. Guidelines Administration

These guidelines have been ratified by the Executive Director of Schools and will be reviewed periodically, or in the event of any information or incident that indicates the need for a review, or following relevant legislative or organisational change.

It is the responsibility of anyone accessing this document to ensure that the current version is downloaded from the CEO website.

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| Date of Implementation | September 2009 |
| Date of Last Review | May 2012 |
| Date for Next Review | June 2014 |

Appendix 1: Complaints Register

Date/time.....

Medium (phone, email letter etc).....

Complainant.....

Person receiving complaint (name & signature).....

Details of the complaint and the outcome being sought

Resolution

NB. Storage of Child Protection issues – Remove and place in relevant Child Protection file