

MANAGING COMPLAINTS

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Catholic Education
Diocese of Parramatta

CATHOLIC EDUCATION, DIOCESE OF PARRAMATTA

MANAGING COMPLAINTS

1. INTRODUCTION AND PURPOSE

This document outlines the principles CEDP will follow when dealing with complaints.

The objectives of this document are to promote and maintain positive relationships and harmonious working environments and to prevent, where possible, minor complaints escalating to become more serious matters. To achieve this, complaints should be managed promptly, confidentially and impartially.

2. SCOPE

This document applies to staff members, parents/guardians, students, visitors, volunteers, and community members of CEDP. Staff members includes paid employees, religious, volunteers, contractors, sub-contractors, consultants and students on work placements

This document will be used to manage complaints other than those managed in accordance with:

- Suspension, Transfer, Expulsion and Exclusion Procedures
- Child Protection Procedures (risk of significant harm or allegations against staff members)
- Student Anti-Bullying Procedures
- Complaints of corrupt conduct, maladministration or substantial waste (often termed “whistleblowing”). Complaints of this nature are managed in accordance with the *Reporting Corrupt Conduct, Maladministration or Substantial Waste Policy*.

Student complaints are generally managed via school based procedures relating to pastoral care or student management. This document may be used for matters assessed as more serious e.g. a complaint by a parent and/or student against a teacher.

This document is not intended to be a set of rigid procedures that must be followed when a complaint is raised, as the process for dealing with a particular concern will vary depending on the nature, circumstances and seriousness of the complaint. Consequently, the document provides for several avenues that can be used in attempting to resolve complaints.

3. WHAT IS A COMPLAINT?

A complaint is a statement raising a concern related to CEDP.

Complaints may be raised by parents/guardians, students, visitors, volunteers, community members and contractors expressing dissatisfaction with a service provided by CEDP, the behaviour and decisions of staff members or about CEDP practices, policies and procedures.

Complaints may be raised by staff members about issues arising in the workplace (workplace complaints), including interpersonal conflict, perceived breach of policy, the allocation of work or developmental opportunities or a perceived unfairness in the workplace.

Managing a workplace complaint should not be confused with performance management. Workplace complaints are matters identified by individual staff members while performance management is underperformance being managed by the employer. A workplace complaint may result in performance management or disciplinary action being undertaken by CEDP if underperformance or misconduct is identified as a result of the complaint.

4. PRINCIPLES FOR MANAGING A COMPLAINT

All complaints should be treated seriously, dealt with as soon as practicable and conducted in a fair, impartial and professional manner.

A complaint can sometimes arise because an individual has seen or heard something, come to their own conclusion on what they saw or heard and acted as a consequence. Prior to acting, individuals should retrace their steps to understand why they felt the way they did and respond, rather than react. To assist this, individuals are encouraged to:

- share their views about the incident with the other person including their understanding of the facts and how it made them feel
- ask the other person/s for their views and what they were feeling
- attempt to differentiate the facts from feelings; and
- attempt to see the opposing view.

By working through these steps, the individual may be able to better understand all of the facts and why others behaved the way they did. As a consequence, individuals can often resolve the concern themselves by using these steps, prior to it becoming a complaint.

Individuals raising a complaint should be treated with respect, protected from victimisation, kept informed on the status of the complaint and any recommendations that may result from it and have the option of a support person present at any meetings (students under the age of 18 who make a complaint are to be offered the support of an adult support person). They must also actively participate in the resolution process.

Individuals who have a complaint raised against them should be treated with respect and be provided with sufficient information about the complaint to be able to adequately respond to it. They should be given a reasonable opportunity to respond to the complaint and have the option to have a support person with them in any meetings. They must actively participate in the resolution process and should also be kept informed of the status of the complaint and any recommendations that may result from it. They should be made aware that they must not victimise the person who raised the complaint. Disciplinary action may be taken against employees who victimise complainants.

All parties have a responsibility to maintain confidentiality if they are involved in any capacity in a complaint. This includes not discussing the complaint with anyone else, including others who may also be involved in the complaint such as witnesses or the person who raised the complaint, unless expressly authorised to do so by CEDP. Employees who discuss or release information about a complaint without authorisation could be subject to disciplinary action for misconduct.

In some circumstances the complaint may not be kept confidential by CEDP, as it may be obliged to interview other persons regarding the complaint and/or notify external bodies of the complaint, such as the NSW Police, if it raises a matter that involves alleged illegal activity.

Staff members involved in the complaints process may access support through the CEDP Employee Assistance Program – AccessEAP. AccessEAP can be contacted on 1800 818 728 or through www.accesseap.com.au.

5. RECEIVING COMPLAINTS

Complaints should be put in writing. The Complaint Form at Appendix A can be used to make and record complaints. If a verbal complaint is received the person receiving the complaint should record the details in writing and confirm them with the complainant.

Direct supervisors should attempt to resolve workplace complaints made by staff members as per section 6.2 below, if appropriate. If the workplace complaint remains unresolved or is complex or serious, the complaint should be referred to the relevant school principal, head, chief or lead.

Other school based complaints should be referred to the school principal. If the complaint relates to the principal, the complaint should be referred to the relevant Director Performance.

Other complaints should be referred to the appropriate head, chief or lead. If the complaint relates to the head, chief or lead, the complaint should be referred to their supervisor. If the complaint relates to the Executive Director of Schools, the complaint should be referred to the Bishop.

6. OPTIONS FOR RESOLVING COMPLAINTS

Given complaints can encompass a wide variety of issues, each complaint should be considered on its own merits to determine the most appropriate way to resolve it. Outlined below are a range of options that may be used to resolve a complaint. While it is recommended that a complaint is sought to be resolved in the order set out below, it is also recognised that in some circumstances this may not be appropriate, and it may be necessary to commence with a later option.

6.1 Self Resolution

There may be instances where individuals make decisions without realising the impact those decisions have on others around them, or behave in a manner they do not realise may cause offence, disturb or annoy others e.g. playing a radio at their workstation that may be distracting to those around them.

Individuals are therefore encouraged to try to resolve the issue themselves directly with the other party in the first instance.

By having a conversation directly with the other party in a respectful manner, clearly articulating the behaviour and the effect of that behaviour, the complaint can often be resolved at this point. It also gives the other party an opportunity to respond to the concerns raised without the matter having to be referred to a third party.

6.2 Assisted Resolution

Where self resolution has been unsuccessful or is not appropriate in the circumstances, or where an individual is unsure how to handle the problem themselves, they should seek the assistance of their direct supervisor (for workplace complaints), the school principal or other workplace manager (the manager).

The manager may seek to resolve the issue by speaking to the other party on behalf of the person making the complaint or by facilitating a dialogue between the two parties. If no mutually agreeable resolution is reached, the manager may need to make a decision on the complaint and determine an appropriate resolution.

In relation to workplace complaints, sometimes it may not be appropriate, or the staff member may not feel comfortable approaching their direct supervisor to assist with a complaint e.g. if the complaint is about their supervisor. In these instances, the staff member should approach a more senior manager or People and Culture for assistance.

6.3 Mediation

Mediation may be initiated by CEDP where the complaint has not been resolved through self resolution or assisted resolution or where the circumstances suggest mediation may assist in resolving the complaint.

Mediation is where an independent person (either internal or external to the organisation) assists parties to resolve their differences or disputes. It is generally a more structured process than self resolution or assisted resolution, however it is still conducted in an informal manner, as all parties are encouraged to speak openly about the issues to assist in obtaining a resolution. Mediation is confidential.

As with the above two approaches, mediation seeks to support the parties resolving their own problems to reach an outcome agreeable to all.

6.4 Investigation

If a complaint is unable to be resolved to the satisfaction of all parties, CEDP may decide to commence a formal investigation undertaken by an independent person, either internal or external to the organisation. An immediate investigation may be appropriate where the complaint is complex or serious e.g. allegations of bullying and harassment or serious policy breaches such as theft or fraud.

The investigating officer should interview the person raising the complaint, any respondent/s and any other relevant witnesses. After considering the evidence made available to them, the investigator should provide a report with findings.

CEDP will review the report and make the final decision on what actions, if any, it will take. These may include initiating a new work process or system improvement, an apology, counselling, training or initiating disciplinary action. In the case of workplace complaints, this can also include action against the employee who raised the complaint if the complaint is found to be frivolous, malicious or vexatious.

7. REVIEW MECHANISM

If an individual is not satisfied with the outcome of a complaint, they may request an internal review be conducted by CEDP. The request for review must be made within 10 working days from the date the finding is made known to the complainant. Reasons outlining why the review is being requested are to be included in the request. The Executive Director of Schools has responsibility for making the final decision on a complaint, including whether to conduct the review, based on the information provided to them.

If an individual remains dissatisfied with how their complaint was handled by CEDP they may be able to take their complaint to an external agency such as a Court or Industrial Tribunal, the NSW Anti-Discrimination Board or the Australian Human Rights Commission.

8. MAINTAINING DOCUMENTATION

Documentation relating to complaints should be maintained and kept confidential. The level of detail required will depend on the type of complaint that is raised. At a minimum, those who are responsible for managing a complaint should retain file notes on any discussions about the complaint. Where the complaint is more complex, it may be necessary to maintain more comprehensive notes and/or create a specific file. Documentation should include sufficient information about the complaint, any steps taken to manage the complaint and any approach taken to resolve it.

CEDP may also request and review reports from school principals and other managers on the frequency, issues, resolutions and locations of complaints within the organisation. This will assist CEDP review the effectiveness of the complaints process and also identify any systemic problems or trends that may warrant further investigation.

Any complaints received must be registered with the Enterprise Service Desk.

9. FURTHER INFORMATION

Staff: Further information about the processes outlined in this document can be sought from People and Culture at enterpriseservicedesk@parra.catholic.edu.au or on telephone 9840 5620.

Community: For further information about outlined in this document or to make a complaint, please contact CEDP at communityliaison@parra.catholic.edu.au or telephone on 9840 5600.

5. PLEASE PROVIDE DETAILS OF THE OUTCOME YOU ARE SEEKING

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6. HAVE YOU PREVIOUSLY TRIED TO RESOLVE THIS CONCERN?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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If yes, when:	
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Who dealt with the matter:	
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What was the result:	
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Signature:	
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Date:	
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Complaint received by:

Name:	
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Position:	
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Signature:	
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Date:	
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