



Marian College



COMPLAINTS POLICY AND PROCEDURE

1. Rationale

All Catholic Schools are committed to providing a safe and supportive work and learning environment for all employees and students. As a Kildare Education Ministries school Marian College strives to be a community 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.

We acknowledge that employees, students, and parents can sometimes feel aggrieved about something that is happening at the school which may cause concern, be upsetting, be discriminatory, or constitutes harassment. An employee, student, parent, or community member can have a complaint about any decision, behaviour, act, or omission (whether by the Principal, members of the leadership team, or other staff/students/parents) that they feel is unacceptable, unreasonable, or discriminatory. Addressing such matters within a framework of dignity, respect, and truth can provide powerful opportunities to illustrate our commitment to Gospel values in the reality of our contemporary world.

Sometimes the aggrieved person can address the issue by raising the complaint directly with the person involved with the issue. However, that is not always possible, and sometimes several attempts at local or face-to-face resolution have been attempted or have taken place with little success. Whilst most issues can be resolved through direct discussion with the parties, there may be instances in which to take up the issue with the other person on a face-to-face basis is not possible.

Examples of complaints covered by this policy are

- Issues related to learning and teaching
- Issues related to student discipline and welfare procedures
- Issues related to professional conduct
- Issues concerning relational disputes/concerns, however, these can be addressed through the Internal Grievance Resolution Procedure
- Issues related to damage/loss of personal property

In conjunction with this complaints procedure, note should be taken of relevant legislation, guidelines, policies, and procedures pertinent to the issue refer to related legislations page 4-5

- Occupational Health and Safety issues
- The Care and Protection of our Children and Young People
- Professional Conduct
- Enrolment Policy and Procedures
- Behavioural Management Policy

2. Scope

This policy outlines Marian College's complaints resolution process when complaints are referred to the College from parents, guardians, carers, and students (the Complainant). Procedures for making a complaint are presented in Appendix 1 of this policy.

This policy does not cover complaints regarding child abuse. Please refer to Marian College's Child Protection Policy for more information.

This policy **does not** cover complaints regarding, discrimination, harassment, and bullying. Please refer to Marian College's policies found on PolicyConnect.

Internal staff complaints are addressed through either OHS or Internal Grievance Resolution Procedure.

3. Definition

A complaint is an expression of dissatisfaction with an action taken, decision made, service provided, or handling of an issue at Marian College.

4. Guiding principles

In receiving and responding to complaints, the following guiding principles will inform and direct the actions of Marian College:

- complaints 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
- 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 relationships
- complaints regarding alleged sexual abuse cannot be investigated by the College. These must and will be reported to the police and to the Department of Human Services.

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.

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 that 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 by Telephone at 1300 888 067 or email at 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. Consultation with the principal of the school is strongly recommended and may help to determine the appropriate course of action in these circumstances.

6. Complaints against the principal of a school

Complaints against the principal of a KEM school should be referred to Kildare Education Ministries. Complainants can be referred to the Chair, a Director, or the Executive Officer of the KEM Board. Alternatively, the complaint can be referred directly to the Trustees of Kildare Ministries (see contact details below).

7. Complaints against clergy or other religious persons

- If the complaint relates to the clergy or other religious persons, 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.

Please note if the priest or religious person is a member of a religious order, the complainant should also contact the Provincial Leader or Professional Standards Office of that congregation or religious order.

8. Anonymous complaints

Marian College will endeavor to address and respond to all complaints. In some situations, however, Marian College will not address complaints that are made anonymously or that lack sufficient detail 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.

APPENDIX 1

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. Schools are advised to set behavioural expectations in their complaints management policies and to make these available to the school community through a range of communications such as website, newsletters, and enrolment procedures.

The following steps can guide the process for those wishing to make a complaint about issues arising at a school.

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.

2 Utilise the following:

- Complete the *Marian College Complaints Form* (found on the website) and be as detailed as possible.

As part of the complaints process, the College will:

- Speak with the most appropriate leader or staff member, if appropriate.
- Arrange any meetings or phone calls.
- Inform the complainant of any action(s) taken and/or resolution.
- Ensure the relevant person(s) is (are) given a reasonable amount of time to take the steps required to resolve or address the concern(s).

3. Contact the principal or member of college leadership:

- If the issue remains unresolved after discussion with the relevant person(s) at the school,
- Request an appointment with the principal or leadership team member.
- 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.
- All parents must adhere to the college's Parent Code of Conduct and Enrolment Agreement in their interactions with any staff member.

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 Kildare Education Ministries. Refer to the Kildare Education Ministries Complaints Policy.

Actions to be taken following receipt of a complaint

Following receipt of a complaint, the College may take some or all of the following actions:

- acknowledge receipt of a written complaint as soon as possible, ensuring the complainant is aware of the College'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.
- 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;
 - provide assistance to reach a resolution through leadership team support;
 - arrange for an independent investigation.

- where necessary, seek advice from appropriate sources and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal/redress already exist.
- advise the complainant of any delays that may occur in the College’s ability to respond within a set timeframe.
- where necessary, actively support the complainant with special needs through the complaint process.
- record the outcome of the complaint on the agreed system database.
- communicate the outcome of the complaint investigation to the complainant.

Possible outcomes of a complaint to Marian College

The College’s assessment may result in the complaint being upheld or not upheld. If the complaint is upheld, 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.
- mediation.

If the complaint is not upheld the suggested actions could include providing the complainant with

- 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 College policies and guidelines are reflected in and supportive of the decision.
 - the provision of counselling or other support.

Complainants should note that 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. This is also consistent with the College’s commitment to uphold the dignity of each person involved during the complaint process.

Lodging complaints with Kildare Education Ministries

A complaint can be referred to Kildare Education Ministries via mail, email (adminassistant@kildareministries.org.au), or telephone as per the contact details below. Complainants should read the Kildare Education Ministries Complaints Policy before making a complaint to KEM.

<p>Kildare Education Ministries Executive Officer Brigidine Ministry Centre 54 Beaconsfield Parade Albert Park VIC 3206 Phone: 9682 2973</p>	<p>Kildare Education Ministries Chairperson KEM Board Brigidine Ministry Centre 54 Beaconsfield Parade Albert Park VIC 3206 Phone: 9682 2973</p>
<p>Kildare Ministries Executive Director Brigidine Ministry Centre 54 Beaconsfield Parade Albert Park VIC 3206 Phone: 9682 2973</p>	

APPENDIX 2

Related Legislation and Policies

The relevant legislative and regulatory framework for this policy includes:

- Child Safety (Prohibited Persons) Regulations 2019 (SA)
- Children and Young People (Safety) Regulations 2017 (SA)
- Children and Young People (Safety) Act 2017 (SA)
- Children and Young People (Oversight and Advocacy Bodies) Regulations 2017 (SA)
- Child Safety (Prohibited Persons) Act 2016 (SA)
- Teachers Registration and Standards Regulations 2016 (SA)
- The Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA)
- Crimes Amendment (Protection of Children) Bill 2014
- Protected Disclosure Act 2012
- Equal Opportunity Act 2010
- Education and Training Reform Regulations 2007
- Education and Training Reform Act 2006
- Charter of Human Rights and Responsibilities Act 2006
- Disability Standards for Education (DSE) 2005
- Children, Youth and Families Act 2005 (Vic.)
- Teachers Registration and Standards Act 2004 (SA)
- Children's Protection Act 1993(SA)
- Disability Discrimination Act (DDA) 1992
- Privacy Act 1988
- Racial Discrimination Act 1975
- Family Law Act 1975
- Crimes Act 1958
- Wrongs Act 1958
- Migration Act 1958
- Criminal Law Consolidation Act 1935 (SA)

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