



BDSAC SCHOOL COMPLAINTS POLICY 2016

Approved by BDSAC: February 2014
This Update: November 2016
Next Review: 2017

RATIONALE:

The Ballarat Diocesan Schools Advisory Council (BDSAC) and the Catholic Education Office Ballarat (CEOB) are committed to fostering healthy relationships between all stakeholders in Catholic education and working in partnership with schools, parents/carers and the community in achieving excellent outcomes for students.

The BDSAC believes that complaints are an important way for a school community to provide information and feedback to a school and that each complaint provides a valuable opportunity for reflection and learning.

The BDSAC believes that school issues and complaints are best handled at the school level.

When complaints about an apparent breach of policy or matter of compliance with the minimum standards for school registration cannot be resolved at the school, the CEOB will seek to assist in resolving the issue using procedures and processes that are fair, consistent and safeguard the dignity of all parties.

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.

The purpose of this policy is to ensure that schools in the Diocese of Ballarat understand their obligation to resolve complaints by parents/carers and that parents/carers know how to raise a complaint at their child's school.

This policy is ratified by the Bishop of Ballarat for implementation by all schools and the Catholic Education Office in the Diocese of Ballarat.

DEFINITIONS:

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 the school and/or CEOB agree on an appropriate response or remedy.

A complaint is considered to be '**finalised**' when the Director of Catholic Education 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.

The **minimum standards for school registration** are the requirements/standards specified for all schools in the *Education and Training Reform Act 2006* (the Act) and the *Education and Training Reform Regulations 2007*.

A **policy** is a written statement that outlines a course of action or procedures to guide the operation of a school community.

The **school governing authority** is the owner of the school and the employer of the principal.

WHERE TO DIRECT COMPLAINTS:

Complaints regarding serious misconduct of staff and volunteers are referred to the Director of Catholic Education for investigation by the Diocesan Professional Standards Coordinator in accord with the BDSAC Protocol for Managing Allegations of Abuse 2016.

Complaints regarding serious misconduct of principals are referred to the Director of Catholic Education Ballarat.

Complaints regarding serious misconduct of the Director of Catholic Education, of clergy or of religious staff are referred to the Bishop of Ballarat.

Complaints regarding the suspected sexual abuse of a child are reported to Victoria Police.

Complaints regarding suspected cases of child abuse and neglect are reported to the Department of Human Services (DHS) Child Protection.

Complaints regarding alleged criminal behaviour are referred to the Police.

Other complaints which can be dealt with at the school level and have not been investigated by the principal are referred to the principal for initial investigation unless the Director of Catholic Education believes that this is not appropriate.

Complaints about a parish or diocesan school are dealt with by the Catholic Education Office Ballarat.

Complaints about a school that is governed or co-governed by a religious congregation, religious institute or ministerial public juridic person will be dealt with by the Catholic Education Office Ballarat in liaison with the officer for that school designated by the school's governing authority.

When an investigation of a serious nature is instigated by the Catholic Education Office Ballarat, the governing authority of the school will be notified by the investigator.

POLICY STATEMENT:

The BDSAC expects that all schools will develop, maintain and publicise a fair, effective and efficient complaint-handling process, so that complaints can be addressed. This requires communicating the process to parents via the school handbook, website or other means, ensuring parents are easily able to access the complaint handling process.

Parents/carers of students attending a Catholic school in the Diocese of Ballarat 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 Director of Catholic Education.

The principal is responsible for the efficient and effective organisation, management and administration of the school including ensuring that

- the school has a complaint-handling process
- the school community is aware of how to make a complaint at the school
- the school community is aware of processes for complaint escalation.

The Catholic Education Office Ballarat (CEOB)

- has a delegated responsibility from the Bishop of Ballarat to assist in the resolution of complaints about an apparent breach of policy or a matter of compliance with the minimum standards for school registration
- seeks to resolve concerns, grievances and complaints in a prompt, impartial and just manner
- involves and/or informs the school governing authority where complaints relate to matters of school governance or performance of the principal
- seeks to align complaints handling processes with the Australian standard for complaints handling in organisations.

Parents/carers, CEOB staff, the school governing authority 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.

PRINCIPLES:

1. The CEOB will

- encourage in the first instance communication and resolution at the school level
- ensure that complaints are dealt with consistently in a timely and confidential manner
- encourage individuals, with support, to resolve issues directly without third party intervention, and reduce the likelihood that external agencies will need to be involved
- ensure that complaints and any resolution are documented

2. Where a complaint cannot be resolved at the school level, procedural fairness will be followed in all aspects of complaint handling. This includes:

- giving the complainant the opportunity to put their case
- offering reasonable assistance to enable the complaint to be made and to know the complaint handling procedures
- informing the respondent of the substance of the complaint investigation process including outcomes
- handling the complaint process confidentially
- determining the findings of investigations as quickly as possible and advising all parties the outcome of the investigation
- assessing the facts and circumstances of the situation objectively and determining the findings fairly
- providing all parties with details of the determination and reasons

- informing all parties of any avenue for review
3. The CEOB may determine that an anonymous complaint cannot be investigated because
 - it is not possible to liaise appropriately with the complainant, and/or
 - anonymity calls into question the ability of CEOB to ensure natural justice, and/or
 - such a complaint may have been made maliciously.
 4. Where complainants are challenging because of unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and/or unreasonable behaviour:
 - a. special measures to deal with this conduct may be required
 - b. their complaint may still be a valid complaint and should be handled appropriately
 - c. fair consideration must be given to the complaint while ensuring that there is not undue use of resources to investigate and resolve the complaint
 - d. the safety of all members of the school and CEOB community should be monitored.
 5. In conjunction with this policy, note should be taken of relevant legislation, guidelines, policies and procedures pertinent to the issue, including for instance:
 - Occupational Health and Safety issues
 - Child Safe Standards
 - Ministerial Order No 870
 - School and diocesan enrolment policy and procedures
 - Anti-harassment and anti-bullying legislation

WHEN CEOB RECEIVES A COMPLAINT:

1. The person receiving the complaint advises the complainant:
 - a. that criminal matters should be referred directly to Victoria Police
 - b. that the BDSAC procedures for school complaints will be followed and that this policy is on the CEOB website
 - c. that their complaint will be communicated to the appropriate educational consultant who will contact them as soon as possible
 - d. that there may be a short delay before the complaint can be followed up.
2. The educational consultant makes contact with the complainant, hears and makes a record of their complaint and reminds them of the diocesan protocol that complaints be handled first at the school level:
 - a. classroom concerns should be raised with the class teacher
 - b. concerns about the student's wellbeing or behaviour should be raised with the relevant school leader
 - c. school-wide concerns about policy or procedure or concerns about the performance of a teacher should be raised with the school principal.
3. Where complaints cannot be resolved at the school level, the educational consultant will inform the principal that a complaint has been received, make an assessment of the complaint and

- provide advice to the complainant to assist them:
- a. in resolving the complaint with the school
 - b. in understanding the school's policy
 - c. in better understanding the standards that the school is required to meet.
4. If the educational consultant identifies that the school may be in breach of a policy or failing to meet the minimum standards, s/he will advise the principal, assist the principal to address the matter and, if the matter cannot be addressed, notify the school's governing authority and the Director of Catholic Education.
 5. Where a complaint cannot be resolved with the assistance of the educational consultant it will be referred to the Director of Catholic Education who will make an assessment of the complaint and recommend one or more of the following:
 - a. that more time be allowed for resolution at the school
 - b. that support will be provided to assist the complainant and school in resolving the issue
 - c. that a senior member of the CEOB staff will review the situation and make a recommendation
 - d. that the Diocesan Professional Standards Coordinator will review the situation and make a recommendation
 - e. that other avenues of appeal or redress already exist
 - f. that an independent investigation will be undertaken.
 6. The Director of Catholic Education will:
 - a. inform the principal of the receipt of the complaint and provide an opportunity for the principal to respond to the issues raised
 - b. advise the complainant, as soon as possible after receiving the complaint, how the complaint will be addressed
 - c. advise the complainant of a timeline for addressing the complaint and any delays that may occur in the CEOB's ability to respond
 - d. where it is considered by the Director to be appropriate, provide the complainant with an opportunity to respond to the principal's response to the matters raised prior to making a decision about the complaint
 - e. where necessary, actively support complainants with special needs in the complaint process by providing appropriate assistance
 - f. provide the complainant and the principal of the school with the results of the Director's considered view of the complaint
 - g. inform/advise the school governing authority where complaints relate to school governance.
 7. Where a complaint is found to be justified, the Director will recommend that the school resolve the complaint by:
 - a. an apology or expression of regret
 - b. a change of decision
 - c. a change of policy, procedure or practice
 - d. a refund of parent payments
 - e. offering the opportunity for student counselling or other support.
 8. Where a complaint is found to be not justified - the decision of the school is confirmed. This

could include:

- a. an explanation of how the decision is consistent with school policy
- b. that the decision taken is realistic and is supported by an external agency that specialises in the area under consideration
- c. that BDSAC policy and guidelines support the decision.

9. Please note that some outcomes are not possible:

- a. It is not the role of CEOB to 'sanction' or 'punish' a school and this is not a possible outcome of a complaint.
- b. Due to the CEOB's obligations under privacy laws, it is not appropriate to disclose details of disciplinary proceedings relating to any CEOB or school employees. For this reason, it may not be lawfully possible for the CEOB to inform a complainant of any specific action that has been taken in relation to individuals about whom complaints have been made.

10. A written record of each complaint and its outcome will be held by the CEOB for a period of seven years.

SUMMARY PROCESS FOR RESOLUTION OF A COMPLAINT:

Allow more time for resolution at the school	An opportunity for the complaint to be resolved at the school will occur when: <ul style="list-style-type: none">• 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.
Provide CEOB support	CEOB support to assist in the resolution of a complaint will occur when: <ul style="list-style-type: none">• support is requested by the principal and/or the parent/carer• 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 Director (or delegate) is of the belief the matter can be resolved with the support of the educational consultant or another CEOB staff member.
Undertake a review	A complaint will be reviewed by a staff member of the CEOB when: <ul style="list-style-type: none">• it is unclear if the school has complaint-handling procedures that are compliant with this policy• it appears that the school has not followed the school's complaint-handling procedures• the school and the parent were unable to resolve the complaint in a way that was appropriate and fair and consistent with this policy.
Request a review by Diocesan Professional Standards Coordinator	A complaint will be reviewed by the Diocesan Professional Standards Coordinator when: <ul style="list-style-type: none">• a complaint has been made about the professional conduct or competency of a staff member• it appears that the school has not been able to address the matter.
Identify other avenues of appeal or redress	Other avenues of appeal or redress include: <ul style="list-style-type: none">• criminal matters - refer to Victoria Police• complaints about school fees – Consumer Affairs Victoria• complaints about a breach of contract – seek legal counsel.

Arrange an independent investigation

A complaint will be referred to an independent investigator by the Director (or delegate) 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 serious and/or do they appear to be in breach of BDSAC policy and/or a breach of the minimum standards?
- 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?

APPENDIX: HOW TO MAKE A COMPLAINT

In relation to a School Staff Member

As soon as possible, contact the school and speak to the relevant person to explain the problem and the outcome you want. In many cases a simple phone call or visit can fix the problem.

If you not satisfied, make an appointment to speak to the principal.

If you are still having difficulty resolving a problem, you may want to seek assistance. Contact the CEO on 03 5337 7135 to request to speak to the relevant Educational Consultant.

In relation to a Principal or Policy/ Decision or matter of compliance

As soon as possible, contact the principal to explain the problem and the outcome you want. In many cases a simple phone call or visit can fix the problem.

If you are still having difficulty resolving a problem, you may want to seek assistance. Contact the CEO to request to speak to the relevant Educational Consultant. Alternatively, you could contact the Governing Authority of the school.

In relation to a CEO Staff Member

As soon as possible, contact the Catholic Education Office and speak to the staff member's Team Leader to explain the problem and the outcome you want. In many cases a simple phone call or visit can fix the problem.

Catholic Education Office Contact Details

Ballarat: (03) 5337 7135

Email: director@ceoballarat.catholic.edu.au