



# OUR LADY STAR OF THE SEA

## COMPLAINTS RESOLUTION POLICY

### 1.0 INTRODUCTION

Our Lady Star of the Sea has both a desire and a responsibility to ensure that high standards of conduct are maintained by staff and students at all times, and that complaints are managed and resolved fairly, efficiently, promptly and in accordance with relevant legislation.

### 2.0 PURPOSE

The purpose of this policy is to establish a harmonious, positive and productive school environment; and an environment where all complaints will be treated seriously, addressed professionally, competently and in a timely manner applying principles of natural justice and confidentiality.

This policy **does not** relate to:

- critical incidents
- emergency management
- criminal offences
- conduct of religious clergy or other religious persons.

This policy applies to all parents, guardians, carers of students for managing disputes and handling grievances regarding Our Lady Star of the Sea.

### 3.0 DEFINITIONS

For the purpose of this policy the following terms are defined as follows:

- a **'parent'** includes:
  - a person who has parental responsibility for 'major long term issues' as defined in the *Family Law Act 1975* (Commonwealth)
  - a person appointed as 'guardian' pursuant to the Children Youth and Families Act 2005 (Victoria)
  - an informal carer with whom the child normally or regularly resides, and who has day-to-day care and control of the child
  - a mature minor student

- an adult student
- a **'complaint'** is an expression of dissatisfaction with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision at a school.
- a complaint is considered to be **'resolved'** when the complainant and School or CEOSale agree on an appropriate response or remedy
- a complaint is considered to be **'unresolved'** when agreement cannot be reached on a course of action and/or a remedy, or if the remedy cannot be implemented.

## 4.0 PRINCIPLES

Our complaint-handling processes reflect the following guiding principles:

Subsidiarity	According to the principle of subsidiarity, decisions should be made at the lowest level possible and the highest level necessary
Visibility	Information about how and where to make a complaint, as well as how a complaint will be handled, should be regularly publicised within the school community. The actions taken to respond to a complaint should be well documented and include the reasons underpinning any decisions made.
Accessibility	Information about how to make a complaint and the school's procedures when responding to a complaint should be easily accessible. The complaint-handling process should be flexible and include the ability to make a complaint in person, by telephone and in writing. Support should also be given to parents with special needs, including translations, interpreters and enabling a complainant to seek the services of an advocate.
Responsiveness	Receipt of written complaints should be acknowledged by communicating with parents/guardians as soon as possible. Complaints should be addressed promptly and the parents/guardians kept informed of the progress of their complaint when the matter is complex and will take time to bring to resolution.
Objectivity	Each complaint must be treated in an equitable, objective and unbiased manner.
Cost	There should be no cost to the complainant for access to the complaint-handling process at the school or CEOSale.
Protection of Privacy	Personally identifiable information concerning the complainant should be actively protected from disclosure except where needed in relation to the complaint. This means that the complaint should only be discussed with those directly involved in the complaint-handling process.
Student-focused	The school should be open to feedback including complaints and should show a commitment to resolving complaints with the educational wellbeing of students as the first priority.

Accountability	Schools are required to have a fair, effective and efficient complaint-handling process. Schools are accountable, both internally and externally, for their decision making and complaint-handling performance. Schools need to be able to provide explanations and reasons for their decisions.
Continual Improvement	Complainant complaint-handling procedures should be regularly reviewed for improvement. Complaint data and feedback should be used to identify recurrent themes and to implement improvement measures where a need is identified.
Impartiality	If you make a complaint, it will be investigated in a fair and impartial manner. No judgments 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	You can feel secure that if you do make a complaint under this policy, it will remain confidential to only those who need to be informed or involved. Normally, the only people who will have access to information about the complaint will be the person making the complaint, the person investigating and the person against whom the complaint has been made.
No victimisation	You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The school authorities will ensure that a person who makes a complaint is not victimised in any way.
Timeliness	Each complaint will be finalised within as short a period as possible.
Subsidiarity	According to the principle of subsidiarity, decisions should be made at the lowest level possible and the highest level necessary.

## 5.0 PROCEDURES

Parents/Guardians of students attending Our Lady Star of the Sea who have a complaint should, in the first instance, make the complaint to the school, except when the complaint is about the principal of the school. Complaints about school principals should be referred to the school's Education Consultant at the CEOSale who will assist in finding an appropriate solution. They can be contacted on 5622 6600. Please refer to Our Lady Star of the Sea Complaint Form.

The principal at Our Lady Star of the Sea is responsible for the efficient and effective organisation, management and administration of the school including the school's complaint-handling processes.

Each complaint will be acknowledged, verbally or in writing, upon receipt of the complaint. Complaints of a less serious nature will be acknowledged verbally and resolved without the need for formal investigation or a written response. The complaint will be finalised within as short a period as possible. Refer to Our Lady Star of the Sea Complaints Acknowledgment template.

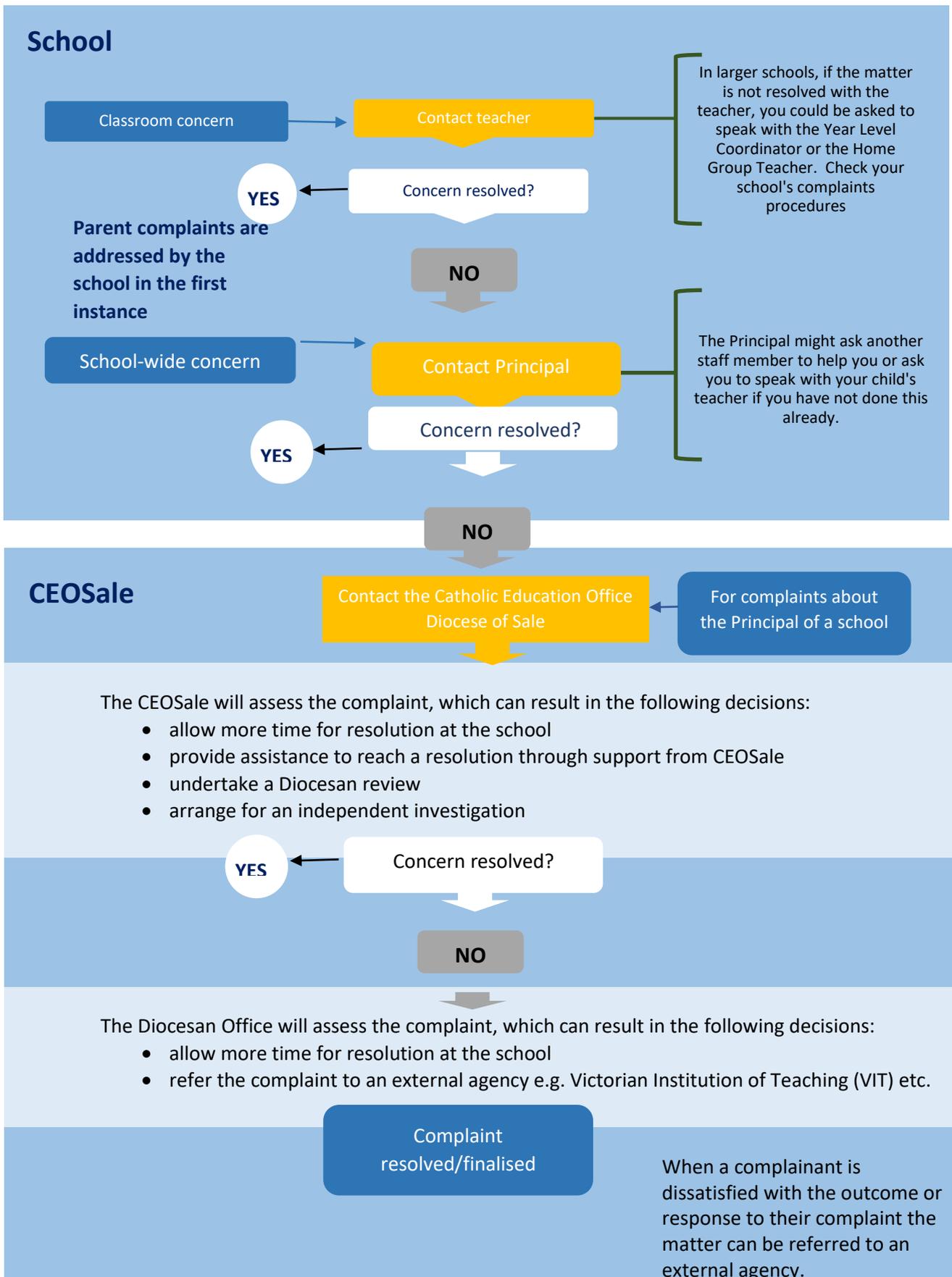
When addressing a complaint, it is expected that parents/guardians and school personnel will:

- show respect and understanding of each other's point of view
- operate within applicable legislation
- acknowledge that their goal is to achieve an outcome acceptable to all parties

- act in good faith and in a calm and courteous manner
- recognise that all parties have rights and responsibilities which must be balanced.

Please refer to the following Complaints Management Flowchart which identifies the key steps and contacts in Our Lady Star of the Sea's complaints management process.

## Complaints Management Flow chart



## **5.1 Informal resolution process**

The principal, or those persons authorised by the principal to deal with complaints, may choose to respond to a complaint through an informal process in cases where the complaint is minor, the complainant wishes the matter to be dealt with informally, or where the complaint has arisen from lack of or unclear communication.

Formal processes will be used when informal processes haven't been successful, a complainant seeks a formal process, or where the complaint warrants formal investigation.

## **5.2 Formal resolution process involves**

Investigating the complaint including formal interviews, written statements, conveying the details of the complaint to the respondent in writing and providing the opportunity for a written response.

Dismissing or accepting the complaint.

If the complaint is proved, the following are possible outcomes:

- a written apology;
- an official warning;
- counselling;
- disciplinary action

If the complaint is unproved (not enough evidence), possible outcomes are:

- relevant training for all staff; and/or
- monitoring of behaviour of employees.

If the complaint is proved not to have happened at all, the following are possible outcomes:

- counselling for the person who made the complaint;
- a written apology;
- an official warning;
- disciplinary action

## **5.3 Natural justice and procedural fairness**

When addressing a complaint, it is expected that parents/guardians and school personnel will apply the following principles of natural justice and procedural fairness:

- the rights of both sides to be heard and treated fairly
- the equal treatment of all parties to the issue
- adequate communication and notice be given to the parties outlining the process
- the person about whom the complaint is made is given the opportunity to respond to any allegations
- investigations are conducted impartially, facts of the case substantiated and decisions are made without bias
- the school appropriately communicate and outline the reason for any decision and any action it intends to take
- privacy and other legal obligations are met
- records of complaints are maintained
- complaints are responded to promptly and thoroughly.

#### **5.4 Misconduct or serious misconduct**

All complaints of alleged misconduct or serious misconduct by a teacher or staff member should be reported to the principal of the school. Complaints about teachers can also be reported to the Victorian Institute of Teaching (VIT), which is the regulator in relation to the registration and investigation of serious misconduct (including conduct which is of a physical or emotional nature) of all teachers in the State of Victoria. If unsure if the complaint constitutes serious misconduct by a teacher, contact the VIT on telephone 1300 888 067 or email [vit@vit.vic.edu.au](mailto:vit@vit.vic.edu.au).

#### **5.5 Complaints against principal of a school**

In the case of complaints involving the principal of a Catholic primary school which forms part of a parish, the Parish Priest ('the employer') and the Education Consultant who oversees that school should be informed immediately.

#### **5.6 Complaints regarding school Compliance**

Where a complaint concerns the school's compliance with the VRQA minimum standards for school registration, the formal processes will involve the Principal notifying the Catholic Education Office Sale of the complaint and cooperating with the Office with regard to investigating the complaint and acting on the outcome.

#### **5.7 Students with a disability**

Students with disabilities have rights under the *Disability Discrimination Act 1992* (Commonwealth), the *Disability Standards for Education 2005* (Commonwealth) and the *Equal Opportunity Act 2010* (Victoria) to access their education on the same basis as their peers, including the right to reasonable adjustments.

As with all complaints to which this policy applies, parents/guardians should raise any concerns or complaints regarding the treatment of a student with a disability with the school in the first instance.

#### **5.8 Anonymous complaints**

Our Lady Star of the Sea endeavours to address and respond to all complaints. In some situations, Our Lady Star of the Sea may not be able to fully address complaints that are made anonymously or without sufficient detail being provided to enable an investigation or resolution of the matter. To ensure procedural fairness, respondents have a right to know the particulars of the allegations being made against them, and be given an opportunity to respond to them.

#### **5.9 Complaint escalation**

When a parent/guardian is not satisfied with the manner in which their complaint has been treated by the school, or their complaint is about the principal of the school, the complainant can contact CEOSale and the complaint will be handled in accordance with the CEOSale Complaints and Grievances Management Policy.

It may not always be possible to resolve all complaints to the parent's/guardian's satisfaction. This could happen when the nature of the issues raised in the complaint is governed by CEOSale's policies or guidelines or if the complainant has unrealistic expectations about the outcome of their complaint.

## **6.0 OUTCOMES**

When the matter is resolved the Principal will make sure that the outcome is actioned and will assess the effectiveness of the process, as required.

All complaints, ensuing procedures and outcomes will be fully documented.

If a complainant believes that the complaints procedure has not been followed properly, or that the outcome is unacceptable, he/she may call the Catholic Education Office, Diocese of Sale.

## **7.0 RESOURCES**

[CEOSale - Resolving Parent/Guardian Issues and Concerns - Management of Complaints and Grievances](#)

[CEOSale - Practical Advice about Concerns and Complaints](#)

[OLSS Complaint Form](#)

[OLSS Complaint Acknowledgement letter](#)

## **8.0 EXPECTED OUTCOMES**

- harmonious, positive and productive school environment;
- an environment where complaints are resolved fairly, efficiently, promptly and in accordance with relevant legislation.

## **9.0 REVIEW**

Draft Review: May 2017

Implementation Date: May 2017

Review Date: May 2018