

Complaints Handling Procedures



Policy Number: 401.1.003.1
Released: 24 September 2020
Review by: October 2023
Document Owner: Catholic Education Diocese of Wagga Wagga (CEDWW)
Relevant Contact: People and Culture Team
Related Documents: Complaints Handling Policy, Code of Conduct, Child Protection Policy, Child Protection Procedures, Towards Positive Workplace Culture Policy, Whistleblower Policy

Complaints Handling Procedures

1. Introduction

This document outlines how the Catholic Education Diocese of Wagga Wagga (CEDWW) assesses, resolves and follows up complaints received by the CEDWW.

This document is consistent with the requirements prescribed by the New South Wales Education Standards Authority (NESAs) with respect to ensuring all schools in the CEDWW provide a safe and supportive environment to its students and establishes process for raising and responding to matters of concern, complaints and grievances identified by students and/or parents. This document should be read together with the *CEDWW Complaints Handling Policy*.

2. Overall Scope and Purpose

This document supplements the *CEDWW Complaints Handling Policy* and applies to all CEDWW schools and office in handling complaints made in respect of services provided by the CEDWW, its schools or against people employed or engaged by the CEDWW whether or not they are employed or engaged in connection with work or activities in a paid or volunteer capacity. This document also applies to complaints among employees.

These procedures are developed to address complaints that fall within scope of the document and received by the School and the CEDWW from members of the CEDWW community including but not limited to students, parents and carers, staff, and other stakeholders and service providers.

The following matters are not to be dealt with under this Document:

- inquiries and/or suggestions that may be raised with or submitted to the School or the CEDWW;
- allegations of a child protection nature against a person employed or engaged by the School or the CEDWW that fall within the *CEDWW Child Protection Policy* and associated Procedures;
- allegations of criminal conduct, corrupt conduct or other misconduct;
- a risk of harm or significant harm to a child or young person;
- privacy issues;
- complaints that fall within the *CEDWW Whistleblower Policy*; and
- legal proceedings and requests for payment of damages.

3. General Procedures

- 3.1.** Complaints can be made in many different ways, including in person, by telephone, in writing and online.
- 3.2.** All complaints should be treated seriously, dealt with as soon as practicable and conducted in a fair, impartial and professional manner.
- 3.3.** When responding to a complaint, it is pertinent to treat all parties to the complaint with respect.
- 3.4.** Parties to a complaint must keep confidentiality about complaints at all times, including after a satisfactory resolution.
- 3.5.** All formal complaints should be handled according to the following procedures:
 - 3.5.1.** Upon receipt of a complaint, the person receiving the complaint must assess the complaint to identify any immediate health, safety or security risks, child protection concerns or matters that fall outside the scope of this document and escalate to the Principal, Workplace Manager or the School's Operations Manager at CEDWW, as appropriate.

- 3.5.2. Any identified risks and risk management actions must be documented
- 3.5.3. The Principal or the Director of Schools, as may be appropriate, will be responsible for assigning appropriate staff to investigate a complaint and reply to the complainant in accordance with the situation and after declaration of interest.
 - a) most complaints are best resolved promptly at the local level and may require involvement from the classroom teacher, middle manager for example the year coordinator or other relevant staff member;
 - b) some complaints will need the involvement of the Principal; workplace manager or another executive staff member;
 - c) few complaints will require a response from the Director of Schools.
- 3.5.4. The complaint manager will acknowledge receipt of the complaint, identify their role and provide contact details, and seek the complainant's consent to obtain their personal information and information relating to the complaint.
- 3.5.5. Where considered necessary, the complaint manager will contact the complainant and other persons involved or arrange meetings with them in order to obtain additional information and clarify the concerns in a way that is:
 - a) fair, impartial and thorough; and
 - b) gives all involved an opportunity to provide information or response, as applicable.
- 3.5.6. The complaint manager may need to gather additional information including information and/or accounts from witnesses (as applicable), policies and procedures, documents, copies of correspondence and any additional information from the complainant and any person complained about.
- 3.5.7. The investigative process should be completed as quickly as possible and within twenty-one (21) days from the date of receipt of the complaint, unless there are extenuating circumstances that lead to a reasonable delay.
- 3.5.8. Complainants must be advised if the matter cannot be finalised within twenty-one (21) days.
- 3.5.9. Following completion of the investigative process, the complaint manager must provide the complainant the outcome in writing and inform them of the review process.
- 3.5.10. Where the complainant is satisfied with the outcome or accepts the outcome of the investigation, no further action will be required.
- 3.5.11. Where the complainant seeks a review of the decision, the process outlined in the CEDWW Complaints Handling Policy must be followed.

3.6. Possible Remedies and Outcomes

- 3.6.1. Where the complaints management process determines that the service provided by the School or the CEDWW to an individual is unsatisfactory, consideration must be given to an appropriate remedy that may be offered to the complainant.
- 3.6.2. Possible remedies that may be offered to complainants include:
 - a) an agreement between the parties;
 - b) an apology, verbal or written, as appropriate;
 - c) reconsideration of a decision;
 - d) amending or retracting documentation;
 - e) an offer of non-financial assistance, as appropriate;
 - f) changed policies or practices to prevent a reoccurrence; and
 - g) action to modify the behaviour of the staff member who the complaint was about, if applicable.
- 3.6.3. If a complaint is not upheld or not substantiated (for example if there is insufficient evidence) but some issues come out of the investigation that are required to be addressed then, possible outcomes include:
 - a) relevant training for employees and/or students;
 - b) monitoring of the behaviour of employees and/or students;

- c) counselling for the aggrieved person; and/or
- d) mediation at the local level.

3.6.4. if the complaint is proved not to have happened at all, is found to be frivolous, malicious or vexatious, or 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:

- a) counselling for the person who made the complaint;
- b) a written apology from the person who made the complaint;
- c) an official warning; or
- d) referral for disciplinary action for students and staff.

3.7. Record Keeping

- 3.7.1. A full and adequate file must be kept for all complaints and stored confidentially.
- 3.7.2. Access to the file is only in accordance with the CEDWW Privacy Policy, applicable state or commonwealth legislation or for appropriate professional reasons by authorised persons.
- 3.7.3. The level of detail of records will depend on the level of complexity of the complaint.
- 3.7.4. At minimum, all complaint managers should document:
 - a) the key steps taken to manage the complaint;
 - b) information gathered;
 - c) outcome/s of the complaint, including whether any complaints were substantiated and the outcome actions, if any; and
 - d) steps taken to implement, follow up and monitor outcomes.
- 3.7.5. A register of complaints and suggestions will be kept at each school and the CEDWW.

4. Managing Workplace Complaints

4.1. Scope and guiding principles

- 4.1.1. Staff complaints can cover a range of concerns such as:
 - a) breach of the *CEDWW Towards Positive Workplace Culture Policy*;
 - b) interpersonal conflict or disagreement between staff;
 - c) disagreement about the application of workplace policies;
 - d) perceived unfairness in workplace decisions; or
 - e) disagreement about allocation or management of work.
- 4.1.2. These procedures are developed to address staff complaints effectively, impartially and confidentially in accordance with principles of procedural fairness.
- 4.1.3. All persons have a responsibility to maintain confidentiality if they are involved in any capacity in a workplace complaint.
 - a) This includes not discussing the complaint with anyone else, including others who may be involved in the complaint such as witnesses or the person who raised the complaint, unless expressly authorised to do so by the CEDWW.
 - b) If information about a complaint is discussed or released without appropriate authorisation from the CEDWW, the staff member who released the information could find themselves the subject of disciplinary action for misconduct.
 - c) In some circumstances the complaint may not be kept confidential by the CEDWW as they are obliged to interview persons regarding the complaint and/or notify external agencies of the complaint, including but not limited to, the Police, the Department of Communities and Justice, NSW Education Standards Authority and the Office of the Children's Guardian.
- 4.1.4. Staff members who have a complaint raised against them should:
 - a) be treated with respect,
 - b) be provided with sufficient information about the complaint to be able to adequately respond to the complaint;
 - c) have an option to have a support person with them in any meetings;

- d) not victimise the person who raised the complaint;
 - e) be kept informed of the status of the complaint; and
 - f) be informed of any recommendations that may result from the complaint.
- 4.1.5. Staff members have support available via the Employee Assistance Program and/or their union, if they are a member of a professional association.

4.2. Resolving Concerns Directly

- 4.2.1. If a staff member holds concerns about the conduct of a colleague (other than child protection or serious misconduct concerns), they should raise those concerns directly with the person involved.
- 4.2.2. When discussing interpersonal matters, staff should:
- a) outline the concern/s in a respectful, professional and discrete manner;
 - b) explain the impact the concern is having on them; and
 - c) seek agreement on a resolution of the concern.
- 4.2.3. In instances where a staff member feels uncomfortable to discuss the issue alone, they may seek assistance from a mutually agreed member of staff to assist in the discussion, where appropriate.
- 4.2.4. Where the matter remains unresolved, the staff member may seek assistance from their manager, or a member of the leadership team to facilitate another conversation with the colleague.
- 4.2.5. Unless there are extenuating circumstances for delay, such matters should be resolved within five working days of any request for resolution of concerns.
- 4.2.6. Concerns about a workplace decision, system or policy should be raised directly with the decision maker or the Principal/Workplace Manager as soon as possible.
- 4.2.7. When raising concerns under Clause 4.2.6, a staff member should:
- a) outline the concern/s in a respectful and professional manner; and
 - b) seek an explanation or further information about the decision, system or policy.

4.3. Making a Formal Complaint

- 4.3.1. Where matters are unable to be resolved under Clause 4.2 or the matter is not appropriate for resolution under Clause 4.2, a staff member can consider making a formal complaint.
- 4.3.2. Any formal complaint must be made promptly and in writing to the direct manager, or a member of the leadership team, Principal or the Director of Schools, as appropriate.
- 4.3.3. The direct manager, member of the leadership team, Principal or the Director of Schools may appoint an appropriate person to manage the complaint process.
- 4.3.4. The complaint should state:
- a) the parties involved;
 - b) the nature and full details of the complaint;
 - c) the circumstances giving rise to the complaint;
 - d) the current situation;
 - e) any steps taken thus far, as applicable; and
 - f) the outcome/s sought.

4.4. Process for Management of Complaints

- 4.4.1. All complaints must adhere to the process outlined in Clause 3 of this document.
- 4.4.2. Each complaint should be considered on its own merits to determine the most appropriate method of resolution.
- 4.4.3. Bullying, harassment and discrimination have legal definition and may constitute misconduct under the *CEDWW Towards Positive Workplace Culture Policy*. Such matters may be managed under this procedure or referred to the People and Culture Team at CEDWW for assessment and possible investigation of misconduct.
- a) In instances where a staff complaint does not meet the threshold for referral to the People and Culture Team at CEDWW, the focus should be on describing the alleged conduct, rather than using labels such as 'bullying'.

- b) The Principal, workplace manager or the Director of Schools, as appropriate, may need to implement risk mitigation strategies to manage the workplace while the allegations are assessed and/or until there is an outcome to the complaint.
 - c) Discrimination concerns may also be reported to the Anti-Discrimination Board or the Australian Human Rights Commission.
- 4.4.4. Outcomes in a workplace complaint will depend on:
- a) the seriousness of the complaint issues;
 - b) the probative value of any information gathered;
 - c) any reasonable outcome/s suggested by the staff involved;
 - d) any relevant school or workplace issues; or
 - e) any system issues.
- 4.4.5. Where an outcome from the complaint process require action, an implantation plan must be devised identifying the person/s responsible for the outcome and any timeframes for implementation and/or monitoring.

5. Explanatory Notes and Definitions

Complaint Manager is a person who is managing the complaint as determined by the Principal, workplace manager, a member of the senior leadership team; or the Director of Schools, where appropriate.

Confidentially means that information obtained during the course of investigation of complaints will be treated as confidential. Principals and authorised officers of the CEDWW may exercise their discretion as to how information is shared and with whom where appropriate.

Inquiry is a question raised by a student, parent or caregiver, member of the community, staff about the services provided by the school or the CEDWW. While inquiries are generally considered as someone seeking information, it can also be considered a complaint.

Mediation is a process where an independent person (either internal or external to the organisation) assists parties resolve their differences or disputes. It is generally a more structured process than self-resolution or managerial assistance however it is still conducted in an informal manner, as all parties are encouraged to speak openly about the issues to assist in obtaining a resolution.

Procedural Fairness is a basic right of all individuals dealing with authorities. Procedural fairness is generally recognised as having two essential elements:

The right to be heard which includes:

- the right to know why the action is happening;
- the right to know the way in which the issues will be determined;
- the right to know the allegations in the matter and any other information which will be taken into account; and
- the right of the person against whom the allegations have been made to respond to the allegations.

The right of a person to an unbiased decision which includes:

- the right to impartiality in the investigation and decision making phases; and
- the right to an absence of bias by the decision maker.

Significant Complaint is a complaint that due to the complexity of circumstances and the interrelationships of factors has been assessed by the Principal or an appropriate officer of the

CEDWW as significant. Examples of such complaints include, but are not limited to, a significant breakdown of relationships in the school community has occurred and therefore the complaint cannot be resolved at the school level; the matter is likely to impact on the future wellbeing of the student; or there are potential legal or criminal implications.

Suggestion is an idea or plan that is put forward for consideration by the school or the CEDWW.

Support Person is someone that a person can nominate to attend a meeting with them to provide emotional support and reassurance. A support person is not an advocate and cannot speak on behalf of the person they are supporting in the meeting. There may be circumstances where it may not be appropriate for a particular person to take on the role of a support person. The role of a support person includes:

- observing the meeting and assisting with clarifying the process, where appropriate;
- respecting and maintaining the confidentiality of the matters discussed at all times;
- taking notes to assist;
- providing emotional support including requesting a break if required.

Workplace Complaint, which can also be known as a grievance, is a clear statement, written or oral, raised by a staff member regarding a genuine work-related concern. Management of workplace complaints is not the same as performance management. Workplace complaints are matters identified by individual staff members while performance management is poor performance or misconduct being managed by the employer.

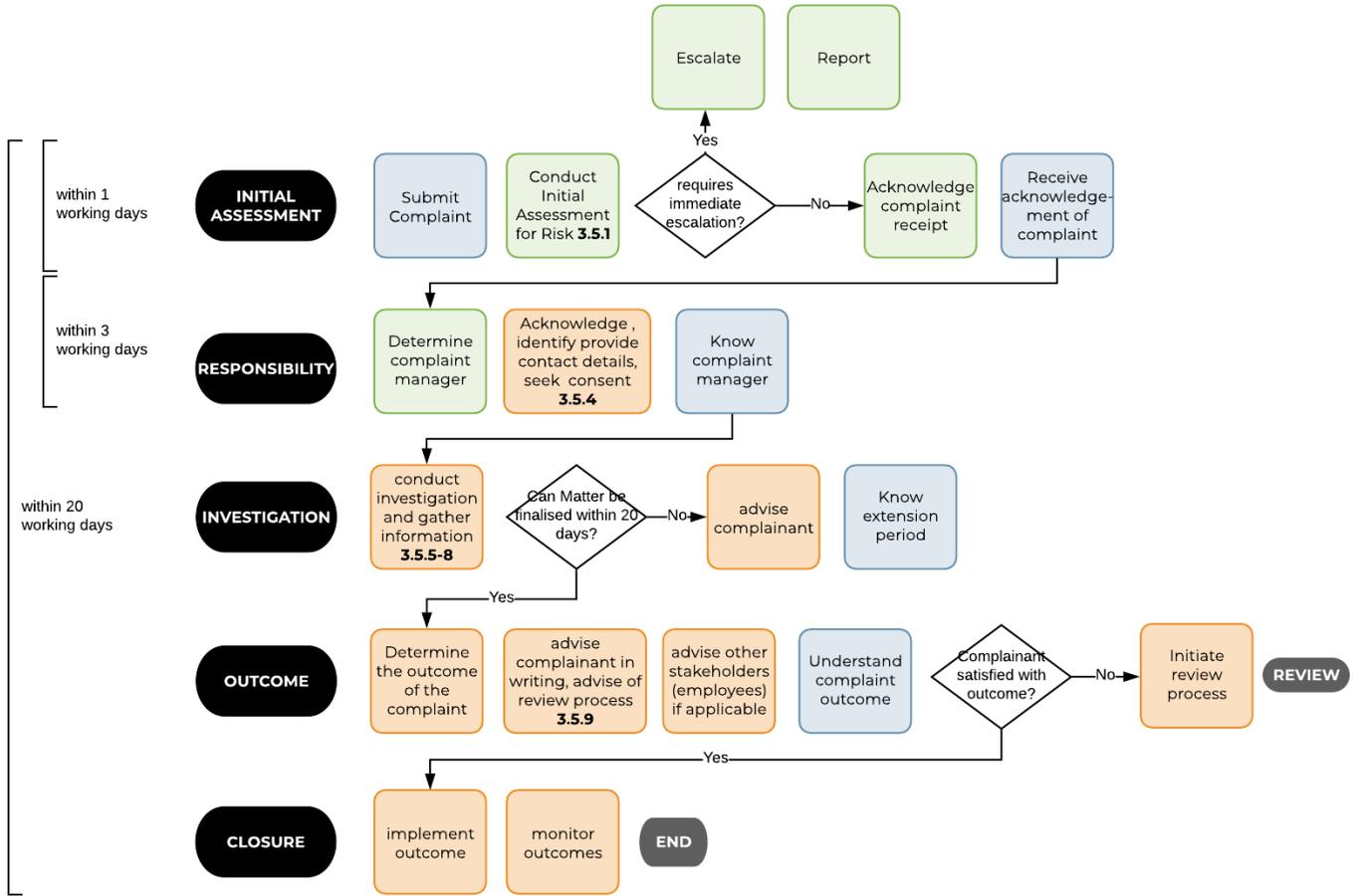
Internal Process Flow

COMPLAINT MANAGEMENT



STOP and ASSESS - whether the complaint falls within the scope of complaints handling policy, - if not, escalate to the Principal, Workplace Manager or the System Performance Team at CEDWW, as appropriate.

STOP and ASSESS - Criminal concerns, Risk of Significant Harm, child protection issues and refer to Department of communities and justice, NSW Police and the CEDWW Child Protection Team



External Process Flow



CEDWW COMPLAINT MANAGEMENT PROCESS

