

1.0 Rationale

Schools and the Catholic Education Office (CEO) in the Diocese of Sandhurst strive to be communities 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.

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.

The role of the CEO is to provide support, resources and advice to Catholic schools. The CEO is not a regulatory body and all schools are empowered to manage grievances and complaints at the school level. The CEO can provide support services and legal advice to school communities in managing complaints.

2.0 Scope

This policy outlines the CEO's complaints resolutions process for external complaints that are unable to be resolved at the school level, and referred to the CEO from parents, guardians, carers and students (the Complainant). Procedures for making a complaint are presented in Section 8 of this policy.

This policy **does not** relate to critical incidents, emergency management, criminal offences, conduct of religious clergy or other religious persons.

3.0 Definition

A complaint is an expression of dissatisfaction with an action taken, decision made, service provided or handling of an issue at a Catholic school within the Diocese of Sandhurst.

4.0 Guiding principles

In receiving and responding to complaints, the following guiding principles will inform and direct the CEO's actions:

- complaints of a school-based nature 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
- schools and staff members will be informed of formal complaints that are made about them
- 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
- the best interests of the school community will generally exceed those of any individual.

5.0 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.

5.1 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. Initial consultation with the principal of the school may help to determine the appropriate course of action in these circumstances.

5.2 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.

For further information, refer Catholic Education Sandhurst policies:

- Mandatory Reporting
- Failure to Disclose
- Staff Misconduct and/or Incompetence
- Dealing with Allegations of Misconduct and/or Incompetence

5.3 Complaints against the principal of a school

In the case of complaints involving the principal of a Catholic school which forms part of a parish, the Parish Priest ('the employer') and the CEO Principal Consultant (via the CEO office in Bendigo, ph 03 5443 2377) with whom the school primarily works should be informed immediately.

In the case of a Catholic school governed by a Religious Institute or a Ministerial Public Juridic Person (MPJP)¹, complainants can be referred to the Chair, Director or Executive Officer of the

¹ In Victoria, the Religious Institutes and MPJPs with governance responsibilities for some Catholic schools are the Faithful Companions of Jesus, Kildare Ministries, Marist Schools Australia, and Mercy Education Limited.

school's Board or Council. Alternatively, the complaint can be referred directly to the Provincial of the Religious Institute or MPJP. In many cases the Religious Institute or MPJP will have its own Professional Standards Office or equivalent.

6.0 Complaints against clergy or other religious persons

If the complaint relates to the clergy or other religious persons of a Catholic primary or secondary school, the complainant should contact and seek advice from the Diocesan Chancery, 172-174 McCrae St, Bendigo, 3550. Contact via telephone 03 5441 2544.

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.

7.0 Anonymous complaints

The CEO endeavours to address and respond to all complaints. In some situations the CEO may not be able to fully address complaints that are made anonymously or without sufficient detail being provided 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.

8.0 Procedures for complaints about issues arising at a school

All schools are required to develop and maintain a fair, effective and efficient complaint-handling process so that complaints about events or decisions at the school can be addressed.

The following steps can guide the process in making a complaint about issues arising at a school.

8.1 Clarify the issue:

- Be clear about the topic or issue to be discussed.
- Be mindful of the need to ascertain all the facts relating to the circumstances of the topic or issue.
- Think about what would be an acceptable outcome.
- Check and observe the school's complaints policy or guidelines.

8.2 Follow the school complaints policy or guidelines which may include:

- Write an appropriate note or email to the relevant person (e.g. classroom teacher) outlining concerns.
- Make an appointment to speak on the phone or in person with the relevant person(s).
- Consider speaking with the school's student wellbeing leader if appropriate.
- Arrange meeting times or phone calls through the school office.
- Ensure the relevant person(s) is given a reasonable amount of time to take the steps required to resolve or address the concerns.

8.3 Contact the principal or deputy principal

- If the issue remains unresolved after discussion with the relevant person(s) at the school, discuss the concern with the principal or deputy principal.
- Request an appointment with the principal or deputy principal through the school office.
- Note that the principal may ask another senior staff member to represent her/him. Also, if the relevant staff member is going to be present at the meeting, the meeting time is more likely to occur outside classroom hours.

8.4 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 the Bendigo office of the CEO (ph 03 54 43 2377).

In the case of a Catholic school governed by a Religious Institute or a Ministerial Public Juridic Person (MPJP), complainants can be referred to the Chair, Director or Executive Officer of the school's Board or Council. Alternatively, the complaint can be referred directly to the Provincial of the Religious Institute or MPJP. In many cases the Religious Institute or MPJP will have its own Professional Standards Office or equivalent.

9.0 Role of the Catholic Education Office

For schools not governed by a Religious Institute or a Ministerial Public Juridic Person (MPJP), the role of the CEO is to provide advice to:

- schools, along with support, when they are responding to complaints
- complainants when they are seeking to make a complaint at their school.

The CEO will generally not respond to a complaint and/or become involved when:

- issues have not been raised with the school according to the school's complaints policy
- the school is continuing to address the issues in the complaint
- issues raised are the responsibility of the school (e.g. school uniform, tuck shop duty, school parking).
- The issues raised should be able to be resolved at the school level.

9.1 Responsibilities of the Catholic Education Office

The CEO is responsible for responding to complaints when:

- a complainant is not satisfied that a matter has been addressed in accordance with the school's complaint-handling processes
- a complainant is not satisfied that an acceptable resolution has been reached
- the subject of the complaint relates to policy outside the responsibility/management of the school
- a school requests assistance to resolve a complaint
- the subject of the complaint is the principal of a school.

9.2 Actions to be taken following receipt of a complaint

Following receipt of a complaint, the CEO will:

- acknowledge receipt of a written complaint as soon as possible, ensuring the complainant is aware of the CEO's complaints handling procedures.
- record the complaint
- 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 at the school
 - provide assistance to reach a resolution through the particular CEO Principal Consultant
 - arrange for an independent investigation.
- where necessary, seek advice from appropriate staff within the CEO and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal/redress already exist. This may include escalating the complaint through to the CEO's Assistant to the Director: Legal, Industrial & Human Resources.

- inform the principal of the receipt of the complaint and provide an opportunity for the principal to respond to the issues raised.
- advise the complainant of any delays that may occur in the CEO's ability to respond within a set timeframe
- where it is considered appropriate, provide the complainant with an opportunity to respond to the principal's response to the matters raised prior to making a decision about the complaint
- where necessary, actively support the complainant with special needs through the complaint process
- provide the complainant and the principal of the school with the results of the CEO's assessment of the complaint
- maintain a record of the outcome of the complaint.

9.3 Possible outcomes of a complaint to the CEO

The CEO assessment may result in advice provided to the school for action. The 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
- 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 the CEO policies and guidelines are reflected in and supportive of the decision.

It is not the role of the CEO to 'sanction' or 'punish' a school or to disclose details of disciplinary proceedings relating to its employees. 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.

10.0 Related Legislation

The relevant legislative and regulatory framework for this policy includes:

- Education and Training Reform (Vic) Act 2006
- Education and Training Reform (Vic) Regulations 2007
- Charter of Human Rights and Responsibilities (Vic) Act 2006
- Protected Disclosure Act 2012
- Privacy (C'wth) Act 1988
- Crimes Act (Vic) 1958
- Equal Opportunity (Vic) Act 2010
- Wrongs Act (Vic) 1958

11.0 Review

Ratified: December 2016

Next Review Due: November 2017