



## St. Mary's School – Swan Hill Complaints Management Policy and Procedure

### Introduction

St. Mary's School – Swan Hill is committed to ensuring that our school is a community of faith, hope and love where communication takes place in an environment of transparency, respect, compassion and inclusion in the interests of all students.

The St. Mary's School – Swan Hill Complaints Management Policy and Procedure is the key document that sets out our school approach to managing complaints that arise about the operation of our school.

Catholic teaching emphasises the primacy of parents as the first teachers of their children. Within all schools, there are times when misunderstandings and concerns arise. In addressing these matters, St. Mary's School – Swan Hill seeks to model the love of Christ and the teachings of the Catholic Church. The dignity of each person, belief in the common good and the principle of subsidiarity will inform the manner in which St. Mary's School – Swan Hill deals with stakeholders and school communities including the manner in which complaints are managed.

### Purpose and Scope

The purpose of this Complaints Management Policy and Procedure document is to:

- outline the process and procedure for managing complaints at our school
- ensure that our school meets its obligations to respond to complaints in a fair, effective and efficient manner
- inform parents/care givers of how to make a complaint about the school
- outline the school's procedures and escalation points in complaints handling
- outline the procedures to be followed by Catholic Education Ballarat when a matter has been referred from a DOBCEL school for investigation

The Policy does not relate to critical incidents, emergency management, criminal offences or the conduct of those in religious ministry.

Each DOBCEL school must contextualise this policy for use in their own school, ensuring the policy contents are not amended.

### Definitions

**Complainant:** the person(s) lodging the complaint. A complainant can be a parent, guardian, a student or a member of the school community.

**Complaint:** an expression of dissatisfaction related to our programs or activities, the actions of staff, or the complaint handling process.

**Minimum Standards for School Registration:** are the requirements/standards specified for all schools in the Education and Training Reform Act 2006 (the Act) and the Education and Training Reform Regulations 2017.

**Parent/Care Giver:** the parent or legal guardian of a student enrolled in a DOBCEL School.

**Procedural Fairness:** procedural fairness or the rules of natural justice as follows:

1. A Complainant is given a genuine opportunity to make a Complaint, and the complaint will be taken seriously and acted upon in accordance in with terms of the relevant Complaint Procedure.
2. A Respondent is given sufficient information about the complaint to allow to respond to the complaint before a decision affecting their interests is made.
3. The Decision-Maker must be impartial and not pre-judge an outcome. The Decision-Maker, will make a decision on the balance of probabilities considering the available evidence to determine what is most likely to have occurred.

**Respondent:** the person against whom the complaint has been raised.

**School:** means a Catholic primary or secondary school operating under the governance of DOBCEL.

**Serious complaint** a serious complaint is one requiring urgent action or which could have serious consequences for the parties concerned or others, resulting from a serious breach of legislation, school policy or procedure. The complaint may be in relation to issues about student behaviour management, bullying or harassment, drug or alcohol use, damage or loss of personal or school property, student wellbeing or the requirement for adjustment to learning for students. Serious complaints may be complex or those of a whole school nature.

**Student:** a child or person enrolled in a DOBCEL school.

**Support Person** may accompany the Complainant to meetings. The support person's role is to listen. They may make notes and may occasionally speak to the Complainant to clarify what they are saying. The support person does not speak on behalf of the Complainant.

## Principles

### Human dignity

Our common humanity requires respect for and support of the sanctity and worth of every human life. All other rights and responsibilities flow from the concept of human dignity. This principle is deemed as the central aspect of the Church's social teaching. The belief that each life has value is shared with International Human Rights which are universal, inviolable and inalienable.<sup>1</sup>

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<sup>1</sup> *ibid.*

**Solidarity and synodality** involving the breadth of the diocesan community

Synodality involves the active participation of all members of the Church in its processes of discernment, consultation and co-operation at every level of decision-making and mission. Every member of the People of God is involved, though with varied roles and contributions.<sup>2</sup>

Solidarity, on the other hand, presupposes a commitment to a more just social order and urges each to consider the impact of how they live and interact with others from the point of view of justice. Being in solidarity means recognising others as equals and actively working for their good.<sup>3</sup>

**Subsidiarity** in fostering local expressions of the Church's common mission

All people have the right to participate in decisions that affect their lives. Thus, decisions should be made at the most appropriate level, by the people most affected by the decision and by those who exercise responsibility for carrying out the decision. It also means that those in positions of authority have the responsibility to listen to everyone's voice and make decisions according to the common good.<sup>4</sup> Implementing the principle of subsidiarity supports the interdependence of all decision makers.

## Policy Statement

St. Mary's School – Swan Hill strives to provide positive, clear and effective processes for resolving grievances between the school and parent/guardians or students. This can assist in building strong relationships, dispelling anxiety and ultimately provide a settled and harmonious learning environment. The Complaints Handling Policy and Procedures seeks to achieve the restoration of fair and respectful relationships.

St. Mary's School – Swan Hill endeavours to ensure that complaints are managed and resolved fairly and in a timely manner. This policy and procedures has been developed in accordance with the Diocese of Ballarat Catholic Education Limited (DOBCEL) Complaints Handling Policy.

Complaints of a school-based nature are best received and managed at the local 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.

Unresolved complaints about DOBCEL schools can be referred to Catholic Education Ballarat. A complaint may be raised with Catholic Education Commission of Victoria (CECV) if there is a perceived breach of the Minimum Standards. The CECV acts in accordance with the Memorandum of Understanding with the Victorian Registrations and Qualifications Authority (VRQA) to investigate alleged breaches of the Minimum Standards in accordance with Sections 4.2.2 and 4.2.3 of the Act.

Anonymous complaints will be reviewed, as appropriate. In some situations, complaints may not be able to be fully addressed if they are made anonymously or without sufficient detail provided to enable a fair review or resolution of the matter.

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<sup>2</sup>[http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20180302\\_sinodalita\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html) ¶ 7, 21. See also *The Light from the Southern Cross*, *op.cit.*, 5.2.3., p.43

<sup>3</sup> See <https://caritas.org.nz/catholic-social-teaching/solidarity>

<sup>4</sup> See <https://caritas.org.nz/catholic-social-teaching/subsidiarity>. See also *The Light from the Southern Cross*, *op.cit.*, 5.2.1. p.41.

A record will be kept of formal complaints and written anonymous complaints. A written record of complaints which relate to the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS) will be kept.

## Procedures

St. Mary's School – Swan Hill has established procedures for responding to complaints which reflect the expectations of the DOBCEL Board as described in the DOBCEL Complaints Handling Policy and Procedures. The school's Complaints Handling Policy and Procedures are publicly available on the school's website or by requesting a copy from the school office.

## Steps for Complaints Management at St. Mary's School – Swan Hill

The St. Mary's School – Swan Hill Complaints Management Procedures Flowchart (Appendix 1) illustrates the steps in school based complaints handling.

### Raising a concern

At St Mary's Swan Hill we use the following procedures for responding to complaints.

- In many cases a concern can be addressed informally through communication early in the process. Parent/care givers or students are encouraged to make an appointment to discuss the concern with the student's class teacher. The best way to do this is to contact the school office or to send an email to the staff member to arrange a mutually convenient time for a telephone call or meeting.
- The classroom teacher may be able to resolve the concern or may ask another staff member to assist. This is normally their level leader or a member of the leadership team.
- If the parent/care giver or student does not feel that this approach has addressed the concern they may wish to raise a complaint with a senior member of staff or the Principal.

### Formalising a complaint

Formal complaints should be lodged with the Principal

When a complaint is made:

- All parties to a complaint (complainant and school staff) must ensure that during the Complaints Handling Procedure:
  - they treat everyone with respect, using appropriate language to present their view of the situation;
  - they treat the content of the complaint and the process as confidential (save that all parties are entitled to seek legal advice, to have a support person and to discuss all matters freely with these people);
  - they do not post details of the complaint, or parties to the complaint on social media or other public forums
  - they be prepared to accept the outcome of the process even if it is not their preferred outcome and to work constructively with each other to move forward

- Complaints must be made in writing and can be submitted in a variety of ways including via email and in person. Alternate arrangements can be considered where necessary.
- Typically a complaint will be made where a concern raised has not resulted in a satisfactory outcome for the parent/care giver
- St. Mary's School – Swan Hill will use the following timeline as a guide to ensure complaints are responded to within an appropriate timeframe:
  - written acknowledgement of a formal complaint to complainant within **2 working days**
  - meeting to be arranged to discuss the complaint within **5 working days**
  - referral to relevant agencies if necessary within **2-5 days** of receiving complaint
  - inquiry (if required) to be conducted within **one week**
  - inquiry (if required) to be finalised within **four weeks**
  - reasons for the findings provided to complainant within one week of finalisation of the complaint review or inquiry.
- All complaints, the actions taken to resolve them, and outcomes of those actions will be documented in a school based data management system and maintained in strict confidence.
- A complainant may withdraw a complaint at any time however, withdrawing a complaint may not prevent an inquiry being undertaken where a duty of care may warrant it.
- No one will be victimised as a result of lodging a formal complaint.
- A person who has raised a complaint may be supported by another person (e.g. a friend or other person) as a support person.
- Complainants will be advised of the outcome of the complaint. This does not include full details of any interventions or actions as a result of the findings for privacy reasons.

An alternative dispute resolution method such as mediation may be used as an option at any stage of the process with the agreement of both parties. St. Mary's School – Swan Hill may refer parties to support groups and counselling if appropriate.

In making a decision, the Principal must balance the needs and views of the student, parent or care giver, the respondent, other students, the school community and any statutory requirements. This means that there may be times when the outcome of the process will be not in the favour of the complainant. Where this happens, the Principal will work with the complainant to explain the reasons for this and attempt to find a constructive way forward.

The Principal will ensure that the complaint is addressed in a fair and reasonable manner taking into account the evidence and principles of natural justice or procedural fairness.

### **Should the matter not be resolved or if the complaint is about the Principal**

If the matter cannot be resolved at the school level, or if the complaint is about the principal of the school, complaints can be lodged by webform to **Catholic Education Ballarat's Manager Safeguarding and Standards** via <https://ceob.edu.au/office-locations-contacts/feedback-form/> or by post to PO Box 576, Ballarat, Vic 3353.

If the complaint is unable to be resolved to the satisfaction of the complainant, but the matter is however finalised, the complainant may seek alternative independent or other advice, or contact other

entities such as the CECV, the VRQA, the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal (VCAT) or the courts.

## Related Policies

- DOBCEL Enrolment Policy
- *DOBCEL Behaviour Management Policy*
- *DOBCEL Antibullying and Harassment Policy and Procedures*
- DOBCEL PROTECT: Reporting and Responding Obligations Policy
- St. Mary's School – Swan Hill *PROTECT: Reporting and Responding Obligations Procedures for Schools*

## Appendix 1: St. Mary's School – Swan Hill Complaints Management Procedure Flowchart

