



PP612 COMPLAINTS POLICY AND PROCEDURE

SCOPE

The following document outlines the policy and procedure of St Thomas Aquinas College with regard to the handling of complaints. All students, parents, former students and other members of the College community are covered by this policy. The College has a Child Safety Policy with a stated Code of Conduct and Reporting Process, a Responding to Claims of Child Abuse Policy and Procedure and a Sexual Harassment Policy. These three existing policies, and their procedures, take precedence over the Complaints Policy at all times.

ALIGNMENT WITH COLLEGE PRINCIPLES

The vision of the College is to form in each youth, the true and perfect Catholic. To achieve the Vision, the College will provide a complete education taking in the whole of human life:

- spiritual and physical;
- intellectual & moral;
- individual, domestic and social;

in accordance with the example and teachings of Christ.

Our core values underpin this policy and procedure:

- Faith: To firmly believe in God and all He has revealed to us through His Holy Catholic Church.
- Hope: To trust in God; His infinite power, His goodness and His promises.
- Charity: To love God above all things; and neighbour as self for the love of God.
- Prudence: To form a calm and well-balanced judgement, capable of discerning between truth and error, good and evil, justice and its opposite, then to act in accordance with that judgement.
- Justice: To give to God and to give to man what is strictly owing to them.
- Fortitude: To undertake & endure difficulties, and to show resolve and constancy in doing good.
- Temperance: To show self-restraint in the face of temptation or desire, even in some things that are permitted, so that reason governs passion.

At all times, this Complaints Policy operates within the construct of the vision, values and guiding principles of the College.

POLICY STATEMENT

Complaints occur from time to time and the College is committed to achieving an effective resolution in a positive atmosphere. This policy and related procedures set out the process by which complaints can be addressed in a confidential, expeditious and sensitive way. A positive resolution will most often arise where there is clear communication, an opportunity for all parties to express their views and be heard. As such, the College encourages parties to agree upon a method of resolution.

The College considers that accurate record-keeping during the process of hearing a complaint and respect for confidentiality of those involved are important elements in the complaints handling process. The College expects that complaints will be handled in a respectful manner in the best interests of students of the College as a whole. In particular, the College seeks to:

- act in partnership with parents and staff to deliver education and care to students of the highest quality;
- provide a working and learning environment that is safe, fair and just;
- actively promote the development of positive and respectful relationships and seeking to minimise the incidence of conflict that might otherwise give rise to a complaint;
- support the right of every person to have his or her complaint lodged, listened to, addressed fairly and dealt with as soon as possible;
- attempt to resolve complaints in a respectful and supportive way;
- meet its moral and legal obligations in the complaints handling process;
- maintain clear and timely communications and accurate record keeping;
- provide appropriate support for relevant staff to investigate and mediate on complaints.

Complaints and grievances may arise in a range of circumstances, including:

- behaviour by a member of the College community (staff, parent, volunteer or student) which may have an adverse impact upon another member of the College community - affecting the performance of their duties, work or studies at the College or otherwise affecting them personally;
- conflicts of interest and conflicts of duty;
- discriminatory or unprofessional behaviour or conduct;
- breaches of School policies.

PROCEDURES / GUIDELINES

Seeking early resolution

Many complaints may be minor in nature or readily resolved, and often arise from genuine misunderstandings and/or issues relating to inadequate communication. In the vast majority of cases, such complaints ought to be satisfactorily resolved quickly and informally by a meeting or telephone call held between the parties involved.

The College supports complainants, wherever possible and as soon as practicable after a matter becomes a concern, to seek to resolve a complaint in an informal and amicable manner. This is best done through direct communication / discussion by and between the parties themselves (i.e. parent and teacher).

The College expects that it should only be necessary for more formal procedures (as identified below) to be invoked when a matter is of very serious nature and/or cannot be resolved by the parties themselves through informal means.

- **Complaints Procedure**

- The College has a formal process to deal with complaints that cannot be otherwise promptly resolved as set out above.

PROCEDURES / GUIDELINES

Lodging a Complaint - Principles

The following principles will apply to the lodging of a complaint:

1. The health, safety and wellbeing of all members of the College community remain the highest priority.
2. Any member of the College community who is aggrieved is entitled to lodge a complaint.
3. Complaints should be lodged in good faith and without frivolous, malicious or vexatious intent. (The College has the right to reject complaints which it deems to be frivolous, malicious or vexatious.)
4. The College aims to take all complaints seriously and to consider them promptly.
5. The College will affirm a complainant's right to complain and will not discourage a person from making a complaint.
6. The College will make every reasonable effort to ensure a person lodging a complaint or a member of their family will not be treated unfairly or victimised because of the complaint they have made.
7. All resolution policies and processes acknowledge and value different perspectives and will operate under the principles of impartiality, promptness and protection from victimisation.
8. If appropriate, complainants will be notified that this policy does not remove their right to proceed to an external body or authority.
9. Each complaint is to be dealt with on its particular circumstances and merits and any settlements reached or determinations made through the resolution process will not necessarily constitute any binding precedent for future or similar cases.
10. In responding to a complaint, informally or formally, every reasonable effort shall be made to ensure that natural justice and procedural fairness are afforded to all parties. This means, in practical terms, that:
 - a. all parties are to be treated with respect and to be heard;
 - b. all parties should participate fully in the resolution process to achieve an outcome that is realistic and reasonable;
 - c. a person who is the subject of a complaint should be informed of the substance thereof and given a full opportunity to present their perspective;
 - d. all parties have a right to seek advice and support;
 - e. investigations and proceedings must be conducted fairly, thoroughly and without bias or undue delay;
 - f. parties should provide all relevant material, complete and factual information, documents or other evidence relating to the document.

PROCEDURES / GUIDELINES (Cont...)

Procedure

A complaint made by a parent, student or member of the College community, should be made in writing to any one of: the Principal, Deputy Principal, Business Manager or Dean of sub-School.

A formal notice of complaint would typically be dealt with in the following manner:

Arrange meeting with complainant

1. Ensure that at least one senior member of the College staff is present at the meeting.
2. Discuss the complaint in a private office or like location within the College.
3. Allow the complainant to tell the whole story.
4. Affirm the right to complain.
5. Acknowledge the complainant's concerns.
6. Take notes of each key point made by the complainant and seek the complainant's confirmation that the noted points represent an accurate record of the complaint.
7. Show empathy with the complainant's emotion, but reserve the right to request the complainant to be civil or terminate the interview in the event of any threatening behaviour.
8. Avoid immediate judgements or debate, or becoming defensive or angry in the early stages of discussion.
9. The complainant will be asked what he or she wishes to achieve in terms of resolution.
10. Discuss who might and/or should be informed about the complaint.
11. Focus on what is in the best interests of students of the College as a whole, having regard to any particular student(s) involved in the subject of the complaint.
12. Offer time for the complainant to reconsider.

Investigation

13. As soon as practicable after a formal complaint has been lodged, a process will be put in place by the College to investigate the complaint.
14. The investigative process in relation to a formal complaint will include but not necessarily be limited to: gathering relevant material and information relating to the complaint, further meetings convened of the parties to discuss the complaint and to seek a resolution.

Resolution or determination

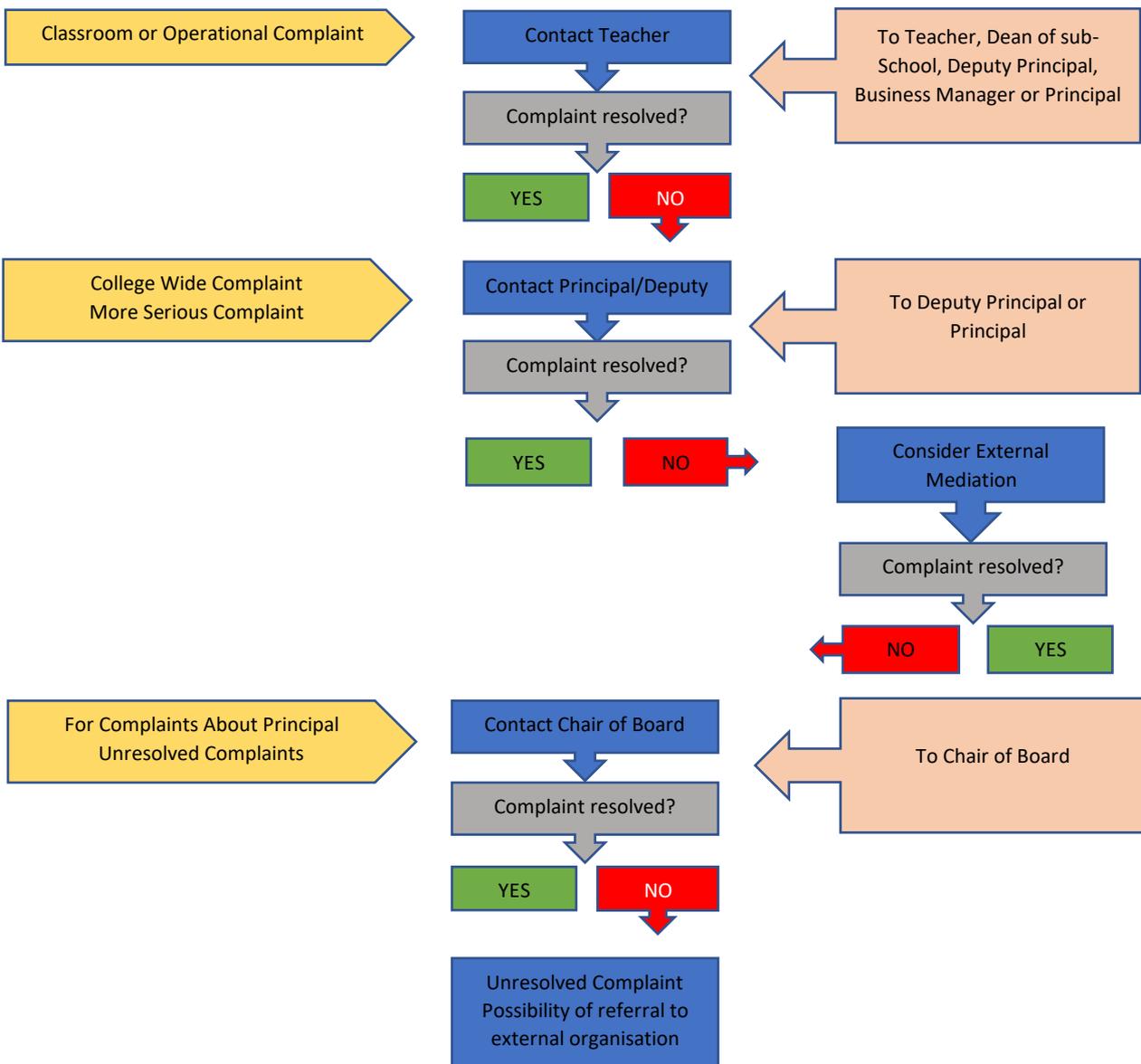
15. If a mutual resolution cannot be agreed, a determination will be made by the College, based on thorough investigation, as to whether or not to uphold the complaint.
16. If the complaint is substantiated, the evidence is inconclusive or if the complaint is found to not be substantiated, all parties will be formally advised accordingly, along with any follow-up counselling or other actions as the parties agree and/or the College deems appropriate and necessary in all the circumstances.

PROCEDURES / GUIDELINES (Cont...)

Escalation

17. If the complaint is not resolved by the person with whom it was lodged, the complainant may escalate their complaint to the Principal who will investigate and seek to resolve the complaint.
18. If the complaint is not resolved by the Principal, the complainant may lodge the complaint with the Chair of the College Board.
19. The Chair of the College Board will have discretion as to how to deal with the complaint, including referring it back to a member of the College staff.
20. Nothing in this policy and procedure prevents a complainant from lodging their complaint with an external body (as appropriate to the subject matter of the complaint).

COMPLAINT PROCESS



PROCEDURES / GUIDELINES (Cont...)

Documentation / Record Keeping

22. While the detail and formality of record keeping may vary according to each issue, appropriate documentation should be maintained. Records will need to be kept if further disputation occurs or in the case of future legal action. Details such as dates, names, contacts, statements, relevant files, staff involved and outcomes should be recorded in written form (including via electronic records). Accurate, appropriate and secure records will be kept at the College by the person(s) responsible for overseeing or managing the resolution process for a particular complaint.
23. A central Complaints Register, identifying the date the complaint was received, who received the complaint, what action was taken and what outcome was achieved will be kept and managed by the Principal's Executive Assistant.

Referral of a Complaint to the Board of the College

24. The Principal will have to make a final decision on all complaints, unless:
 - the complaint directly concerns an allegation about the Principal's conduct – in which case the Chairman of the Board will determine appropriate procedures for handling the complaint;
 - the Principal determines that due to the nature of the complaint (or complaints) the complaint should be referred to the Board for determination;
 - the complaint concerns an allegation of serious criminal conduct – in which case the Chairman of the Board must be informed as soon as practicable. The Principal may consult with the Chairman of the Board regarding a complaint or complaints handling generally.

Anonymous Complaints

25. Complaints from an anonymous source will be taken seriously and investigated as soon as practicable. However, it is often difficult to undertake a thorough investigation and resolution if the complainant cannot be identified or does not want information to be passed to the relevant people. This raises issues in relation to procedural fairness for those who have a complaint made about them as they have a right to know the particulars of the complaint and to respond. The College therefore cannot guarantee that anonymous complaints can or will be dealt with in accordance with these procedures. Complainants are therefore encouraged to identify themselves.

Vexatious Complaints

26. Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of the College Community.
27. Where it is found that a complaint has been made in bad faith to cause distress to one or more persons, or as a practical joke, disciplinary measures will be taken.

PROCEDURES / GUIDELINES (Cont...)

Confidentiality and Mandatory Reporting

28. The College will treat a complaint with respect and sensitivity. However, a complainant should not assume communications with the College, or any documents supplied to the College, will necessarily be kept confidential. Although the College will endeavour to deal with complaints with appropriate discretion, the College reserves the right to disclose details of the matter to other persons who, in the College's opinion, need to know them in order to facilitate the resolution of the complaint.
29. As far as possible, due discretion will be respected and maintained by all parties throughout the resolution process, save where the persons are required to be informed on a 'need to know' basis or where investigative, statutory or legal requirements stipulate that matters be disclosed, reported or discussed. Therefore, there can be no overriding legal obligation or right with respect to confidentiality.
30. Where complaints are made in circumstances where an alleged crime may have been committed or the matter falls under the Reporting Abuse and Neglect provisions, the Police or similar outside agencies (e.g. Child Abuse Report Line) will be contacted and formally advised.

Withdrawing a Complaint

31. A complaint can be withdrawn at any stage. If a complaint is withdrawn, the matter will be deemed to be closed. However, the complaint will still be recorded on the central Complaints Register and a notation will be made to the effect that it has been withdrawn.

PROCEDURES / GUIDELINES (Cont...)

Referral to Outside Bodies

32. Where a complaint is not or cannot be resolved within the College, the parties may seek assistance from outside professional agencies or judicial bodies in order that a further attempt can be made to resolve the matter. It should be noted that:
- Independent Schools of Victoria will not act as a mediator between parents and the College but they will provide guidance to the College on whether its implementation of this policy and related investigations were handled appropriately. The College may refer its investigations and findings to ISV personnel to ascertain if the complaint has been fairly handled.
 - If a matter remains unresolved, or parents feel that the College has failed to take their complaint seriously, ISV may be able to provide general assistance to help parents understand the College's position.
 - The College may decide to engage an external investigator in circumstances where it feels the complaint should be handled by an independent third party (for example, complaints against the leadership team of the College).
33. 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 whether the complaint constitutes serious misconduct by a teacher, contact the VIT on 1300 888 067 or vit@vit.vic.edu.au.
34. 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. Initial consultation with the Principal may help to determine the appropriate course of action in these circumstances.
35. Neither the Minister for Education in Victoria nor the Department for Education has any power to directly intervene in any complaints relating to the operations of a non-government school and therefore will not receive or consider any referral of a complaint regarding the College.

LEGISLATIVE CONTEXT

Both Federal and State legislation is relevant to the concepts discussed in this policy. This legislation and related STAC policies include the following:

- *Fair Work Act 2009*
- *Education and Training Reform Act 2006 (Vic.)*
- *Education and Training Reform Regulations 2017 (Vic.)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic.)*
- *Protected Disclosure Act 2012 (Vic.)*
- *Privacy Act 1988 (Cth)*
- *Crimes Act 1958 (Vic.)*
- *Equal Opportunity Act 2010 (Vic.)*
- *Wrongs Act 1958 (Vic.)*
- *Disability Discrimination Act 1992 (Cth)*
- *Disability Standards for Education 2005 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Migration Act 1958 (Cth)*.
- St Thomas Aquinas College's Child Safety (and associated) Policy and Procedure
- St Thomas Aquinas College's Equal Opportunity and Respectful Workplace Policy & Procedure

RESPONSIBILITIES

Employee responsibilities

- Where a complaint is made against an employee, they will be expected to cooperate in any investigation conducted by the College.

Additional responsibilities of Principal, Deputy Principal and Deans of sub-School

The above people will:

- Listen to the complaints of parents, students, other members of the community or staff;
- Document the concerns lodged;
- Raise the concerns at the appropriate level;
- Investigate the substance of the complaint;
- Document the complaint;
- Make any employee who is the subject of a complaint aware of the substance of the complaint and place a file note on their file *which is cited by the employee* (NB: the file note will, therefore, have the employee's signature on it);
- wherever possible, assist staff in informal (non-disciplinary) resolution of problems and complaints
- refer formal complaints about breaches of this policy to the appropriate person, e.g., Principal/Deputy Principal for investigation
- take action to ensure that the person who raises an issue or makes a complaint are not victimised for doing so;
- act impartially in resolving issues and enforcing appropriate workplace behaviour and conduct, and ensure relevant parties have an opportunity to be heard.

MONITORING AND EVALUATION

The Principal will be responsible for ensuring that this policy is monitored and evaluated throughout the College.

VERSION

Authorised by	STAC College Board
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