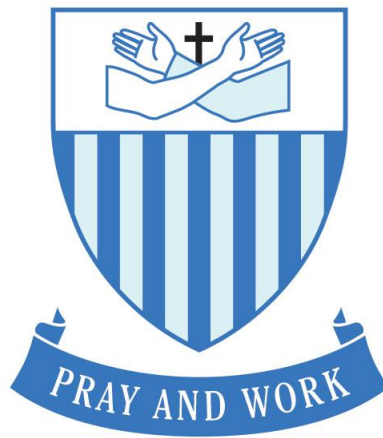


Our Lady of the Rosary School Kellyville



Complaints Handling Policy & Procedures

Our Lady of the Rosary Catholic School Complaint Handling Policy is based on the Catholic Education Office Parramatta policy.

Reviewed: May 2013

Complaints Handling Policy & Procedures

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Complaints Handling Policy & Procedures

Policy

1. Introduction

The church's mission is to proclaim the Word of God and to be the lived example of Christ in the World.

As part of the church's mission, the system of schools in the Diocese of Parramatta, educates young people in the gospel and forms them to live their life to the full.

Integral to fulfilling its mission it works to improve learning outcomes for all students and promote a professional and rewarding working life for all staff.

The purpose of this policy is to facilitate this mission.

2. Policy statement

Complaints, where possible, are to be resolved closest to the source of the complaint.

Complaints will be addressed professionally, competently and in a timely manner applying principles of natural justice and confidentiality.

3. Scope and application

This policy relates to complaints about the management of Our Lady of the Rosary School.

It will be used in conjunction with other system policies.

This Complaint Handling Policy and Procedures are to be made accessible to all staff, parents/guardians students and contractors.

This policy and procedures will be reviewed every three (3) years.

A. Procedures

For employment related complaints, these procedures supplement the grievance resolution procedures available under applicable awards for employees.

A. Making and receiving complaints

1. Most complaints will be resolved informally

2. Where a complaint cannot be resolved informally:

2.1 School based complaints

a. the complaint will be put in writing (complaint form – which may be completed by the complainant or the staff member receiving the complaint.) and given to the principal (complaint manager)

b. the principal will establish a process to deal with the complaint by:

- assessing seriousness of the complaint
- assessing appropriateness of each option for resolution
- keeping the resolution as close to the source of the complaint as possible

2.2 All complaints

2.2.1 If the complaint is against the principal – The Principal or staff member will inform the complainant of how to lodge the complaint with Director of System Performances at the Catholic Education Office.

2.2.2 If the complaint is against a staff member

- a. the complaint will be put in writing (complaint form) and given to the principal (complaint manager)
- b. the principal will establish a process to deal with the complaint by:
 - assessing seriousness of the complaint
 - assessing appropriateness of each option for resolution
 - keeping the resolution as close to the source of the complaint as possible
 - the principal may delegate the management of the complaint to another person eg a co-ordinator or assistant principal.

2.2.3 If the complaint is against a student.

- a. the complaint is to be recorded if serious eg Bullying Incident or incident form
- b. the staff member will determine a process to deal with the complaint
- c. the staff member will determine if the complaint is to be referred to the student's teacher, the grade co-ordinator, Assistant Principal or Principal.

3. Obtaining advice and delegation

The complaint manager may obtain advice and, based on assessment, delegate the responsibility for handling the complaint to completion.

4. Access to support

The person who made the complaint and the person responding 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.

A complainant who may require support in putting their complaint in writing will be offered appropriate assistance. All employees participating in the complaints process may access a confidential counseling service which is made available by contacting the employee assistance program on 1800 81 87 28.

B. Natural justice integral to complaint management

The principles of natural justice apply to all complaints. However, the extent to which principles of natural justice apply will depend upon the seriousness of the matter.

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

The more serious a complaint the more important it is to ensure procedural fairness. Procedural fairness requires that parties to a complaint are:

- a. treated impartially – this means that investigations are conducted impartially,

and decisions are made without bias

- b. informed of concerns or allegations being made – this means that the person about whom the complaint is made will be informed of the content of the complaint and, in most cases of the identity of the complainant at a point in time when it is clear what the issues are and who needs to respond to them
- c. given the opportunity to respond – this means that where a concern is raised which may result in action being taken against a person, that person will normally be given an opportunity to respond
- d. informed of complaints process and review process Other key aspects of procedural fairness are:
- e. timeliness
- f. records of complaints must be maintained

C. Confidentiality

To maintain confidentiality in so far as that is reasonable all participants in the process should restrict the information about the complaint to those who need to know of the complaint in order to:

- a. refer the complaint
- b. manage the complaint
- c. provide advice and support in the process
- d. review and decide upon appropriate complaint mechanisms
- e. manage the workplace
- f. apply the process

D. Record keeping

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

E. Reviews

Either party may request a review of a decision. The review will be undertaken by the decision maker's supervisor. Where that person should be excluded on the grounds of procedural fairness, the executive director of schools will nominate an appropriate person to conduct the review.

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

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The person conducting the review will:

- review all relevant material
- make further inquiries, if necessary
- decide whether further action is necessary
- make a decision
- advise parties in writing of the decision and the reasons for the decision

The person conducting the review will decide whether or not the decision that is being reviewed will be put on hold until the review is complete.

There is no option of review if the matter has been resolved by agreement of the parties. The reviewer will record action taken. The reviewer's decision is final.

Appendices

Forms

1. Complaint form

Appendix

1. Assessing and referring complaints
2. Explanation of options for resolution
3. Sample newsletter
4. Sample letters

6. HAVE YOU PREVIOUSLY RAISED THIS CONCERN WITH A STAFF MEMBER? (PLEASE TICK)	
No <input type="checkbox"/>	Yes <input type="checkbox"/>
If yes, when:	
Who dealt with the matter?	
What was the result?	

For matters which are resolved at intake:

Advice/Action:

.....

Options: Self-resolution Assisted resolution Facilitation Mediation Intervention
 Investigation Systems improvement

Outcome:

.....

Date matter is

finalised:.....

Name of complaint manager.....

Signature:

For matters which need further action:

Referred for: Further assessment (see optional Managing Complaints Checklist)

Referred to: Name:

.....

Referred by: Name:

Signature:

Date:

.....

Assessing and referring complaints

STEP	ACTION	COMMENT	DECISION
1.	Is it a concern that needs to be recorded?	If it is about daily operations or minor concerns which can be addressed without using these procedures, it need not be recorded . If the concern is important to the person raising it, or demonstrates a pattern with potential negative effects on the school/workplace it should be recorded .	If YES, system improvement will apply and can be initiated by a principal or team leader If NO - deal with concern in the ordinary course of your role or refer to supervisor if unsure. If YES go to 2 and follow CHP or refer to supervisor.
2.	Is this the correct policy for this type of concern?	It is excluded from being dealt with under CHP if it concerns only: - suspension, transfer or exclusion of student - child protection - unsatisfactory performance - industrial instrument interpretation	If YES, go to 3. If NO, refer to supervisor, and/or follow the appropriate policy.
3.	Is the matter serious ?	If the complaint could have serious consequences for the respondent or others, (for example disciplinary action, termination of employment or important ramifications for the system) then the matter is serious.	If YES, obtain advice from HoSS for school based complaints and from ER for employee complaints and refer to complaint manager go to 6.
4.	If less serious, can it be resolved using Informal procedures ?	Check whether the complainant has attempted to address the issue with the person concerned first. Informal options need to be explored first so that complaints are resolved closest	If YES and problem persists, refer to complaint manager to use the appropriate procedure. If NO go to 5.

		to the source of the problem.	
5.	If the complaint is, is less serious but has not been resolved by informal resolution.	Intervention will apply and can be initiated by a principal or team leader, employment relations	Refer to complaint handler as appropriate. If deemed serious , refer to complaint manager to go to step 6.
6.	If the complaint is seen to be serious , investigation is applicable.	Investigation can only be approved by a principal (for non-employee matters), team leader, HSP or HoSS	Contact the appropriate complaint manager and refer the matter for investigation.
7.	Is the complaint about a policy or procedure and not a person ?		If it is about a person, go to 4. If not about a person or follow up is required use system improvement procedure.

Explanation of Options for Resolution

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 for resolution of complaints, and in assisting with the process. 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.

Informal options apply to the resolution of concerns and 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 courageous conversations respectful of each person's needs in the school and the workplace. Concerns may be resolved with provision of relevant information or clarification of issues in open discussion by the parties themselves.

1.2 Assisted self-resolution

This option 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.

1.3 Facilitation

Facilitation involves the early involvement of a person skilled in facilitating joint resolutions between parties to a complaint or conflict. It is important for the facilitator to maintain a neutral perspective and provide parties with opportunities to hear each other's needs. The facilitator may offer options for resolution but does not make any decisions for the parties. A facilitator may be a senior colleague, principal, member of the employment relations or team leader. Facilitation may involve informal meetings with the parties separately and/or jointly. A facilitator may but does not have to be a qualified mediator or conflict Coach. For all informal complaints the complainant may, but does not have to use the complaint form.

1.4 Referral to 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.

APPENDIX 2

If mediation is preferred contact the head of school services (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 manager or support person if required. The parties should advise the mediator if they require breaks to obtain advice or support.

1.4.1 Steps in the referral to mediation

Step 1- Person who receives the complaint refers issue to complaint manager

Step 2 - Complaint manager reviews the matter to see if it is appropriate for mediation

Step 3 - Complaint manager chooses appropriate qualified mediator

Step 4 -The mediation takes place

Step 5 - Complaint manager obtains mediation outcome

Step 6 - Follow up

Use complaint form.

2. Formal Procedures

In circumstances in which it is not appropriate 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 procedure. For advice, contact employment relations.

The complainant or respondent cannot stipulate the formal procedure to be used to address the complaint. The complaint manager will take into account preferred options indicated by the complainant and respondent, but may choose an option which the complaint manager considers appropriate.

2.1 Intervention procedure

2.1.1 Overview of the procedure

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 not been able to be resolved informally. This procedure is never applicable in a complaint of a child protection nature. 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/caregiver complaints which have not been resolved using informal options. Use complaint form and complaint intake checklist (*for employee-related complaints, complaint managers need to contact employment relations for a copy of the complaint intake checklist*).

2.1.2 Steps in the intervention procedure

Step 1 Person who receives the complaint refers issue to complaint manager

Step 2 Complaint manager reviews the matter

Step 3 Complaint manager assists with intervention process but may discontinue if appropriate or if parties reach resolution

Step 4* Decision by complaint manager

Step 5 - Follow up

** if necessary*

2.2. Investigation Procedure

2.2.1 Overview of the procedure Investigation procedure is used for a complaint about a person that is about an alleged serious breach of legislation, policy or procedure. This procedure is applicable only in matters involving allegations of potential misconduct, which may result in disciplinary action and can only be initiated by a head of service or team leader, employment relations and is often conducted by specialist investigators who report back to a team leader in staff services.

This procedure outlines the steps for an investigation of complaints about employees or students and does not apply to any other complaints.

APPENDIX 2

Use complaint form and complaint intake checklist (*for employee-related*

complaints, complaint managers need to contact employment relations for a copy of the complaint intake checklist).

The purpose of an investigation of a complaint is to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and determine a suitable response. The nature and scope of the investigation required in response to a complaint will depend on the circumstances of each case and any relevant requirements, which need to be taken into account.

During an investigation an investigator will collect evidence to determine whether a complaint has been substantiated. This procedure may result in a recommendation that remedial or disciplinary action be considered. The investigation report may be used as evidence in any such action.

2.2.2 Steps in the investigation procedure

Step 1 - Refer matter to appropriate complaint manager

Tasks for complaint manager:

Step 2 – Coordination

Step 3 – Consider previous action

Step 4 – Initiate investigation

Step 5 – Investigation is conducted

Step 6– Action to be taken by the principal/team leader/head of service

2.2.3 Remedy if the allegation is substantiated,

The respondent should be advised and also asked to comment on remedy. In addition to the complainant's views, there are additional factors to consider when determining an appropriate remedy. These are:

- the seriousness of the conduct
- complainant's and respondent's suggestions for a remedy
- parity with similar breaches
- mitigating circumstances

2.2.4 Possible outcomes of an investigation may include:

- staff disciplinary action
- dismissal from employment
- directing the employee to resign or to be allowed to resign from their employment within a specified time
- demotion
- a warning, caution or reprimand

2.2.5 Resubmission of investigated complaints

A complaint manager can decline to act upon the resubmission of a complaint that has been previously finalised in accordance with these procedures, unless relevant new information has been submitted that could affect the outcome. In such circumstances, the complaint manager may decide to re-open the investigation or to initiate a fresh investigation.

2.3. School improvement procedure

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 the principal or a staff member.

Use complaint form

2.3.1 Overview of school improvement

School improvement provides remedies by way of processes, procedures, policies and practices to address various needs as they arise. At times, school improvement may arise out of complaints which highlight such needs.

2.3.2 Steps in the school improvement procedure

This procedure applies whether or not the complaint is anonymous. The extent of record keeping can vary according to circumstances. The optional procedure tracking checklist can be used to record details (*for employee-related complaints, complaint managers need to contact employment relations for a copy of the procedure tracking checklist*).

Step 1 – Assess if remedy and/or system improvement is warranted

Step 2 – Implement immediate remedy

Step 3* – Refer matter for advice

Step 4* -- Refer recommendation to principal or head of service for approval

Step 5* – Refer to appropriate staff member for implementation

Step 6* – Follow up

** if necessary*

Other Catholic Education Office related policies and resources

- Countering discrimination, Harassment and Bullying Policy
- Student Suspension, Discipline and Expulsion Policy and Procedures
- Anti-Bullying Policy (for students) 2005
- OHS Online (*staff only*)
- Addressing Unsatisfactory Performance Policy and Procedures
- Discipline Policy and Procedures for Employees
- A Just Workplace, 2009 (CCER)

Sample acknowledgement letter to complainant



OUR LADY OF THE ROSARY SCHOOL

8 DIANA AVENUE, KELLYVILLE 2155

PHONE: 9629 2566; FAX: 9629 2148

Website: www.olorkellyville.catholic.edu.au

Email: olorkellyville@parra.catholic.edu.au

Dear [NAME]

I refer to information provided by you/your son/your daughter, [child's name], to [name], [position], regarding the attached complaint.

The matter has been referred to me and I propose to deal with it by (state the process). Please let me know if you have any comments or requests about progressing the complaint to resolution.

You will be contacted at various stages of the process regarding progress of the complaint. If you require any information, please contact me on (telephone number).

Yours sincerely

[name] [title] [date]

Attachment complaint form