



Complaints and grievances resolution policy

Our Mission

To grow as persons: Our college will celebrate the achievements of each person and always seek ways to further encourage the development of all members of our community. Willingly we welcome youth seeking meaningful relationships with people whom they can trust. In this way, together we become sowers of hope.

Marist College Bendigo has both a desire and a responsibility to ensure that high standards of conduct are maintained by staff and students at all times, and that complaints are managed and resolved fairly, efficiently, promptly and in accordance with relative legislation. In doing so, the College aims to ensure that all are aware of their rights and responsibilities.

The College's policy for dealing with complaints and grievances includes processes for raising and responding to matters of concern of students, parents and staff. Individuals involved in these processes will be offered procedural fairness, with all parties involved being dealt with fairly and justly.

Students, parents or staff members have a responsibility to raise their concerns at the earliest possible time so that they do not become overwhelming for all parties involved. The greatest success in resolving concerns is when they are addressed as soon as they arise. Students, parents or staff members have a responsibility to maintain confidentiality in the best interests of those involved and to ensure a just outcome for any other person who may be involved.

Complaints and grievances resolution procedures

The processes for dealing with matters of concern include:

1. Raising the complaint or grievance

Students, parents or staff members should have every opportunity to raise a complaint or grievance in a context in which they are comfortable and feel that their concerns will be heard and treated appropriately. Where the concern involves the conduct of a staff member of the College, the matter should be directed to the Principal. Where the concern involves the conduct of the Principal, the matter should be directed to the Melbourne Regional Director, Marist Schools Australia. Where possible, the complaint or grievances should be raised informally through a meeting or phone call, however complaint or grievances may be raised more formally through a letter addressed to the College.

A complainant may at any stage choose to take their complaint directly to an external agency such as Marist Schools Australia, the Catholic Education Office, Equal Opportunity Commission, the Human Rights and Equal Opportunity Commission or the Ombudsman. However, in most cases, a complaint or grievances should not be brought to this step unless every effort has been made to resolve it with the Principal OR if the concern is about the conduct of the Principal.

2. Assessing the complaint or grievance

The complaint or grievance is initially assessed to ensure the most appropriate person addresses the complaint or grievance. More serious matters should be directed to the Principal or Deputy Principal.

The person receiving the complaint or grievance will listen carefully and check understanding of all issues raised to ensure full understanding of the complaint or grievance.

In cases of serious misconduct – sexual offences, criminal charges, child protection matters, or other serious incidents –the Principal should be informed. In cases which require a Mandatory report to be made, it is the responsibility of the staff member who has formed the belief to make the report. In the case of sexual offences and criminal charges these matters need to be referred to the police as a matter of urgency. The Principal is to ensure this has been done.

Formal complaints or grievances require formal interviews and written statements. Confidentiality is of the utmost importance to protect the rights of all parties involved.

3. Responding to complaint or grievance

The complaint or grievance is either dismissed or accepted based on the assessment procedures. All complaints or grievances will be dealt with procedural fairness.

The person who had an allegation made against them, has the right to:-

- know the allegations related to the complaint or grievance and any other information which will be taken into account in considering the matter
- know the process by which the matter will be considered
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations

In keeping with the guidelines of procedural fairness, the person conducting the investigation will not be the person responsible for decision-making. All parties involved reserve the right to an unbiased decision.

Every endeavour will be made to address all concerned within reasonable timeframes and under mutual agreement. The resolution of concerns is most successful when prompt responses are obtained.

Any person responding to a concern may have a support person present during meetings or interviews. The support person would normally act as an observer but may take a more active role with the mutual agreement of all parties. Support person must maintain confidentiality and other principles as set out in this procedure. The Principal is to be advised of the attendance of a support person before any meeting or interview. Similarly the Principal will advise of any other person he/she may invite to attend.

4. Developing an appropriate solution or agreement

Key principles of the complaints handling procedure

- a. **Impartiality.** If a complaint is made, it will be investigated in a fair and impartial manner. No judgments or assumptions will be made until the investigation is complete. If a complaint is made, an opportunity will be given to the staff member to tell his/her side of the story.
- b. **Confidentiality.** Complaints made under this policy will remain confidential to only those who need to be informed or involved. Normally, the only people who will have access to information about the complaint will be the person making the complaint, the principal, the person investigating and the person against whom the complaint has been made. However, the College reserves the right to seek confidential advice from appropriate bodies and/or persons.
- c. **No victimisation.** The College authorities will work to ensure that a person who makes a complaint is not victimised.
- d. **Timeliness.** Each complaint will be finalised within as short a period as possible.

Informal resolution process

The Principal, or those persons authorised by the Principal to deal with complaints, may choose to respond to a complaint through an informal process in cases where the complaint is minor, the complainant wishes the matter to be dealt with informally, or where the complaint has arisen from lack of or unclear communication.

- a. Informal processes often may involve the relevant people in a discussion of the issue of concern, with a view to reaching an amicable resolution. The involvement of a facilitator is an option.
- b. No further action will be taken when the complainant is satisfied with the explanation given at the time of making the complaint or enquiry, except when the complaint refers to matters that must be investigated under Child Protection legislation or if criminal conduct is suspected.
- c. If an informal process has been unsuccessful, the complainant may choose to have the matter addressed through a formal resolution process.

Formal resolution process

Formal processes will be used when informal processes haven't been successful, a complainant seeks a formal process, or where the seriousness of the complaint warrants formal investigation.

- a. Investigating the complaint including formal interviews with all parties, written statements, conveying the details of the complaint to the respondent in writing, including the name(s) of the complainant(s), and providing the opportunity for a written response.
- b. No further action will be taken when the complainant is satisfied with the explanation given at the time of making the complaint or enquiry, except when the complaint refers to matters that must be investigated under Child Protection legislation or if criminal conduct is suspected.
- c. Dismissing or accepting the complaint.
If the complaint is proved, the following are possible outcomes:
 - a written apology;
 - an official warning;
 - training for relevant staff; and/or

- counselling;
- disciplinary action

If the complaint is unproven (not enough evidence), possible outcomes are:

- training for relevant staff; and/or
- monitoring of behaviour of employees.

If the complaint is proved not to have happened at all, the following are possible outcomes:

- support and the offer of counselling for the respondent;
- counselling for the complainant;
- a written apology to respondent from the complainant;
- an official warning to the complainant;
- disciplinary action against the complainant.

- d. Preparation of a detailed confidential report, which is to be retained by the principal.
- e. The principal will ensure compliance with agreed outcomes and in addition is responsible for assessing their effectiveness over time.

The outcome of a complaint resolution process will be communicated to the students, parents or staff member in writing and there may be an agreement to review its effectiveness within an agreed timeframe.

When a complaint is made, the following procedure would normally be followed:



A full statement of the complaint would be obtained.

This could be in writing, or from a meeting with the aggrieved party.



The person/people are presented with the complaint and asked to respond.



The response is considered and conveyed to the complainant.



If this is acceptable, the matter is resolved.

(In certain cases, it may be deemed appropriate for the parties to meet.)

If the matter is not resolved, arrange of other approaches may be used. These include mediation; follow up meetings, independent facilitation.

For a formal complaint or grievance, responses may include verbal or written warnings, conciliation or counselling, as well as the involvement of the Regional Director, CEO and other relevant officers.

All parties involved will agree upon procedures to monitor the situation. Parties dissatisfied with the process can appeal to the relevant external agencies.

Where the concern remains unresolved the student, parents or staff member may follow the pathway for resolving complaints or grievances as listed below.

Step 1. Person subject of concern



Step 2. Teacher Adviser



Step 3. Deputy Principal



Step 4. Principal



Step 5. Regional Director



Step 6. Appeals Process

Where the student, parent or staff member considers that correct procedures have not been followed, or that an unreasonable outcome has eventuated, a written appeal outlining the relevant detail can be lodged with the Director, Marist Schools Australia, who will appoint an independent person to undertake a review.

If ultimately the student, parent or staff member is not happy with the way they are dealt with by the College or Marist Schools Australia, they may wish to go to an external agency or legal advocate for advice and assistance.

5. Maintaining records/documentation

It is important that all complaints or grievances, investigations and outcomes are fully documented and filed in the appropriate locations. Accurate and appropriate notes will be kept with due regard to the confidentiality of the concerned parties. Access to relevant records may be given to parties directly involved in the process or to others by mutual consent whilst adhering to the conditions of the Commonwealth Privacy Act. All matters must be treated with the utmost confidentiality and professional respect at all times.