

Complaints Handling Policy



Policy Number:	401.1.003
Released:	24 September 2020
Review by:	October 2021
Document Owner:	Catholic Education Diocese of Wagga Wagga (CEDWW)
Relevant Contact:	People and Culture Team
Related Documents:	Complaints Handling Procedure, Code of Conduct, Child Protection Policy, Child Protection Procedures, Towards Positive Workplace Culture Policy, Whistleblower Policy

Complaints Handling Policy

1. Introduction and Purpose

This document outlines how the Catholic Education Diocese of Wagga Wagga (CEDWW) assesses, resolves and follows up complaints received by CEDWW. CEDWW is committed to resolving complaints, concerns and grievances in a manner that is reflective of the Catholic mission and respects the dignity of the individual.

This document is consistent with the requirements prescribed by the New South Wales Education Standards Authority (NESA) with respect to ensuring all schools in CEDWW provides a safe and supportive environment to its students and establishes a process for raising and responding to matters of concern, complaints and grievances identified by students and/or families. CEDWW believes that majority of the issues will be resolved by the school and occasionally, assistance from the CEDWW may be sought for resolution of complaints.

This document also aims to promote and maintain positive and harmonious relationships amongst all members of CEDWW community including staff, parents and students.

The CEDWW complaint process is intended to:

- resolve complaints in a timely, fair and helpful manner;
- enabled CEDWW and the School to take ownership of complaints and ensuring that people who are responding to complaints are supported;
- give the School and CEDWW immediate and wider community confidence in our administrative purpose;
- ensure transparency of complaints handling;
- provide information to enhance our services, systems and complaints handling; and
- prevent complainants including students, from experiencing any detriment as a result of a complaint made by them or on their behalf.

2. Scope

This document applies to all CEDWW schools and office in handling complaints made in respect of services provided by CEDWW, its schools or against people employed or engaged by CEDWW whether or not they are employed or engaged in connection with work or activities in a paid or volunteer capacity. This document also applies to complaints among employees, with support from the associated procedures.

This document does not apply to inquiries and/or suggestions that may be raised with or submitted to the School or the CEDWW.

This document does not apply to grievances that are covered under the *CEDWW Whistleblower Policy*.

This document and the associated procedures are not applicable to complaints related to ongoing legal proceedings or under the jurisdiction of other organisations/statutory bodies, including, but not limited to, the Department of Communities and Justice, the Police or the Office of the Children's Guardian.

3. Policy

3.1. A complaint can be:

- 3.1.1. an expression of dissatisfaction made by a member of CEDWW community about any

- aspect of services provided by CEDWW;
 - 3.1.2. about the conduct of a staff member;
 - 3.1.3. in relation to application or non-application of existing practices, policies or procedures.
 - 3.1.4. a staff complaint about another staff member relating to a range of concerns including breaches of the *CEDWW Workplace Behaviour Policy*
- 3.2.** All schools must make readily available and accessible to students, families and staff, a copy of this document and any school processes with respect to complaints and queries which includes the following features as a minimum standard:
- a) an email address and a contact number (for example the school's general contact number) to accept general queries and complaints;
 - b) a link from the school website to this document on the CEDWW website;
 - c) name and contact details of the appropriate person at the school to resolve different issues (for example, day-to-day concerns, behavioural matters; and
 - d) a copy of the school's Resolution of Complaints flowchart.
- 3.3.** All members of the school and the CEDWW community have an obligation to treat others with respect and not raise frivolous, malicious or vexatious complaints.
- 3.4.** The vast majority of complaints are to be addressed and managed at the school level.
- 3.5.** Complaints are to be informally resolved at the most immediate level possible, that is, directly between the individuals who are party to the grievance.
- 3.5.1. Wherever possible, staff should attempt to directly resolve a complaint raised by a member of the school community, a consumer or other person by providing relevant information and/or feedback regarding the raised concern.
 - 3.5.2. Staff are also encouraged to attempt to resolve issues and concerns with other staff, face to face.
- 3.6.** If a complaint cannot be resolved directly or face to face, it should be referred to the Principal or the immediate workplace manager.
- 3.7.** If a complaint is against the Principal and if it cannot be resolved at the local level, the aggrieved person should contact the System Performance Team at CEDWW.
- 3.8.** All complaints are handled in a fair, transparent and efficient manner in accordance with the applicable procedures.
- 3.8.1. There may be some circumstances where some steps outlined in this document and the associated procedures are not appropriate and CEDWW or the School, under direction of CEDWW, will determine, on a case by case basis, the most appropriate method of handling the complaint.
 - 3.8.2. All persons involved in the process, including the complainant, must assist with the inquiries and respond promptly and co-operatively when the person managing the complaint makes any reasonable requests for information.
- 3.9.** All persons raising a complaint should be treated with respect, protected from victimisation, kept informed on the status of the complaint and any recommendations that may result from it.
- 3.10.** The School and CEDWW adopt a restorative practice to resolution of complaints, unless deemed inappropriate in the circumstances.
- 3.10.1. In relation to managing complaints and grievances regarding harassment, bullying or discrimination, the School and CEDWW, in assessing the complaint will refer to the *CEDWW Workplace Behaviour Policy*, the *Code of Conduct* and the School's student management policies and procedures.

- 3.11.** All complaints will be handled confidentially in so far as permitted under the relevant State and Commonwealth Law.
- 3.11.1. All parties to a complaint must keep confidentiality about complaints at all times, including after a satisfactory resolution.
 - 3.11.2. If the complaint is about the conduct of a staff member that may be reportable conduct, the matter will be addressed in accordance with the *CEDWW Child Protection Policy*.
 - 3.11.3. Any concern about a student wellbeing or safety may be reported to the appropriate authorities under this Document as governed by State and Commonwealth Law.
 - 3.11.4. If information about a complaint is discussed or released without authorization, the staff member who released the information could find themselves the subject of disciplinary action for misconduct.
- 3.12.** A complaint to the school or to CEDWW can be either verbal or written.
- 3.12.1. The School or CEDWW may require the complainant to provide a formal complaint in writing to the School or CEDWW.
 - 3.12.2. Any formal complaint by a staff member about another staff member must be made in writing.
 - 3.12.3. The School or CEDWW must acknowledge receipt of a formal complaint in writing as soon as practicable.
- 3.13.** If the School or CEDWW receive an anonymous complaint, they must still deal with the issues that are raised to the extent possible.
- 3.14.** A complaint about the conduct of a staff member should be raised directly with the Principal or their delegate in the first instance. The Principal, or their delegate:
- 3.14.1. will assess the complaint to determine whether the complaint is one to be addressed under the relevant procedures associated with this document or under CEDWW Child Protection Policy;
 - 3.14.2. must ensure where there is a risk of significant harm to a student, the matter is reported to the Department of Communities and Justice in accordance with mandatory reporting obligations under Children and Young Persons (Care and Protection) Act 1998 (NSW);
 - 3.14.3. must ensure all allegations of criminal conduct are reported to the NSW Police; and
 - 3.14.4. may refer the complaint to an appropriate member of the School Leadership Team or another staff member, where appropriate, to facilitate enquiries, investigation and resolution consistent with this document and the related procedures.
- 3.15.** Staff members, against whom complaints have been made, have a right to be informed of the formal complaints and are offered an opportunity to respond.
- 3.16.** Matters which cannot be managed or resolved at the school level due to their complexity or need for specialist management will be reviewed and addressed by an appropriate member of the System Performance Team at CEDWW.
- 3.16.1. The School may refer significant complaints to CEDWW for review and/or assistance for resolution or mediation.
 - 3.16.2. Where a complainant, has attempted to resolve an issue at the school level, but has been unsuccessful, an appropriate member of the System Performance Team at CEDWW will assess the matter to determine if it requires intervention, mediation or formal review.
 - 3.16.3. Complaints made to CEDWW office will generally be addressed by an appropriate member of the People and Culture Team on behalf of the Director of Education.
 - 3.16.4. Where appropriate, complaints made to directly CEDWW office may be referred to the School if the complainant has not taken steps to first report the concern to the school, or in circumstances deemed appropriate by CEDWW.
- 3.17.** A complainant and the relevant parties that the complaint is about are entitled to have a

support person at any meeting with any representative of the School or the CEDWW about the complaint.

3.17.1. The School and CEDWW maintain the right to determine whether the person's preferred support person is appropriate.

3.17.2. The School and CEDWW may not approve the attendance of a support person where they are determined by the School or CEDWW to be inappropriate. This includes, but is not limited to, instances where there are reasonable grounds to believe that the support person poses a risk to health or safety or their right to information about a child or young person is restricted by law.

3.18. The School and CEDWW will keep records of significant complaints and the resolution outcomes.

3.19. The availability of a review is an integral part of the complaints resolution process.

3.19.1. A review process is available for significant complaints that have been considered at the school level, and were unable to be resolved.

3.19.2. Where the matter has been considered by the Principal and has not been resolved, the request for a review of a significant complaint must be made in writing to the System Performance Team at CEDWW, outlining reasons for the requested review of the decision reached by the Principal.

3.19.3. An appropriate member of the System Performance Team at CEDWW, or in certain matters, the Director of Education, will consider the request for review to determine whether the matter should be reviewed.

3.19.4. If a review is not agreed to, the original decision will stand.

3.19.5. If a review is agreed to, the reviewer will take all reasonable steps to gain relevant information from all parties and will make a determination based on the evidence.

3.19.6. Where the reviewer recommends that the original decision should be modified or changes, the reviewer will work with the Principal to provide a suitable resolution, based on the findings of the reviewer.

3.19.7. Where the reviewer makes no recommendation pertaining to the original decision, then the original decision will stand.

3.19.8. If the reviewer has advised the outcome verbally, they should confirm the advice in writing as soon as possible to both the person making the complaint and the manager of the initial complaint.

3.19.9. After the final determination in a review process, the matter will not be reopened unless, in the opinion of the Director of Education, substantial new information has been presented that could potentially change the outcome.

3.19.10. The school and CEDWW review process must be documented and stored confidentially.

4. Responsibilities and Delegations

4.1. Director of Education

4.1.1. review systemic issues arising from complaints;

4.1.2. support a culture that values complaints and their resolution;

4.1.3. as appropriate, handle certain complaints pursuant to this document and its associated procedures;

4.1.4. support staff to handle complaints promptly and responsibly; and

4.1.5. foster workplaces that are respectful and productive.

4.2. Principals and Workplace Managers

4.2.1. manage complaints in accordance with this document and its associated procedures;

4.2.2. establish a system of review and checks and balances with respect to complaint outcomes and management;

4.2.3. escalate high risk and systematic issues arising from complaints to the System

Performance Team at the CEDWW;

- 4.2.4. support staff and members of the community involved in the complaint process; and
- 4.2.5. encourage staff to resolve concerns directly wherever possible.

4.3. All School and Office Staff

- 4.3.1. comply with this document and its associated procedures;
- 4.3.2. maintain confidentiality and not share information with others pertaining to complaints, unless appropriate and in accordance with this document and its associated procedures;
- 4.3.3. identify when complaints are being made and assist people to make complaints if they wish to do so;
- 4.3.4. respond effectively to individual complaints, when requested;
- 4.3.5. escalate complaints and review of complaint handling to more senior staff if necessary; and
- 4.3.6. treat all people with respect including persons making the complaint and any person who is subject of a complaint.

5. Explanatory Notes and Definitions

Confidentially means that information obtained during the course of investigation of complaints will be treated as confidential. Principals and authorised officers of the CEDWW may exercise their discretion as to how information is shared and with whom where appropriate.

Inquiry is a question raised by a student, family parent or caregiver, member of the community, staff about the services provided by the school or the CEDWW. While inquiries are generally considered as someone seeking information, it can also be considered a complaint.

Restorative Practice is an approach that puts the reparation of harm done to relationships and people over and above the need for assigning blame and dispensing punishment where someone has caused offence. It is not appropriate in every case.

Reviewer is an appropriate member of the System Performance Team at the CEDWW, the Director of Education or their delegate.

Significant Complaint is a complaint that due to the complexity of circumstances and the interrelationships of factors has been assessed by the Principal or an appropriate officer of the CEDWW as significant. Examples of such complaints include, but are not limited to, a significant breakdown of relationships in the school community has occurred and therefore the complaint cannot be resolved at the school level; the matter is likely to impact on the future wellbeing of the student; or there are potential legal or criminal implications.

Substantial New Information is a threshold required to show that the new information has the potential to alter the previous decision reached in a complaint by the Principal of a School, if found to be credible. Factors to be considered could include:

- whether the process associated with management of complaints was appropriately followed;
- the emergence of a new witness or new documents relating to the same issue;
- the discrediting or retraction of previous information that was pertinent to the previous determination; or
- revelation of a conflict of interest.

Suggestion is an idea or plan that is put forward for consideration by the school or the CEDWW.