



Complaints and Grievances Management Policy

Rationale

The school has both a desire and a responsibility to ensure that high standards of conduct are maintained by staff and students at all times, and that complaints are managed and resolved fairly, efficiently, promptly and in accordance with relevant legislation.

Purpose

The purpose of this policy is to establish a harmonious, positive and productive school environment; and an environment where complaints are resolved fairly, efficiently, promptly and in accordance with relevant legislation.

Definitions

For the purpose of complaint resolution processes:

- A person making the complaint is a complainant; and
- A person about whose actions or behavior a complaint relates is a respondent.

Principles

Don Bosco is committed to the following principles to ensure complaints are addressed appropriately:

- **Impartiality.** 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.
- **Confidentiality.** You can feel secure that if you do make a complaint under this policy, it will remain confidential to only those who need to be informed or involved. Normally, the only people who will have access to information about the complaint will be the person making the complaint, the person investigating and the person against whom the complaint has been made.
- **No victimisation.** You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The school authorities will ensure that a person who makes a complaint is not victimised in any way.
- **Timeliness.** Each complaint will be finalised within as short a period as possible.
- **Subsidiarity.** According to the principle of subsidiarity, decisions should be made at the lowest level possible and the highest level necessary.

Implementation

- The Principal will ensure that all staff are aware of their rights and responsibilities with regard to responding to complaints.
- It is incumbent upon the principal to act where unacceptable conduct is observed or brought to his or her attention.
- The principal will use local complaints resolution procedures where appropriate: for resolving complaints in relation to issues that fall within the Don Bosco Primary School's area of responsibility. Sexual offences and potential criminal matters should be referred to the police. The Catholic Education Office Diocese of Sale must also be advised of all cases of serious misconduct – sexual offences, potential criminal matters, or other serious incidents.
- Where a complaint concerns the school's compliance with the VRQA minimum standards for school registration, the formal processes will involve notifying the Catholic Education Office Sale of the complaint and cooperating with the Office with regard to investigating the complaint and acting on the outcome.
- A complainant may at any stage choose to take their complaint directly to an external agency such as the Diocese of Sale Catholic Education Limited (DOSCEL), the Victorian Institute Teaching, Victorian Equal Opportunity Commission, the Human Rights and Equal Opportunity Commission or the Ombudsman, the Victorian Registration & Qualifications Authority.



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Actions

1. No further action will be taken when the complainant is satisfied with the explanation given at the time of making the complaint or enquiry except when the complaint refers to matters that must be investigated under Child Protection legislation or are criminal.
2. All complaints, ensuing procedures and outcomes will be fully documented.
3. The principal, or those persons authorised by the principal to deal with complaints, may choose to respond to a complaint through an informal process in cases where the complaint is minor, the complainant wishes the matter to be dealt with informally, or where the complaint has arisen from lack of or unclear communication.
4. Formal processes will be used when informal processes haven't been successful, a complainant seeks a formal process, or where the complaint warrants formal investigation.

Complaint Resolution Procedures

The complaints resolution procedures encompass both informal and formal action.

Upon receiving a complaint, the principal will assess the nature of the complaint and form a view regarding the appropriate course of action. The principal will need to make an assessment in each case about whether the concern or complaint requires the use of a formal process or whether informal resolution is appropriate. Many concerns expressed to the principal by parents, students, staff members or members of the community are most appropriately dealt with at an informal level.

Informal Process

In less serious matters in which there is no risk of harm to any person, those involved will be encouraged to deal with the issue personally. Normally this would mean that the relevant people would discuss the issue of concern with a view to reaching an amicable resolution.

The principal may decide to respond to a complaint through an informal process where:

- a complaint is of a minor nature
- the complainant wishes the matter dealt with informally and the principal considers this appropriate in the circumstances
- the complainant wishes to remain anonymous and the principal agrees
- a complaint has arisen from lack of, or unclear, communication.

Informal resolution of a complaint may involve talking to one or more of the parties.

The Complainant may wish to deal with the situation himself or herself but may seek advice as to possible strategies to resolve the matter.

The Complainant may ask the principal, or another person, to speak to the persons on his or her behalf.

The principal, or other person, may then privately convey the Complainant's concerns, listen to the response of the Respondent and respond accordingly.

Informal procedures emphasise resolution rather than determining the substance of a complaint and may include conciliation.

Documentation associated with an informal process can be minimal, for example a diary entry and/or retention of a copy of any response provided to the Complainant.

An informal process may be formalised at any point where the principal considers it appropriate, particularly where an informal process has been unsuccessful or new information is received.

Formal resolution process

The formal process comprises the following steps:

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| Step 1 | Investigating the complaint |
| Step 2 | Making a finding |
| Step 3 | Determining appropriate action |



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Step 1 Investigating the complaint

Commencement of a formal complaints resolution procedure requires the principal to investigate the complaint to determine whether or not it has substance.

An investigation will involve:

- establishing the precise nature of the complaint. This would normally involve interviewing the Complainant and requesting that the complaint be put in writing (where this has not already been provided). Where the Complainant declines, or is unable, to provide the details in writing the principal should interview the person and make a record of the interview. Where the Complainant advises the principal they wish to remain anonymous, the principal needs to establish why the Complainant does not want their identity disclosed. In this respect, the principal will need to manage the concerns of the Complainant. In most cases, it is not possible for the Complainant to remain anonymous.
- where a complaint has been received, the principal should acknowledge receipt of the complaint in writing.
- meeting with the Respondent is made to inform them in writing of the full details of the complaint and providing the opportunity for the Respondent to respond in writing and, where necessary, interviewing the Respondent. The letter of complaint should include information regarding who made the complaint and when it was received, the specific allegations, and advice regarding confidentiality.
- providing the Respondent with an indicative timeline for the investigation. Where this timeline needs to be varied the principal should advise the Respondent.
- considering other relevant matters to assist in clarifying the complaint. This may involve examining personnel records and other documentation, requesting a written statement from any witnesses or other persons and where necessary, interviewing those people.
- keeping written accounts of all interviews.
- allowing each party to have a support person present during all meetings as part of this process (the role of the support person is defined on page 8).
- if the principal considers it necessary, providing the opportunity for the Respondent to meet with the principal to clarify matters in the response.

Note: Where the Respondent is invited to provide a written statement but does not do so, or chooses not to meet with the principal, this does not prevent the investigation of the complaint proceeding. The Respondent should be informed of the implications of not responding.

Step 2 Making a finding

Following the investigation, the principal should determine whether the complaint has substance and make a decision about what action, if any, should be taken.

In addition to the information listed in Step 1, this assessment should take into consideration:

- the circumstances and context of the complaint
- whether evidence was presented by the parties in a credible and consistent manner
- the absence of evidence where it should logically exist.

In making a decision, the principal should consider all available evidence. The principal should be satisfied, so far as is possible, of the facts of the situation and make a decision based on this assessment. The standard of proof is a civil standard of the balance of probabilities – that, on the balance of probabilities, it is more likely than not, that the allegation occurred. The principal does not have to be satisfied beyond reasonable doubt (which is the criminal burden of proof).

Where there are no independent witnesses to provide evidence, the principal may make a decision based on the credibility of the parties involved. Each case should be assessed on its own particular circumstances. 'Hearsay' evidence (that is, evidence provided by a person who did not witness the event or matter in question) may be relied upon, but may be given less weight than direct evidence.



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Step 3 Determining appropriate action

Following the investigation, the options available to the principal are to find the complaint substantiated or not substantiated.

Complaint not substantiated

The principal may determine that a complaint does not have substance and dismiss it. In this case the principal should clarify any misunderstandings and deal with the issues. This may involve:

- acknowledging different perspectives
- reminding those involved of expected standards of conduct
- monitoring the situation carefully.

Complaint substantiated

Where the principal determines that a complaint does have substance the principal is to determine the appropriate course of action.

In addition to determining the appropriate action the principal may consider one or more of the following:

- formal apologies (may be verbal)
- counselling
- undertakings that inappropriate behaviour will cease
- clarification of expectations of appropriate conduct
- setting up a support group
- issuing a warning in relation to the consequences of continued inappropriate behaviour, and placing a copy on the school services officer's personal file
- implementing a formal period of monitoring
- provision of a mentor
- referral to professional development
- implementing Performance Management procedures.

A written response outlining the decision and the reasons for it should be provided to the Respondent.

A response outlining the findings should be provided to the Complainant.

Appeal

A person who is not satisfied the matter has been resolved appropriately or believes that the complaints procedure has not been followed properly may choose to appeal to the Principal of the school if the Principal has not been involved in investigating or examining the complaint, or is not the person named as the source of the grievance.

Alternatively, an appeal may be made to the Diocese of Sale Catholic Education Limited (DOSCEL) (phone 5622 6600).



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GUIDELINES APPLICABLE TO ALL MATTERS

Document Management

As soon as possible after making and acting on a decision, the principal should attach a copy of all documentation related to the complaints process to the Respondent's personal file.

Documents relating to a complaint, unsatisfactory performance or misconduct should be placed by the principal in a sealed envelope marked 'Confidential – Principal only' and filed on the Respondent's personal file.

All documents created as part of the procedures in this policy should be clearly legible, dated and signed with the author clearly identified.

Generally, only the principal or other authorised persons would access these documents as they may contain information that could be considered to be about the personal affairs of people involved and are subject to strict privacy provisions. Principals are responsible for ensuring that all documents are handled with absolute confidentiality. Where possible, faxes should be sent to a machine that cannot be accessed by other staff members. Principals may also need to ensure the confidentiality of any emails sent or received in relation to a particular matter

Confidentiality

The principal must ensure that appropriate confidentiality is properly observed in relation to the management of any complaint, unsatisfactory performance or misconduct procedure. Every effort should be made to respect the confidentiality rights of the Respondent involved. However, it may be necessary to inform other employees who are involved in the investigation or management of the matter. This should be done as discreetly as possible.

Proper steps should be taken at every stage of the procedures to secure documentation, and all persons involved in the procedures should be advised of the importance of maintaining confidentiality. The use of e-mail or facsimiles as part of the procedures may require particular arrangements to be put in place to ensure confidentiality is not breached.

Witnesses

A Respondent may nominate the names of witnesses, including students, who in the Respondent's opinion should be interviewed as part of any investigation. On receipt of these names, the principal/investigator will determine which, if any, of these people will be interviewed and will contact them directly. The Respondent has no right to be present during the interviews. The Respondent must not approach witnesses about their complaint, except to inquire whether they would agree to their name being provided to the principal/investigator for the purposes of being interviewed. In no circumstances is the Respondent to approach a Complainant or student in relation to being a witness. The reason for this protocol is to protect the integrity of the investigation and to ensure that there is no intimidation of any witness. A breach of this protocol will be regarded as a serious breach and may lead to action in respect to misconduct.

Defamation

Allegations may carry the risk of defamation especially if confidentiality has not been maintained properly. It is not defamatory for an individual to make a complaint in good faith through the proper channels. However, the matter should only be discussed with those who have official responsibility for dealing with it. A claim that defamation has occurred may be defended on the basis that the alleged defamatory statement was made without malice and only to a person with a proper duty to receive such a statement.



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Support person

A respondent who is a respondent to a complaint, unsatisfactory performance or misconduct procedure may elect to have a support person present at meetings. If the Respondent chooses not to have a support person the procedures should still continue. It should be minuted that the respondent declined to have a support person present.

The principal/investigator is also entitled to a support person during meetings.

The role of the support person is to provide professional and moral support to the Respondent concerned. He or she also acts as a witness to the process.

Subject to the note below, the support person is to attend meetings as an observer, and is not entitled to participate or represent the Respondent in discussions. The support person may not disrupt the process, intervene during the meeting, direct the process or answer questions on behalf of the Respondent. If, during a meeting between the Respondent and the principal/investigator, the support person wishes to comment or provide advice to the Respondent, the meeting should be adjourned. Should a support person attempt to intervene, direct the process or represent the Respondent, he or she should be warned that this contravenes the role of support person. If the support person persists, the support person may be asked to leave the meeting.

The support person must not be another witness who has been or will be interviewed by the principal/investigator. Apart from this restriction, a Respondent may choose his or her own support person who may be a colleague, union/association representative, family member or friend.

It is not appropriate for meetings to be unreasonably delayed due to the unavailability of a Respondent's support person. If this occurs, the Respondent should be advised to nominate another support person.

Note: In some meetings, the support person may have a valuable role in clarifying matters between the Principal/investigator and the Respondent and, only where the Principal/investigator agrees, the support person may speak to the Principal/investigator on behalf of the Respondent. In such cases, the support person should not present arguments or opinion.

Resources

References:

http://www.education.vic.gov.au/hrweb/Documents/Complaints_Misconduct_and_Unsatisfactory_Performance_TS.pdf

Dissemination & Evaluation

- Policy to be presented to staff at the start of every year and included in the Staff Handbook.
- Policy to be included on school website
- This policy will be reviewed as part of the School Improvement Framework Cycle or as required.

Review

Implementation Date: January 2009

Revised Date: April 2018

Review Date: September 2021