



# OUR LADY STAR OF THE SEA PRIMARY SCHOOL

## 1.0 INTRODUCTION

Our Lady Star of the Sea (OLSS) recognises that it is in the best interest of students for there to be a trusting and cooperative relationship between parent/guardian and school. Complaints are an important way for the school community to provide information and feedback to a school. OLSS considers that every complaint provides a valuable opportunity for reflection and learning.

OLSS recognises a parent's/guardian's right to make a complaint and its responsibility to provide a framework within which efforts can be made to resolve complaints.

It is OLSS's belief that parent/guardian complaints are best handled at the school level in an environment where individuals feel able to speak up about issues concerning the education of their children.

An effective complaint-handling system has a clear process for resolving complaints, treats people fairly, is timely and provides those people involved in a complaint with a fair opportunity to respond to issues and to present their views.

While Diocese of Sale Catholic Education Limited (DOSCEL) is the regulatory body, all schools are empowered in the first instance to manage grievances and complaints at the school level. DOSCEL can provide support services and legal advice to school communities in managing complaints.

## 2.0 PURPOSE

The purpose of this Policy is to ensure that:

- DOSCEL and OLSS meet their obligations to respond to parent/guardian complaints in a fair, effective and efficient manner
- parents/guardians are informed of how they can make a complaint at their child's school.

This Policy does not relate to:

- critical incidents
- emergency management
- criminal offences
- conduct of religious clergy or other religious persons unless they are employees or Directors of DOSCEL or OLSS.

### 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* (Cwlth)
  - a person appointed as 'guardian' pursuant to the *Children Youth and Families Act 2005* (Vic.)
  - 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 OLSS agree on an appropriate response or remedy.
- A complaint is considered to be **'finalised'** when OLSS has made a final determination on the matter after exhausting the processes set out in this Policy.
- 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

The complaint-handling process must reflect the following guiding principles, which are informed by the *Australian/New Zealand Standard – Guidelines for complaint management in organisations (AS/NZS 10002:2014)*.

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 parent/guardian 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 parent/guardian for access to the complaint-handling process at OLSS.
Protection of Privacy	Personally identifiable information concerning the parent/guardian 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	OLSS 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	OLSS are required to have a fair, effective and efficient complaint handling process. OLSS is accountable—both internally and externally—for their decision making and complaint-handling performance. OLSS needs to be able to provide explanations and reasons for their decisions.
Continual Improvement	Parent/guardian 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.

## 5.0 PROCEDURES

OLSS is required to develop, maintain and publicise a fair, effective and efficient complaint handling process, so that complaints about events or decisions at the school can be addressed.

Parents/guardians of students attending a OLSS who have a complaint should, in the first instance, make the complaint to the principal, except when the complaint is about the principal of the school. Complaints about school principals should be referred to the Executive Manager Industrial Relations/Human Resources at the Catholic Education Office, Diocese of Sale (CEOSale) who will assist in finding an appropriate solution.

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

Information about how parents/guardians can make a complaint and have it resolved at OLSS is available at this link [Parent Complaints](#). Schools must ensure that their school community is aware of the information on the school's website and the school's procedures for complaint handling. They must also ensure that their school community is aware of processes for complaint escalation.

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.

### **5.1 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 OLSS who informs the Chief Executive Officer via the School Leadership Consultant. 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 VIT on telephone 1300 888 067 or email [vit@vit.vic.edu.au](mailto:vit@vit.vic.edu.au)

### **5.2 Complaints against the principal of a school**

In the case of complaints involving the principal of a Catholic primary or secondary school, the Executive Manager Industrial Relations/Human Resources must be informed immediately.

### **5.3 Unreasonable complainant conduct**

All complaints should be considered in accordance with the school's complaint-handling procedures, including when parent/guardian behaviour is thought to be unreasonable.

While a decision-maker considers a range of factors and views, they may at any point in the process outlined in this Policy consider a parent's/guardian's behaviour to be unreasonable. In these circumstances, it is appropriate for the decision-maker to communicate the basis on which the conclusion was made to the parent/guardian in writing. The decision-maker may also indicate an acceptable procedure for future communication with the parent/guardian about their complaint.

OLSS considers behaviour to be unreasonable when:

- it is clearly and significantly outside the expectations of cooperation, courtesy and respect
- it calls for staff resources and time unjustified by the nature or significance of the complaint
- an action or complaint is brought without merit, often to cause annoyance to another person

- it is oriented towards conflict.

## **5.4 Anonymous complaints**

OLSS endeavours to address and respond to all complaints. In some situations, OLSS 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.

## **5.5 Complaint escalation**

When it is unlikely that a complaint will be resolved using the school's complaint-handling procedures, the principal will seek advice from DOSCEL.

When a parent/guardian is not satisfied with the manner in which their complaint has been treated by OLSS, or their complaint is about the principal of the school, the parent/guardian can contact DOSCEL.

When a complaint remains unresolved after referral to OLSS, parents/guardians are able to request a review of process through the Chief Executive Officer of DOSCEL.

If a parent/guardian is dissatisfied with the outcome or response from OLSS, or if they feel their complaint is not being handled properly or in a timely manner, they are able to take their complaint to an external agency such as the Victorian Institute of Teaching (VIT), Victorian Equal Opportunity Commission, the Human Rights and Equal Opportunity Commission or the Victorian Registration & Qualifications Authority (VRQA).

Where a parent/guardian has real and substantial concerns that, as a result of raising a complaint, they may suffer a detriment and the allegations relate to corrupt conduct, they should be made aware that they are able to take their complaint to an external agency such as VIT, Victorian Equal Opportunity Commission, the Human Rights and Equal Opportunity Commission or VRQA.

It may not always be possible to resolve all complaints to the parent's/guardian's satisfaction. [Please see chart on page 16.](#)

## **5.6 Students with a disability**

Students with disabilities have rights under the *Disability Discrimination Act 1992* (Cwlth), the *Disability Standards for Education 2005* (Cwlth) and the *Equal Opportunity Act 2010* (Vic.) 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.

OLSS also recognises that parents/guardians of students with a disability can raise complaints or concerns regarding a student with a disability in a number of forums, including:

- the Australian Human Rights Commission – in relation to complaints regarding compliance with the *Disability Discrimination Act 1992* (Cwlth) or the *Disability Standards for Education 2005* (Cwlth)
- the Victorian Equal Opportunity and Human Rights Commission – in relation to complaints regarding compliance with the *Equal Opportunity Act 2010* (Vic.)
- in consultation with the principal and any established student support group, to the relevant School Leadership Consultant. This may relate to matters arising under the Program for Students with Disabilities, including applications, Years 6-7 reviews, reappraisals and appeal procedures.

## 6.0 RESPONSIBILITIES

### 6.1 School responsibilities

All schools handle parent/guardian complaints on a range of matters. Parent/guardian complaints are best addressed in an environment where parents/guardians feel able to speak up about issues concerning the education and welfare of their children. This is reflected in:

- open, two-way communication within the school
- clear roles and responsibilities for all members of the school community
- realistic expectations about what can be achieved by the school
- an effective, published complaints handling procedure.

Schools should treat parent/guardian concerns seriously and reflect on the issues raised through complaints to change its practice and improve the learning opportunities for its students.

The school's initial response to an incident or issue at the school is critical. It is appropriate to acknowledge what has occurred with those involved and offer an apology or expression of regret for any upset or distress they may have experienced. Those involved in the matter should be assured that the complaint will be explored and, where possible, a full explanation will be provided once the facts are known. The school should also indicate the steps it intends to take to prevent a similar incident or issue from occurring again.

The school's Vision Statement and Code of Conduct clarifies and strengthens the roles of principals, parents/guardians, teachers and students, and helps to establish a cooperative school environment with realistic expectations of what can be achieved by the school. In such an environment, open, two-way communication, free of blame, will assist schools to handle concerns or complaints being raised by a parent/guardian.

#### 6.1.1 Receiving complaints

When a school receives a complaint (either written or verbal) from a parent/guardian, schools must follow the processes outlined by the school's complaint handling Policy.

It is the responsibility of the school to respond to and address written (letter and email) and verbal (face-to-face and telephone) complaints raised by parents/guardians from their school community. Schools are required to:

- develop and maintain fair procedures for parent/guardian complaint-handling, as a minimum the procedures must include:
  - who to contact when making a complaint
  - a description of the actions the school could take once a complaint is received
  - a time frame for acknowledging written complaints and an expected time frame for complaint resolution
  - the types of outcomes that the parent/guardian could expect
  - information about what the school will do if the complaint is not able to be resolved by the school and the options the parent/guardian has to take their complaint further □  
 consider all parent/guardian complaints by:
    - raising the issues in the complaint with relevant staff and/or members of the school community
    - consulting, where appropriate, with relevant personnel of DOSCEL and/or external agencies for technical or other advice
    - discussing the school's findings with the parent/guardian in an attempt to reach an agreed resolution
    - considering the engagement of a mediator where a complaint has the potential to become intractable
- publicise the school's complaint-handling procedures within the school community and make them readily available
- review the school's complaint-handling procedures regularly
- ensure that complaints received are recorded and actions taken to resolve the complaint are well documented
- ensure a school record of all complaints, both written and verbal, is maintained at the school
- seek advice from DOSCEL about the management of complaints, including complex or challenging complaints or complainants and the use of mediation/conciliation services, and seek specialist or technical advice from external agencies and/or DOSCEL when required
- ensure all school personnel are aware of the school's parent/guardian complaint-handling procedures and provide opportunities for staff to attend training/professional development activities with a focus on complaint management
- actively assist parents/guardians with the complaint process, informing them that at any point of the complaint process they are able to be supported by an advocate/support person. The role of the advocate/support person in this process is a supportive and enabling one. A complainant's advocate/support person may be a member of the family, a friend, a community member or a person provided through an appropriate support/advocate agency. The advocate/support person in the parent/guardian complaint process does not receive a fee for service. The complainant should inform the principal if they want to include an advocate/support person in the complaint process and provide the name of the advocate, contact details and the relationship to the complainant. An advocate/support person's role may include:
  - assistance for the complainant to clarify the issues in the complaint

- discussion of difficulties being experienced by the complainant
- assistance in the development of a co-operative and collaborative working relationship between the complainant and the school community
- assistance for the complainant to understand DOSCEL’s Policy and Guidelines and the resolution being proposed for the complaint.

### **6.1.2 Resolving complaints**

A principal may contact the relevant School Leadership Consultant and request intervention to help resolve a complaint. The principal would need to have exhausted the school’s parent/guardian complaint-handling procedures and be of the belief that the complaint would not be able to be resolved at the school level. The parent/guardian should be advised that their complaint will be handled by personnel from DOSCEL.

Where a complaint is found to be justified, schools are able to resolve complaints by:

- an apology or expression of regret
- a change of decision
- a change of policy, procedure or practice
- a refund of parent/guardian payments
- offering the opportunity for student counselling or other support.

## **6.2 Responsibilities of the Diocese of Sale Catholic Education Ltd**

If a parent/guardian is not satisfied that their complaint has been resolved by the school, or if their complaint is about the principal of the school, they may refer their complaint to DOSCEL. In addition, DOSCEL can provide advice:

- to schools, and support, when they are responding to parent/guardian complaints
- to parents/guardians when they are seeking to make a complaint at their school.

DOSCEL has responsibility to respond to parent/guardian complaints when:

- a complainant is not satisfied that the complaint has been addressed in accordance with the school’s parent/guardian complaint-handling processes
- a complainant is not satisfied that an acceptable resolution has been reached
- the subject of the complaint relates to DOSCEL’s educational policy outside the responsibility/management of the school
- a school requests assistance to resolve a parent/guardian complaint □ the subject of the complaint is the principal of a school.

DOSCEL will generally not respond to a complaint and/or become involved when:

- issues have not been raised with the school
- the school is continuing to address the issues in the complaint

- issues raised are the responsibility of the school (e.g. school uniform, tuck shop duty, school parking).
- the issues raised should be able to be resolved at the school level.

Parents/guardians must be advised of the complaints process that is followed by DOSCEL.

### **6.2.1 Actions to be taken following the receipt of a complaint**

Following receipt of a parent/guardian complaint, the Chief Executive Officer (or delegate) will:

- acknowledge receipt of a written complaint as soon as possible, ensuring the parent/guardian is aware of the complaint-handling procedures they may use to respond to the complaint
- assess the complaint, which can result in DOSCEL undertaking one or more of the following processes to help resolve it:
  - allow more time for resolution at the school
  - provide assistance to reach a resolution through Diocesan support
  - arrange for an independent investigation via the Child Protection Officer or the Professional Standards Officer
- where necessary, seek advice from within DOSCEL and/or external agencies to determine how a complaint should be reviewed and whether other avenues of appeal/redress already exist (this may include seeking specialist or technical advice from external agencies and/or DOSCEL to support the school in addressing the parent's/guardian's concerns or to inform DOSCEL's decision-making where a complaint involves a student with a specialist area of need)
- inform the principal of the receipt of the complaint and provide an opportunity for the principal to respond to the issues raised
- advise the parent/guardian, as soon as possible after receiving the complaint, how the complaint will be addressed
- advise the parent/guardian of any delays that may occur in DOSCEL's ability to respond within a reasonable timeframe
- where it is considered to be appropriate, provide the parent/guardian with an opportunity to respond to the principal's response to the matters raised prior to making a decision about the complaint
- where necessary, actively support parents/guardians with special needs in the complaint process by providing appropriate support
- provide the parent/guardian and the principal of the school with the results of DOSCEL's considered view of the complaint
- keep a record of each complaint and its outcome (the parent/guardian should be advised that a record is being maintained).

## **6.3 Processes to help resolve a complaint**

### **6.3.1 Allow more time for resolution at the school**

An opportunity for the complaint to be resolved at the school will occur when:

- the issues have not been raised with the school
- the school is continuing to address the issues in the complaint
- the issues raised are the responsibility of the school (e.g. school uniform)
- the issues raised are considered to be able to be resolved at the school level.

### **6.3.2 Provide DOSCEL support**

Diocesan support to assist in the resolution of a complaint will occur when:

- support is requested by the principal and/or the parent/guardian
- it is evident that there is a disruption to the learning program of the student involved in the complaint, including non-attendance at school
- the Chief Executive Officer (or delegate) is of the belief that the matter can be resolved with the support of the Diocese.

The Chief Executive Officer may require the undertaking of a review when:

- it is unclear if the school has parent/guardian complaint-handling procedures that are compliant with DOSCEL Policy
- it appears that the school has not followed parent/guardian complaint-handling procedures
- the school and the parent/guardian were unable to resolve the complaint in a way that was appropriate and fair and consistent with DOSCEL Policy and Guidelines.

Reviews will identify:

- the issues in the complaint that will be part of the review
- opportunities for the parent/guardian and the principal to discuss their point of view with the reviewer
- what documents will be requested (e.g. school's record of the complaint)
- timelines
- any other activities associated with the review (e.g. seeking advice from external agencies and/or other areas of DOSCEL).

The parent/guardian must be informed about the scope and timing of the review.

All reviews will:

- provide the school principal with a copy of the complaint or a summary of the issues being raised in the complaint
- provide opportunities for the school to explain the process followed when the school addressed the complaint and how the decision, provided to the parent/guardian, was reached

(the reviewer or Chief Executive Officer (or delegate) may ask the school to provide a response in writing)

- provide an opportunity for the parent/guardian to clarify and respond to the matters they have raised and to comment on the school's response to the complaint
- provide the principal with the issues raised and give 10 school days for the principal to respond to the reviewer in writing, when the complaint is about the principal
- provide recommendations for the Chief Executive Officer (or delegate) to consider, in order to resolve the complaint, once the review has been completed
- provide a response to the parent/guardian.

The Chief Executive Officer may arrange for an independent investigation after considering the following questions:

- Is the complaint complex?
- Is there a difference of opinion about the facts in relation to the complaint?
- Are the issues raised by the parent/guardian serious and/or do they appear to be in breach of DOSCEL Policy and Guidelines?
- Do the issues raised in the complaint concern the ability of a child to participate fully in their educational program?
- Does the complaint indicate the existence of a systemic problem?
- Is there a more appropriate mechanism for dealing with the complaint?

An independent investigation will:

- have established Terms of Reference developed by the Chief Executive Officer (or delegate)
- have an investigation plan that defines the subject of the investigation
- comply with relevant privacy laws and maintain confidentiality
- provide procedural fairness
- gather evidence, including oral, documentary and expert (technical advice)
- provide an Investigation Report to the Chief Executive Officer, which will include a summary of the investigation, its findings and recommendations (if applicable).

At the conclusion of an independent investigation, the Chief Executive Officer (or delegate) will consider the information provided in the Investigation Report to determine the outcome of the complaint. The outcome will be provided to the parent/guardian and the school principal and to any others deemed to require a response because of their involvement in the complaint.

DOSCEL will employ, under contract, an investigator for a specific complaint who has:

- no association with the parent/guardian or the school staff
- no knowledge of the complaint
- the skills to undertake an investigation
- a broad knowledge of schools.

Every effort should be made to ensure that there is no actual or perceived conflict of interest in the selection and appointment of an independent investigator.

### **6.3.3 Possible outcomes of a complaint**

The complaint is justified - advice is provided to the school for action. This could include:

- an apology or expression of regret
- a change of decision
- a change of policy, procedure or practice
- a refund of parent/guardian payments
- the provision of counselling or other support.

The complaint is not justified – the decision of the school is confirmed. This could include:

- an explanation of how the decision is consistent with school policy
- that the decision taken is realistic and is supported by an external agency that specialises in the area under consideration
- DOSCEL Policy and Guidelines support the decision.

Please note that some outcomes are not possible:

- It is not the role of DOSCEL to ‘sanction’ a school and this is not a possible outcome of a complaint.
- Due to DOSCEL’s obligations under privacy laws, it is not appropriate for DOSCEL to disclose details of disciplinary proceedings relating to its employees. For this reason, it may not be lawfully possible for DOSCEL to inform a complainant of any specific action that has been taken in relation to individuals about whom parents/guardians have raised complaints.

## **7.0 RELATED LEGISLATION**

All concerns and complaints must be addressed in line with legislative and regulatory framework which include:

- *Education and Training Reform Act 2006* (Vic.)
- *Education and Training Reform Regulations 2017* (Vic.)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic.)
- *Privacy and Data Protection Act 2014* (Vic.)
- *Equal Opportunity Act 2010* (Vic.)
- *Wrongs Act 1958* (Vic.)

## **8.0 REFERENCES**

<http://www.socialjustice.catholic.org.au/social-teaching>

<http://www.education.vic.gov.au/school/parents/complaints/Pages/default.aspx>

# OLSS COMPLAINT MANAGEMENT FLOWCHART



