

Complaints Resolution Policy

Revised June 2022



Rationale

Staff and parents of Our Lady of Mercy College (OLMC) are partners in the education and wellbeing of OLMC students. Effective communications play a vital role in this partnership, as does a shared commitment to addressing issues of concern in ways that are constructive, open and respectful. Every member of our school community has a right to have their concern or complaint addressed, and we will work positively and resolutely to achieve a satisfactory outcome for the people involved.

OLMC 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.

OLMC 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. OLMC commits to ensuring procedural fairness is observed when dealing with complaints and grievances.

Concerns or complaints raised by students about other students are generally handled by a student's Pastoral Leader, Year Level Coordinator, House Coordinator or the Head of Student Wellbeing. In addition, procedures for raising and resolving bullying concerns are outlined in the OLMC *Student Anti Bullying Policy*. If your child has not been able to resolve the issue through these mechanisms, then this policy applies. It outlines our principles and procedures for **receiving and resolving complaints from parents** on behalf of your child. The policy also applies when parents have a specific parent- school concern.

The Mercy Education Code of Conduct for parents/guardians/carers outlines the expectations of behaviour for members of our community. The OLMC Respectful Relationships Anti Bullying Policy and OLMC Student Behaviour Management Policy for students outlines expectations of student behaviour. The following procedures relate to any concerns that members of the community may have – whether these are serious grievance issues, or relatively minor concerns.

OLMC staff who wish to raise complaints about workplace matters can do so through applicable internal policies and/or the Disputes Procedure outlined in clause 22 of the Victorian Catholic Education Multi Enterprise Agreement (VCEMEA) 2018.

Principles

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

- We will work with you with respect, courtesy and openness and with a genuine desire to achieve a fair and reasonable outcome.
- 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.

- The complaint will be resolved as quickly as possible.
- The person(s) facing the complaint will be provided with detailed information about the substance of the complaint and will have the opportunity to respond.
- Confidentiality, protection of privacy, respect, access, dignity and impartiality will form the basis of the complaints resolution process.
- Our resolution process will be grounded in sound and fair procedures for information sharing, conciliation, investigation and decision making.
- The complaints resolution process will seek to achieve the restoration of good and respectful relationships.
- If a satisfactory outcome cannot be achieved, the College will provide you with options for having the outcome reviewed or mediated via an external authority.
- The communal needs of the school community will in most instances exceed the needs of any individual.
- Recordkeeping, reporting, privacy and employment law obligations will be complied with when receiving and handling complaints.

PROCEDURES

Expectations of People Making a Complaint

In making a complaint, the College requests and expects that you 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 child's treatment by another student or students while at school, the College expects that you will refer your complaint directly to the College, via your child's Pastoral Leader or Year Level Coordinator. Under no circumstances should you approach another student whilst she is in the care of the College to confront the issue. Direct contact with parents to resolve the matter is also discouraged where your complaint or concern pertains to issues or incidents that have arisen at the school.

Key Referral People

You are encouraged to make contact with members of the College staff who are most closely connected with your child and/or with the specific complaint. In most instances this will be one or more of the following people who work with your child:

- Pastoral Leader
- Subject Teacher(s)
- Year Level/House Coordinator
- The Leader of Learning Development, the Head of Student Wellbeing or the Head of Faith and Mission
- The Principal
- The Business Manager
- The College Nurse
- The College Counsellor

If there is any uncertainty about the most appropriate person to address a concern or complaint, you are encouraged to contact the College on its direct line. Reception staff will refer you to the appropriate person.

Email Communications

Due to teachers' classroom and supervision duties, your first contact is best made by email, with an appointment request for either a phone conference or face-to-face meeting. You are asked to outline concerns or issues (e.g. academic performance, discipline, student/peer incidents) so that the staff member can constructively prepare for the meeting/phone conference. Teachers are expected to respond in a timely manner (within 24 hours), and to do so by phone or email. Teachers are not expected to respond to emails after 6.00pm on weekends, public holidays and school holidays.

An updated list of the names, roles/titles and email addresses of teaching staff is made available to parents at the beginning of each school year.

Confidential, Contentious and/or Sensitive Matters

Parents and staff are strongly discouraged from sending or discussing confidential, contentious and/or emotional information via email. These matters are best discussed face to face or over the phone. The College email systems are monitored and should not be considered private.

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 OLMC.

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.

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 OLMC 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 OLMC.

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 OLMC

In the case of a complaint involving the principal of OLMC, Mercy Education Limited 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 with OLMC, 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 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

OLMC 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

OLMC 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 MEL 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 an OLMC 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) should be reported to the principal. Complaints of reportable conduct involving the principal OLMC should be reported to the Chief Executive, MEL.

Informal and Formal Resolution Processes

If initial communication between the parties does not resolve the complaint (an 'informal' resolution process), then the complainant should:

- Contact the Principal or a senior member of staff to make an appointment for either a phone conference or a face-to-face meeting
- Outline the nature of the complaint, either verbally or in writing, and the steps taken to resolve it.

In moving to a more formal process, the principal or a senior member of staff will:

- Organise a meeting/phone conference
- Fully document the complaint, any actions taken to resolve it and outcomes of those actions
- Further and fully investigate the matter
- Ensure that no one is victimised as a result of a complaint being made
- If necessary, enable a complainant to be accompanied by another person of his/her choice as a support person
- Enable the person against whom the complaint has been made to respond, and to be accompanied to any meeting by another person of his/her choice as a support person
- Organise a process of mediation if a complaint cannot be satisfactorily resolved by the College.

Avenues of Appeal

If a complaint remains unresolved or if you are dissatisfied with the outcomes, the complainant has the right to seek other avenues of appeal through authorities such as the Melbourne Archdiocese Catholic Schools (MACS) or Mercy Education Limited.

Serious or Repeated Complaints

Where a complaint relates to an allegation of physical, emotional or sexual abuse, or when complaints are sufficiently serious or repeated, the Principal will take action to report the matter to the appropriate authorities, which may include the Catholic Education Melbourne and the Police, and ensure a comprehensive investigation.

RELATED POLICIES

OLMC Respectful Relationships Anti Bullying Policy
 OLMC Student Behaviour Management Policy
 OLMC Privacy Policy
 OLMC Child Safe Policy
 OLMC Child Protection Reporting Obligations
 MEL Code of Conduct for Parents

**Policy approved by College Leadership Team – June 2022 Policy
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 Next Policy Review – June 2025
 Person Responsible – The Principal**