



# COMPLAINTS POLICY

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*St Aidan's strives to provide excellence in education in a caring, friendly environment, where each individual, nurtured and shaped by the values of the Christian Faith and the Philosophy of the Sisters of the Society of the Sacred Advent, has the opportunity to achieve her full potential and to develop a passion for life and for learning.*

## **PART 1 - DESCRIPTION**

This document contains the protocol adopted by St Aidan's for dealing with complaints.

## **PART 2 – POLICY STATEMENT**

St Aidan's is committed to ensuring that all complaints are handled quickly, fairly, impartially, sensitively, with discretion and free of unfair repercussions for all concerned.

### *What is a Complaint?*

A complaint is a concern about any work or school related act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified, including complaints under the School's Discrimination, Harassment and Bullying and Supportive School Environment Policies, that is raised in the manner set out in this document.

### *Context*

St Aidan's is a learning community where staff, students and parents can work together and where everyone should be treated with respect. There may be occasions when parents or students have concerns with one or more aspects of schooling (eg. disciplinary procedures, discrimination, harassment and bullying, reports, subject/curriculum issues).

The protocols contained in this document are based on the principles of procedural fairness, which include, among other things:

- informing the School Community about the policy;
- providing all parties with a fair hearing;
- where possible, maintaining confidentiality; and
- taking consequential action that is consistent, fair and commensurate with the seriousness of the matter.

## **PART 3 – PRINCIPLES TO BE ADHERED TO WHEN DEALING WITH COMPLAINTS**

Underpinning this protocol is a commitment on the part of St Aidan's to the following principles:

1. People are entitled to make complaints.
2. All efforts will be made to investigate and resolve complaints at the school level.
3. The seriousness of each complaint will be assessed before beginning the process.
4. All parties must have the opportunity to put their case forward and to be heard.
5. All parties' perspectives are to be acknowledged and considered.
6. Each complaint will be considered on its own merits.
7. All parties will be treated with dignity and respect.
8. St Aidan's is committed to maintaining a positive, safe and caring Christian environment.
9. Subject to the need of St Aidan's to thoroughly investigate complaints, all attempts will be made to maintain confidentiality.
10. All complaints will be dealt with in a non-threatening, respectful manner and in a safe environment.
11. The school will endeavour to provide a supportive environment for all parties, including staff, which respects their professional status.

## **PART 4 – MAKING A COMPLAINT**

1. A complaint can be made by contacting a person described in this Part by telephone or in writing.
2. If the complaint concerns another student or students, the complaint should be directed to the relevant member of staff such as, for example, the relevant Year Co-ordinator.
3. If the complaint concerns a member of the teaching staff, the complaint in the first instance should be directed to that person.
4. If the complainant does not feel comfortable raising the complaint with the staff member concerned, the complaint should be directed to a member of the Senior Leadership Team.
5. If the complaint relates directly to a member of the Senior Leadership Team, the complaint should be directed to the Principal.
6. If the complaint relates to the Principal, the complaint should be directed to the Chair of School Council.
7. If the complaint relates to the School Council or any member of School Council, including its Chair, the complaint should be directed to the Chair of the Sisters of the Society of the Sacred Advent Trust.
8. It is inappropriate to make a complaint directly to the Anglican Church. If that occurs, the complaint will be referred back to the School to be dealt with under this policy.

### **Where to go for Assistance**

A person can contact Harassment Officers for information and assistance in the management and resolution of a complaint.

## **PART 5 - PROCEDURES FOR RESOLVING COMPLAINTS**

1. The recipient of a complaint will initially endeavour to resolve the complaint through discussion with the complainant. If a complaint cannot be resolved in that way, the recipient of the complaint will arrange a meeting with the complainant and, where appropriate the person about whom the complaint has been made, to discuss the complaint and attempt to resolve it. If the complaint was first made by telephone, the complainant may be asked at this stage to reduce the complaint to writing, setting out concisely the details of the complaint and the facts upon which it is based.
2. Should a meeting between the parties be necessary, the person to whom the complaint is addressed may investigate the circumstances giving rise to the complaint prior to the meeting so as to be properly informed about the subject matter of the complaint.
3. Both the complainant and the person about whom the complaint is made may be accompanied to a meeting convened under this Part by a support person. If it is the intention of either party to invite a support person to a meeting convened under this Part, they must notify the person responsible for convening the meeting before it takes place. The person responsible for convening the meeting will then notify all parties who will be present at the meeting.
4. Meetings convened under this Part will be held in an informal setting and will be conducted in a manner that is 'without prejudice' to the participants' rights so as to encourage open and frank discussion with a view to achieving a satisfactory resolution of the complaint.
5. Complainants have the right to seek independent advice at any stage of the process.
6. Meetings convened under this Part may be suspended if any person(s) behaves in an insulting, threatening or offensive manner.

Note: Complaints involving allegations of discrimination, harassment or bullying must be dealt with in accordance with the School's Discrimination and Sexual Harassment Prevention Policy but otherwise having regard to the principles set out in Part 3 of this Policy.

## **PART 6 - RIGHTS OF PERSONS WHO ARE THE SUBJECT OF A COMPLAINT**

If you are the subject of a complaint, you have the right to:

- Be told of the complaint within 48 hours of the complaint being made;

- Respond to the complaint both in writing and/or at a meeting convened under Part 4;
- Seek legal advice; and/or
- Be accompanied by a support person to any meeting convened under Part 5.

## **PART 7 - POSSIBLE OUTCOMES OF A MEETING CONVENED UNDER PART 4**

### **A. Joint Agreement**

The parties agree to resolve the complaint. The terms of the agreement may be reduced to writing and signed by the parties. It may be a term of any such agreement that its terms remain confidential.

### **B. Failing to Reach an Agreement**

1. In the event that the parties fail to reach an agreement at a meeting convened under Part 5, the parties may resolve to submit to mediation before a mediator, such as a mediator nominated through the Community Justice Program (administered by the Attorney General's Department) and the parties will then endeavour to resolve the dispute with the assistance of the mediator.
2. In the event that the parties do not agree to participate in mediation, then:
  - a. in the case of complaints of the nature of those referred to in paragraphs 2, 3 and 5 of Part 4 of this Policy, the complaint will be referred to the Deputy Principal and/or the Principal for determination; and
  - b. in the case of complaints of the nature of those referred to paragraph 6 of Part 4, the complaint will be referred to the Chair of the Sisters of the Society of the Sacred Advent Trust for determination.
3. In the case of complaints referred to the Deputy Principal and/or Principal or Chair of the Trust for determination, the Deputy Principal and/or Principal have the authority to interview the complainant, the persons about whom the complaint was made and other persons who they believe may be in possession of information relevant to the complaint, and to recommend to the parties how they think the complaint should be resolved. In the event that the parties do not accept the recommendation of the Deputy Principal and/or the Principal, the Deputy Principal and/or the Principal will determine how the School will deal with the complaint and will inform the parties of the outcome of their deliberations. They may at their discretion include the reasons for coming to that decision in that communication.
4. If the parties are still unsatisfied, they may refer the matter to the Chair of Council who will review the circumstances of the complaint and advise the parties, including the Principal, whether the determination of the Principal is to stand or whether the matter is to be resolved in some other way.
5. Complaints referred to the Chair of the Sisters of the Society of the Sacred Advent Trust will be dealt with in the manner considered appropriate by the Sisters' Trust.

### **C. Recommendations of the Deputy Principal and Principal and Chair of Council**

1. If there is insufficient proof to decide whether or not a complaint is substantiated, the following actions may be taken:
  - the parties will be told separately of that fact;
  - the parties will be reminded of expected standards of conduct;
  - despite this, an assessment will be made as to whether further training or awareness raising sessions are required for staff or students and if so, when those sessions will be conducted; and
  - ongoing monitoring of the situation.
  
2. Disciplinary action may be taken against a person or persons if:
  - they have breached one of the school's policies or standards;
  - otherwise engaged in inappropriate conduct;
  - a complaint is found to be without foundation; or
  - a person has breached confidentiality or discussed an incident about which a complaint has been made when there is an attempt in progress to resolve the complaint.
  
3. The nature of the disciplinary action will depend on the circumstances and the following may be taken into account in deciding what disciplinary action is appropriate:
  - the seriousness of the circumstances;
  - whether the person(s) knew what they were doing;
  - whether the person(s) has been officially warned or disciplined before about the same type of conduct; and
  - whether there are any circumstances that mean the person(s) should not be disciplined at all or not disciplined seriously.
  
4. Discipline could involve one or more of the following:
  - written apology;
  - compulsory counselling;
  - attendance at further training;
  - an official warning;
  - demotion;
  - dismissal;
  - suspension;
  - expulsion – students.