



Complaints Handling Policy and Procedures Xavier Catholic College



November 2011

Complaints Handling Policy and Procedures

PURPOSE

Xavier Catholic College is committed to providing a safe work environment for all workers and students. The purpose of this Complaints Handling Policy and Procedures is to establish a framework for the handling of complaints that relate to the operation of **Xavier Catholic College**.

We acknowledge that as either a member of staff, a student, a parent or a member of the wider community you can sometimes feel aggrieved about something that is happening at a school/college which appears unsatisfactory, or unreasonable. You may make a complaint about any policy or procedure, decision, behaviour, act or omission (whether by the principal, members of the executive or other staff or students) that you consider to be unsatisfactory or unreasonable.

It is always our aim to seek to resolve issues through direct discussion between you and other parties. However there may be instances in which it is not possible to take up the issue with the other party directly or doing this does not resolve the matter. It is in such cases that the Complaints Handling Policy and Procedures should be utilised.

A distinctive feature of the Complaints Handling Policy and Procedures is to ensure, so far as is reasonably practicable, that complaints are addressed in a timely and confidential manner at the lowest appropriate management level, in order to prevent minor problems or concerns from escalating. We expect that complaints will be brought forward and resolved in a respectful manner recognising the dignity of each person concerned in the process. The policy recognises that a number of more minor or simple matters can be resolved without recourse to the formal complaint handling process but rather, quickly and simply, by discussion between the appropriate people.

POLICY FRAMEWORK

This is the framework that will govern a complaint you may wish to make. Through this policy we will:

- endeavour to increase the level of satisfaction and improve the relationship between **Xavier Catholic College**, parents and the wider community
- improve the level of parent satisfaction with **Xavier Catholic College**, and the relationship of parents and families with school/colleges and teachers
- respect and recognise the innate dignity of each person in any way involved with the school/college
- recognise the rights of a person who is the subject of a complaint (the respondent)
- protect the confidentiality of both you and the respondent
- recognise and protect your right to comment and complain
- provide an efficient, fair and accessible mechanism for prompt investigation and resolution of complaints in accordance with the principles of natural justice
- ensure, so far as is reasonably practicable, information is available on the complaints handling process
- enable the nature of complaints to be monitored to improve the quality of services by identifying and rectifying practices that may be impeding the quality of services
- ensure, so far as is reasonably practicable, that the complaint handling process is transparent and comprehensive

The following principles inform the content of this policy:

(a) Commitment

This school/college will investigate all complaints in accordance with this policy. This will be reflected in the:

- adoption and distribution of the complaints handling policy and procedures
- appropriate training of workers in the implementation of this policy
- ongoing monitoring and evaluation of effectiveness of the Complaints Handling Policy and Procedures

(b) Responsiveness

Complaints will be dealt with promptly. The process and the time needed to resolve an issue will vary depending on the nature and complexity of the issue.

(c) Visibility

The existence of this complaint handling policy and procedures, its purpose and the method of accessing it will be promoted internally for staff and externally to the community.

(d) Subsidiarity

The process of responding to a formal complaint will reflect the principle of subsidiarity. This means that we expect that complaints may be resolved wherever possible at the lowest level of management necessary for their proper resolution. The principal, therefore, will not be directly involved in the resolution of those complaints which are more appropriately handled by others in the school/college community.

(e) Procedural fairness

The principles of procedural fairness will be followed in all aspects of complaint handling. Procedural fairness includes:

- giving you the opportunity to put your case
- offering reasonable assistance to you to enable the complaint to be made and to know the complaint handling procedures
- informing the respondent of the substance of the complaint and providing an opportunity to respond
- providing the respondent with information about the complaint investigation process including outcomes
- handling the complaint process confidentially
- determining complaints as expeditiously as possible and advising you and the respondent of the outcome of the investigation;
- assessing the facts and circumstances of the situation objectively and determining the complaint fairly and equitably;
- providing you with details of the determination and reasons for the decision
- informing you and the respondent of any avenue for review

(f) Confidentiality

Confidentiality is an obligation to the provider of information while privacy is an obligation to the subject of the information. In making a complaint you can feel secure that your complaint will remain confidential. Confidentiality will be respected at all times within the constraints of the need to fully investigate the complaint. The obligation to maintain confidentiality extends also to you as the complainant and to the respondent.

(g) Access and equity

The complaints handling process needs to be accessible and additional assistance may be available to you if you are from a culturally and linguistically diverse background, have a disability or are a young person.

(h) No victimisation

If you make a complaint in good faith you will be protected from detrimental action including victimisation or unfair treatment.

(i) Vexatious or malicious complaints

There is an underlying assumption that complaints are made in good faith (and with good will) and with an intention for resolution as opposed to retribution.

(j) Anonymous complaints

Anonymous complaints do not reflect the principles outlined above. If you make an anonymous verbal complaint to the school/college you will be encouraged to identify yourself in order for the procedures outlined in this policy to be implemented fully. If you choose to remain anonymous, then in the case of verbal complaints you will be informed that the complaint may not be acted upon.

Note that the position with regard to child protection matters (not covered by the Complaints Handling Policy and Procedures) may be different.

POLICY CONTENT

What constitutes a complaint?

This procedure explains what to do if you have a complaint about any decision, behaviour, act or omission at **Xavier Catholic College**.

A complaint is an expression of significant dissatisfaction with the policies, procedures or service provided by the college. Complaints may be oral or written. Written complaints include those sent by letter, fax or email. You could have a complaint about, for example:

- student disciplinary procedures
- homework
- damage/loss of personal property
- student bullying
- school/college management and school/college fees
- quality of teaching
- breach of privacy
- school/college resources
- work health and safety issues

What matters are not dealt with under this policy?

There are specific complaint procedures in place for the following matters:

- child protection issues (ie. if the complaint is about alleged inappropriate physical contact, sexual misconduct, neglect, or psychologically harmful conduct by an adult towards any child or young person. All such complaints should be made directly to the principal.
- workplace bullying

- harassment
- enrolment
- employment relations

You can obtain further information about how to pursue complaints of this nature from the principal.

PROCEDURES

The procedures described below outline the processes which will be followed at **Xavier Catholic College** in relation to complaints excluding those relating to issues listed above.

Where students with special needs are involved in any aspect of complaint resolution every assistance will be given to them in keeping with their education plan to ensure, so far as is reasonably practicable, that they may fully engage with the procedures detailed in this policy.

If you believe you have a problem or concern

The first step is to outline the behaviour that you believe is unfair or has caused concern to the person with whom you have an issue. This may be the easiest way of resolving your dissatisfaction if you feel comfortable speaking to the other person involved. You can explain what behaviour, decision, policy or action was unfair or caused you concern and why. Through discussion the issues may become clear and the parties have a chance to address the problem. Many concerns and complaints can be resolved at this level. If you choose to speak to the person it would be helpful if you could:

- describe clearly the action or behaviour that is objected to
- focus on the behaviour of the person not on their personality
- speak clearly and calmly
- state the outcome you are seeking

Where you feel that you cannot approach the person directly or you are not happy with their response or reaction or the complaint is very serious, you should approach the principal with your complaint or concern.

To whom should you speak?

- For members of staff with a complaint about another staff member you should wherever possible first raise the matter with the other staff member.
- For members of a staff with a complaint about a parent you should first raise the issue with the principal.

For members of staff with a complaint about a student you should first raise the issue with the Leader of Welfare.

If you are a parent with a complaint about a student other than your own child you should raise it with the Leader of Welfare.

If you are a parent with a complaint about a member of staff the issue should first be discussed with the relevant teacher or the principal.

If you are a student with a complaint about another student you should raise the issue with relevant person eg teacher/year co-ordinator, Assistant Principal.

If you are a student with a complaint about a member of staff you should raise it first with your class teacher or the principal.

If you are a student with a complaint about a member of staff you should raise it first with your Year Coordinator.

How we go about resolving your complaint

The first step with any complaint is to ensure, so far as is reasonably practicable, that the appropriate person is handling your complaint on the basis of subsidiarity. When this has been ascertained, the person handling your complaint will record details of the information you provide in support of your complaint, ask you what action you would like taken in response to your complaint and explain to you how the complaints procedure works. In the event that you wish to make a formal complaint then the following steps are undertaken.

The person handling your complaint will:

- Invite you to bring a support person with you to any meeting that you are invited to attend to consider your complaint. Any person to whom your complaint relates will similarly be invited to bring a support person. The support person is invited to support and observe but not interrupt the meeting. The support person should not answer questions on your behalf and must maintain confidentiality about all matters discussed at the meeting.
- Put the information received from you to the person about whom the complaint is made or to the person responsible for the particular area of school/college life to which the complaint relates and seek her / his response.
- If appropriate interview any witnesses involved. This will be done carefully so as not to breach confidentiality.
- Upon considering all the information gathered reach a conclusion and advise you and any person to whom the complaint relates, of the outcome of the investigation.

What are the possible outcomes?

A complaint may be resolved in a variety of ways. This will depend on whether or not the complaint is substantiated, the seriousness of the matter, the wishes of the complainant and the nature of the working relationship of the persons involved. A complaint is said to be substantiated if the person investigating it believes that on the balance of probabilities the allegation did occur.

If the complaint is upheld or sustained, the following are some possible outcomes depending on the nature of the complaint:

- an agreement between you and other parties
- a verbal or written apology
- the review of a policy or procedure
- mediation
- targeted professional development opportunity or training
- dissemination of information
- referral to counselling
- directions about further interaction between the you and other parties to the complaint
- where a staff member is the subject of the complaint, disciplinary action may follow
- where a student is the subject of the complaint, a range of sanctions as set out in the school/college discipline policy may be invoked

If a complaint is not upheld or not substantiated (e.g. the evidence is insufficient on the balance of probabilities) but some issue comes out of the investigation that is required to be addressed then, possible outcomes include:

- relevant training for staff or students
- monitoring of behaviour of staff, students or parents
- counselling for the parties involved
- mediation at local level
- review of policy or procedure

If the complaint is proved not to have happened at all, or if there is evidence that the complaint was made with the main purpose or intent of causing distress to the respondent the following are possible outcomes:

- counselling for one or more of the parties involved
- a verbal or written apology from you
- disciplinary action (where the person affected is a student or staff member)

What to do if you are not satisfied with the outcome at the conclusion of school/college process

Where a complaint has been dealt with at the school/college but you are not satisfied with the outcome or the complaint directly concerns the principal, then you should [insert name of relevant person] and explain your problem or issue.

Right of review

If you have been involved with a complaint matter and you have concerns regarding the complaints process or believe the outcome to be unfair, you may refer the matter to [insert name of person/organisation] where the investigation process will be reviewed and a decision made as to whether these procedures have been followed and reasonably determined. Depending on the outcome of this investigation either no further action may follow or there may be further consideration of the matter.

This procedure does not limit your right to use other available agencies and processes, such as the Privacy Commissioner, the Ombudsman, the workplace regulator or legal processes.

Record Keeping

Records of complaints, interviews and other documentation relating to a complaint investigated at the school/college will be kept at the school/college in a restricted access file. These records must be kept permanently.

RELATED LEGISLATION, POLICIES AND PROCEDURES

Some suggested related Policies might include:

Sample Anti-Harassment Policy

Sample Anti-Bullying Policy and Guidelines for Implementation

Creating Safe and Supportive School Environments – Child Protection Policy

Enrolment Policy for Xavier Catholic College

Guidelines for Addressing Allegations of Workplace Bullying

Pastoral Care Policy

Workplace Bullying Policy

Work Health and Safety Policy

POLICY REVIEW

The policy will be reviewed not less frequently than once every three years.

POLICY DATES			
<i>Formulated</i>	18 March 2013	<i>Adopted</i>	
<i>Implemented</i>	18 March 2013	<i>Reviewed</i>	
<i>Next Review Due</i>	18 MARCH 2018		
POLICY AUTHORISATION			
<i>Principal</i>	Michael Vella	<i>Signature</i>	



Confidential

Schedule 1

Record of complaint

Date and Time

Name of complainant

Address of complainant

Contact telephone number

Detail of complaint

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(Continue on blank sheet of paper if more space is required)

Date of incident leading to the complaint *(if applicable)*

Witnesses *(if any)*

Name of interview person

Name of person handling complaint

Follow up action

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