

# ST JOSEPH'S COLLEGE GEELONG

## POLICY 4.4 COMPLAINT HANDLING PROCEDURE

### INTRODUCTION

#### Background

1. At St Joseph's College, we are committed to providing a pleasant work environment for all employees and students. We acknowledge, however, that employees and students may sometimes feel aggrieved because something that has happened, or is happening, in the working or learning environment at the School appears to be discriminatory or to constitute harassment or bullying. A staff member or student may complain about behaviour, an act or omission by other staff or student or any decision that he or she considers to be discriminatory or to constitute harassment or bullying. A complaint may be made about a person, system or procedure.

2. St Joseph's has embraced the principles of restorative practice which has the specific goal in mind: to support and facilitate the building of healthy relationships. It has been proven that when individuals live in healthy and life giving relationships with significant others, there is abundant personal growth, capacity for character building and a high level of achievement in all areas of endeavour. This practice will underpin the complaint handling procedure.

#### Rationale

3. This procedure has been developed for handling complaints made by staff and students. The benefits of having a complaint handling procedure are that it:

- a. makes it clear that the School takes complaints of discrimination, harassment and bullying seriously;
- b. can prevent an issue escalating;
- c. helps ensure that complaints are dealt with in a consistent manner;
- d. reduces the likelihood that it will become necessary for an external agency to become involved, which can be time consuming, costly and damaging to the public image of the School;
- e. enables the School to recognize patterns of unacceptable conduct, and respond by developing prevention strategies in particular areas;
- f. reduces the risk of liability being incurred under state or federal anti-discrimination legislation.

### COMPLAINT HANDLING PROCEDURE

#### Guiding Principles

4. The aim, in handling complaints, is to resolve the matter as quickly as possible, and as close to the source as possible. There are two processes available for the resolution of complaints under St Joseph's College complaint handling procedure: an informal process and a formal process.

5. Where possible, a staff member or student who has a complaint is encouraged to attempt to resolve the matter through the informal process, in the first instance. However, it is recognised that the formal process may be more appropriate in some cases. Further, staff and students retain the right to seek advice, or lodge a complaint, under the relevant state or federal legislation at any time during the complaint handling process.

6. There are a number of guiding principles, the observance of which are critical to the integrity and workability of the complaint handling procedure. The complaint handling procedure should be read and understood in light of these principles:

- a. **Confidentiality.** Confidentiality is vital. Confidentiality requirements apply equally to the complainant, the respondent, witnesses, management and the complaint handler. In order to maintain confidentiality, the number of people who know about the complaint and related information should be kept to a minimum, and everyone involved in the complaint handling process should only discuss the complaint, or related issues, with those who need to know about it. A breach of confidentiality is regarded as a serious issue, and may result in disciplinary action.
- b. **No Repercussions.** It is essential that there be no repercussions for making a complaint or acting as a witness in an investigation. A person must not be disadvantaged or victimised because he or she has made, or intends to make, a complaint or has acted as a witness or intends to do so. Any appearance or allegation of discriminatory treatment or victimisation will be investigated, and may result in disciplinary action.
- c. **Impartiality.** Impartiality in the complaints handling process is critical. Every complaint made will be managed from an impartial point of view. This means that no assumptions will be made, no conclusions will be drawn and no action will be taken, until all the relevant information has been collected and considered fully.
- d. **Procedural fairness.** It is also critical that the rule of procedural fairness be observed. When a complaint is dealt with through the formal process, the person handling the complaint will observe the rules of procedural fairness. This requires:
  - (1) the person about whom the complaint is made ('the respondent') is fully informed of the allegations made against him or her;
  - (2) the respondent is given a hearing that is, an opportunity to respond to the allegations, and to raise any matters in his or her defence;
  - (3) the allegations are properly investigated, all parties heard and relevant submissions considered;
  - (4) irrelevant matters are not taken into account;
  - (5) the person making the complaint ('the complainant') is not involved in determining the outcome of the complaint handling process;
  - (6) the decision-maker acts fairly and without bias; and
  - (7) the parties to the complaint are kept informed throughout the process.
- e. **Timeliness.** It is important that complaints are resolved as quickly as possible. For this reason, the resolution of complaints will be given priority over other work.
- f. **Support for complainant and respondent.** It is also important that both the complainant and the respondent have access to a support person, during the complaint handling process, and afterwards if necessary. A support person may be a contact officer, union representative or psychologist. The role and names of Contact Officers are listed at attachment 1.

7. The Complaint Handling Procedure Tree is at attachment 2.

### **INFORMAL PROCESS**

- 8. The informal process will usually be the most appropriate for resolving complaints where:
  - a. although the complainant wants the behaviour or issue giving rise to the complaint to be dealt with, that behaviour or issue is of a less serious nature;
  - b. the complainant would prefer to pursue resolution of his or her complaint informally; and/or

- c. the parties to the complaint are likely to have ongoing contact with one another, so that the preservation of their relationship must be a consideration in the complaint resolution process.

9. Informal process, procedures available:

- a. **Discuss the matter with the person concerned directly.** Staff and students are encouraged to make it clear to the person concerned that their behaviour is inappropriate and may be discriminatory, or constitute harassment or bullying. Sometimes the person concerned will genuinely be unaware that his or her behaviour has been, or is, inappropriate. Once this has been brought to their attention, the person concerned will usually be prepared to change his or her behaviour.
- b. **Seek information on options available to resolve the matter.** In the first instance, the complainant may seek information and support from a designated Contact Officer. A member of staff who has a complaint can also speak to the Principal or members of the Management Team.

Of course, a student who has a complaint, or his or her parent or guardian, can also approach members of the College Management Team directly. But a student who has a complaint can also explore ways of resolving their complaint with their homeroom teacher, year level co-ordinator, College Psychologist, or another member of staff. Students may prefer to approach Senior College leaders, who have been identified as Student Contact Officers, rather than a teacher or level coordinator.

- c. **Request intervention.** In some cases a complainant may be unable to resolve a complaint himself or herself, or with the support of a contact officer. In such cases, a complainant may request intervention from the year level co-ordinator (where the complainant is a student), College Psychologist, Principal or member of the Management Team, in order to deal with the complaint. Any intervention will be based on the principles of restorative practice.

Where a complainant requests that such a person intervene, the intervener (that is, the Year Level Co-ordinator, College Psychologist, Principal or Member of the Management Team) must observe, and ensure that the parties understand, the guiding principles for complaint handling, including restorative practice, confidentiality, the principle that there be no repercussions, impartiality, procedural fairness and timeliness.

Intervention may take the form of individual meetings with the parties, or a joint meeting in the style of an informal mediation session. The objective of intervention is to ensure that the respondent is aware that his or her behaviour has given rise to a complaint, and to ensure that the respondent discontinues or alters that behaviour.

The intervener will inform the respondent about the nature of the complaint, the request for intervention and the offer of informal resolution. If the respondent does not wish to participate in the complaint resolution process, it is up to the complainant to decide whether he or she wishes to proceed to a formal complaint resolution procedure.

If the respondent does wish to participate in the complaint resolution process, the intervener will set a convenient time to meet either individually, or jointly, with the complainant and respondent. Notes should be kept of all meetings. At these meetings, the intervener must:

- (1) clarify details of the complaint as given by the complainant, including the alleged impact of the respondent's behaviour;
  - (2) clarify details of the complaint as given by the complainant, including the alleged impact of the respondent's behaviour;
  - (3) invite the respondent to outline his or her perception of events;
  - (4) confirm who has been involved to date and what action, if any, has been taken;
  - (5) advise of the need for confidentiality;
  - (6) advise that there must be no recurrence of the offending behaviour, and no reprisals against the complainant;
  - (7) advise of the right to refer the complaint to a formal process or an external body.
- d. **Resolution.** The resolution of a complaint, through an informal procedure, may include:
- (1) an acknowledgment that the respondent's behaviour has caused offence, or amounted to discrimination, harassment or bullying;
  - (2) an undertaking that the respondent will discontinue that behaviour;
  - (3) a statement that reprisals by the respondent against the complainant, or by the complainant against the respondent will not be tolerated;
  - (4) a procedure for monitoring the situation, so that each individual will feel supported and protected.

If the attempted resolution through an informal procedure is unsuccessful, the complainant may lodge a formal complaint.

### FORMAL PROCESS

10. The formal process will usually be the most appropriate for resolving complaints where:
- a. attempts to resolve the issue have been refused, or no satisfactory outcome has been achieved through the informal process;
  - b. the respondent has failed or refused to acknowledge that there is cause for complaint, or failed or refused to assure the complainant that the behaviour will be discontinued or that there will be no retaliation as a consequence of the complaint being made;
  - c. the complainant has been disadvantaged, either as a result of the behaviour giving rise to the complaint, or as a result of making the complaint;
  - d. the complaint involves serious allegations;
  - e. the matter may also be the subject of criminal and/or other external proceedings;
  - f. the respondent is in a position of authority in relation to the complainant, and is in a position to influence the employment or educational outcomes of the complainant;
  - g. the complainant wishes to proceed formally from the outset.
11. A formal complaint must be lodged with the Year Level Co-ordinator (where the complainant is a student), member of the School Management Team or Principal. The person who receives the complaint must decide, in consultation with the Principal or Deputy Principal, who is the person (or persons) most appropriate to investigate the complaint.
12. A formal complaint should be in writing, and contain details of the following:

- a. who the complaint is against;
- b. the incident, act or omission, behaviour or decision that has given rise to the complaint;
- c. the date(s), time(s) and place(s) relevant to complaint;
- d. names of witnesses, or others, who may be able to provide information relevant to the investigation;
- e. any action, including any attempt at informal resolution, that has been taken in order to resolve the issue;
- f. the outcomes sought by the complainant.

13. The complainant may seek support from a Year Level Co-ordinator (where the complainant is a student), Contact Officer, Investigation Officer, Union Representative, Principal or member of the Management Team in preparing his or her written complaint.

14. An Investigation Officer is appointed to investigate the complaint, make a finding and present a report with recommendations to the Principal. It is the responsibility of the Principal to make the final decision as to what the outcome of the complaint handling process will be, and to implement that decision.

15. The Principal, in consultation with the Investigation Officer, may decline to pursue a complaint if the action or behaviour that gave rise to the complaint is more than twelve months old, and the complainant can offer no valid reason for the delay in lodging the complaint. The complainant retains the right to lodge the complaint with the Equal Opportunity Commission or other appropriate external body, such as a Union Representative or legal representative

16. Formal process, stages to be followed:

- a. **Investigation of the complaint.** Investigating the complaint involves:
  - (1) interviewing the complainant;
  - (2) putting the complaint to the respondent;
  - (3) interviewing the respondent;
  - (4) interviewing witnesses, if necessary; and
  - (5) gathering other relevant evidence.
- b. **Make a finding.** Once the complaint has been fully investigated, the investigating officer must decide, on the 'balance of probabilities', whether the complaint is substantiated. That is, having regard to all the information collected during the investigation process, is it more probable than not that the action or behaviour that gave rise to the complaint actually occurred in the manner alleged.
- c. Prepare a report. The report prepared by the investigating officer should contain:
  - (1) all documentation gathered during the investigation;
  - (2) a copy of the procedure followed;
  - (3) the finding made; and
  - (4) recommendations as to what the outcome should be.
- d. **Implement the recommended outcome or decide on an alternative course of action.** It is the responsibility of the Principal to make the final decision as to what the outcome of the complaint handling process will be, and to implement that decision. This requires the Principal to:
  - (1) determine whether the course of action recommended in the report is appropriate and, if it is not, decide on an alternative course of action;

- (2) inform the parties of the outcome;
  - (3) if the complaint is substantiated and disciplinary action is decided upon, advise the respondent of any appeal mechanisms available to them;
  - (4) if the complainant is not satisfied with the outcome, inform the complainant of external avenues of redress.
- e. **Monitor the situation.** Regardless of the outcome, the situation needs to be monitored to ensure there are no further incidents between the complainant and respondent.

## MANAGING COMPLAINT OUTCOMES

### Possible Outcomes

17. The outcome of a complaint may take the form of one or more of the following:
- a. an apology;
  - b. counselling of the respondent;
  - c. disciplinary action against the respondent, such as a formal warning, demotion, transfer, suspension, expulsion or dismissal;
  - d. disciplinary action against the complainant, where there is strong evidence that the complaint was vexatious, malicious or otherwise an abuse of process;
  - e. reimbursement of any costs associated with the complaint;
  - f. re-crediting of any leave taken as a result of the complaint;
  - g. reassessment of student assessment or assignments;
  - h. granting of special consideration or extension for assessment purposes;
  - i. review of policies or procedures;
  - j. education awareness-raising strategies.
18. The outcome recommended will depend on:
- a. the severity and frequency of the action or behaviour that gave rise to the complaint;
  - b. the weight of the evidence;
  - c. the wishes of the complainant;
  - d. whether the respondent could have been expected to know that such an action or behaviour would constitute a breach of policy;
  - e. whether the action of behaviour may have been the result of a misunderstanding;
  - f. the degree of the respondent's contrition;
  - g. whether there have been any previous incidents or warnings involving the respondent;
  - h. other mitigating factors arising from the circumstances of a case.

### Appeals

19. If a staff member or student feels that the complaints procedure has not been followed properly, or that the outcome is unacceptable, he or she may appeal to the Principal or a member of the Management Team, if that person was not involved in the original complaint handling process.

20. That person will investigate the way the complaint has been handled and examine the outcome. If he or she believes that it was handled properly and that the outcome was appropriate,

he or she will take no further action. If he or she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he or she will organise for the complaint to be reconsidered.

21. Where it appears that the complaint was not handled properly, or that the outcome was inappropriate, the complaint will generally be reinvestigated. Someone other than the person who first investigated the complaint will deal with an appeal. The investigator on appeal may go through the same steps, may interview more witnesses if he or she thinks those extra witnesses will be able to help, and may seek additional evidence.

### **Recourse to an external agency**

22. If a staff member or student is not happy with the way his or her complaint has been dealt with by the St Joseph's College, they may wish to go to an external agency for further advice and assistance. He or she may take his or her complaint to the external agency at any stage in the complaint handling process if he or she is unhappy with the progress being made in dealing with his or her complaint. The St Joseph's College will be able to provide the names and addresses of external agencies.

### **Documentation**

23. Clear and consistent record keeping throughout the complaint handling process will ensure that:

- a. the incidence of complaints is monitored, and particular problem areas are identified so that targeted awareness- raising and prevention strategies may be adopted;
- b. informed and fair decisions can be made on the basis of accurate reports;
- c. evidence on how the School dealt with a complaint can be submitted in any subsequent legal proceedings.

24. The nature of the records that should be made and retained, and the degree to which the complaint handling process should be documented, will depend on the formality of the complaint handling process elected by the complainant. Any complaint should be recorded on the Record of Complaint Form, attachment 3.

### **Records of informal complaints**

25. Where informal procedures have been used to resolve a complaint, only limited records need to be made and retained. A 'record of complaint' form should be completed and forwarded to the Principal (where the complainant is a member of staff) or Deputy Principal (where the complainant is a student). All records will be maintained in a secure file, which will only be available to senior staff.

26. It is not compulsory that the name of the complainant be recorded on the 'record of complaint' form. The complainant may determine whether he or she wishes his or her name to be recorded. The form only requires a brief summary of the complaint and the agreed course of action.

27. These records are required for statistical purposes, so the School can monitor the number of complaints made and target particular problem areas. They are also kept to enable a support person (Contact Officer, teacher or Principal) to follow- up the case, to ensure that the situation has been effectively resolved and that there have been no repercussions.

28. Where informal procedures have been used to resolve a complaint, the information provided in the course of those procedures will often be highly sensitive and will necessarily involve allegations against a particular individual. Since no investigation is involved in the informal complaint handling process, the allegations made remain untested and records made during the process are potentially damaging to the respondent. Therefore it is inappropriate to retain records containing untested claims against a respondent. This is particularly the case where the respondent has no knowledge that the record exists and/or has not been given an opportunity to refute the allegations made against them.

## Records of formal complaints

29. A formal investigation of a complaint will usually involve substantial records to be made and retained, and the complaint handling process be well documented. The records of a formal investigation will typically include the written complaint, statements provided by the parties, records of interviews conducted by the investigating officer, and any personal notes and reports made by the investigating officer.

30. If a formal complaint against a staff member or student is substantiated, a summary of the complaint, the finding and the action taken will be recorded in the respondent's personnel file.

31. All other documentation relating to the investigation will be kept in a sealed confidential file, which can be accessed only with the authority of the Principal.

## Additional Information

32. For more information, contact:

- a. Policy Custodian
- b. College Psychologists
- c. College Contact Officers (attachment 1)
- d. VIEU, Victorian Independent Education Union  
120 Clarendon St Southbank,  
Vic 3025  
9254 1860  
[www.vieu.org.au](http://www.vieu.org.au)
- e. Equal Opportunity Commission  
3/380 Lonsdale St  
Melbourne Vic 3000  
Enquiries: 9281 7100  
Web site: [www.eoc.vic.gov.au](http://www.eoc.vic.gov.au)

## Consequences of Breaching this Policy

33. Non-compliance with this policy may be grounds for disciplinary action. Depending on the seriousness of the circumstances, disciplinary action can be up to and including termination of employment.

## CONCLUSION

34. At St Joseph's College, we value the diversity within our School community, respect difference among employees and students, and recognise that each person has particular talents and skills to bring to their work. At St Joseph's College we believe that all employees and students are entitled to work in an environment in which they can enjoy their work and their relationships with their colleagues, free from discrimination and harassment of any kind.

35. The efficient management of complaints reinforces our commitment to the School community and this policy provides the guidance to meet this goal. The College expects that all employees and volunteers will abide by this policy and all related policies.

## Related Policies

36. The Complaint Handling Policy has linkages to other relevant College policies and professional expectations, as follows:

- a. Policy 3.1 *Child Protection – Reporting Obligations*
- b. Policy 3.9 *Child Safety*
- c. Policy 4.2 *Bullying and Harassment Policy*
- d. Policy 4.3 *Equal Opportunity Policy*

- e. Policy 4.6 *Code of Ethics/Professionalism Policy*

### **Policy Review**

37. The custodian of this Policy is the Principal. It will be reviewed every two years to take account of any changed technology, legislation, expectations or practices.

### **Authority**

38. This policy has been authorised by the St Joseph's College Geelong Board.

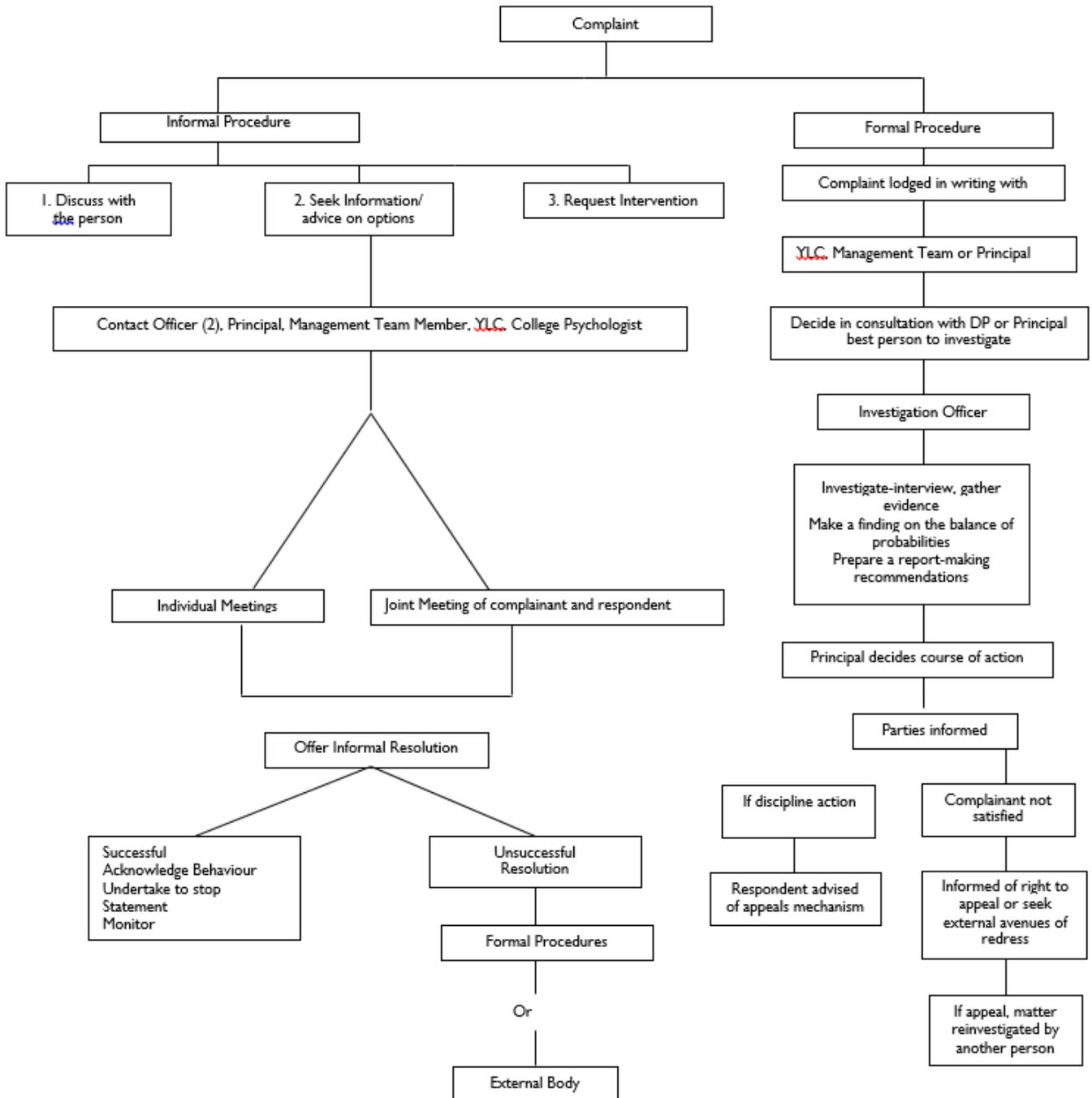
### **Attachments:**

1. Role and Names of Contact Officers
2. The Complaint Handling Procedure Tree
3. Record of Complaint

**ROLE AND NAMES OF CONTACT OFFICERS**

1. Contact Officers do not have a role in resolving complaints. Rather, their role is to provide information and support to staff and students in resolving problems themselves, or with the assistance of the Principal or a member of the Management Team.
2. St Joseph's College has three appointed staff Contact Officers. The Contact Officers have been trained to provide information and support to anyone who thinks they may have a complaint. The Contact Officers will provide this information and support in a confidential manner.
3. A Contact Officer can give you confidential information about avenues available to tackle your problem, and where you can go if you need more help. A Contact Officer does not investigate or resolve your complaint. However, they can go with you to see someone who can handle it for you.
4. Teachers and members of the Management Team can also provide students and staff with advice and information to resolve problems themselves. Members of the Management Team can provide advice and information to staff if they do not wish to approach the Principal or Contact Officer in their work area. Contact with a member of the Management Team may also be appropriate in circumstances where the complaint of discrimination, harassment or bullying is made against a person in a position of leadership or the Principal.
5. These discussions are confidential and no action will be taken without agreement, unless the matter raised has implications for the safety of staff, students or others.
6. The current Contact Officers are:
  - a. Simon Jovic;
  - b. Katherine Jenkins; and
  - c. Peter O'Connor.

COMPLAINT HANDLING PROCEDURE



NB: Formal Procedure may not proceed if 12 months old or no valid reasons for the delay  
Complainant still retains the right to external avenues Eg. ~~EOCV~~, Union Representatives, Legal Representatives

**Record Of Complaint**

Name of Complainant <sup>(1)</sup> :	Staff / Student
Complaint Against:	Staff / Student
Reported to:	
Time / Date of Incident:	
Details of Incident:	
Other parties <sup>(2)</sup> :	
Outcome sought:	
Action <sup>(3)</sup> :	

Record compiled by:

\_\_\_\_\_

Full Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

<sup>1</sup> The name of the complainant may be left blank if requested by the individual.

<sup>2</sup> Include any witnesses or other parties that may be able to assist.

<sup>3</sup> Should include detail of any attempts at informal resolution or referral to formal investigation. Should more detail be required use the additional information area on second page.

Additional information: