Complaints and Grievances Policy

Definition:
- A ‘grievance’ refers to a situation where an individual believes that he/she has been unfairly treated by a student, staff member, parent or any member of the College community who has acted outside of the normal policies and practices that the College promotes and expects.

Rationale:
- O’Loughlin Catholic College has both the desire and a responsibility to ensure that high standards of conduct are maintained by staff and students at all times, and that complaints and grievances are managed and resolved fairly, efficiently, promptly and in accordance with relative legislation.

Aims:
- To provide a harmonious, positive and productive school environment.
- To resolve complaints and grievances fairly efficiently, promptly and in accordance with related legislation.

Related Policies
This policy should be read in conjunction with other policies of the College, especially Harassment, Professional Standards, Personal Responsibility and the Child Protection Policy, along with the expectations of Behaviour: Staff in NT Catholic schools Section 5, p.48 (Catholic Education NT Manual, 2014).

Implementation:
- All members of the College community will be informed of this Complaints & Grievances Policy and its procedures and to whom they can go to if they have a grievance or complaint.
- Grievances will be resolved within a ‘restorative practices’ framework.
- Any grievance complaint will be taken seriously and those making the complaint will be supported during the process of resolution.
- All staff will be informed of the procedures for resolving conflict in the workplace and given the opportunity for training in conflict resolution and in understanding the concepts of restorative justice.
- All individuals will be treated fairly and impartially.
- Resolution of a grievance will be achieved as quickly as possible.
- Those party to a grievance will be kept informed of matters pertaining to the grievance whilst it is being processed.
- Resolution of grievances at a local level, where appropriate, is the desired outcome.
- An informal process can be used where the complaint is minor or if the complainant wishes the matter to be dealt with this way or the complaint has arisen from a lack of or unclear communication.
- Due process will be followed in working towards a resolution, which will include:
  - the rights of complainants and respondents will be upheld at all times, including the use of fair, confidential, impartial and dignified resolution procedures
  - enacting consequences which are consistent, fair and commensurate with the seriousness of the complaint
  - having an appeal system in place.
- Parties will be encouraged to resolve the matter together in the first instance.
- It is important that all complaints, ensuing procedures and outcomes are fully documented and filed.
- It is incumbent upon the Principal or his delegates to act where unacceptable conduct is observed or brought to their attention.

Evaluation:
This policy ratified by the O’Loughlin Catholic College Executive in September 2015
This policy is due for review in September 2018

1. Introduction

1.1 Purpose of a Complaints Procedure

At O’Loughlin Catholic College 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 Executive 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 (e.g. assessing an item of work)
- damage/loss of personal property
- bullying and harassment

1.3 In conjunction with this complaints & grievances 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

1.4 Making a complaint

Some complaints, because of the seriousness of their nature, should be referred immediately to the Deputy Principal or 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 judgments 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
It is this Policies purpose to ensure that when a complaint is made the person making the complaint 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 member of the Executive Team or the Deputy 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 – School Liaison officer**
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 Deputy Principal. They will then make a final decision as to the outcome of the complaint.

Note that this review step will only be possible if the Principal / Deputy Principal 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
- Other consequences that are commensurate with the offence.

Where staff members are the subject of a complaint, action taken may be as stated in the Staff Handbook. 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 (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 aggrieving 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 CEO Liaison Officer 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 School Liaison Officer representing the Catholic Education Office, or any other 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 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)
- NT Anti Discrimination Board

8. Child Protection Procedures

Nothing in this document replaces procedures developed by the Northern Territory Government - The Care and Protection of Children Act.

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

The school will consider the particular context 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 person in middle management or senior management, such as Deputy Principal or Principal. If the complainant is 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 cannot be dealt with or resolved at the school will the School Liaison Officer appointed by the CEO.
Flowchart 1

School-Based Process for Resolution of Complaint

Students | Staff | Parents | Community Members

Satisfactory Outcome

Complaint taken to the person involved

No satisfactory outcome

Teacher or Coordinator

No satisfactory outcome

Deputy Principal

No satisfactory outcome

Principal

No satisfactory outcome

Catholic Education Office
School Liaison Officer

Satisfactory Outcome

Unless there are reasons* why it should not be taken directly to the person

* For example:
- if it is too serious; or
- if you feel too emotional; or
- if it is not appropriate for you to take it up with a child

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

Flowchart 2

Complaint

Using the School-based process
Refer to Flowchart 1

Satisfactory Outcome

No satisfactory Outcome

Catholic Education Office School Liaison

Satisfactory Outcome

Complainant can consult External Agency / Organisation at any

Final Decision

For instance:
- Police
- NT Worksafe
- Independent Conciliation Consultant