

GRIEVANCES AND COMPLAINTS MANAGEMENT PROCEDURES

Important Note: The Grievances and Complaints Management Procedures supports and guides the actions of each stakeholder that accesses the school; this not only includes children and families but also staff and the wider community. This procedural document is to be read in conjunction with the Staff Grievance Policy and the Grievance Policy.

- St Clare's School Grievances and Complaints Management Procedures supports:
 - procedural fairness and natural justice;
 - a code of ethics and conduct;
 - a service culture free from discrimination and harassment;
 - transparent policies and procedures; and
 - avenues for recourse and further investigation.
- The Grievances and Complaints Management Procedures ensures that all persons¹ are presented with procedures that:
 - value the opportunity to be heard;
 - promote conflict resolution;
 - encourage the development of harmonious partnerships;
 - ensure that conflicts and grievances are mediated fairly; and
 - are transparent and equitable.
- St Clare's School has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievances and complaints management and procedures.
- In meeting the school's duty of care, management and staff/ agree to implement and endorse the service's Grievances and Complaints Management Policy and Procedures.
- The *Occupational Health and Safety Act*² states that employers have a duty of care to their employees to ensure that the working environment supports emotional and mental wellbeing.
- The school's Vision and Philosophy and the VIT Code of Conduct guides the Grievances and Complaints Management policy and procedures.

¹ For the purpose of this policy, 'persons' include <children, families, staff, carers, carers' family, management, coordination unit staff, ancillary staff (administrative staff, kitchen staff, cleaners, maintenance personnel), students, volunteers, visitors, local community, school community, licensee, sponsor and/or service owner>.

² There are legislative Acts and regulations for each state and territory that address the issue of Occupational Health and Safety. Services are advised to seek information that is relevant to their state or territory.

RATIONALE

Procedural fairness and natural justice

- The three core principles of natural justice or procedural fairness are:
 - the right to be heard fairly;
 - the right to an unbiased decision made by an objective decision maker; and
 - the right to have the decision based on relevant evidence.

St Clare's School Vision also promotes the idea of justice and fair procedures when grievances occur or complaints made.

STRATEGIES TO RESOLVE GRIEVANCES AND COMPLAINTS

- The School will observe Privacy requirements in all matters
- Note: there may be a requirement to disclose information to a third party when directed by legislative regulations. For example, if the complaint involves a staff member, or if the nature of the complaint is about child protection issues, a government agency may need to be informed. In other circumstances, the complaint may be held in confidence with those individuals directly involved.
- Documentation procedures will be followed.

Conflict of interest

- Conflicts of interest may arise during a grievances or complaints management procedure. Guidelines are included in the policy to ensure that all stakeholders are clear on their areas of responsibility and influence.
- In the case where the Principal has a conflict of interest, the Parish Priest will appoint an appropriate independent authority to immediately take on the mediation role i.e. if the complaint is made about the Principal. This will ensure that the complainant is:
 - being heard fairly; and
 - and part of an unbiased decision making process

Grievances and complaints management procedure

The following procedure is a step by step example of how grievances and complaints procedures can be facilitated by St Clare's School:

Notification

- Document the grievance or complaint.
Use clear, precise, objective and transparent documentation and wording that minimises confusion and misinterpretation.
- Consider any legal requirements in relation to the complaint.
For example, if the complaint is related to a child protection issue, how will legislative requirements affect the school's procedures?
- Notify regulatory or licensing bodies if required.

- Lines of communication.

Who knows of the complaint and why? How will this affect the fairness of procedures? For example, staff may be directed not to disclose information about the complaint to other stakeholders who are not directly involved. This supports an individual's right to be heard fairly without bias and prevents other staff from forming an opinion before hearing all the facts.

- Timeframes.

1. Each complaint will be finalised within as short a period as possible. All complaints should be finalised within one month.

What to do if you have a complaint

Approach the person involved.

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory or harassment. Telling the person will give them a chance to stop or change what they are doing.

2. Go to the Principal

If you don't feel as if you can approach the person directly, then go and explain the problem to your Principal. The Principal will advise you about what your options are and what will happen if you decide to make a formal complaint. Nothing will be done in relation to the complaint without your agreeing.

What happens next?

Once you have made the complaint to the Principal, he/she will then consider whether there are any reasons why he/she should not proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the Principal to deal with your complaint, it will, with your consent, be referred to another appropriate person.

The Principal will then interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the St Clare's is dealing with the complaint. The Principal will then take a written record of the complaint.

The Principal will then talk to the person about whom the complaint is made to hear that side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment).

The Principal will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the Principal what action you would like taken, eg a written apology from the person, a written warning, etc.

Possible outcomes

If the complaint is proved, the following are possible outcomes:

- a written apology;
- an official warning;
- counselling;
- disciplinary action; or
- dismissal.

If the complaint is unproved (not enough evidence), possible outcomes are:
relevant training for all staff; and/or
monitoring of behaviour of employees.

If the complaint is proved not to have happened at all, the following are possible outcomes :
counselling for the person who made the complaint;
a written apology;
an official warning;
disciplinary action; or
dismissal.

The Principal will make sure that whatever outcome is decided upon actually happens. He/she will also assess the effectiveness of the outcome from time to time.

If you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you, you may appeal to the Parish Priest who will appoint an independent relevant authority (nominee).

The Independent Authority will look at the way the complaint was handled and examine the outcome. If this person believes it was handled properly and that the outcome was appropriate no further action will be taken. If this person thinks that the complaint was not handled properly, or that the outcome was inappropriate, the Parish Priest's nominee will organise for the complaint to be looked at again.

The appeal will be dealt with by the Parish Priest's nominee.

Applying strategies to different stakeholders

Many of the concepts and procedures under this heading may have already been addressed in the procedures. However, there may be specific issues relating to grievances and complaints that the school may decide to detail.

For example, the procedure for dealing with a complaint made by a child against another child will be different to the complaint procedures between staff members. While the concepts will be similar, there may be specific procedures that accommodate a resolution

specific to the relationship between stakeholders. In the example given, if the investigation is between two children, then parental consent may be sought before the mediation process can begin.

Children

- An investigation will be carried out by the Principal or nominee.
- Management Behaviour Policy will be followed in most circumstances.

Families

- An investigation will be carried out by the Principal or nominee.
- The Staff Grievance and Grievance Policy will be used as a guide.

Staff

- An investigation will be carried out by the Principal or nominee.
- The Staff Grievance and Grievance Policy will be used as a guide.

Community

- An investigation will be carried out by the Principal or nominee.
- The Staff Grievance and Grievance Policy will be used as a guide.

The following are examples of procedures that St Clare's School employs as part of its daily practices.

Examples:

- Documenting and reporting a grievance or complaint.
- Employee induction procedure.
- Evaluating and monitoring grievances or complaints outcomes.
- Policy development and review procedure.
- Procedure for dealing with the media.
- Procedure for handling complaints against a family member, staff, student, volunteer or visitor.
- Procedure for non-compliance of the Grievances and Complaints Management Policy and procedures by a:
 - child;
 - staff;
 - parent or family member;
 - student/volunteer; or
 - visitor.
- Procedure for reporting to a regulatory body or external agency.
- Procedures for supporting staff/carers before and after a complaint.
- Student and volunteer induction procedure.

Measuring tools

The school may further specify tools that assist in measuring the effectiveness of the policy.

For example, the school can develop a registry of grievances and complaints detailing the occurrence, frequency, nature, mediation outcomes and final resolution of each situation.

Links to other policies/documents

The following are a list of examples:

- Mandatory Reporting
- Confidentiality and privacy
- Occupational health and safety
- Records management
- Recruitment of new employees / Induction Program
- Staff Charter
- Wellbeing Policy
- Pastoral Care