

Policy 2.20

Complaints Policy

1. Rationale

Catholic Education Melbourne (CEM) and the schools it serves strive to be communities of faith, hope and love where communication takes place in an environment of transparency, respect, compassion, tolerance and inclusion in the interests of all students.

Catholic teaching emphasises the primacy of parents as the first teachers of their children. Within the reality of the schooling experience, it is recognised that from time to time misunderstandings and differences of opinion will occur, and that these need to be resolved satisfactorily in partnership with the stakeholders involved. Addressing such matters within a framework of dignity, respect and truth can provide powerful opportunities to model the love of Christ in the reality of our contemporary world.

The role of CEM is to provide support, resources and advice to Catholic schools. CEM is not a regulatory body and all schools are empowered to manage grievances and complaints at the school level. CEM can provide support services and legal advice to school communities in managing complaints.

2. Scope

This policy outlines CEM's complaints resolutions process for external complaints that are unable to be resolved at the school level, and referred to CEM¹ from parents, guardians, carers and students (the Complainant). Procedures for making a complaint are presented in Section 8 of this policy.

This policy **does not** relate to critical incidents, emergency management, criminal offences, conduct of religious clergy or other religious persons.

3. Definition

A complaint is an expression of dissatisfaction with an action taken, decision made, service provided or handling of an issue at a Catholic school within the Archdiocese of Melbourne.

4. Guiding principles

In receiving and responding to complaints, the following guiding principles will inform and direct the CEM's actions:

- complaints of a school-based nature are best received and managed at the school level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties
- complainants can expect their concern or complaint to be responded to in a respectful and timely manner
- schools and staff members will be informed of formal complaints that are made about them
- complainants and the person(s) against whom the complaint is made have the right to be heard and to expect that procedural fairness will be observed
- confidentiality, protection of privacy, respect, access, dignity and impartiality will form the basis of the complaints resolution process
- the complaints resolution process will seek to achieve the restoration of good and respectful

¹ CEM includes the central office located at James Gould House in East Melbourne and its regional offices which are located in the North, South, East and West of metropolitan Melbourne.

relationships

- the best interests of the school community will generally exceed those of any individual.

5. Complaints against teachers and staff

The nature of the complaint will determine who is the most appropriate person or body to manage a complainant's concerns.

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 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.

In some cases, certain actions which involve physical or emotional misconduct, such as unlawful assault or threats to the person, may constitute a criminal offence. These types of offences should be reported to and investigated by the police. Initial consultation with the principal of the school may help to determine the appropriate course of action in these circumstances.

5.2 Child abuse (including sexual offences)

There are legal obligations on all adults to report child abuse to police once a reasonable belief is formed that a sexual offence has been committed against a child. Failure to disclose a sexual offence against a child is a criminal offence under Section 327 of the *Crimes Act 1958 (Vic.)* and applies to all adults (18 years and over) in Victoria.

Complaints involving communication with children under 16 years by teachers, staff, or any other person to prepare or 'groom' a child for future sexual activity is a criminal offence under Section 49B (2) of the *Crimes Act 1958 (Vic.)* and must be reported to the police. The offence of grooming applies to any person aged 18 years or over and does not apply to communication between people who are both under 18 years of age.

For further information, refer Catholic Education Melbourne [Policy 2.19 Child Protection – Reporting Obligations](#)

5.3 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 manager of the CEM regional office which oversees that school should be informed immediately.

Complaints against the principal of a Catholic secondary school should be referred to the regional manager of that school zone. CEM regional offices are located in the North, South, East and West of metropolitan Melbourne.

Contact details are listed in **Section 9.4** (page 5) of this policy

In the case of a Catholic school governed by a Religious Institute or a Ministerial Public Juridic Person (MPJP)², complainants can be referred to the Chair, Director or Executive Officer of the school's Board or Council. Alternatively, the complaint can be referred directly to the Provincial of the Religious Institute or

² In Victoria, the Religious Institutes and MPJPs with governance responsibilities for some Catholic schools are the Antonine Sisters, Carmelite Fathers, De La Salle Brothers, Dominican Education Australia, Edmund Rice Education Australia, Faithful Companions of Jesus, Good Samaritan Education, Jesuits, Kildare Ministries, Loreto Education, Marist Schools Australia, Mary Aikenhead Education, Mercy Education Limited, Missionaries of the Sacred Heart, Presentation Sisters, Sisters of Our Lady of the Sacred Heart, Society of the Sacred Heart, Salesians, Sion Sisters, Sisters of St Joseph of the Sacred Heart and Sisters of the Resurrection.

MPJP. In many cases the Religious Institute or MPJP will have its own Professional Standards Office or equivalent.

6. Complaints against clergy or other religious persons

If the complaint relates to the clergy or other religious persons of a Catholic primary or secondary school, the complainant should contact and seek advice from the Professional Standards Unit of the Vicar General's Office in the Archdiocese of Melbourne, 228 Victoria Parade, East Melbourne. Contact www.cam.org.au or telephone 03 9926 5680.

If the priest or religious person is a member of a religious order, the complainant should also contact the Provincial Head or Professional Standards Office of that congregation or religious order.

7. Anonymous complaints

Catholic Education Melbourne endeavours to address and respond to all complaints. In some situations CEM 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.

8. Procedures for complaints about issues arising at a school

All schools are required to develop and maintain a fair, effective and efficient complaint-handling process so that complaints about events or decisions at the school can be addressed.

The following steps can guide the process in making a complaint about issues arising at a school.

8.1 Clarify the issue:

- Be clear about the topic or issue to be discussed.
- Be mindful of the need to ascertain all the facts relating to the circumstances of the topic or issue.
- Think about what would be an acceptable outcome.
- Check and observe the school's complaints policy or guidelines.

8.2 Follow the school complaints policy or guidelines which may include:

- Write an appropriate note or email to the relevant person (e.g classroom teacher) outlining concerns.
- Make an appointment to speak on the phone or in person with the relevant person(s).
- Consider speaking with the school's student wellbeing leader if appropriate.
- Arrange meeting times or phone calls through the school office.
- Ensure the relevant person(s) is given a reasonable amount of time to take the steps required to resolve or address the concerns.

8.3 Contact the principal or assistant principal

- If the issue remains unresolved after discussion with the relevant person(s) at the school, discuss the concern with the principal or assistant principal.
- Request an appointment with the principal or assistant principal through the school office.
- Note that the principal may ask another senior staff member to represent her/him. Also, if the relevant staff member is going to be present at the meeting, the meeting time is more likely to occur outside classroom hours.

8.4 Complaint escalation

If the matter cannot be resolved at the school level, or if the complaint is about the principal of the school, complainants may contact the relevant CEM regional office (see 5.3 above and 9 below).

In the case of a Catholic school governed by a Religious Institute or a Ministerial Public Juridic Person (MPJP), complainants can be referred to the Chair, Director or Executive Officer of the school's Board or Council. Alternatively, the complaint can be referred directly to the Provincial of the Religious Institute or MPJP. In many cases the Religious Institute or MPJP will have its own Professional Standards Office or equivalent.

9. Role of Catholic Education Melbourne - regional office

The role of the CEM regional office is to provide advice to:

- schools, along with support, when they are responding to complaints
- complainants when they are seeking to make a complaint at their school.

CEM regional offices 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.

9.1 Responsibilities of the regional office

CEM regional offices are responsible for responding to complaints when:

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

9.2 Actions to be taken following receipt of a complaint

Following receipt of a complaint, the regional manager (or delegate) will:

- acknowledge receipt of a written complaint as soon as possible, ensuring the complainant is aware of CEM's complaints handling procedures.
- record the complaint in the agreed data management system to ensure the complaint can be tracked
- advise the complainant that a record of their complaint is being maintained
- provide the complainant with a case number that should be used for all further communication
- contact the complainant for more information to help assess the issues or allegations
- assess the complaint, which may result in 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 regional support
 - arrange for an independent investigation.
- where necessary, seek advice from appropriate business units within CEM and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal/redress already exist
- inform the principal of the receipt of the complaint and provide an opportunity for the principal to respond to the issues raised.
- advise the complainant of any delays that may occur in the region's ability to respond within a set timeframe
- where it is considered 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
- where necessary, actively support the complainant with special needs through the complaint process

- provide the complainant and the principal of the school with the results of the regional office's assessment of the complaint
- record the outcome of the complaint in the agreed system database.

9.3 Possible outcomes of a complaint to the CEM regional office

The CEM regional office assessment may result in advice provided to the school for action. The suggested actions could include providing the complainant with:

- an apology or expression of regret
- formal communication of a change of decision, policy, procedure or practice
- the provision of counselling or other support
- an explanation of:
 - how the decision taken is consistent with school policy
 - how the decision taken is supported by an external agency that specialises in the area under consideration
 - how CEM policies and guidelines are reflected in and supportive of the decision.

It is not the role of CEM to 'sanction' or 'punish' a school or to disclose details of disciplinary proceedings relating to its employees. Privacy laws may prohibit information being provided to the complainant of any specific action that has been taken in relation to individuals about whom the complaint has been raised.

9.4. Lodging complaints at the CEM regional office

A complaint can be referred to the regional manager of the relevant school zone via email or telephone as per contact details below:

<p>Eastern Regional Office 39 Hewish Road CROYDON VIC 3136 Ph: (03) 9427 6400 Email: manager.ero@cem.edu.au</p>	<p>Northern Regional Office Cnr Howard & Rosslyn Streets WEST MELBOURNE VIC 3003 Ph: (03) 8387 3200 Email: manager.nro@cem.edu.au</p>
<p>Southern Regional Office 602 South Road MOORABBIN EAST VIC 3189 Ph: (03) 8301 7400 Email: manager.sro@cem.edu.au</p>	<p>Western Regional Office 47 Synnot Street WERRIBEE VIC 3030 Ph: (03) 8412 2400 Email: manager.wro@cem.edu.au</p>

10. Role of Catholic Education Melbourne – East Melbourne

CEM (East Melbourne) is responsible for:

- assisting schools to meet all obligations as required by law as well as internal policy
- responding when the complainant believes that:
 - their complaint has not been managed by the regional office in a fair, effective and timely manner
 - the response by the regional office to the complaint is unsatisfactory.
- ensuring information concerning complaints resolution is readily available for complainants and regional staff.
- ensuring training in relation to the management of complaints is available to school and regional staff.
- providing advice and support to schools and the regions with regard to their complaint-handling processes.

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

- issues have not been raised with the regional office
- the regional office is continuing to address the issues in the complaint.

CEM will, in conjunction with regional managers, carefully assess complaints based on all the relevant information provided and will endeavour to address the complaint within its responsibilities.

CEM may undertake one or more of the following processes to help resolve it:

- allow more time for resolution at the regional office
- provide assistance to reach a resolution through regional support
- refer to external agencies where appropriate.
- arrange for an independent investigation.

10.1 Lodging complaints at CEM

A complaint to CEM can be lodged by email via www.cem.edu.au 'Contact us'. Refer the feedback complaints form entitled **RESOLVE**.

The postal address for lodging complaints is:

**Executive Director
Catholic Education Melbourne
James Gould House, 228 Victoria Pde, East Melbourne
(PO Box 3 Melbourne, Vic 3002)**

- CEM will acknowledge receipt of the complaint and issue a case number. It may also contact the complainant for more information to help assess the issues or allegations.
- Complex and sensitive issues may involve some delay in order to follow up enquires with the relevant parties.
- Complainants will be notified if major delays are expected and will be advised on the outcomes of its investigation.

11. Related Legislation

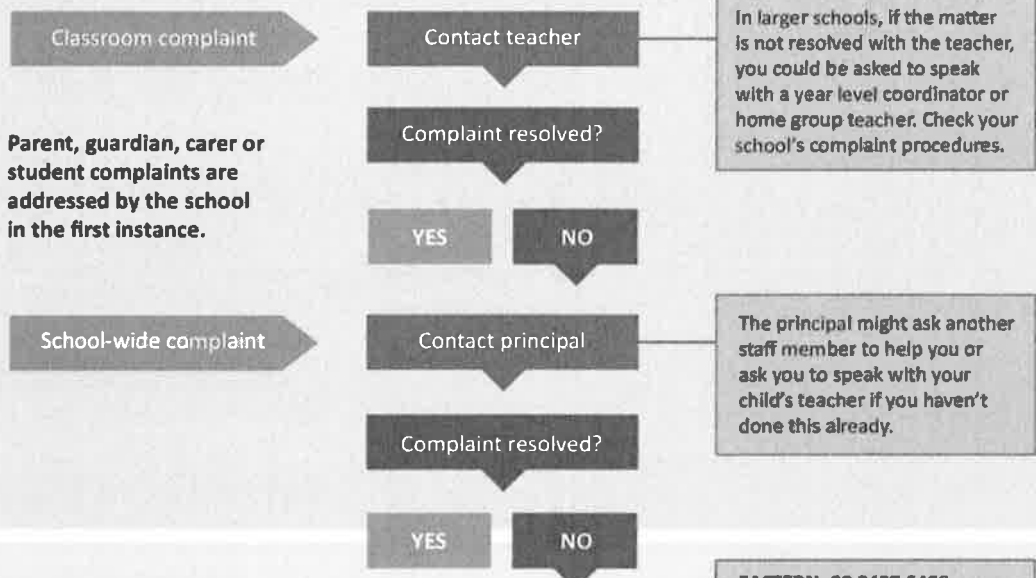
The relevant legislative and regulatory framework for this policy includes:

- Education and Training Reform Act 2006
- Education and Training Reform Regulations 2007
- Charter of Human Rights and Responsibilities Act 2006
- Protected Disclosure Act 2012
- Privacy Act 1988
- Crimes Act 1958
- Equal Opportunity Act 2010
- Wrongs Act 1958
- Disability Discrimination Act (DDA) 1992
- Disability Standards for Education (DSE) 2005
- Racial Discrimination Act 1975
- Migration Act 1958

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Policy owner	Darren Mclean, Senior Officer Office of Professional Conduct, Ethics and Investigations.
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Catholic Education Melbourne Complaint Flowchart

School



CEM Regional Office

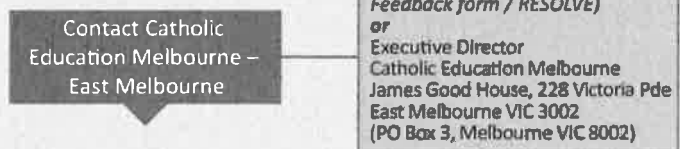


The CEM regional office will assess the complaint, which may result in the following decisions:

- allow more time for resolution at the school
- provide assistance to reach a resolution through the appropriate CEM regional support
- arrange for an independent investigation.



CEM – East Melbourne



The complaint will be assessed, which may result in the following decisions:

- allow more time for resolution at the relevant CEM regional office
- provide assistance to reach a solution through regional support
- refer to external agencies where appropriate
- arrange for an independent investigation.



