

ST. JOSEPH'S COLLEGE

CATHOLIC EDUCATION IN THE BRIGIDINE TRADITION



Procedure

COMPLAINTS RESOLUTION POLICY

RELEVANT POLICY

Wellbeing and OHS Policy

Rationale

As a Kildare Education Ministries school St Joseph's strives to be a community of faith, hope and love where communication takes place in an environment of transparency, respect, compassion, tolerance and inclusion in the interests of all students. All Catholic Schools 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 may cause concern, be upsetting, be discriminatory, or constitute harassment.

Catholic teaching emphasises the primacy of parents as the first teachers of their children. Within the reality of the schooling experience, it is recognised that from time to time misunderstandings and differences of opinion will occur, and that these need to be resolved satisfactorily in partnership with the stakeholders involved. Addressing such matters within a framework of dignity, respect and truth can provide powerful opportunities to model the love of Christ in the reality of our contemporary world.

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 leadership team or other staff/students/parents) that they feel is unacceptable, unreasonable or discriminatory.

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.

Examples of complaints covered by this policy include:

- issues related to student discipline procedures
- issues related to learning and teaching
- issues related to professional conduct
- issues related to relational disputes
- damage/loss of personal property
- bullying and harassment

In conjunction with this complaints procedure, note should be taken of relevant legislation, guidelines, policies and procedures pertinent to the issue, including for instance:

- Occupational Health and Safety issues
- Child Protection Legislation,
- The Care and Protection of our Children and Young People
- Professional Conduct
- Enrolment Policy and Procedures
- Behavioural Management Policy

Scope

This policy outlines St Joseph's College complaints resolutions process for complaints that are referred to the College from parents, guardians, carers and students (the Complainant). Procedures for making a complaint are presented in Section 8 of this policy.

Definition

A complaint is an expression of dissatisfaction with an action taken, decision made, service provided or handling of an issue at St Joseph's College.

Guiding principles

In receiving and responding to complaints, the following guiding principles will inform and direct the actions of St Joseph's College:

- complaints are best received and managed at the school level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties;
- complainants can expect their concern or complaint to be responded to in a respectful and timely manner
- complainants and the person(s) against whom the complaint is made have the right to be heard and to expect that procedural fairness will be observed;
- confidentiality, protection of privacy, respect, access, dignity and impartiality will form the basis of the complaints resolution process;
- the complaints resolution process will seek to achieve the restoration of good and respectful relationships
- complaints regarding alleged sexual abuse cannot be investigated by the College. These must and will be reported to the police and to the Department of Human Services (see section 5.2 below).

Complaints against teachers and staff

The nature of the complaint will determine who is the most appropriate person or body to manage a complainant's concerns.

Misconduct or serious misconduct

All complaints of alleged misconduct or serious misconduct by a teacher or staff member should be reported to the principal of the school. Complaints about teachers can also be reported to the Victorian Institute of Teaching (VIT), which is the regulator in relation to the registration and investigation of serious misconduct (including conduct which is of a physical or emotional nature) of all teachers in the state of Victoria. If unsure if the complaint constitutes serious misconduct by a teacher, contact the VIT on Telephone 1300 888 067 or email vit@vit.vic.edu.au.

In some cases, certain actions which involve physical or emotional misconduct, such as unlawful assault or threats to the person, may constitute a criminal offence. These types of offences should be reported to and investigated by the police.

Consultation with the principal of the school is strongly recommended and may help to determine the appropriate course of action in these circumstances.

Where the misconduct or serious misconduct issue is alleged against the principal of the College, complaints should be made to the Chair of the Board or the Executive Officer of Kildare Education Ministries.

Child abuse (including sexual offences)

There are legal obligations on all adults to report child abuse to police once a reasonable belief is formed that a sexual offence has been committed against a child. Failure to disclose a sexual offence against a child is a criminal offence under Section 327 of the *Crimes Act 1958 (Vic.)* and applies to all adults (18 years and over) in Victoria.

Complaints involving communication with children under 16 years by teachers, staff, or any other person to prepare or 'groom' a child for future sexual activity is a criminal offence under Section 49B (2) of the *Crimes Act 1958 (Vic.)* and must be reported to the police. The offence of grooming applies to any person aged 18 years or over and does not apply to communication between people who are both under 18 years of age.

Complaints against the principal of a school

Complaints against the principal of a KEM school should be referred to Kildare Education Ministries. Complainants can be referred to the Chair, a Director or Executive Officer of the KEM Board. Alternatively, the complaint can be referred directly to the Trustees of Kildare Ministries (see contact details below).

Complainants may also choose to contact the relevant Catholic Education Office in the region or diocese in which the school is located. In most instances reports to Catholic Education Offices will be referred to Kildare Education Ministries, as the governing body of the College.

Complaints against clergy or other religious persons

If the complaint relates to the clergy or other religious persons, the complainant should contact and seek advice from the Professional Standards Unit of the Vicar General's Office in the Archdiocese of Melbourne, 228 Victoria Parade, East Melbourne. Contact www.cam.org.au or telephone 03 9926 5680. Contact can also be made with the Catholic Education in Sandhurst on 03 5443 2377.

If the priest or religious person is a member of a religious order, the complainant should also contact the Provincial Head or Professional Standards Office of that congregation or religious order.

Anonymous complaints

St Joseph's College will endeavor to address and respond to all complaints. In some situations however, St Joseph's College will not address complaints that are made anonymously or which lack sufficient detail to enable an investigation or resolution of the matter. To ensure procedural fairness, respondents have a right to know the particulars of the allegations being made against them, and be given an opportunity to respond to them.

Making a complaint

In the first instance areas of concern should be raised with the relevant teacher or students learning mentor.

If that is not appropriate or the issue was not addressed to your satisfaction, please use the link on our website, or a direct email to our Staff & Governance Leader to lodge a formal complaint:

Rachel McAsey

Staff & Governance Leader

Phone: 5482 2577

E/mail: complaints@sje.vic.edu.au

Actions to be taken following receipt of a complaint

Following receipt of a complaint, the College may take some or all of the following actions:

- acknowledge receipt of a written complaint within 3 days, ensuring the complainant is aware of the College's complaints handling procedures. Generally the issue should aim to be resolved with 14 working days.
- record the complaint in the agreed data management system to ensure the complaint can be tracked.
- advise the complainant that a record of their complaint is being maintained.
- contact the complainant for more information to help assess the issues or allegations.
- assess the complaint, which may result in undertaking one or more of the following processes to help resolve it:
 - allow more time for resolution;
 - provide assistance to reach a resolution through leadership team support;
 - arrange for an independent investigation.
 - where necessary, seek advice from appropriate sources and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal/redress already exist.
- advise the complainant of any delays that may occur in the College's ability to respond within a set timeframe.
- where necessary, actively support the complainant with special needs through the complaint process.
- record the outcome of the complaint in the agreed system database.
- Communicate the outcome of the complaint investigation to the complainant.

Possible outcomes of a complaint to St Joseph's College

The College's assessment may result in the complaint being upheld or not upheld. If the complaint is upheld, suggested actions could include providing the complainant with:

- an apology or expression of regret.
- formal communication of a change of decision, policy, procedure or practice.
- the provision of counselling or other support.

If the complaint is not upheld the suggested actions could include providing the complainant with:

- an explanation of:
 - how the decision taken is consistent with school policy
 - how the decision taken is supported by an external agency that specialises in

the area under
consideration

- how College policies and guidelines are reflected in and supportive of the decision.
- the provision of counselling or other support.

Complainants should note that privacy laws may prohibit information being provided to the complainant of any specific action that has been taken in relation to individuals about whom the complaint has been raised. This is also consistent with the College's commitment to uphold the dignity of each person involved during the complaint process.

Complaint escalation

If the matter cannot be resolved at the school level, or if the complaint is about the principal of the school, complainants may contact Kildare Education Ministries (see 5.3 above and 9 below). Refer to the Kildare Education Ministries Complaints Policy.

Lodging complaints with Kildare Education Ministries

A complaint can be referred to Kildare Education Ministries via mail, email (adminassistant@kildareministries.org.au) or telephone as per contact details below. Complainants should read the Kildare Education Ministries Complaints Policy before making a complaint to KEM.

Kildare Education Ministries Executive Officer Brigidine Ministry Centre 54 Beaconsfield Parade Albert Park VIC 3206 Phone: 9682 2973	Kildare Education Ministries Chairperson KEM Board Brigidine Ministry Centre 54 Beaconsfield Parade Albert Park VIC 3206 Phone: 9682 2973
Kildare Ministries Executive Director Brigidine Ministry Centre 54 Beaconsfield Parade Albert Park VIC 3206 Phone: 9682 2973	Sandhurst CEO Director Catholic Education Centre 120 Hargreaves St (PO Box 477) Bendigo 3552 Phone: 5443 2377

Related Legislation

The relevant legislative and regulatory framework for this policy includes:

- Children, Youth and Families Act 2005 (Vic.)
- Children's Protection Act 1993(SA)
- Education and Training Reform Act 2006
- Education and Training Reform Regulations 2007
- Charter of Human Rights and Responsibilities Act 2006
- Protected Disclosure Act 2012
- Privacy Act 1988
- Crimes Act 1958
- Equal Opportunity Act 2010
- Wrongs Act 1958
- Disability Discrimination Act (DDA) 1992
- Disability Standards for Education (DSE) 2005
- Racial Discrimination Act 1975
- Migration Act 1958

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Leadership Team
Ratified:
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Responsibility for implementation of review: Staff & Governance Leader

DIAGRAM 1 – Who to Contact

