

Complaints Handling Policy and Processes

Rationale

Chevalier College is committed to providing a safe and supportive environment in which all community members have the right to voice grievances or complaints. A safe and supportive environment is characterised by the ethos of Missionaries of the Sacred Heart, *Heart Spirituality*, through fairness, mutual trust, respect and reconciliation. All staff, but particularly those in leadership positions, have a key role in promoting such an environment and building a community based on these values.

Aims

This policy aims to provide a framework for making and handling complaints and grievances.

This policy aims to promote:

- a just and dignified method of conflict resolution
- expedient and effective results
- improved communication, understanding and relationships
- fairness and objectivity.

Scope

This policy and the associated processes **do not cover** matters related to ***Child Protection, Privacy and Teacher Accreditation***. Please refer to the Child Protection, Privacy and Teacher Accreditation policies for information on reporting concerns in these areas.

This policy applies to the Chevalier College and wider community, including, but not limited to:

- all employees, volunteers and other workers
- college students
- parents/carers of students at the school

Definitions

Complaint or grievance is a formal expression of dissatisfaction with a real or perceived situation or outcome. The dissatisfaction may be based on a perception that the college or a member of the college staff has done something wrong, failed to do something it should have or acted unfairly or inappropriately.

Community member is any organisation or individual, including staff, students and parents.

Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used for decision making, such as a hearing appropriate to the circumstances, lack of bias, evidence to support a decision and inquiry into matters in dispute.

Policy

Chevalier College acknowledges that people can sometimes feel aggrieved about something that is happening at the college. An employee, student, parent or other community member could have a complaint about a decision, behaviour, act or omission that they feel is discriminatory or unreasonable.

Any member of the college or wider community has the right to voice a grievance or complaint without fear of retribution and/or victimisation. In most cases, resolution to an issue can be achieved by the aggrieved person addressing the issue directly with the person concerned. However, it is acknowledged that a direct approach is not always possible or successful.

The processes in this policy have been developed to ensure that complaints and grievances are dealt with as quickly and professionally as possible, and within the spirit of the MSC ethos and procedural fairness.

Where relevant, it is recommended that applicable legislation, guidelines, and/or other college policies relating to a specific complaint are referred to in conjunction with this policy; for example:

- Anti-discrimination legislation
- Work Health and Safety regulations
- Enrolment Policy
- Student Behaviour Management Policy
- Student rules and codes of conduct
- Staff Code of Conduct
- Managing Workplace Complaints
- Whistleblower Policy

A) Key Elements of Complaints Handling

1. Impartiality and procedural fairness

When a complaint is made at Chevalier College it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until an investigation is complete. All parties will be treated respectfully. Staff members who have a complaint raised against them will be provided with sufficient information about the complaint to be able to adequately respond.

2. No victimisation

Those making a complaint will not suffer in any way as a consequence. The Principal of the college is responsible for ensuring that a person who makes a complaint and anyone involved in the process is not victimised in any way.

3. Discretion and sensitivity

All complaints will be handled with due discretion and sensitivity. Details and associated information regarding a complaint will only be disclosed to persons who, in the opinion of the college, need to know those details, such as those who are:

- managing the complaint
- advising on how the complaint should be handled
- the subject of the complaint
- providing information about the complaint, such as witness statements.

4. Vexatious or malicious complaints

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

5. Timeliness

Each complaint will be finalised within as short a period of time as possible. Complainants will be advised if the matter cannot be finalised within one month of the college receiving the complaint.

B) Complaints Process

1. Making a complaint

1.1. Approach the person involved

Members of the Chevalier College community who feel aggrieved are encouraged, in the first instance, to try to resolve issues directly with the staff member involved by having a respectful conversation during which the concerning behaviour and its effects are clearly communicated. An issue can often be resolved at this point by applying this process. This also gives the other party an opportunity to respond to the concerns raised without the matter being referred to a third party.

1.2. Contact the college

Where a person feels they cannot directly approach the person involved, feels unsure of how to handle the problem themselves or has tried to resolve the issue directly and are not happy with the outcome, they should approach a member of college management for assistance. For students, parents or other community members, an inquiry through the college reception may be the first point of contact for obtaining assistance with their concerns. Reception staff will direct complainants to an appropriate member of the college management who can assist with the complaint.

The manager may be:

- a Leader of Learning;
- a member of the Well-being Team;

- an Assistant Principal;
- the Deputy Principal; or
- the Principal.

The manager will advise the complainant of their options, including the processes involved in making a formal complaint.

1.3. Contact the Missionaries of the Sacred Heart

The Director of MSC Education recognises that from time to time complaints or grievances cannot be resolved at the college level and that people seeking a resolution may wish to pursue an avenue beyond the college Principal. Such complaints should be made in writing in accordance with Missionaries of the Sacred Heart policy and procedures (refer attached).

1.4. Anonymous complaints

The college values feedback through complaints and grievances and is committed to seeking appropriate resolutions and, where applicable, improving its policies and processes. The college treats all complaints impartially, discretely and with sensitivity.

Anonymous complaints present serious limitations in relation to investigation and resolution of concerns; however, the college will investigate all complaints to the best of its ability within the presented circumstances.

The college encourages all members of its community to feel confident to openly make complaints to facilitate communication and resolution.

2. Formal complaints

Formal complaints should be submitted to the Principal in writing. The Principal will acknowledge receipt of a written complaint within seven days.

The Principal will appoint a 'complaint manager', which could be the Principal or another member of staff, to manage the complaint process, including:

- conducting any interviews
- gathering of evidence
- producing an investigation report.

The complaint manager will be someone who is not substantially involved in the complaint and who is suitably experienced to manage the complaint. If there are no available suitable personnel within Chevalier College, the Principal will seek the services of an appropriately skilled person from outside the organisation to manage the complaint, such as a representative from the Association of Independent Schools or Catholic Commission for Employment Relations.

The complaint will be managed in accordance with the scope and principles of this policy.

2.1. Timeframe

In general, the complaint process will be completed within 20 working days from receipt of the complaint. Complainants will be notified prior to this time if the process cannot be concluded within that period.

2.2. Outcomes

The Principal will inform the complainant of the outcome of an investigation within seven days of receiving the complaint manager's report.

There are three possible outcomes to a complaint, i.e. the complaint is upheld, complaint is not upheld, or the complaint is found to be invalid.

i. Complaint Upheld

Where a complaint is upheld, a complaint will be remedied. Circumstances that warrant remedy can arise in many ways which, in broad terms, are when one or a combination of the following have occurred:

- Poor communication that resulted in misunderstandings or misapprehensions.
- An inadequate or unfair process was used to arrive at a decision.
- A decision or action was unfair, disproportionate or unreasonable in the circumstances.

Depending on the nature of the complaint, redress could be made by one or a combination of the following:

- An apology
- Reconsideration of a decision
- Amending or retracting documentation
- An offer of non-financial assistance
- Change in policy or processes to prevent a recurrence
- Staff training

When determining an appropriate redress, the following principles are to be taken into consideration:

- Redress is to be fair and reasonable
- Decisions about redress are to be procedurally sound
- Mistakes are to be admitted and put right
- Apologies are to be sincere and meaningful
- Arrangements and reasons for providing redress are transparent

ii. Complaint Not Upheld

Where a complaint is not upheld, but issues that need to be addressed are identified in the investigation process, possible outcomes include:

- Relevant training of staff
- Counselling for the complainant
- Mediation

iii. Invalid or Malicious Complaints

If the complaint is proved to be invalid or if there is evidence that the complaint was made with the main purpose or intent of causing distress, depending on the nature and source of the complaint, appropriate outcomes could include the following:

- A written apology from the person who made the complaint
- Counselling for the person who made the complaint
- An official warning
- Disciplinary action

All processes following a complaint found to be invalid or malicious are to be managed by the Principal.

2.3. Review

A complainant may request a review of a complaint outcome. Requests for reviews should be submitted in writing to the Principal within 10 working days of notification of the decision. Reviews will be carried out by an independent person who has not previously managed the complaint.

3. Conflict of Interest

A conflict of interest arises when a decision maker has a personal interest in the outcome of their decision which may undermine their impartiality in coming to their decision or where an independent observer might reasonably conclude that the decision maker was unduly influenced by their personal interests. Conflicts of interest can be actual, perceived or potential:

- Actual: involves a direct conflict between current duties and responsibilities and existing private interests.
- Perceived: where it could be perceived, or appears, that private interests could improperly influence the performance of duties, whether or not this is in fact the case.
- Potential: where private interests could conflict with official duties.

Staff must avoid situations in which their personal interests or the interests of a relative or close associate may conflict either directly or indirectly in relation to the management and investigation of a complaint, whether the conflict is actual, perceived or potential. Staff assigned to manage or investigate a complaint must immediately disclose any conflict of interest to the Principal. Where

the conflict of interest involves the Principal, the disclosure will be to the Director of MSC Education.

4. Appeals

There are three avenues of appeal for complainants who feel that the complaints process has not been followed properly, or that the outcome is unacceptable:

- i. An appeal to the Principal if the Principal has not been involved in investigating or examining the complaint, or is not the person named as the source of the grievance
- ii. An appeal to the Director of MSC Education (refer attached).
- iii. An appeal to an external agency

At any stage, if a complainant is not happy with the way their complaint has been dealt with by the college or the Director of MSC Education, they may seek further advice and assistance from an external agency. The agencies that would most likely have jurisdiction are:

- Human Rights Commission (Federal)
- Anti-Discrimination Board of NSW

5. Recordkeeping

Records of formal complaints, investigations and other associated documentation are maintained by the Principal and stored in a restricted access file.

Related Documents

College Academic Handbook: Stage 4, Stage 5 and Stage 6
Discrimination, Harassment and Workplace Bullying
Enrolment Policy
Managing Workplace Complaints
Staff Code of Conduct
Student Behaviour Code
Student Behaviour Management Policy
Whistleblower Policy

End of Policy