

# St Mary's Complaints Handling Policy



St Mary's is a school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by Melbourne Archdiocese Catholic Schools Ltd (MACS).

## Introduction

St Mary's is committed to building a school community that features positive and respectful relationships. Within our school, relationships are founded in the gospel values of justice, compassion, reconciliation and kindness. Such relationships support the learning and development of students and value the innate dignity of each person. It is important that each member of the community, including staff, parents and students, are contributors to the building of the school community. A timely and professional response to complaints is an effective means of encouraging communication, building trust and resolving issues for the betterment of all concerned.

St Mary's understands that from time to time complaints arise regarding aspects of our school's operation of programs and activities and that it is important that all members of the community have the opportunity to be heard. St Mary's commits to ensuring procedural fairness is observed when dealing with complaints and grievances.

Positive, clear and effective procedures and processes for resolving grievances between the school and community members can assist in building strong relationships, dispelling anxiety and ultimately providing students with a settled and happy learning environment.

The St Mary's Codes of Conduct for parents/guardians/carers and students outline the expectations of behaviour for members of our community. The following procedures relate to any concerns that members of the community may have – whether these are serious grievance issues, or relatively minor concerns.

## Principles

In receiving and responding to complaints, the following guiding principles will inform and direct St Mary'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. Complaints that are unable to be resolved at the local level will be escalated to the relevant MACS Regional Office. Complaints are received and managed in a way that is culturally safe and sensitive to the diverse circumstances of children and students, as well as providing support to vulnerable children and students.
- Complainants can expect their concern or complaint to be taken seriously and to be responded to in a respectful, thorough and timely manner.
- Staff members and volunteers 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.
- The best interests of the school community together with the interests of the individual will be taken into account.
- Recordkeeping, reporting, privacy and employment law obligations will be complied with when receiving and handling complaints.

## Definition

### Complaint

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

## Providing Feedback to St Mary's

St Mary's has procedures and processes in place by which parents/guardians/carers and the broader school community can confidently raise concerns in the knowledge that they will be listened to and their concerns will be professionally managed in a timely, confidential and appropriate manner.

Relationships with the school community are important to us. We take complaints raised by parents/guardians/carers and the broader school community seriously. There are many avenues to provide feedback to school staff. These include:

- annual formal parent/guardian/carer survey
- formally scheduled parent/guardian/carer feedback forums
- meetings with the principal or other staff members to express concerns

## Who to Contact to Make a Complaint

The nature of the complaint will determine who is the most appropriate person or body to manage the concerns raised. Complaints should be directed to the St Mary's principal in the first instance.

For complaints of a serious nature involving school staff, the following additional information is provided.

### Misconduct or serious misconduct

All complaints of alleged misconduct or serious misconduct by a teacher, staff member or volunteers should be reported to the principal of St Mary's.

Complaints about teachers can also be reported to the Victorian Institute of Teaching (VIT) – 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 whether the complaint constitutes serious misconduct by a teacher, contact the VIT on 1300 888 067 or [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 St Mary's may help to determine the appropriate course of action in these circumstances.

### Child abuse (including sexual offences)

Child abuse includes any instances of physical or sexual abuse (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child.

Complaints of alleged child abuse (including sexual offences) of children or school students should be reported to the principal of St Mary's.

There are legal obligations on all adults to report child abuse to police once a reasonable belief is formed that a sexual offence may have 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.) (Crimes Act) and applies to all adults (18 years of age and over) in Victoria.

Communication with children under 16 years of age by teachers, staff or any other person to prepare or groom a child for future sexual activity is a criminal offence under section 49M(1) of the Crimes Act 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 against the principal of St Mary's**

In the case of a complaint involving the principal of St Mary's, the appropriate MACS Regional General Manager should be informed immediately.

MACS Regional Offices are located in the north, south, east and west of metropolitan Melbourne. Contact details are listed at the end of this policy.

### **Complaints against the clergy or other persons involved in religious ministry**

If the complaint relates to the clergy or other persons involved in religious ministry with St Mary's, the complainant should contact and seek advice from the Professional Standards unit of the Vicar General's Office in the Archdiocese of Melbourne, 383 Albert Street, East Melbourne. Visit [www.melbournecatholic.org](http://www.melbournecatholic.org) or contact 03 9926 5677. If the 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.

### **Anonymous complaints**

St Mary's endeavours to address and respond to all complaints. In some situations, we may not be able to fully address complaints that are made anonymously or without sufficient detail being provided to enable an inquiry 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. Where possible, complainants are encouraged to give their names and to be reassured that we will deal with complaints professionally and in accordance with procedural fairness and confidentiality. If the complainant wishes to remain anonymous, it is at the principal's discretion what, if any, action will be taken. Anonymous complaints will be recorded in the same manner that all other complaints are recorded.

### **Complaints in relation to Information Sharing Schemes**

St Mary's is a prescribed Information Sharing Entity (ISE) that may share information under the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).

The school, as an ISE, may receive complaints from individuals in relation to its conduct as an ISE under the CISS or FVISS. It may also receive a complaint from another ISE.

The following information is recorded where a complaint is received under the CISS or FVISS:

- the date the complaint was made and received
- the nature of the complaint
- the action taken to resolve the complaint
- the action taken to lessen or prevent the issue from recurring
- the time taken to resolve the complaint

- further action taken if the complaint was not resolved.

### Complaints relating to reportable conduct

Legal obligations are imposed on the MACS Head of Entity to report to the Commission for Child and Young People (CCYP), and investigate allegations of reportable conduct, where those allegations are based on a person's reasonable belief that reportable conduct or misconduct involving reportable conduct has occurred. Reportable conduct includes the following:

- sexual offences against, with or in the presence of a child
- sexual misconduct against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- behaviour that causes significant psychological or emotional harm
- significant neglect.

Complaints relating to a reportable conduct allegation which meets the requisite threshold and which involves a MACS employee (which amongst others, can include a teacher, principal, volunteer or contractor) must be reported.

Complaints of reportable conduct in relation to an employee (other than a principal) at a MACS primary school or MACS secondary college should be reported to the principal of the school. Complaints of reportable conduct involving a principal at a MACS primary school or MACS secondary college should be reported to the MACS Regional General Manager.

Further information can be found in the School's Reportable Conduct Policy

### Procedures for Complaints about Issues at St Mary's

St Mary's has developed and maintains a fair, effective and efficient complaints-handling procedure so that complaints about events or decisions at St Mary's can be addressed. The following steps can guide the procedure in making a complaint about issues arising at St Mary's.

#### 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 St Mary's complaints handling policy.

#### Making the complaint

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

#### Contact the principal or deputy principal

- If the issue remains unresolved after discussion with the relevant person/s at the school, request an appointment, through the St Mary's office, to discuss the concern with the principal or deputy principal.
- The principal may be represented by another senior staff member. If the relevant staff member is going to be present at the meeting, the meeting time is more likely to occur outside classroom hours.

## Expectations of and Information for Parents/Guardians/Carers

In making a complaint, St Mary's requests and expects that the complainant will:

- raise the concern or complaint as soon as possible after the issue has arisen
- communicate and respond in ways that are constructive, fair and respectful
- provide complete and factual information about the concern or complaint
- observe confidentiality and a respect for sensitive issues
- act in good faith to achieve an outcome acceptable to all parties
- have realistic and reasonable expectations about possible outcomes/remedies.

If your concern/complaint relates to your treatment or your child's treatment by another student, students or family member while at St Mary's, we expect that you will refer your complaint directly to the school, via your child's class teacher, deputy principal or principal. Under no circumstances should you approach another student in the care of the school to discuss the issue or chastise them. Direct contact with parents to resolve the matter is also discouraged if the complaint pertains to issues or incidents that have arisen at the school.

Parents/guardians/carers making complaints are to be respectful, confidential and courteous. Parents/guardians/carers who are unreasonable, threatening or discourteous can expect their discussions with the principal to be terminated until such time as an alternative discussion time is arranged by the school.

## Process for Dealing with Complaints

The school will record the details of all complaints including the name and contact details of the persons making the complaint. The school will then refer the complaint to the most appropriate person to undertake an inquiry. There will be many occasions that this will be someone other than the principal. The staff member conducting the inquiry may conduct a preliminary inquiry or communicate with the parent to discuss the matter further.

If the scope of the inquiry is beyond the capacity or jurisdiction of the school, the matter will be referred to the MACS Regional General Manager and the parent/guardian/carer will be informed of the referral.

Parents/guardians/carers discussing complaints with the principal may be accompanied by a support person. The support person can be a family member, a friend or a professional with knowledge of the student. Any person acting in a professional capacity on behalf of the parents/guardians/carers must provide their occupational details and full name prior to the meeting being held. It is at the principal's discretion if an external professional is a participating member of any school meeting. The support person may encourage and facilitate sharing of parent/guardian/carer knowledge, perception and issues. The support person should support a positive working relationship between all parties. The support person does not speak on behalf of parents/guardians/carers when discussing complaints with the principal.

Any inquiry conducted by the school will be done so in a timely, efficient and confidential manner, ensuring the fair principles on natural justice are applied for all. Parents/guardians/carers will be provided with an anticipated timeframe for a resolution. The staff member conducting the inquiry will record the details of the inquiry.

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.

The school will ensure that all records are maintained in accordance with its obligations under the [Public Record Office Victoria Recordkeeping Standards](#).

## Outcomes of Complaints

Outcomes of complaints and grievances can include the following:

- an apology – either verbal or written
- mediation – with an internal or external mediator
- an official warning
- disciplinary action
- a behavioural contract (in the case of a student)
- pastoral or spiritual care
- an understanding that the behaviour will not be repeated
- a change in policy or procedure.

## Complaint Escalation

If the matter cannot be resolved at the school level, or if the complaint is about the principal of St Mary's, complainants may contact the relevant MACS Regional Office. Alternatively, parents/guardians/carers may lodge a complaint online at [www.macs.vic.edu.au/Contact-Us/Complaints.aspx](http://www.macs.vic.edu.au/Contact-Us/Complaints.aspx).

When a complaint is serious or the complaint is not resolved after the involvement of the MACS Regional General Manager, it may be referred to the MACS Executive Director for review.

If the complaint is unable to be resolved to the satisfaction of the complainant, but the matter is however finalised, the complainant has the right to seek alternative independent or other advice, or contact other entities such as the Victorian Equal Opportunity and Human Rights Commission, or the Victorian Civil and

Administrative Tribunal. Complaints related to the minimum standards for school registration can be referred to the Victorian Registration and Qualifications Authority (VRQA).

## Withdrawal of a Complaint

A complaint can be withdrawn at any stage during the complaint management procedures. A complaint should be retracted in writing by the complainant and addressed to the principal of St Mary's or the relevant MACS Regional Manager.

## MACS Regional Office Contact Details

### Eastern Regional Office

39 Hewish Road  
CROYDON VIC 3136  
Ph: 03 9427 6400  
Email: [ero@macs.vic.edu.au](mailto:ero@macs.vic.edu.au)

### Northern Regional Office

25 Norwood Crescent  
MOONEE PONDS VIC 3039  
Ph: 03 8387 3200  
Email: [nro@macs.vic.edu.au](mailto:nro@macs.vic.edu.au)

### Southern Regional Office

602 South Road  
MOORABBIN EAST VIC 3189  
Ph: 03 8301 7400  
Email: [sro@macs.vic.edu.au](mailto:sro@macs.vic.edu.au)

### Western Regional Office

47 Synnot Street  
WERRIBEE VIC 3030  
Ph: 03 8412 2400  
Email: [wro@macs.vic.edu.au](mailto:wro@macs.vic.edu.au)