

Complaints Handling Policy for MACS schools



MELBOURNE
ARCHDIOCESE
CATHOLIC SCHOOLS



St Charles Borromeo
CATHOLIC PRIMARY SCHOOL

Introduction

Melbourne Archdiocese Catholic Schools (MACS) and the schools it owns, operates and governs 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 MACS is to govern and oversee the operation of MACS schools in the fulfilment of ecclesiastical, legal and statutory requirements and Board policies and directives. All schools are empowered to manage grievances and complaints at the school level where appropriate. MACS employees at the regional and central level, provide a variety of support services to school principals to manage complaints or grievances when it is not possible to resolve the complaint at the school level.

The Memorandum of Understanding between the Victorian Registration and Qualifications Authority (VRQA) and the Catholic Education Commission of Victoria Ltd (CECV) sets out the requirements for the investigation and annual reporting on complaints about the minimum standards for schools that are received and investigated.

Complaints may also be received about other issues including aspects of MACS schools' operations that do not relate to the minimum standards.

Purpose

This policy will ensure that best practice occurs for reporting, recording, investigating, finalising, reviewing and monitoring complaints and their outcomes. It provides surety and support for all stakeholders through what can be a difficult process.

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 collection and analysis of data regarding complaints can be used to inform policy, practice and strategy for all MACS schools.

Scope

This policy applies to schools owned, operated and governed by MACS and is consistent with the MACS Complaints Handling Framework.

This policy does not relate to critical incidents, emergency management, criminal offences, the imposition of School Community Safety Orders or the conduct of the clergy or other persons involved in religious ministry. This policy is not for use by staff or volunteers in relation to complaints about their

workplace or employment conditions. In relation to the School Community Safety Order Scheme, the internal review process regarding the decision to issue such orders will be outlined in the 'School Community Safety Order Scheme Review Process' document for schools.

Guiding Principles

In receiving and responding to complaints, the following guiding principles will inform and direct MACS' 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, to be dealt with in a way that is culturally safe, and to be responded to in a respectful, thorough and timely manner.
- Schools, 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.

Complaints against Teachers, Staff and Volunteers

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

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 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 whether the complaint constitutes serious misconduct by a teacher, contact the VIT on 1300 888 067 or 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.

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.

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.

Further information can be found in the MACS Child Safety Framework – PROTECT: Identifying and responding to abuse – Reporting obligations.

Complaints against the principal of a MACS School

In the case of complaints involving the principal of a MACS primary school or a MACS secondary college, the MACS Regional General Manager should be informed immediately.

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 in a MACS primary or secondary school, the complainant should contact and seek advice from the Professional Standards unit of the Vicar General's Office at the Catholic Archdiocese of Melbourne, 383 Albert Street, East Melbourne. Visit 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

MACS endeavours to address and respond to all complaints. In some situations, MACS 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.

Complaints against a MACS school in relation to Information Sharing Schemes

MACS and MACS schools are prescribed Information Sharing Entities (ISE) that may share information under the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).

Schools, as ISEs, may receive complaints from:

1. Individuals in relation to privacy breaches. For example, if the ISE has shared information that is not relevant to the purpose for which it was shared.

2. Other ISEs in relation to how the ISE is sharing information under the Scheme. For example, an ISE may make a complaint about:
 - Another ISE refusing to share relevant information that should be shared
 - The timeliness of responses.

The following information must be recorded if 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

The MACS Head of Entity has legal obligations 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 meet the requisite threshold and which involve 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 MACS Child Safety Framework.

Procedures for Complaints about Issues Arising at a MACS School

All MACS schools are required to develop and maintain a fair, effective and efficient complaints-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.

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.

Follow the school complaints policy published on the school website

- 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.

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 school office to discuss the concern with the principal or assistant principal.
- Note that the principal may ask another senior staff member to represent them. 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.

Complaint escalation

- If the matter cannot be resolved at the school level, or if the complaint is about the principal of the school, complainants are advised to 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.

Role and Responsibilities of the MACS Regional Office

The MACS Regional Offices will provide advice to:

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

The MACS Regional Offices will generally not 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)
- issues raised should be able to be resolved at the school level.

The MACS 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 complaints-handling policies and processes
- a complainant is not satisfied that an acceptable resolution has been reached
- the subject of the complaint relates to policy outside the responsibility or management of the school
- a school requests assistance to resolve a complaint
- the subject of the complaint is the principal of a school.

Actions to be taken following receipt of a complaint

Following receipt of a complaint, the MACS Regional General Manager (or delegate) will:

- acknowledge the receipt of a written complaint as soon as possible, ensuring the complainant is aware of MACS' complaints-handling procedures
- record the complaint in the agreed data management system to ensure the complaint can be tracked including the mandatory record keeping requirements if the complaint relates to the CISS and FVISS
- 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
- inform the principal of the receipt of the complaint and provide an opportunity for the principal to respond to the issues raised
- 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 MACS and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal or redress already exist
- advise and/or seek permission from the complainant if any sensitive or medical information provided will need to be shared with others in MACS in order to resolve the matter
- advise the complainant of any delays that may occur in MACS' 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 General Manager's (or delegate's) assessment of the complaint
- notify the complainant of the outcome of the complaint enquiry
- record the outcome of the complaint in the agreed data management system.

Possible outcomes of a complaint to the MACS Regional Office

The MACS 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 is consistent with school policy
 - how the decision is supported by an external agency that specialises in the area under consideration
 - how MACS policies and guidelines are reflected in and supportive of the decision.

Lodging complaints at the MACS Regional Office

A complaint can be referred to the Regional General Manager of the relevant school zone via email or phone as per contact details below:

Eastern Regional Office
 39 Hewish Road
 CROYDON VIC 3136
 Ph: 03 9427 6400
 Email: manager.ero@macs.vic.edu.au

Northern Regional Office
 25 Norwood Crescent
 MOONEE PONDS VIC 3039
 Ph: 03 8387 3200
 Email: manager.nro@macs.vic.edu.au

Southern Regional Office
 602 South Road
 MOORABBIN EAST VIC 3189
 Ph: 03 8301 7400
 Email: manager.sro@macs.vic.edu.au

Western Regional Office
 47 Synnot Street
 WERRIBEE VIC 3030
 Ph: 03 8412 2400
 Email: manager.wro@macs.vic.edu.au

Recordkeeping obligations

When handling all complaints, the MACS Regional Office and all MACS schools will keep and maintain any records as required in accordance with the [Public Record Office Victoria Recordkeeping Standards](#).

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| Responsible director | Director, Governance and Strategy |
| Policy owner | General Manager, Legal and Professional Standards |
| Approving authority | MACS Board |
| Approval date | 14 September 2022 |
| Risk rating | Extreme |
| Date of next review | June 2023 |

| POLICY DATABASE INFORMATION | |
|---------------------------------|---|
| Assigned framework | Complaints Handling |
| Assigned board committee | Child Safety and Risk Management Board Committee |
| Related documents | |
| Superseded documents | MACS Complaints Handling Policy for Schools – v2.0 - 2022 |
| New policy | |