

## COMPLAINTS MANAGEMENT POLICY

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### 1. MISSION AND VISION

**Mission:** Excellence in education within a Christ-centred environment in which all flourish.

**Vision:** An inclusive, innovative system of Catholic schools in which lives are transformed through witness to Christ.

### 2. PURPOSE

The purpose of this policy is to clarify the agreed practices for complaints management in schools and at Catholic Education Diocese of Bathurst in relation to Catholic Education Diocese of Bathurst staff as well as students, community, volunteers, religious and contractors. This policy ensures complaints are dealt with in an effective, efficient, timely and specific process.

### 3. EXPECTATIONS

It is expected that all staff, students, community, volunteers and contractors at Catholic Education Diocese of Bathurst and in Catholic Education Diocese of Bathurst schools will adhere to the scope, procedures and implementation outlined in this document as these are the agreed practices of Catholic Education Diocese of Bathurst. A school Complaints Management Policy is not required but it is expected that schools will develop, document and implement school specific practices in relation to the Complaints Management Policy.

Schools must have a copy of the Complaints Management Policy on their school website for parents and the community to access.

Individuals making a complaint can expect to be informed as to

- the designated person who will investigate the complaint
- the time frame for investigation - this may alter during the investigation but the complainant will be kept informed
- the processes involved in the investigation, including those of procedural fairness and good faith
- Appendix 2 has details of the processes and timeframe for anyone making a Complaint.

### 4. DEFINITIONS

### 5. GUIDELINES

The following informs this policy:

1. Good Faith
  - o All parties are responsible for participating in the process in good faith and will be treated with respect, impartiality, dignity, privacy and confidentiality
  - o Malicious or vexatious complaints do not meet the good faith criterion

- o Anonymous complaints may not be fully investigated as they may not meet the good faith criterion and may contain insufficient detail
- 2. Procedural Fairness
  - o The principles of procedural fairness and timeliness will be applied in all complaints
  - o Complaints will be treated confidentially and all parties involved must adhere to confidentiality principles
  - o Investigations will be open and unbiased with all parties receiving a fair hearing
  - o No decisions or resolutions should be made until all the facts are clear
  - o The wishes of the complainant will be taken into account if possible in the investigation
- 3. Resolve issues directly
  - o Complaints should if at all possible be resolved at the school before referral to Catholic Education Diocese of Bathurst
  - o Catholic Education Diocese of Bathurst may refer complaints back to schools if they have not been addressed at this level
  - o All parties are welcome to take a support person to any meeting about the complaint
  - o Use of other agencies may be appropriate to the process. The complainant must advise the school or Catholic Education Diocese of Bathurst if the matter is being pursued through alternative agencies
- 4. Legal Issues
  - o Any complaint that constitutes a child protection issue is managed in accordance with the Diocesan Child Protection Policy and under the relevant Child Protection legislation
  - o Any complaint that refers to Clergy will be referred to the Diocesan Chancery
  - o Any complaint which is potentially unlawful will be referred to an appropriate agency
- 5. Conflict of Interest
  - o If a Conflict of Interest or perceived Conflict of Interest exists, the complaint will be investigated accordingly and may use an external agency
- 6. Record of Complaints/Appeals
  - o Schools and Catholic Education Diocese of Bathurst maintain a Complaints Register (Appendix 3)
  - o Documentation from the investigation is attached to the register
  - o Documentation from any appeals must be retained
  - o Records are stored for the required period
- 7. Timeliness
  - o All phases of the process should be completed in a timely manner and communicated to the complainant if the process cannot occur in the recommended time frames.
  - o The Initial Phase should occur within 48 hours
  - o The Assess Phase should occur within 2 - 4 weeks. This will depend upon information gathered and further clarifications required
  - o The Resolution Phase should occur immediately after the Assess Phase
  - o Follow up should continue for a relevant period after Resolution Phase has been implemented

## 6. PROCEDURES

### The Complaint process

Appendix 2 Complainant/Parent/Guardian/Student Process in Making a Complaint

Appendix 4 Complaints Process Flowchart

Appendix 5 Steps for Resolution of Complaints at schools

Appendix 6 Steps for Resolution of Complaints at Catholic Education Diocese of Bathurst

### Appeals

There are two avenues of appeal if the complainant feels that the complaints procedure has not been followed correctly, or that the outcome is unreasonable.

### 1. Appeals at School Level

Appeals at school level are directed:

- to the Principal, if the Principal has not been involved in investigating the complaint, and is not the person named as the source of the grievance
- to the Catholic Education Diocese of Bathurst if the Principal has been involved

This appeal will consider:

- whether the complaint was handled properly in line with the Complaints Resolution process
- the outcome of the process and the basis for the appeal
- if it is resolved that the outcome is appropriate, the complainant will be notified and no further action will be taken by the school
- if it is resolved that the outcome is inappropriate or the process was not followed, the complainant will be notified and action will be taken for the complaint to be reviewed
- Appeals documentation must be recorded and stored.

### 2. Appeals at Catholic Education Diocese of Bathurst Level

Appeals at Catholic Education Diocese of Bathurst level are directed:

- to the Personal Assistant to the Executive Director of Schools. The Executive Director of Schools will determine who will undertake a review of the outcome and process at Catholic Education Diocese of Bathurst

This appeal will consider:

- whether the complaint was handled properly in line with the Complaints Resolution process
- the outcome of the process and the basis for the appeal
- if it is resolved that the outcome is appropriate, the complainant will be notified and no further action will be taken by Catholic Education Diocese of Bathurst
- if it is resolved that the outcome is unreasonable or the process was not followed, the complainant will be notified and action will be taken for the complaint to be reviewed.
- Appeals documentation must be recorded and stored.

## 7. LEGISLATIVE FRAMEWORK

*Anti-Discrimination Act 1977*

*Racial Discrimination Act 1975*

*Disability Discrimination Act 1992*

*Sex Discrimination Act 1984*

*Workplace Health and Safety Act 2011*

*Ombudsman Act 1976 (NSW)*

## 8. RELATED POLICIES AND GUIDELINES

*Workplace Grievance Policy* Catholic Education Diocese of Bathurst

*Discrimination, Harassment and Bullying Policy* Catholic Education Diocese of Bathurst

*Workplace Health and Safety Policy* Catholic Education Diocese of Bathurst

*Child Protection Policy* Catholic Education Diocese of Bathurst

*'Registration Systems and Member Non-government Schools (NSW) Manual* NESA

*Code of Conduct for Employees* Catholic Education Diocese of Bathurst

*Staff Discipline Policy* Catholic Education Diocese of Bathurst

*Procedural Fairness Guidelines* Catholic Education Diocese of Bathurst

## 9. POLICY ADMINISTRATION

This policy has been ratified by the Executive Director of Schools and implemented and will be reviewed periodically, or in the event of any information or incident that indicates the need for a review, or following relevant legislative or organisational change.

It is the responsibility of anyone accessing this document to ensure that the current version is downloaded from Catholic Education Diocese of Bathurst website.

Date of Implementation	2009
Date of Last Review	2021
Date for Next Review	2024
Responsible for Review	Leader HR, Risk & WHS

## Appendices

Appendix 1	Definitions
Appendix 2	Complainant/Parent/Guardian/Student Process in Making a Complaint
Appendix 3	Complaints Register
Appendix 4	Complaints Process Flowchart
Appendix 6	Steps for Resolution of Complaints at schools
Appendix 7	Procedural Fairness

## Appendix 1 Definitions

### Complaint

A complaint involves an expression of dissatisfaction or a concern about a Catholic Education Diocese of Bathurst employee or a volunteer, religious person, or contractor, or a process. It also includes concerns about organisational, curriculum or cultural matters. Complaints are an opportunity to identify issues and take action to improve the situation or relationship and drive a culture of continuous improvement. Information on the Complaint process is available for the complainant/parent/guardian in Appendix 1.

### Complainant

A person, organisation or advocate making a complaint.

### Designated Persons

An impartial person who acts in a timely manner to investigate the complaint according to the Complaint Management Process (Appendix 2, 3, 4 and 5).

#### At the school

The school will consider the local school context and organisation and will nominate a designated person/s responsible for dealing with the complaint. A designated person will generally be a Coordinator, Assistant Principal or Principal. The designated person is to be communicated to relevant staff, parents and students and the complainant. This person may require training or Catholic Education Diocese of Bathurst assistance to undertake the role.

#### At Catholic Education Diocese of Bathurst

When a complaint is received it is registered by the Personal Assistant to the Executive Director of Schools who will also inform the complainant of who the designated person is. The complaint is then communicated to the relevant Consultant to Schools who is the designated person. If the Consultant to Schools is involved in the complaint then the Executive Director of Schools will nominate a designated person to undertake the investigation.

### Good Faith

A sincere intention to deal fairly with others without malice or the desire to harm others.

### Procedural Fairness

It is a basic right of all individuals to have a legitimate expectation that Principals and Catholic Education Diocese of Bathurst staff will follow these principles when decisions are made affecting their rights, interests or legitimate expectations.

### Resolution

A complaint is resolved when the issue raised has been dealt with in line with Catholic Education Diocese of Bathurst Management of Complaints Policy. The resolution may or may not be to the complainant's satisfaction.

## Appendix 2: Complainant/Parent/Guardian/Student Processes in making a Complaint

### The Complaint process

1. The complainant/parent/guardian/student determines whether the complaint is to be directed to the school or the Catholic Education Diocese of Bathurst. Complaints should generally be resolved at the school. Complaints made to the Catholic Education Diocese of Bathurst that have not been initially referred to schools will be directed to the school in the first instance.
2. The complainant/parent/guardian/student should provide the complaint to the most relevant person depending upon the issue being raised. eg
  - a. Complaint regarding student(s) to class teacher or Year Coordinator or Assistant Principal
  - b. Complaint regarding staff to the Principal
  - c. Complaint regarding Principal to Catholic Education Diocese of Bathurst
3. The complainant/parent/guardian/student informs the school or Catholic Education Diocese of Bathurst of the complaint. It is recommended that the complaint be in writing and clearly articulate the issue. A phone complaint will be accepted, but a written complaint provides clarity around the issues.
4. The complainant/parent/guardian/student can expect the complaint to be dealt with in a timely manner through having it entered into the Complaints Register and a person designated to deal with the complaint.
5. The designated person will contact the complainant within 48 hours informing them of the process to be followed to investigate the complaint.
6. The designated person will implement an investigation into the complaint and maintain contact with the complainant during this period to clarify or gather additional information.
7. The complainant/parent/guardian/student contacts the designated person, if required, regarding the complaint, its investigation, and resolution.
8. The designated person will inform the complainant/parent/guardian/student of the outcome of the investigation and processes to be implemented as a result.

### The Appeals process

9. If the complainant/parent/guardian/student is not satisfied with the handling, investigation or processes used in investigating a complaint, they have the right to follow the appeals process.
10. The complainant/parent/guardian/student determines whether the appeal is to be directed to the school or the Catholic Education Diocese of Bathurst. Appeals should be directed to the school if that is where the complaint was handled, and to the Catholic Education Diocese of Bathurst if that is where the complaint was handled.
11. The complainant/parent/guardian/student should provide details of the appeal to the Principal or Catholic Education Diocese of Bathurst. Any appeal must be in writing and clearly articulate
  - a. the name of the designated person who handled the complaint
  - b. the handling, investigation or processes which they are dissatisfied with
12. The complainant/parent/guardian/student can expect the appeal to be dealt with in a timely manner.
13. An investigation into the handling, investigation or processes used in investigating a complaint will be conducted.
14. The complainant/parent/guardian/student will be informed of the results of the appeal.

Once a Complaint or Appeal is concluded, the process is finished and the results of the investigation and/or appeal will be implemented. No further appeals will be entered into.

### Appendix 3: Complaints Register

Date and time Complaint received		
Medium (phone, email, letter etc)		
Name of Complainant		
Contact details of Complainant		
Person receiving complaint (name and signature)		
Complaint investigation at	school investigation <input type="checkbox"/>	CEDB investigation <input type="checkbox"/>

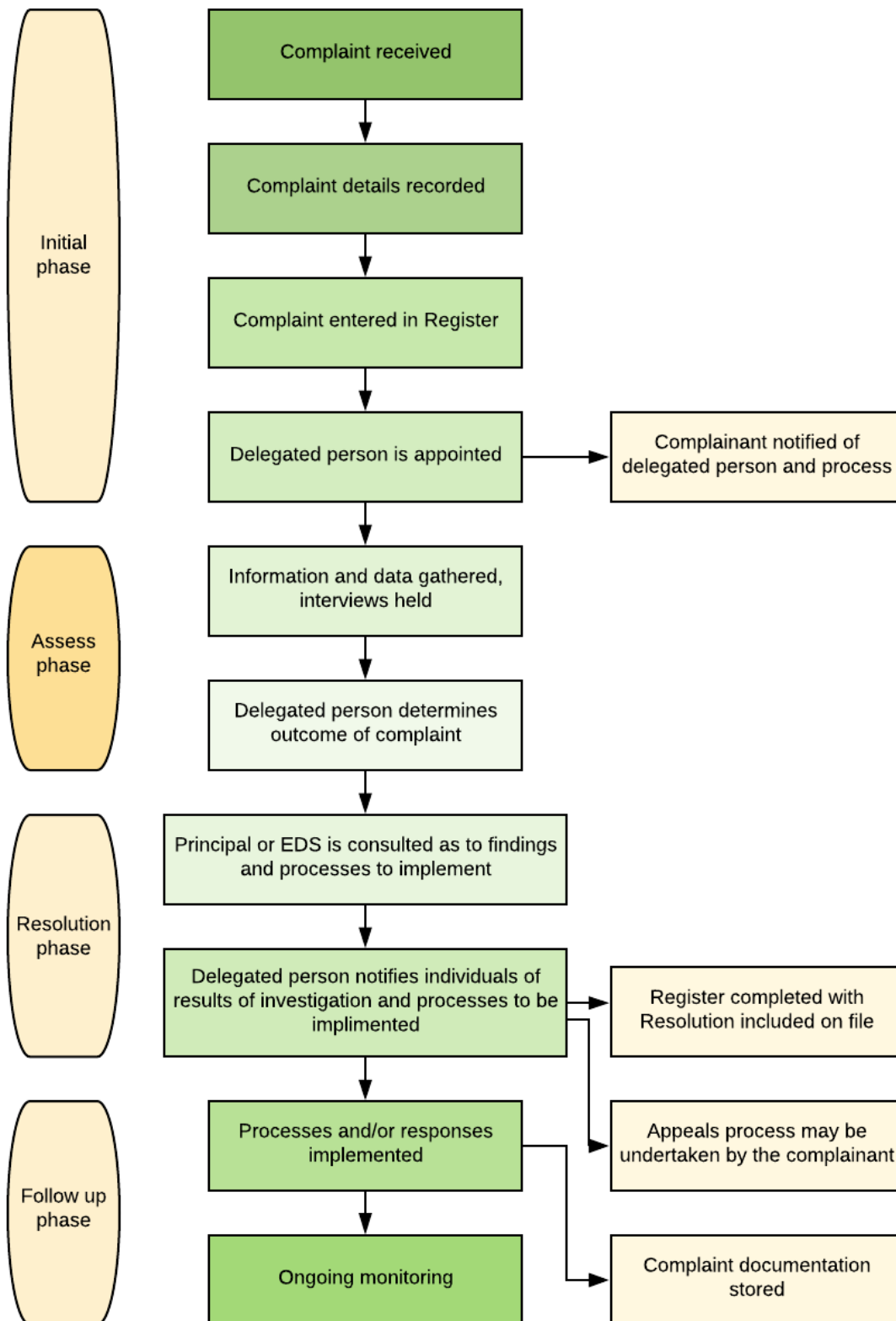
#### Details of the complaint and the outcome being sought

#### Resolution

NB. Storage of Child Protection issues – Remove and place in relevant Child Protection file

**Please attach all relevant documentation to this cover sheet for Record Retention**

## Appendix 4 Complaints Resolution Flowchart





## Appendix 5 School Process for Resolution of Complaints

After a complaint is received at a school, the following will happen:

### Initial Phase

- An individual receiving a complaint involving themselves will meet with the complainant in an effort to resolve the issue at the most immediate level. This will include documenting the complaint and discussion and any resolution. This will be entered into the Complaints Register by the Principal.
- The principal or an individual receiving a complaint will obtain information from the complainant about the issue and document this initial information
- The Principal will record the complaint in the Complaints Register
- The complainant will be informed of the delegated person who will investigate the complaint
- The Principal will contact the designated person and provide details of the complaint

### Assess Phase

- The designated person will contact the complainant and explain the Complaints Management Process. At this time additional Information may be gathered and documented
- The designated person will address the complaint with relevant parties and record responses. At this time clarification may be required and more than one communication may be required with the persons involved. All parties are invited to have a support person present at any meeting
- In the interests of confidentiality, only relevant witnesses will be interviewed and the importance of confidentiality will be stressed. A breach of confidentiality will be dealt with as a serious matter
- The designated person will document the process and all information gathered at all stages
- If deemed necessary, the police or another outside agency may be contacted for involvement

### Resolution Phase

- The designated person will inform the Principal of the findings of the investigation and develop a response and processes for the resolution as appropriate
- If the complaint cannot be resolved at the school it may be escalated to the Consultant to Schools
- The designated person will notify all parties of the resolution. The complainant will receive a written notification of the outcome and any resolution or processes to be implemented. The designated person may also choose to discuss this with the complainant

### Follow up Phase

- The Complaints Register is completed for this complaint and all documentation is attached/linked. The Complaint is retained for the required period
- The designated person and/or principal will monitor the situation to ensure a culture of improvement
- If issues are uncovered during the school investigation, possible processes to implement include:
  - training for relevant people
  - behaviour monitoring or counselling or mediation
  - process monitoring
- Following the resolution of the complaint the following are possible outcomes:
  - review of processes or practices or culture
  - change of processes or practices or culture and ongoing monitoring of situation
  - training for relevant people
  - counselling
  - a written apology to the complainant
  - other action as deemed necessary
  - Involvement of Catholic Education Diocese of Bathurst and/or Consultant to School
- Follow up Monitoring processes will be
  - determined and enacted by the designated person and/or principal
  - recorded in the process.

## Appendix 6 Catholic Education Diocese of Bathurst Process for Resolution of Complaints

After a complaint is received at Catholic Education Diocese of Bathurst, the following will happen:

### Initial Phase

- The Personal Assistant to the Executive Director of Schools will document this initial information from the complainant about the issue. The complainant will be informed of the delegated person who will investigate the complaint
- The Personal Assistant to the Executive Director of Schools will record the complaint in the Complaints Register
- The Personal Assistant to the Executive Director of Schools may request the complaint be dealt with at the school level if there is no evidence of this process having happened
- The Personal Assistant to the Executive Director of Schools may request the complaint be made in writing if contact was by phone
- The Personal Assistant to the Executive Director of Schools will contact the Consultant to Schools (or other designated person) and provide details of the complaint
- If the complaint comes from a school as they are unable to resolve it, the Personal Assistant to the Executive Director of Schools will document this information and gather all school documentation of the process to date. The school will be informed of the delegated person who will investigate the complaint

### Assess Phase

- The Consultant to Schools will contact the complainant and explain the Complaints Management Process. At this time additional Information may be gathered and documented.
- The Consultant to Schools will address the complaint with relevant parties and record responses. At this time clarification may be required and more than one communication may be required with the persons involved. All parties are welcome to have a support person present at any meeting.
- In the interests of confidentiality, only relevant witnesses will be interviewed and the importance of confidentiality will be stressed. A breach of confidentiality will be dealt with as a serious matter.
- The Consultant to Schools will document the process and all information gathered at all stages.
- If deemed necessary, the police or another outside agency may be contacted for involvement.

### Resolution Phase

- The Consultant to Schools will determine how the complaint is to be resolved and implement processes for the resolution if appropriate
- The Consultant to Schools will notify all parties of the resolution. The complainant will receive a written notification of the outcome and any resolution or processes to be implemented. The Consultant to Schools may also choose to discuss this with the complainant

### Follow up Phase

- The Complaints Register is completed for this complaint and all documentation is attached. The Complaint is retained for the required period
- The Consultant to Schools will monitor the situation to ensure a culture of improvement and processes to address the required outcome
- If issues are uncovered during Catholic Education Diocese of Bathurst investigation, possible processes to implement include:
  - training for relevant people
  - behaviour monitoring
  - process monitoring
  - counselling
  - mediation
  - Involvement of an external agency to further investigate
- Following the resolution of the complaint the following are possible outcomes:
  - review of processes or practices or culture
  - change of processes or practices or culture and ongoing monitoring of situation
  - training for relevant people

- counselling
  - a written apology to the complainant
  - other action as deemed necessary
- Follow up Monitoring processes will be
  - determined and enacted by the designated person and/or EDS
  - recorded in the process



## PROCEDURAL FAIRNESS PRINCIPLES CATHOLIC EDUCATION DIOCESE OF BATHURST

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### **Procedural Fairness**

This is the right of an individual to be heard and to an impartial decision in relation to a matter through a defined, fair and proper procedure. Procedural fairness is a basic right of all individuals. All individuals have a legitimate expectation that any investigator and/or decision maker will follow these principles when decisions are made affecting their rights and interests.

Procedural fairness is generally recognised as having two essential elements.

- The right to be heard which includes:
  - the right to be informed of a matter or allegation regarding them, their welfare or professional capacity. In some cases it is not appropriate to provide copies of statements but full details of the allegation(s) should be provided without the statements.
  - the right to be informed of the processes to be undertaken to investigate the matter
  - the right to know any information which will be taken into account in the matter
  - the right to respond to the matter or allegations made against them
  - the right to time to prepare a response to the matter or allegation raised against them
  - the right to appeal in respect of decisions made in the matter or allegation
  - access to a support person or an interpreter if required by staff, student or parents
  - access to all relevant Policies, Guidelines and Procedures related to the matter.
- The right of a person to an impartial decision which includes:
  - the right to impartiality in the investigation and decision making processes
  - the right to an unbiased investigation and decision
  - only relevant facts being taken into account
  - the availability of a support person/observer at formal interviews.

### **Reasonableness and Objectivity**

These are elements of the process which must be seen as paramount.

- Every investigator must be reasonable and objective in carrying out the investigation and providing findings which are clear and without bias.
- It is preferable to have one person carry out the investigation, and another person as the final decision maker.
- While it is preferable for the investigator and decision maker to be different people, this may not always be possible. While it can be difficult to combine the roles, it is acceptable to do so when the person acts in a reasonable and objective manner - they must act justly and be seen to act justly. This process should always be conducted with the prior approval of the Catholic Education Diocese of Bathurst

### **Informed decision making**

Informed decision making is the process whereby all relevant facts and information are gathered and their evidence of the matter or allegation examined in detail. The relevant facts and information are used by the investigator or decision maker as a basis for making a decision.

**Right to Appeal**

Individuals have the right to appeal a decision or process. An Appeals process provides an opportunity for another person to review the process for reasonableness, objectivity and openness. This offers an added view of the investigation and decision in case there is a perception of conflict of interest or bias.

**Appeals Process**

There are two avenues of appeal if an individual feels that procedural fairness has not been followed correctly:

1. appeal at a school level or
2. appeal at Catholic Education Diocese of Bathurst level

An appeal must be made in writing through the appropriate avenue. It must detail the aspects of procedural fairness which the complainant feels have not been followed.

If an appeal is instigated, and it is found that the investigation process has been clearly followed, then the appeal concludes the process of investigation.

Thorough notes must be made of all appeals and findings. These must then be filed and retained.

The Appeals process will follow the steps outlined in the Complaints Management Policy.