



## Formal Complaints Policy

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### Culture

John Paul College is a Christian, ecumenical, co-educational College. John Paul College believes that a process for the acceptance, monitoring and resolution of conflict and complaints is appropriate and in the best interests of maintaining a harmonious, supportive and productive College community (Refer to the 'What We Believe' statement). Our values are based on a Christian ethos and particularly emphasise the principles of Mutual Respect, Acceptance, Responsibility and Fairness. When necessary, such values and the associated practices need to be enacted to ensure that concerns and complaints are addressed accordingly.

This document sets out the internal procedures, both Informal and Formal that apply within the school for responding to concerns. These procedures are designed to ensure that throughout the College there is a transparent process for responding to complaints which is fair, consistent and prompt.

### Purpose

- The purpose of John Paul College's Complaints Policy is to provide staff, parents and students (where appropriate) with the opportunity to access and activate procedures to facilitate the resolution of a dispute or complaint.
- The internal complaint processes are conciliatory but the principles of Natural Justice and Due Process will be followed.

### Scope

This Policy applies to all Complaints brought by staff, parents and students. It is to be read in conjunction with other relevant school policies including the Student Protection Policy. Where there is any discrepancy between this and the Student Protection Policy the latter will apply but all complaints made under the Student Protection Policy will be managed under this Complaints Policy and relevant Law.

### Complaints relating to non-compliance of Student Protection Policy and Procedure

If the John Paul College Student Protection Policy and Procedures is not followed, then a complaint must be made to the Principal of the College. If the complaint relates to the Principal, then the Chair of the Board of Directors is to be advised. Such complaints are to be made in writing.

### Recommended Initial Process

In most cases it is recommended that the person with the concern bring it to the attention of the class teacher or other staff member most likely to be able to address the issue.

Every attempt should be made by the staff member to resolve a concern as soon as possible, including apologising where necessary.

- Taking concerns/informal complaints seriously at the earliest stage will reduce the number that develop into formal complaints.
- If a concern cannot be resolved or is not suitable for informal dispute processes (eg mediations where one party does not wish to attend) the Formal Complaints Process is always available.

### Confidentiality

- The College is committed to the confidentiality of all complaints, at all steps in the process of their resolution.
- Only the College and persons directly involved in a complaint will have access to information which is the subject of the complaint. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved.
- Complainants and respondents have a duty to uphold strict confidentiality during the complaints procedure for the safety and consideration of others that may be involved. Complainants and respondents must not publicise the complaint or the progress of its resolution.

- Although the College is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person's right to confidentiality. For example, a person's health and safety may be at risk, or the complaint may involve criminal activity.
- Cases where there is evidence of inappropriate conduct towards students will be referred as required by Child Protection legislation to State authorities.
- Criminal activity will be passed onto the Police.

## Formal Complaint Procedure

(a) A Complainant may decide to follow the formal process in the following circumstances or at ANY TIME:

- When informal attempts at resolution have failed;
- A person alleging bullying, harassment or reportable conduct has been victimised;
- Serious complaints of inappropriate behaviour have been alleged; and/or

(b) The Complainant is required to make the complaint in writing to the College Principal.

- A Contact Officer is available to assist the Complainant to particularize the complaint so that it is clear and detailed as to what the allegations are.

(c) The Complaint is to include:

- What the Complainant heard, saw or experienced;
- Who was involved;
- Whether there were any witnesses; and
- Other relevant information.

(d) The Complaint and any other documentation is received by the Principal either directly or through the Contact Officer or School Harassment Officer.

(e) The Principal and another senior College member (with, as necessary, external advice) will decide how best to manage investigation of the complaint. This may include:

- Appointing an appropriate internal person to investigate the complaint.
- Handling the complaint under a specific College Policy – if applicable.
- Considering the appropriateness of other dispute resolution processes eg mediation.

(f) If **mediation** has been decided upon, an outside mediator will be engaged:

- The mediation will take place;
- Both parties will be requested to support any outcome, and sign what was agreed upon;
- The matter will be monitored at set intervals subsequently.

(g) If an **investigation** process is decided:

- An outside Investigator may be engaged as Complaints Manager;
- The Investigator will attend the school to interview the Parties to the Complaint and
- All interviewed will be requested to sign a Confidentiality Protocol for Parties;
- All statements taken will be sighted as a "true record" of information given.

The Principal will inform both Complainant and Respondent of the management plan decided upon to address the Complaint.

All procedures will be undertaken with discretion and confidentiality to protect the reputation of the person being investigated (the Respondent).

(h) The complaint investigator will privately interview the Complainant and:

- Explain the process of investigation including support person
- Ensure confidentiality;
- Obtain/request particularized allegations/ information and written documentation in support of the allegation, to be provided to the Respondent
- Ask the Complainant what they would like to happen as a result of the investigation;
- Keep a detailed record of all information and statements made by the Complainant; and

(i) The complaint investigator will privately interview the Respondent and:

- Inform the Respondent of the general nature of the allegations

- Inform the Respondent that particularized allegations will be provided for written Response as soon as they are available.
  - The Employee's right to have a person of their choice present; and
  - Explain the process of the investigation and meeting;
- (j) The Principal will consider whether the attendance of the Respondent is an unacceptable risk to the wellbeing of staff or students. If so the Respondent can be stood down on pay for the duration of the Investigation.
- (k) The investigator will:
- Put the allegations to the Respondent;
  - Invite the respondent to respond then and there, if he/she wishes but also,
  - Allow the Respondent time to respond to the allegations in writing
  - Record all responses in detail;
- Both parties are encouraged to have support persons of their choice at all stages of the proceedings.
- (l) The investigator will interview all relevant witnesses are nominated.
- (m) The Investigator will provide a Report of the Investigation - and whether or not the allegations in the Complaint can be substantiated, with Findings and Recommendations – to the Principal.
- (n) The Report is privileged to the Principal and Board.
- (o) The Principal at his/her discretion will decide on the most appropriate outcomes.
- (p) The Principal, in writing, will inform the Complainant and the Respondent of the decision re outcomes with reasons.
- (q) The Principal will put in place any outcomes resulting from the decision; these may include disciplinary outcomes for Staff and Students.
- (r) THIS IS THE END OF THE COLLEGE PROCESSES AVAILABLE TO COMPLAINANTS and RESPONDENTS to address complaints.**

NOTE: If the Complainant or the Respondent remains aggrieved they are welcome and able to access any external processes available to them at law.

### **Who are the Complaints Contact Officers?**

The College has nominated members of staff to have responsibility for the operation and management of the school complaints procedure, beginning with the Contact Officers, Heads of Schools and moving to the Principal.

- Student complainant: Teacher, Chaplain, Nurse, Coach or Head of School;
- Parent complainant: Head of School;
- Staff complainant: Director of Human Resources, Principal/Deputy Principal if the complaint is about the Director of Human Resources, or the Chair of College Board if the complaint is about the Principal.

Contact officers have a varied role during the informal stages of the resolution process. From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support and encouragement throughout the process. Support persons should not themselves be directly involved in the matter which is the subject of the complaint.

### **General Principles**

The complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;

- allow swift handling with established time-lines for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- treat all complaints with sensitivity and respect;
- provide information to the College's Executive Leadership team so that services can be improved;
- ensure that no person is victimised as a result of raising a complaint;
- Utilise appropriate consequences for substantiated Complaints.

## Possible Outcomes

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### Joint Agreement

The parties may agree to seek resolution through meetings or mediation. 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.

### Consequences of Substantiated Complaints

1. Disciplinary action may be taken against a person or persons if:
  - they have breached one of the school's policies or standards;
  - they have otherwise engaged in inappropriate conduct;
  - In the case of vexatious complaints, efforts will be made to remedy the injustice. Disciplinary outcomes will apply to anyone who brings a complaint which is considered vexatious or without any basis.
2. 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/have 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.
3. Discipline could involve one or more of the following, **in addition to any penalties which may apply at Law:**
  - written apology;
  - compulsory counselling;
  - attendance at further training;
  - an official warning/caution
  - demotion;
  - dismissal;
  - suspension;
  - expulsion – students.

### College-Initiated Investigation

There may be time when a Complainant does not want, for a variety of reasons to continue with any process or investigation or to bring a complaint at all. There may also be the circumstance where concerns brought to the notice of the Principal are assessed as College issues. If the issues raised are such that the health and wellbeing of staff or students is being adversely affected, the College reserves the right to initiate an investigation irrespective of the wants of the Complainant or other parties.

## **Review**

This policy will be reviewed every three (3) years or as necessitated by legislation.

## **Definitions**

- 'Complainant': Any person who has a complaint;
- 'Complaints Policy': The procedures and objectives set out in this document;
- 'Complaint Procedures': The procedures defined in this policy;
- 'Respondent': Any person against whom concerns/allegations are raised;
- 'College Board': The governing body of the College;
- 'The College': John Paul College;
- 'Prompt Response': The College will try to respond to all complaints as quickly as possible. However, the timeframe for resolution will depend on the complexity, nature and scope of the complaint.
- 'Concern/Informal Complaint': An expression of apprehension that is able to be resolved without resorting to the formal complaint's procedure.
- Natural Justice: is the principle where the party alleged to be causing the concern (the Respondent) is informed PROMPTLY of the allegations and provided a full opportunity to be heard/respond to them ...and be heard by a "Complaints Manager/Investigator, who is not biased.

## **Annexure A**

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### **Additional Information**

#### **1. Who may be a support person?**

Support persons may include but are not limited to the following:

Student complainant: Students will inevitably be supported by their parents, but are also encouraged to consider the Guidance Officer/Counsellor.

Parent complainant: Parents are encouraged to bring a support person.

Staff complainant: Staff are encouraged to bring a support person.

Support persons are entitled to accompany a complainant/respondent to any meetings that take place during the complaints process. They need to be made aware that they are not an advocate for the complainant and must not have an active role in the resolution process.

#### **2. Other Relevant Policies.**

- (a) Student Protection Policy
- (b) Anti-Discrimination, Sexual Harassment, Workplace Bullying

<b>Document Information</b>		
File Name: Formal Complaints Policy		
File Location: Compliance Policy		
<b>Document History</b>		
<b>Date</b>	<b>Summary of Changes</b>	<b>Reviewer</b>
17/7/2019	Inclusion to address Complaints relating to Non-Compliance of Student Protection Policy and Procedure	Compliance & Risk Manager
22/8/2018	Change to Culture wording	Deputy Principal