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Complaint Handling Procedures and Guidelines

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Catholic Education
Diocese of Parramatta

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CEO contact list

Parents (for referral)	Community Liaison Officer	9840 5611
Fees	School Fees Liaison Manager	9840 5625
Employees	Team Leader Staff Services	9840 5641
Student services	Team Leader Student Services	9840 5724

Complaint Handling Procedures and Guidelines

Complaint Handling Procedures

Complaints will be addressed according to the Complaint Handling Guidelines in a professional, competent and timely manner.

Complaint Handling Guidelines

Scope and application

These guidelines apply to parents/guardians, students, visitors, volunteers, community members, employees and contractors of the Catholic Education Diocese of Parramatta, except where issues are dealt in accordance with*:-

- Suspension, Transfer, Expulsion, Exclusion Procedures 2012
- Child Protection – Risk of Harm and Significant Harm **and /or** Allegations
- Relevant CEO discipline procedures for employees (for serious complaints involving allegations of misconduct/unsatisfactory performance by employees)
- Enterprise Agreements/Awards
- Anti-Bullying Policy for Students 2005
- Criminal Jurisdiction

Generally student complaints will be processed through school based procedures relating to pastoral care or student management. The Catholic Education Office Complaint Handling Procedures may be used in matters assessed as more serious in nature and involving an adult as one of the parties (e.g. a complaint by a student against a teacher, teacher against a student, or by a parent on behalf of their child).

Complaints relating to the areas of discrimination, harassment and bullying are dealt with according to these guidelines with reference to the Countering Discrimination, Harassment and Bullying Policy (2010).

Definitions

The person making a complaint is referred to as **'the complainant'**. The person about whom the complaint is made is '**the respondent'**. The '**parties**' refer to both complainant and respondent. The person handling the complaint is the '**complaint handler'**, usually a team leader, principal or Director of School Performance. Persons who directly witness an alleged incident are referred to as **'witnesses'**.

Complaint options

There are informal and formal options for making and resolving complaints. The aim is to resolve most complaints informally where appropriate.

Assessment of a complaint is an important step in determining how a complaint will be handled.

See Appendix 3 - Complaint Handling Process

Informal Complaints

Making an informal complaint

Wherever possible, complaints should be raised directly with the person concerned (unless this person is a child, in which case, it is usually more appropriate to contact the relevant teacher or member of the School Executive). Approaching the person who may be the cause of the complaint and letting them know the impact of their actions may be the most appropriate action. This provides the person with an opportunity to stop or change what they are doing and/or explain their actions.

Informal complaints may be received in a number of ways, including face-to-face contact, email, letter or phone.
Completion of the Complaint Form is optional for informal complaints although all complaints should be recorded.

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Options for resolving informal complaints

Resolving a complaint informally requires that parties identify the issues concerning their complaint, and agree on a resolution.

Informal options for resolution include:

- **Self-resolution** – handle the issue personally
- **Assisted resolution** – seek resolution with the help of a colleague, support person, school principal or team leader. Employment Relations may assist in some circumstances.

See Appendix 2 for explanation of these options.

Formal Complaints

Making a formal complaint

A formal complaint may be made when:

- a complaint cannot be resolved informally
- where you cannot approach the person directly or remain dissatisfied with their response
- the seriousness of the issue warrants a higher level of formality

Options for resolving formal complaints

Formal options for resolving formal complaints are:

- **Intervention** - developing a solution or agreement through discussion or correspondence with the parties.
- **Investigation Procedure** – investigation procedure is used for a complaint relating to an alleged serious breach of legislation, policy or procedure.
- **Mediation** – a structured process conducted by a trained mediator aimed at resolution between the parties concerned.
- **System Improvement Procedure** – used for a complaint that is about policies, procedures or systems rather than a person.

See Appendix 3 in defining these options.

Complaint Intake

All formal complaints are to be put in writing using the Complaint Form. For informal complaints, a record of the complaint should be retained at the school or workplace.
For school related matters, the form should be forwarded to the school principal. If the complaint relates to a principal, the form should be forwarded to the relevant Director System Performance.

Complaints received within the Catholic Education Office from employees should initially be referred to the appropriate Team Leader. If the complaint relates to a Team Leader, the Complaint Form should be forwarded to the relevant Director.

Complaints received by the Community Liaison Officer, Catholic Education Office will be logged, and forwarded as appropriate to the relevant Director System Performance.

Complaints relating to system policies or practices, or complaints that are perceived to have remained unresolved will be forwarded to a Director System Performance.

Complaints relating to the Executive Director of Schools should be forwarded to the Bishop, Diocese of Parramatta.

Appointment of an investigating officer

A school principal, Team Leader, Director System Performance or Executive Director of Schools may determine and appoint an investigating officer for a complaint. When required, Employment Relations can provide further advice relating to the investigation process.

The investigating officer is responsible for assessing, planning and managing an investigation process concerning the allegations to completion of a formal report containing both findings and recommendations. The implementation of the report's recommendations is the responsibility of a nominated leadership position.

The investigating officer will:

- assess if there is any conflict of interest
- plan and implement an investigation process
- complete report with findings to the complaint handler

The complaint handler will:

- communicate with all parties, including the outcome of a complaint process
- take action concerning the findings of the investigation
- refer issues requiring system improvement to the relevant Director

Natural justice and procedural fairness

The principles of natural justice apply to all complaints.

Natural justice is also known as procedural fairness and applies in situations where a decision could potentially have a detrimental effect on the rights, interests or legitimate expectations of a person.

Procedural fairness requires that:

1. The respondent is heard
2. The decision is not biased
3. The decision is based on relevant and reliable evidence

It is also important that complaints are dealt with in a timely manner and parties advised of the reason for any delays.
Where an anonymous complaint is lodged, no action will be taken unless the allegation is reportable conduct and action must be taken in accordance with the NSW Ombudsman's Act.

Confidentiality

To maintain confidentiality in so far as that is reasonable all participants in the process, particularly the Complaint Handler, should restrict the information about the complaint to those who need to know.

All participants in the process also need to be informed of the importance of confidentiality and also that unfair repercussions or victimisation in any form is unacceptable and if evident could result in disciplinary action.

Access to support

The person who made the complaint and the respondent may access support. If meetings with the parties are held, the parties may have a support person present.

Students under the age of 18 who make a complaint are to be offered the support of an adult support person. This may be a parent, guardian, teacher or other significant person.

Guidelines for dealing with complaints may be adapted according to such considerations as the age of students, English competency and disability (for example, assistance may be given completing the Complaint Form).

All employees participating in the complaints process may access a confidential counselling service which is made available by contacting the Employee Assistance Program (EAP) on 1800 81 87 28.

Record keeping

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Complaint handlers will keep written records of the complaint resolution process and outcomes. Complaint records will be filed and stored appropriately.

Outcomes-resolution and remedy

If an allegation/complaint is substantiated, the complaint handler will determine appropriate resolution and/or remedy

When determining an appropriate remedy the following factors may be taken into consideration:

- the seriousness of the conduct
- the complainant's and respondent's input concerning resolution
- referral to previous cases and consequences

Decisions on appropriate remedies involving students will consider their age and involvement of, and consultation with, parents/guardians.

Remedies for substantiated complaints may include:

- A written apology and/or a summary of action to be taken
- Counselling and support
- Mentoring
- Ongoing monitoring of behaviour
- Facilitated/mediated resolution
- A formal agreement

In addition for employees:

- Performance management
- Workplace training

System improvement:

- Review System or school procedures and implementation of changes if required

Ongoing monitoring

- The complaint handler will determine appropriate ongoing follow up particularly where a complaint is substantiated.
- This could include regular 'check in' with parties involved in the complaint and/or
- Implementation of system improvement

Unsubstantiated or vexatious complaints

- If the complaint is unsubstantiated - (did not occur or not proven) - the complaint handler will communicate this outcome to the parties concerned and determine further action if necessary.
- If the complaint is found to be vexatious/malicious similar remedies for a substantiated complaint including a written apology could be implemented by the complaint handler. Conduct of this nature could result in disciplinary action in the case of an employee.

Review

Either the complainant or respondent/s may request a review of the process. The review will be undertaken by a person nominated by the Executive Director of Schools

A request for a review must be made within 10 working days from the date of the finding and detail the grounds for the review.

The person conducting the review will:

- review all relevant material

- make a recommendation to the Executive Director of Schools

Where a review has been requested, the finding that is being reviewed will be put on hold until the review is complete. The reviewer will record action taken and communicate the outcome of the review to the Executive Director

The Executive Director will advise parties in writing of the outcome of the review and the status of the decision.

The decision of the Executive Director is final.

Appendix 1

Complaint Form

1. YOUR DETAILS	
Family name:	Given name(s)
Contact details:	

2. YOU ARE: *(PLEASE TICK)*		3. THE COMPLAINT IS ABOUT EVENTS AT: *(PLEASE TICK AND GIVE DETAILS)*	
Student	☐	A school	☐
Parent/caregiver	☐	CEO office	☐
Staff	☐	Specify location and address:	☐
Other (please specify)	☐		

4. PLEASE GIVE DETAILS OF THE COMPLAINT

(Please attach additional page if space is insufficient. You may also attach further documentation if you wish.)

5. PLEASE GIVE DETAILS OF THE OUTCOME YOU ARE SEEKING

(Please attach additional page if space is insufficient.)

6. HAVE YOU PREVIOUSLY RAISED THIS CONCERN WITH A STAFF MEMBER? *(PLEASE TICK)*

No ☐	Yes ☐
If yes, when:	
Who dealt with the matter?	
What was the result?	

7. DO YOU PROVIDE CONSENT FOR DETAILS OF THE COMPLAINT TO BE FORWARDED TO THE RESPONDENT?

Yes☐ No☐

Signature: _____ Date: _____

For complaint handler use (see assessing and referring complaints)

Office use
For matters which are resolved at intake:
Advice/Action:
……
Options: ☐ Self-resolution ☐ Assisted resolution ☐ Mediation ☐ Intervention ☐ Investigation ☐ Systems improvement

Outcome: .....

Date matter is finalised: .....

Name of complaint handler..... Signature: .....

For matters which need further action:

Referred for: Further assessment to ☐ Director System Performance ☐ Team Leader Employment Relations ☐ other

Referred to: Name: .....

Referred by: Name: ..... Signature: .....

Date: .....

Options for Resolving Complaints

1. Informal options

Principals, supervisors and professional officers with specific responsibilities in the area of handling and attempting to resolve complaints have specific roles in providing assistance with the resolution of complaints. The complainant and the respondent also have a responsibility to resolve the issue, and to seek and accept realistic outcomes. Use of informal options may prevent escalation of conflict and achieve effective resolution of complaints

Informal options apply to the resolution of complaints concerning most day to day operations. Once informal options have been genuinely attempted, or the concern has become persistent or serious, then formal procedures are recommended.

The following options should be considered in order of priority:

1.1 Self-resolution

Self-resolution is based on reflective practice and direct conversations respectful of each person's needs within the school and workplace. Concerns may be resolved through the provision of relevant information or clarification of issues in open discussion by the parties themselves.

1.2 Assisted self-resolution

Assisted self-resolution may be discussed with a support person who may be a colleague, supervisor, principal, or member of Employment Relations who may provide professional advice or assist the parties with resolving possible misunderstanding, miscommunication or lack of clarity concerning the issue.

2. Formal Options

In circumstances where it is inappropriate or not possible to resolve a matter informally, there are three formal procedures available. In general, the procedure that will apply will depend on whether or not the complaint is about the conduct of a person and, if it is, whether or not the matter is considered to be serious.

In some instances, it may be necessary to apply more than one option. For advice, contact Employment Relations on 9840 5641..

The complainant or respondent cannot stipulate the formal procedure to be used to address the complaint; however the complaint manager may take into account preferred options indicated by the parties in choosing an appropriate option. .

2.1 Intervention

Intervention is the process of developing a solution or agreement through discussion or correspondence with the parties.

It may require a decision by the complaint manager if no mutually acceptable resolution is reached. It applies to complaints that while assessed to be less serious, for some reason, have been unable to be resolved informally.
This procedure requires the complaint manager to assist in the resolution by communicating with the parties, and if needed, meeting with them separately or jointly.

If this does not resolve the issue then the complaint manager makes a decision and notifies the parties of that decision.

This procedure is generally used to resolve employee grievances and parent/guardian complaints which have not been resolved using informal options.

2.2 Investigation

Investigation procedures may be used in more serious matters where there has been a complaint about a person or entity. It will generally relate to a serious breach of system policy, rules or contractual matters (for example an employment contract). As most investigations will relate to employment matters of a disciplinary nature, usually misconduct, employment matters do not within the scope of this policy

The goals of an investigation are to:

- Articulate the specific nature of the allegations (e.g. what is the breach of policy, rule broken)
- Identify and document the material evidence
- Comply with procedural fairness obligations
- Facilitate an informed decision

Any suspected breaking of a rule/misconduct is referred to as an allegation and the investigator's role is to assist the adjudicator (decision maker) to decide if sufficient evidence exists for the allegation to be sustained. A "balance of probabilities" principle is applied in assessing the substantiation of allegations.

2.3 Mediation

Mediation is a structured process and is available following assessment by the complaint manager where self-resolution or other forms of assisted self-resolution have not resolved the issue.

Parties to a complaint may explore the possibility of reaching agreement with the assistance of a mediator. The mediation process itself involves identifying issues, exploring options, considering alternatives and finding resolution. The mediator does not make decisions on behalf of the parties

If mediation is preferred contact the Director of School Performance (for student, parent, contractor or volunteer and community related complaints) and Employment Relations (for employee or CEO related complaints) to check that the complaint is suitable for mediation and to make arrangements.
Prior to, during and after mediation the parties may contact the complaint handler or support person if required.

2.4 System improvement

System improvement procedure is used for a complaint that is about policies, procedures or systems rather than a person.

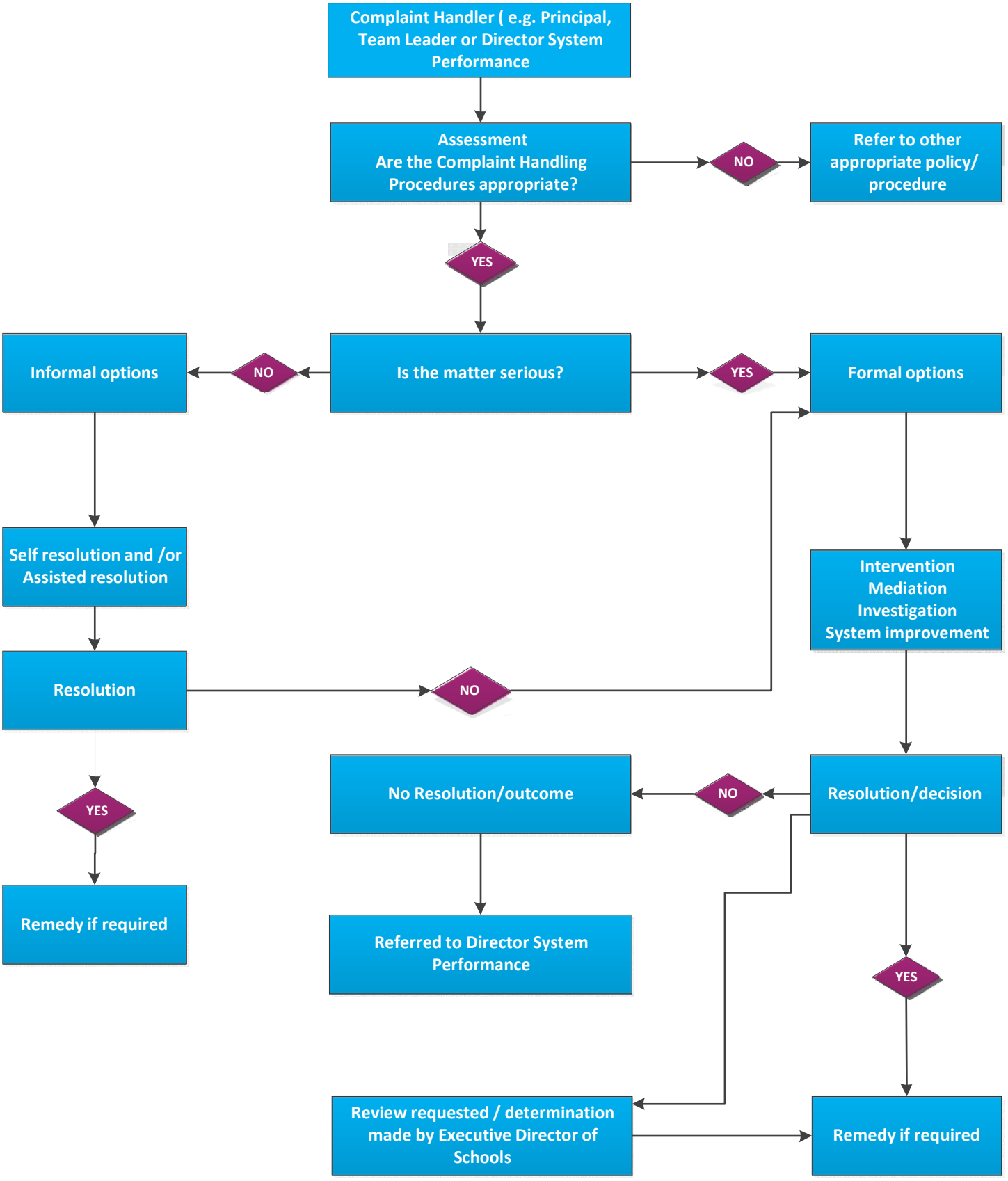
The procedure can be initiated by a principal or team leader.

System improvement provides remedies by way of processes, procedures, policies and practices to address various needs of the system, and which is identified as a result of a complaint.

A system improvement process should include:

- Assess if remedy and/or system improvement is warranted
- Implement interim remedy
- Refer matter to Director for advice
- Refer recommendation to principal, head of service or executive director for approval
- Refer to leadership position for implementation
- Monitor following implementation

Complaint Handling Procedures and Guidelines



Appendix 4

Sample advice for school newsletter

Reminder for our school community
If, at any time, you find that you have a concern with the school, you are encouraged to come to the school and speak with the teacher/s, assistant principal and/or principal, to identify your concern.

It is our aim to work with all members of our school community to ensure that we do the very best to provide a productive, safe and enjoyable learning experience for our students and professionally fulfilling experience of our staff.

If you would like to raise a concern, the Catholic Education Office has guidelines for ensuring that complaints are handled fairly. Information about how to handle complaints either informally or formally is available from the school office and/or within the Complaint Handling Guidelines. These documents can be accessed on the school website (insert URL) or system website www.parra.catholic.edu.au

APPENDIX 5

Sample acknowledgement letter to complainant – parent (formal complaint)

[NAME]
[Address]

Dear [NAME]

I refer to your complaint concerning [insert details].You may wish to complete the attached Complaint Form and forward it to me as soon as possible.

The matter has been referred to me and will be handled in accordance with the Complaint Handling Procedures (included). Please let me know if you have any questions about the handling of this complaint.

You will be contacted in due course as part of the complaint handling process.

Yours sincerely

[Name]
[Title]
[Date]

Attachment - Complaint form and Complaint Handling Procedures document

APPENDIX 7

Sample acknowledgement letter to complainant (formal complaint)

Confidential

Dear [NAME] (employee)

Date

[NAME]
[Address]

Dear [Name]

I refer to your complaint received in (function/school) on (date) alleging (state issue) in relation to (name and position). I understand this relates to (summary of issues if multiple).

In accordance with the system processes for managing complaints, I would like to confirm that (**name and position) will be the complaint handler.**

Accordingly, (name) will meet with you on (**day, date and time)** at **(location)** to review your complaint.

The procedures to be followed are outlined in the *Complaint Handling Procedures,* and the *Countering Discrimination, Harassment and Bullying* Policy (latter depends on the complaint), and I enclose copies of both for your information. As outlined within the procedures you may wish to nominate a support person to be present during the interview with (name).

The meeting on **(date)** will provide an opportunity for (name) in handling your complaint, so that further information relating to your complaint can be obtained. At this meeting there will also be the opportunity for you to clarify the process, identify witnesses who may support your claims, and identify the resolution you are seeking.

As part of this process, you will need to advise (name) as to whether you authorise the concise statement of your complaint to be given to **(respondent's name),**

In facilitating the process, respect for the dignity and reputation of all involved is paramount. Every effort will be made to manage this matter confidentially and any person interviewed will be advised of the necessity to maintain confidentiality.

I appreciate this is a very difficult time for you and I encourage you to use the confidential services of Access Employee Assistance Program on 1800 818 728.

If you require further information about the process, please contact (name) direct on.....

Yours sincerely

Principal/Team Leader

cc Relevant Director System Performance, and/or
cc Team Leader Staff Services

Attach Complaint Form and Complaint Handling Procedures document

APPENDIX 7

Sample acknowledgment letter to respondent (formal complaint)

Confidential

Date

[NAME]
[Address]

Dear [Name]

I am writing to advise you that a complaint has been received in (function/school) on (date) alleging (outline specific allegation/s) in relation to you (name and position).

In accordance with the system processes for managing complaints, I would like to confirm I have appointed (**name and position) as the complaint handler**.

Accordingly, (name) will meet with you on (**day, date and time)** at **(location)** to review your response to your complaint.

The procedures to be followed are outlined in the *Complaint Handling Procedures,* and the *Countering Discrimination, Harassment and Bullying* Policy (latter depends on the complaint), and I enclose copies of both for your information. As outlined within the procedures you may wish to nominate a support person to be present during the interview with (name).

The meeting on **(date)** will provide an opportunity for (name) in handling your complaint, so that further information relating to your response to the complaint can be obtained. At this meeting there will also be the opportunity for you to clarify the process, and identify witnesses who may support your response.

In facilitating the process, respect for the dignity and reputation of all involved is paramount. Every effort will be made to manage this matter confidentially and any person interviewed will be advised of the necessity to maintain confidentiality.

I appreciate this is a very difficult time for you and I encourage you to use the confidential services of Access EAP Employee Assistance Program on 1800 818 728.

If you require further information about the process, please contact (name) direct on.....

Yours sincerely

Principal/Team Leader

cc Relevant Director System Performance, and/or
cc Team Leader Staff Services

Attach Complaint Form and Complaint Handling Procedures Document