



POLICY TITLE:

RESOLUTION OF COMPLAINTS POLICY

1.0 RATIONALE

The Catholic Education Office (CEO) Sydney and the schools in its care strive to be communities of faith, hope and love, where communication takes place in an environment of openness, mutual respect, and in the interests of all students.

The 'Vision for Catholic Schools (2009)' includes the statement: "We commit ourselves to developing authentic Catholic schools which are founded on the person of Jesus Christ and enlivened by the Gospel."

Catholic teaching emphasises the important place of the Catholic school in the life of the Church, and the primacy of parents as the first teachers of their children. The 'Archbishop's Charter for Catholic Schools (2011)' notes that "Catholic schools are called to work in partnership with and support parents as the primary educators of their children."

Children are entrusted into the care of their school community in the belief that they will be formed and educated according to the Catholic tradition. 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. 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.

In addition, the Board of Studies requires a policy to be in place for: "Complaints or grievances, with specific reference to processes for raising and responding to matters of concern identified by students and/or parents."

The majority of these issues will be resolved by the school, but occasionally some may require specialist assistance from representatives of the CEO Sydney.

Note: This policy applies to parent, student and community member complaints

2.0 GUIDING PRINCIPLES

- 2.1 Confidentiality, access, dignity and impartiality form the basis of the complaints resolution process.
- 2.2 Stakeholders must work together with respect and openness to achieve fair and reasonable decisions.
- 2.3 Complaints resolution is most effective at the school level.
- 2.4 Each parent/caregiver has the right to be heard and to expect that ongoing relationships will continue respectfully.
- 2.5 Complaints will be resolved as quickly as possible.
- 2.6 The input of all stakeholders is valued and respected.
- 2.7 Restoration of 'right relationships' is most often best achieved through 'restorative practice'
- 2.8 The communal needs of the school community generally exceed the needs of any individual.
- 2.9 Staff members have a right to be informed of formal complaints that are made relating to them.
- 2.10 The availability of a review is an integral component of the complaints resolution process.

3.0 POLICY

- 3.1 A link to the CEO Sydney 'Resolution of Complaints Policy' will be published on the school's website.
- 3.2 Each school will develop its own guidelines that are in accordance with this policy, taking into account local factors such as school size, leadership structure, experience of staff, availability of pastoral support, school culture, physical layout of the site, the nature of matters commonly experienced, and access to technology.
- 3.3 Complaints made to the Regional Office or the Central Office will generally be addressed by the Regional Consultant on behalf of the Regional Director.
- 3.4 The vast majority of complaints are to be addressed and managed at the school level.
- 3.5 Where the Regional Consultant has been approached by a complainant who has attempted to resolve an issue at the school level, but has been unsuccessful, the matter may be assessed by a Regional Consultant as to whether it meets the threshold for a 'significant matter.'
- 3.6 If a matter is assessed as being 'significant,' the Regional Consultant will intervene and seek to mediate or conduct a formal review.
- 3.7 Matters which cannot be managed at the school level, due to their sensitivity or need for specialist management, will be co-ordinated by the Regional Director.

- 3.8 All complaints will be handled with confidentiality and in a procedurally fair manner.
- 3.9 All parties involved in the complaint will be given the opportunity to be heard.
- 3.10 The school and the CEO Sydney will keep records of significant complaints and the resolution outcomes.
- 3.11 Relevant school and CEO Sydney staff will be nominated as 'Intake Officers' for complaints.
- 3.12 If requested, the CEO Sydney will provide specialist counsel to support Principals to clarify their position and to participate in any meeting where the complainant has engaged legal counsel.

4.0 PROCEDURES

4.1 Complaints received at the school

The school guidelines developed for complaints resolution must be placed on the school website and include the following features as a minimum standard:

- An email address and a phone number to accept general queries and complaints. This can be the school's general contact number
- A link from the school website to this policy on the CEO Sydney website
- Contact details of the appropriate person to resolve different issues (eg day-to-day matters, subject matters, behavioural matters)
- The provision of advice on how best to resolve issues within the school context
- A statement on the principles of complaints resolution in that school, adapted from, and congruent with, the Guiding Principles of this policy
- A copy of the school's Resolution of Complaints flowchart. This schematically represents the processes involved in the resolution of complaints. This will be widely distributed and stakeholders will be educated on its processes, at least once a year.

Consultation: Principals will consult with stakeholders in the development of the Resolution of Complaints Guidelines appropriate to their school.

Intake Officers: Internal protocols for resolution of complaints will be developed and training will be provided to those nominated as Intake

Officers. In some circumstances, such as in a Primary or small school, the Principal may also be the Intake Officer.

4.2 Complaints received at the CEO Sydney

Regional Offices are the central co-ordinating structure for the management and resolution of complaints that are received directly by the CEO Sydney, or where the complaint is subject to review. Complaints received will be handled in the following manner:

4.2.1 Regional Office

Complaints received in a Region will be received by an Intake Officer who will:

- in accord with this policy, refer the person making the complaint to the school Principal, if this step has not already been undertaken
- refer the matter to the Regional Consultant if it appears that the complaint cannot be resolved at the school level without intervention
- refer the matter to the Regional Director if it appears to be of great sensitivity and/or complexity
- record the details of the complaint on the Parent/Caregiver Contact Database
- follow up on open complaints and update the database accordingly
- close the complaint once resolved or otherwise finalised.

4.2.2 Leichhardt Office

Complaints received at the Central office will be processed according to how they are received and to whom they have been addressed:

- Telephone complainants will be advised to refer the matter to the school Principal.
- Where complaints have already been to the school Principal, or where the complainant will not engage with the school Principal, the complaint will be referred to the Regional Intake Officer.
- Requests to speak to the Executive Director will be received by an Intake Officer from Policy and Corporate Services.
- Written complaints received by the Executive Director will be acknowledged in writing and referred to the Regional Director.
- Complaints in person will be received by an Intake Officer from Policy and Corporate Services.

4.3 Matters of sensitivity

The Regional Director may take control of the investigation and resolution of a complaint that raises issues that cannot, because of its sensitivity, be dealt with at the school level.

4.4 Review of decisions

The CEO Sydney provides a review process for 'significant complaints' that have been considered at the school level and were unable to be resolved. People who raise complaints may request that a Regional Consultant conducts an independent review of the issue. The request must be in writing and must set out the reasons for the review request. The Regional Consultant will determine if the matter should be reviewed. If the Regional Consultant elects to review a decision made by the school, then the *Request for Review of Decision form* will be provided by the Regional Consultant to the complainant. The outcome of the review is binding on all parties.

4.4.1 The *Request for a Review of a Decision* form must be completed to enable an assessment to be made concerning whether the matter reaches the threshold of a 'significant' matter.

4.4.2 A Regional Consultant or other senior member of the CEO who has not previously been directly involved with the matter will review the material provided.

4.4.3 If a review is not agreed to, the original decision will stand.

4.4.4 If a review is agreed to, the reviewer will take all reasonable steps to gain relevant information from all parties, and will make a determination based on the evidence. All associated material will be recorded on the Parent/Caregiver Contact Database.

4.4.5 If a review recommends that the original decision should be modified or changed, the Regional Consultant will work with the Principal to provide a suitable resolution, based on the findings of the reviewer. If it has been dismissed, then the original decision will stand.

4.4.6 After the final determination in a review process, the case will not be re-opened unless, in the opinion of the reviewer, the Regional Director or the Executive Director, **substantial** new information has been presented that could potentially change the outcome.

5.0 BASES OF DISCRETION

5.1 The Executive Director of Catholic Schools and the Regional Directors have the responsibility to ensure that just decisions are made, and therefore may exercise their discretion in regard to procedural matters to ensure compliance with the Guiding Principles of this policy.

6.0 EVALUATION AND REVIEW

This policy will be reviewed by December 2016.

7.0 EXPLANATORY NOTES AND DEFINITIONS

7.1 Outcome of a Review

The outcome of a formal review by a Regional Consultant/Director is binding in the sense that a complainant entering into that process is aware that the CEO Sydney will not entertain further appeal and that both the school and the complainant are required to accept the outcome. However, it remains the strong preference of the CEO Sydney that mutually acceptable outcomes be negotiated wherever possible.

7.2 Complaint

For the purposes of this policy a 'complaint' is defined as an expression of discontent. This differs from an 'inquiry' where someone is simply seeking information (although an inquiry could become a complaint). A complaint to the school or to the CEO Sydney can be either verbal or written, but the CEO Sydney review process is required to be written and documented. Where a complaint is received anonymously, it must be considered and acted upon. However, as clearly no interaction is possible with the complainant, then the ability of the school or the CEO Sydney to act upon the complaint may be limited.

7.3 Confidentiality

Information obtained during the course of investigation of complaints will be treated as confidential. Other staff members will only be given information where their advice or counsel is required, or where there are implications for future practice or safety. Principals may exercise their discretion as to how information is shared and with whom.

7.4 Intake Officer

An Intake Officer is a person who has been selected to receive complaints and to log or record them, according to the school's process, or on the Parent Contact Database. It is not the role of the Intake Officer to resolve complaints, except where a Principal is also acting as an Intake Officer.

7.5 Parent/Caregiver

For the purposes of this policy, any biological parent, adoptive parent, or person who is formally the primary caregiver for a student enrolled in a Sydney systemic Catholic school is the parent. Where there are court orders about the custody or guardianship of any child, those orders will be taken into account in the complaint investigation where relevant.

7.6 Procedural Fairness

Under the principle of procedural fairness, the process is clear, free from structural bias and ambiguity, allowing each party to present their case fairly.

7.7 Restorative Practice

This approach puts the reparation of harm done to relationships and people over and above the need for assigning blame and dispensing punishment where someone has caused offence. It is not appropriate in every case.

7.8 Right Relationships

This concept emphasises the importance of relationships that are in balance and harmony, where issues can be worked through in a context of mutual respect, while recognising that the parties may not agree on every outcome.

7.9 Significant Complaint

Assessment of a complaint as 'significant' depends on the complexity of circumstances and the interrelationships of factors. Examples could be:

- a significant breakdown of relationships in the school community has occurred, so that the matter cannot be addressed at this level
- the matter is likely to impact on the future wellbeing of the student
- the Regional Office believes that there is a reasonable likelihood of the complaint being upheld
- there are potential legal or criminal implications.

7.10 Substantial New Information

This threshold requires that the new information clearly has the potential to alter the previous course of action or change the Principal's determination, if substantiated. Factors to be considered could include:

- whether the published process was followed
- the emergence of a new witness or new documents
- the discrediting of previous information that was crucial to the previous determination
- revelation of a conflict of interest
- the retraction of previous testimony.

7.11 Support Person

A support person is someone such as a parent/caregiver, sibling, colleague, parish priest, interpreter or teacher who supports either of the parties at a formal meeting. The role of the support person is to provide emotional comfort, explain events to the complainant if required and provide witness to the events of the meeting. The support person does not actively participate in proceedings. A support person will not be permitted to further participate in the complaint investigation process in any other role as this may create a conflict of interest.

A lawyer is by definition an advocate, and therefore not a support person, as their participation is active. Meetings with lawyers must be arranged at mutually convenient times and venues, and the CEO Sydney will provide the services of a Regional Consultant and specialist counsel and advice at the request of the Principal. This will be activated through the Regional Consultant.

8.0 SUPPORTING DOCUMENTS, PROCEDURES AND GUIDELINES

- 8.1 Student Management: Suspension, Transfer and Exclusion Policy (2011)
- 8.2 Enrolment Policy for Sydney Catholic Systemic Schools (2011)
- 8.3 Countering Harassment: Policy for School and CEO Staff (2005)
- 8.4 Information on Restorative Practice can be found at: http://www.restorativejustice.com.au/research_schools

9.0 APPENDICES

- 9.1 Request for a Review of Decision Form

10.0 POLICY CLASSIFICATION

- 10.1 Policy No: 03 / 2012
- 10.2 Policy Audience: Public
- 10.3 Policy Review by: December 2016
- 10.4 Policy Approval: This policy was endorsed by the Sydney Archdiocesan Catholic Schools Board on 29 August 2012 and approved by Dr Dan White, Executive Director of Catholic Schools on 20 September 2012.
- 10.5 This policy supersedes all previous policies relating to matters contained herein.
- 10.6 Commencement Date: September 2012