

# Sacred Heart College



## Yarrawonga PC 7.1 Grievance Policy & Procedure

|                               |                             |
|-------------------------------|-----------------------------|
| Ratified by the College Board | Oct 2019                    |
| Responsibility for currency   | Principal                   |
| Year for next major review    | 2022                        |
| Record of revisions           | 2019 Deleted policy numbers |

## **PREAMBLE**

As a Catholic school we treat all children with the highest respect. Within this context, effective Catholic schools provide a safe, supportive and secure environment that promotes respect and care and values diversity. The mental, physical, spiritual and emotional wellbeing of children and young people are essential preconditions for successful learning. These qualities cannot be developed for individuals in isolation from the health and wellbeing of the school community as a whole.

Sacred Heart College believes that, while protecting children and young people from all forms of abuse is a community wide responsibility, schools have particular moral and legal responsibilities to ensure children and young people are safe in their care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for those in authority to prevent, reduce and minimize child abuse and exploitation in all forms.

## **PURPOSE**

This policy applies to the whole school community in supporting safe environments for all.

We acknowledge that employees, students and parents can sometimes feel aggrieved about something that is happening at the College which appears to be discriminatory, constitute harassment or cause for concern.

An employee, student, parent or community member can have a complaint about any decision, behaviour, act or omission (whether by the Principal, members of the leadership team or other staff/students) that they feel is discriminatory or unreasonable.

Sometimes the aggrieved person can address the issue by raising the complaint directly with the person involved with the issue. However, that is not always possible, and sometimes several attempts at local or face-to-face resolution have been attempted or have taken place with little success. Whilst most issues can be resolved through direct discussion with the parties, there may be instances in which to take up the issue with the other person on a face-to-face basis is not possible.

## **EXAMPLES OF COMPLAINTS COVERED BY THIS PROCEDURE INCLUDE:**

- issues related to student discipline procedures,
- issues related to learning and teaching,
- damage/loss of personal property,
- bullying and harassment.

In conjunction with this complaints procedure, note should be taken of relevant legislation, guidelines, policies and procedures pertinent to the issue, including for instance:

- Work Health and Safety issues,
- Child Protection issues,
- Enrolment Policy and Procedures,
- Suspension Exclusion Policy,
- Code of Conduct – Safe Guarding Children & Young People.

## **MAKING A COMPLAINT**

Some complaints, because of the seriousness of their nature, should be referred immediately to the Principal, for example, complaints about behaviour which places others at risk of serious harm.

Parents are ill advised to approach the children of other families with a school related complaint. This is often a sensitive area and in order to protect all the parties it is advisable to work through the relevant teacher or member of the College leadership team.

### **BEFORE MAKING A FORMAL COMPLAINT**

If a problem or concern that arises within the College cannot be resolved with the person involved with the issue, then it would normally be raised with an appropriate staff member with a view to discussing the issue and seeking resolution of such problems or concerns.

### **MAKING A FORMAL COMPLAINT**

If the above process of raising the concern, obtaining the facts, and obtaining resolution is not producing a satisfactory outcome, the following procedure can be used.

The purpose of this procedure is to offer a process by which employees, students, parents, or community members can have complaints addressed. For example, if you feel that you are being harassed or discriminated against, this complaints handling procedure is available to you so your concerns can be dealt with in an appropriate manner.

Who may use this procedure?

- All employees,
- Students within the College,
- Parents of students at the College,
- Members of the wider community.

### **KEY ELEMENTS OF OUR COMPLAINTS HANDLING PROCEDURE**

#### **Impartiality and procedural fairness**

If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

#### **Confidentiality**

The complainant can feel secure that if you do make a complaint under this procedure it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint, the person to whom the complaint is made, the person investigating and Catholic Education Office staff who may be involved. The person about whom the complaint is made also has a right to be informed.

#### **No victimization**

You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The Principal of the College will ensure that a person who makes a complaint is not victimized in any way.

#### **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.

#### **Timeliness**

Each complaint will be finalized within as short a period of time as possible. Complainants will be advised if the matter cannot be finalized within two weeks.

## **WHAT TO DO IF YOU HAVE A COMPLAINT**

### **Approach the person involved**

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. This is best done during business hours at the school. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory or harassment or so unreasonable. Telling the person will give them a chance to stop or change what they are doing or explain what they had decided and why.

### **Contact the School**

If the complainant feels that the issue has not been resolved to their satisfaction or where you feel you cannot approach the person directly or you are not happy with their response or reaction, then you can explain the problem to the appropriate person at the school. An inquiry at the school reception may be the first point of contact for people with complaints. You will be advised as to the person designated to deal with the nature of the complaint. This person may be a Coordinator, Deputy Principal or the Principal. The designated person will advise you about what your options are and what will happen if you make a complaint.

### **Contact the Catholic Education Office**

Where you feel you cannot approach the person directly or you are not happy with their response or reaction and you have a good reason not to raise the issue either with the College designated person or the College Principal, then you can contact the Catholic Education Office (CEO) and explain the problem and issues. The CEO officer will usually discuss with you raising your concerns at the College level. The CEO officer can also advise you about your options.

Please note that if the CEO officer forms the views that your complaint is more appropriately dealt with at the College level, then you will be advised of that and the College will be advised as well. Where students and parents make complaints, these will automatically be referred back to the College unless the complaint is against a decision of or about the Principal and has previously been raised with the Principal without resolution.

## **WHAT HAPPENS NEXT?**

Once you have made the complaint to the College or CEO officer, that person will then consider whether there are any reasons why he/she should proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the designated person to deal with your complaint, it will, with your consent, be referred to another appropriate person.

The designated person will then interview you or organize another appropriate person to interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the College/CEO is dealing with the complaint.

The designated person will then speak to the person about whom the complaint is made to hear their side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. Written reports about the complaint may be requested. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g., possible defamation action, initiation of a complaint for harassment).

The designated person will then outline the concerns being raised and discuss what should be done to resolve the situation. You should tell the person what action you would like taken, e.g., a written apology from the person, a written warning, etc. This allows the designated person to

understand, from your perspective, what you believe you need from the process. It will not dictate the remedy that might ultimately apply.

## **REVIEW**

If the complaint remains unresolved it will be reviewed by either the Principal, or CEO Education Officer. They will make a final decision as to the outcome of the complaint.

Note that this review step will only be possible if the Principal or CEO College Services Officer has not been acting as the designated person.

## **POSSIBLE OUTCOMES**

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

- An agreement between the parties
- A verbal apology
- written apology

If a complaint is not upheld or not substantiated (e.g., there is insufficient evidence) but some issues come out of the investigation that are required to be addressed, then possible outcomes include:

- Mediation at the local level
- Relevant training for employees and/or students; and/or
- Monitoring of the behaviour of employees and/or students
- Counselling for the aggrieved person

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 other named as the source of the grievance, the following are possible outcomes:

- Counselling for the person who made the complaint,
- A written apology from the person who made the complaint,
- An official warning,
- Referral for disciplinary action for students and staff.

The relevant designated person will make sure that whatever outcome is decided upon actually happens. The designated person or the College Principal (unless they are the object of the complaint or grievance) will also assess the effectiveness of the outcome from time to time.

## **APPEALS**

There are three avenues of appeal if you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you.

### **Appeals at College level**

- To the Principal if the Principal has not been involved in investigating or examining the complaints, or is not the person named as the source of the grievance,
- To the CEO if the Principal has been involved.

### **The appeal will consider:**

- The way the complaint was handled and examines the outcome,
- If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action,

- If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

### **Appeals at Catholic Education Office level**

- To the Catholic Education Office, or any designated officer for receiving complaints, where the appeal is from the College,
- If the complaint has been received and managed by the Catholic Education Office then the appeal is to another School Services Office or to the Director, as appropriate,
- Someone other than the person who first handled the complaint will always deal with an appeal.

### **TO AN EXTERNAL AGENCY**

If you are not happy with the way your complaint has been dealt with by the College or the Catholic Education Office, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint. The agencies that would most likely have jurisdiction are:

- Australian Human Rights and Equal Opportunity Commission (Federal),
- Victorian Equal Opportunity and Human Rights Commission,
- VCAT Anti-Discrimination List.

Nothing in this document precludes staff from seeking professional advice from bodies such as their union.

### **CHILD PROTECTION PROCEDURES**

Nothing in this document replaces Policies and Procedures developed by the College in relation to Child Protection.

### **RECORD KEEPING**

Records of complaints, interviews and other documentation relating to a complaint are kept securely at the College (where dealt with at College level).

### **DESIGNATED PERSONS FOR COMPLAINTS**

#### **At the College**

The College will nominate the person responsible for dealing with complaints in a specific area of College activity. A designated person will generally be a Year Level Leader, Business Manager, Deputy Principal or Principal. If you are uncertain about who is the designated person for a specific issue, then contact the College office for this information.

#### **At the Catholic Education Office**

The designated person at the CEO for complaints that are not able to be dealt with or resolved at the College will generally be the Education Consultant who is responsible for this particular College.

### **REFERENCES**

- Charter of Sandhurst School Improvement <http://www.cossi.ceosand.catholic.edu.au/>
- Catholic Education Sandhurst guidelines to Schools for Compliance with the Working With Children Act 2005  
[http://www.cecv.catholic.edu.au/publications/StudentWellbeing/ProtectProtocol\\_011009.pdf](http://www.cecv.catholic.edu.au/publications/StudentWellbeing/ProtectProtocol_011009.pdf)

- Child Safe Policy
- Failure to Protect Policy
- Mandatory Reporting Policy
- Failure to Disclose Policy
- Grooming Policy
- Working with Children Act (Vic) 2005  
[http://www.austlii.edu.au/legis/vic/consol\\_act/wwca2005232/](http://www.austlii.edu.au/legis/vic/consol_act/wwca2005232/)
- Catholic Education Sandhurst Information for Schools – Child Safe Organisations

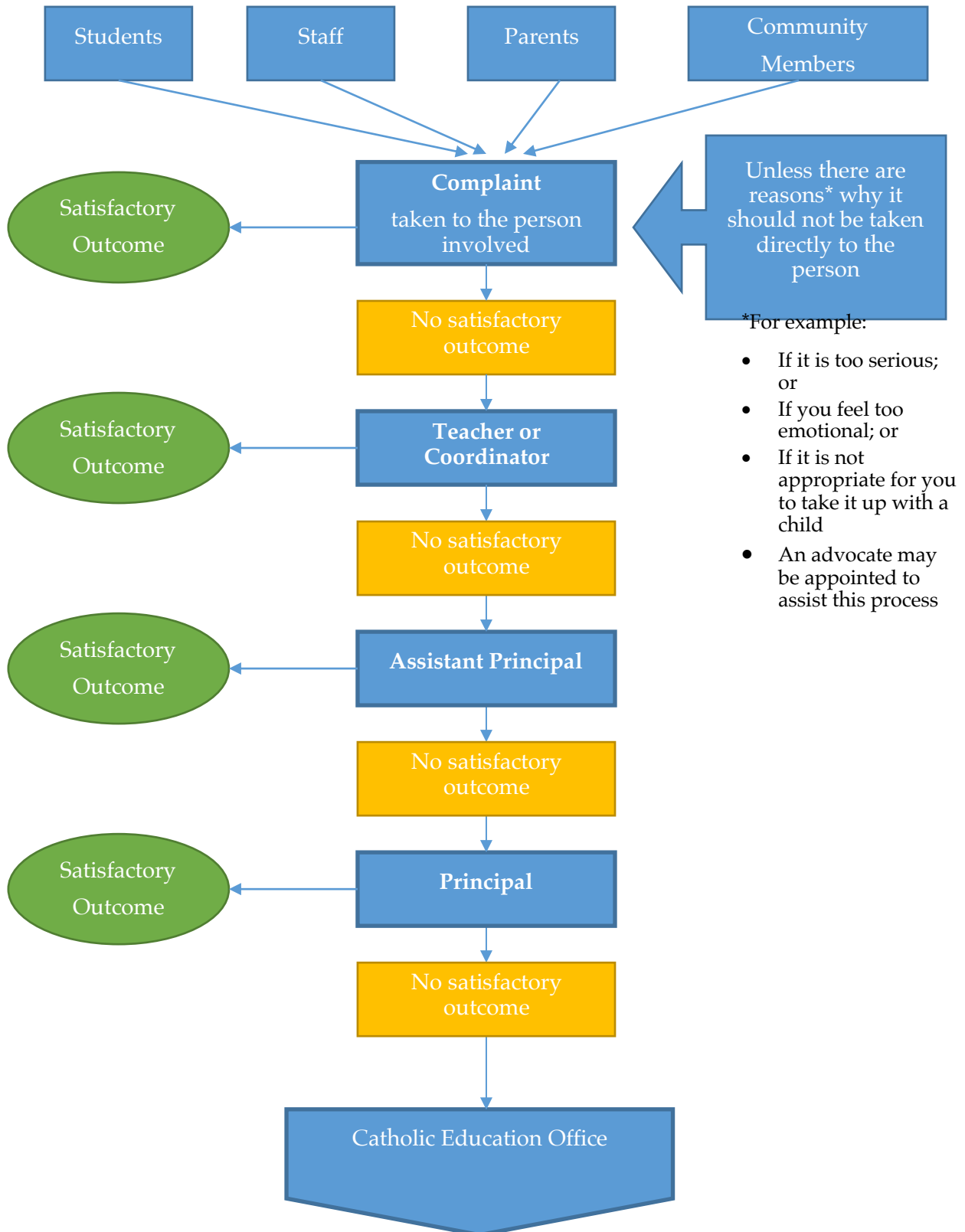
## **REVIEW**

This procedure is to be reviewed at least every three years.

Initially Ratified: 2016

Next Review to be Completed by: 2022

# Grievance Procedure Process at Sacred Heart College Yarrowonga (Flowchart 1)





## Process for Resolution of Complaint – Involving Catholic Education Office &/or External Agency

