



## COMPLAINTS POLICY

**Purpose:** To provide to all persons within the Trinity Catholic College Lismore community a framework for the timely and fair resolution to complaints.

To ensure that complaints are dealt with in a fair and transparent manner which gives cognisance to the legal obligation of the College in relation to its duty of care to the student but also guarantees procedural fairness and natural justice to the employee.

<b>Addressed to:</b>	Parents Students Staff
<b>Persons Responsible:</b>	Principal Assistant Principals
<b>Date of Introduction:</b>	September 1997
<b>Date of Review</b>	November, 2005 December 2010, March 2014, February 2019
<b>Related Documents</b>	Employee Grievance Guidelines and Procedures located on Lighthouse

### Caveat

Complaints which may refer to sexual harassment or harm to children are not addressed under this policy but are treated in the following:

- a) Child Protection Policy
- b) Mandatory Reporting Guidelines
- c) Sexual Harassment Policy

## **POLICY**

Trinity Catholic College Lismore is committed to seeking feedback from parents, students and staff and to improving the quality and delivery of its services, policies and procedures based on that feedback

Parents, Members of Staff and students have a right to raise concerns they may have about the quality of services provided or about staff providing them, and to have them addressed appropriately. Hence it will make available information about processes for managing complaints.

The College aims to address and seek to resolve all complaints in a timely manner and in accordance with the principles of honesty, transparency and justice to all concerned. No person making a complaint in good faith will be disadvantaged thereby.

### **PROCEDURES:**

#### **1. Making a Complaint**

Parents or students wishing to make a complaint against a Member of Staff should in the first instance contact the appropriate staff as listed below:

<b>POSITION</b>	<b>DEALS WITH</b>
Chair of Council	Principal
Leaders of Learning	Classroom Teachers
Director of Curriculum & /or Director or Pedagogy	Leaders of Learning
Assistant Principal – Students and Staff	Pastoral Care Team
Principal	Sexual Harassment and Child Protection
Business Manager	Non-Teaching Staff (Grounds, Maintenance, Cleaning, Canteen, Purchasing, Science and Library Assistants, Bookhire)
Leader of Administration	Administrative Staff
Principal	All Serious Matters pertaining to the Staff

A parent or student may contact the Principal at any time in relation to a complaint. However such contact will not obviate the procedures laid out in this policy.

#### **2. Addressing Complaints**

2.1. The determination about whether there has been any unsatisfactory/inappropriate practice or action will be made as early as possible and in the fairest and most objective manner possible. Resources deployed in addressing complaints will in general be proportionate to the seriousness of the issue.

2.2. Those handling complaints will:

- clearly identify what support mechanisms and information sources are available to all parties involved in the complaints process;
- provide opportunities for all parties in the complaints process to receive appropriate feedback on the outcome of the process;
- maintain reasonable records of the complaint and formal discussions regarding the complaint.

### **Conflict of Interest**

If in the course of resolving a specific complaint, the reporting line of the person with responsibility within the process for investigating or resolving the complaint creates a real or reasonably perceived conflict of interest, the complaint will be routinely referred to another person who is independent of the conflict.

## **3. Response to Complaints**

3.1. Where, in the professional judgement of the Principal or Member of Staff who has received the complaint, there is a need for a complaint to be addressed, the teacher or Member of Staff concerned must be informed and involved.

3.2. Provided the complaint does not relate to allegations of serious misconduct of sexual, physical or emotional abuse, the parent or student (if appropriate) who has made the complaint should, in the first instance, be requested by the Principal or Member of Staff who receives the complaint, to commit the concern to paper, providing sufficient detail for the employee to understand the nature and context of the complaint.

3.3. If the complainant is unable to commit the complaint to writing, then the person who receives the complaint must record the particulars of the complaint in writing on the person's behalf.

3.4. No response will be made to Anonymous complaints.

## **4. Exceptions**

4.1. While parents and students may from time to time raise concerns or complaints relating to an employee, not all matters will need to be raised with the Member of Staff concerned. If, after initial investigation the matter proves to be unfounded, vindictive or the complainant is not prepared to follow agreed process in documenting the complaint, proceedings will be terminated.

4.2. Complaints not raised with the Member of Staff concerned at the time must not be relied upon in any further disciplinary proceedings or professional contexts.

## **5. Process**

- 5.1. Where, in the professional judgement of the Principal or his appointee, there is a need for a complaint to be addressed or acted on, or it is in the best interests professionally or educationally, the employee must be informed of the complaint in writing.
- 5.2. Employees are entitled to know the details of the complaint against them, including the name of the person raising the complaint, the specific details of the complaint, and be given the opportunity to respond prior to any action being taken in response to the complaint.
- 5.3. It is unprofessional and a denial of natural justice for the name of the complainant and the details of the complaint to be withheld from the employee concerned. Such withholding of key information does not afford the employee an appropriate and adequate opportunity to respond to and address the complaint.
- 5.4. The employee should be given the option of responding in writing or attending a meeting with the complainant with a view to determining whether resolution can be achieved.
- 5.5. Where it is intended that there is to be a meeting of the employee concerned with the Principal, parents/students or other appropriate staff in relation to the complaint, the employee concerned should be told, in writing and with sufficient notice, the purpose of the meeting and who will be attending the meeting.
- 5.6. The employee concerned will be given the opportunity to be accompanied by a representative of their professional union or a Member of Staff of their choice. He/she will be involved in discussions about the resolution of the concern and any actions arising from the complaint, especially where this involves commitments or correspondence to the complainant.

## **6. Unresolved Complaints**

- 6.1. If, following the procedure outlined above, the complainant does not feel the matter has been resolved, the complainant may raise the concern with the Principal or his appointee who will:
  - discuss the matter further with the complainant and, if it is found that the complaint is genuine, will discuss the concern with the teacher or other Member of Staff concerned; or
  - discuss the matter further with the complainant and, where the concern is based on misinformation, misunderstanding or is vexatious or misconceived, clarify the matter with the complainant.
- 6.2. If the matter of complaint remains unresolved if matters of disagreement or interpretation are unable to be resolved, the parties shall be offered mediation according to the following procedures.
  - Where mediation is required the College will appoint (at its cost) a mediator who is agreed to by the parties involved
  - The parties will observe the instructions of the mediator concerning the conduct of the mediation.

- The mediation procedure is confidential and no party can use as evidence in court proceedings any discussions between the parties and the mediator.
- If the mediation process has been completed and resolution has not been achieved then the decision as to whether any further action should be taken in relation to the complaint shall be solely at the discretion of the Principal.

6.3. Members of Staff against whom complaints are made will undertake to not victimise or seek retribution against any complainant or student.

## **7. Confidentiality**

7.1. Confidentiality shall be maintained at all stages of the complaint procedures with communication limited to those people who need to be informed in order to resolve the complaint. Details of a complaint shall be known only to those directly involved in its resolution

7.2. The identity of the person reporting the matter must not be revealed to any other person without that person's knowledge and consent, unless it is required to be disclosed by law.

## **8. Records**

8.1. Records of the complaint, the process for handling the complaint and any outcomes should be kept.

8.2. Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint must be given to the teacher or Member of Staff concerned, who must have access to the files kept on them by the College.

8.3. Where the complaint is found to be vexatious or based on misinformation etc, any record pertaining to the complaint or handling of the complaint will be kept in a file separate from that of the teacher or Member of Staff concerned.

## **9. Grievance Procedure**

9.1. If a teacher or other Member of Staff believes that the process of handling the complaint and/or the outcome of the complaint have been unfair and/or inappropriate, he/she has the right to pursue grievance procedures. In such situations, the teacher or other Member of Staff concerned should be granted access to all file notes.

## **10. Natural Justice**

10.1. In implementing this policy, the College will ensure that the principles of natural justice apply to complaint management, that is:

- all parties to a complaint shall have the right to be heard;
- all relevant submissions and evidence shall be considered;
- matters that are not relevant shall not be taken into account;
- the decision maker shall not be biased or appear to be biased.

## **11. Communication of Policy**

11.1. All stakeholders, i.e. parents, students and staff shall be provided with information about the complaint policy and process.

### **DEFINITIONS**

**Complaint:** an expression of dissatisfaction with a product or service provided by the College.

**Complainant:** any person making complaint.

**Grievance:** an actual or supposed circumstance regarded as just cause for complaint.

**Natural Justice:** natural justice principles include that:

- the respondent shall have a right to be heard before the decision is made;
- all parties to a complaint shall have the right to be heard;
- all relevant submissions and evidence shall be considered;
- matters that are not relevant shall not be taken into account;
- the decision maker shall not be biased or appear to be biased.

**Respondent:** someone who responds or makes reply to a complaint allegation.

**Vexatious Complaints:** those deemed to be mischievous, frivolous, malicious, misconceived, lacking in substance, not made in good faith or containing spurious information, and predominantly aimed at annoying, harassing and/or intimidating Member of Staffs. Complaints found to be vexatious will not be investigated.