



# CES Policy

## Parent/Guardian Complaints

November 2018

### 1.0 Rationale

Schools and the Catholic Education Office (CEO) in the Diocese of Sandhurst 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 and respect can provide powerful opportunities to model the love of Christ in the reality of our contemporary world.

The role of the CEO is to provide support, resources and advice to Catholic schools. The CEO is not a regulatory body and all schools have the responsibility for managing grievances and complaints at the school level. The CEO can provide support services and advice to school communities in managing complaints.

### 2.0 Scope

This policy outlines the CEO's complaints resolutions process for complaints that are unable to be resolved at the school level, and referred to the CEO from parents, guardians, carers and students (the Complainant). Procedures for making a complaint are presented in Section 7 of this policy.

This policy **does not** relate to critical incidents, matters included in the Victorian Reportable Conduct Scheme, emergency management, criminal offences, conduct of religious clergy or other religious persons.

### 3.0 Guiding principles

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

- complainants can expect their concern or complaint to be responded to in a respectful and timely manner
- schools 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 relationships

## 4.0 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.

### 4.1 Misconduct or serious misconduct

All complaints of alleged misconduct or serious misconduct by a 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 - [www.vit.vic.edu.au](http://www.vit.vic.edu.au)), 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. The VIT can be contacted by telephone 1300 888 067 or email [vit@vit.vic.edu.au](mailto: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.

Some misconduct may also fall under the *Victorian Reportable Conduct Scheme*, which is managed by the *Commission for Children and Young People* (CCYP – [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)). The CCYP can be contacted by telephone 1300 78 29 78 or email [childsafes@ccyp.vic.gov.au](mailto:childsafes@ccyp.vic.gov.au)

### 4.2 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 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.

Complaints of sexual abuse are likely to also fall under the *Victorian Reportable Conduct Scheme*, which is managed by the *Commission for Children and Young People* (CCYP – [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)). The CCYP can be contacted by telephone 1300 78 29 78 or email [childsafes@ccyp.vic.gov.au](mailto:childsafes@ccyp.vic.gov.au)

For further information, refer to the Catholic Education Sandhurst policies:

- Child Safety
- Mandatory Reporting
- Failure to Disclose
- Staff Misconduct and/or incompetence
- Dealing with Allegations of Misconduct and/or incompetence

### 4.3 Complaints against principal of a school

Complaints involving the principal of a Catholic school should be made to the School's Employing Authority, then to the Catholic Education Office

For schools which form part of a parish, the Employing Authority is the Parish Priest. These will be all Sandhurst primary schools and a majority of the secondary colleges. The Employing Authority for a number of secondary colleges will be associated with a Religious Congregation.<sup>1</sup>

<sup>1</sup> In Sandhurst, the Religious Institutes and MPJPs with governance responsibilities for some Catholic schools are the Faithful Companions of Jesus, Kildare Education Ministries, Marist Schools Australia, and Mercy Education Limited.

## 5.0 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 Diocesan Chancery, 172-174 McCrae St, Bendigo, 3550. Contact via telephone 03 5441 2544.

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.

## 6.0 Anonymous complaints

The CEO endeavours to address and respond to all complaints. In some situations, the CEO 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.

## 7.0 Procedures for making a complaint 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.

### 7.1 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.

### 7.2 Follow the school complaints policy or guidelines

### 7.3 Should the matter not be resolved

If the matter cannot be resolved at the school level, or if the complaint is about the principal of the school, the Bendigo office of the CEO should be contacted (ph 03 5443 2377). The matter will be referred to an appropriate member of staff for action.

In the case of a Catholic school governed by a Religious Congregation, 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 Congregation. In many cases the Religious Institute will have its own Professional Standards Office or equivalent.

## 8.0 Role of the Catholic Education Office

For schools not governed by a Religious Congregation, the role of the CEO is to provide advice and to assist to schools when they are responding to complaints, and to support a fair and appropriate response.

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

- issues have not been raised with the school according to the school's complaints policy
- 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

The CEO is 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.

## 9.0 Review

**Ratified:** December 2016  
**Reviewed:** September 2018  
**Next Review Due:** **September 2020**

# RESPONDING TO COMPLAINTS/INCIDENTS

## 1 RECEIVE issue/concern

- **MAY** be a parent, guardian, staff, Canonical Administrator, other
- **ACKNOWLEDGE** receipt of notification e.g. email to back to Admin, message to complainant, etc.
- **AM** I the right person to deal with this?
  - Nature of complaint e.g. legal, DHHS, Child Safe, etc.
  - Potential conflict of interest
  - My availability e.g. time constraints
- **CONSULT** e.g. Legal, Pastoral Wellbeing/ Stewardship of Resources, for clarification is required
- **PRIORITISE** space and time
  - Use CompliSpace Complaints Form
  - Locate suitable space
  - Allocate time
  - Plan introduction and opening statement to conversation

## 2 CONTACT & COLLECT

### Seek to understand the complaint/incident

- **ESTABLISH** what has already been done with the school
  - Introduce yourself and your role
  - Question to clarify the issue (who, what, when)
  - Has the parent followed school protocols?
  - Listen to the stated or implied needs (this is just information)
  - Avoid judgement, conclusions or personal statements
- **CONCLUDE** conversation
  - Restate the issue
  - Confirm any undertaking
  - Communicate time frame, e.g. "You have raised a number of issues... This may take a bit of time to sort through... I anticipate getting back to you by..."
  - Refer back to school if appropriate
- **DOCUMENT** using CompliSpace Form

## 3 DETERMINE ACTION

### Take time, think & reflect

- **ESTABLISH** if further action is required e.g. consult further, develop a plan, talk to principal
- **WHAT** concerns need to be actioned?
- **WHAT** could you do? Options?
  - Do I need further information?
- **WHAT** will you do? Plan
- **DOCUMENT** your action, using CompliSpace Form
- **ACTION** template

## 4 ENACT

- **INITIATE** the plan
- **REVIEW** plan as you go e.g. responses, actions, timelines
- **ADJUST** plan as required
  - Communicate adjustments with complainant if required
- **DOCUMENT** your actions

## 5 CONCLUDE

- **IDENTIFY** recommendations, consult where needed
- **PROVIDE** recommendations to relevant people e.g. principal
- **DISCUSS** and support recommendations as required
- **PLAN** and enact communication back to the first party, if required
- **IDENTIFY** follow up action and record e.g. How has the school enacted recommendations?
- **CONCLUDE**, CompliSpace Record

SEE ALSO:

COMPLISPACE  
Catholic Education Sandhurst  
Responding to  
Parent Complaint POLICY  
Response TEMPLATE

