



COMPLAINTS RESOLUTION PROTOCOL

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INTENT

This protocol is intended for the use in line with any policy that requires a complaint resolution process, including any complaint regarding the handling of child safety processes. All employees have a legal responsibility to care for their own health and safety and that of co-workers, and therefore must treat other staff with respect and courtesy and not engage in acts which constitute adverse behaviour. Staff found to have either committed or condoned such behaviour in the workplace will be subject to disciplinary action which may include the termination of employment.

DEFINITIONS

Executive Team Members

- Principal
- DP Staff
- DP Student Development
- DP Learning, Teaching & Innovation
- Business Manager

PROCEDURE

INFORMAL RESOLUTION PROCESS

Speaking directly to the Respondent

- In a calm and assertive manner tell the person to stop, that the behaviour is unacceptable and that it must not happen again. It is important to say these things as the person may interpret silence as tacit consent or simply not recognise their behaviour as adverse nor recognise that it is having an adverse effect on you and that their behaviour is unlawful. It will also give the person a chance to stop or change what they are doing. If, however, you are too frightened or embarrassed to say anything, you may take your complaint directly to a member of the Executive Team. The Executive Team member will tell you what your options are. It is a good idea to make a written note of any incident, including details of dates, times, witnesses, what happened, and what you said/felt. If you are unable to provide such details and you have a genuine belief that you have been subject to adverse behaviour, you still have the option of making a complaint.

Reporting to a member of the Executive Team

- An Executive Team member will usually ask that you take the complaint to the Principal but will be available to support you in the process. If the complaint is against the Principal, the Executive Team member will refer the matter to the Parish Priest or Canonical Administrator

who will select a suitable person to investigate the complaint. If you are unhappy with this investigation, an appeal may be made to the Catholic Education Office of Sandhurst.

- Be frank and open with the person investigating the complaint about what happened. This will enable appropriate action to be taken.
- You can also get advice from a friend, member of your family, trusted colleague, Victorian Independent Education Union or the Equal Opportunity Commission of Victoria.
- Note that at this stage, if a matter raised is sufficiently serious such that a formal investigation is warranted, then the school reserves its right to take appropriate action in the circumstances including referring the matter to formal internal investigation

FORMAL INTERNAL RESOLUTION PROCESS

- A formal complaint can be made by a complainant to the Principal and should be in writing and set out the details of the specific allegations including dates, times, locations, what happened, what was said, witnesses (if any), and steps already taken to attempt to resolve the matter. Wherever possible, it should be supported by relevant documentation. Note that a claim may not be pursued if it relates to events that occurred more than 12 months ago.
- It is the College's legal responsibility to ensure that adverse behaviour does not happen at the College. Complaints will be taken seriously. The complaint will be investigated in a sympathetic, fair and confidential manner. Action will be taken to make sure that the offending behaviour stops. Appropriate warnings or disciplinary action will be taken where adverse behaviour is found to have occurred.
- You will not be victimized or treated unfairly by the Executive Team for making a complaint. If you are victimized or treated unfairly by other members of the community for making a complaint, the matter will be investigated and dealt with through this complaints procedure.

THE INVESTIGATION PROCESS

Initial Response

- The Principal or Deputy Principal Staff will 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 evidence, or if it is found not to be supported by evidence. You will also be told where you can go for assistance if you are not happy with the way the College is dealing with the complaint. The Principal will take a written record of the complaint. (The Principal will ask your permission to have an Assistant record 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 Principal will then outline the results of the investigation and discuss what can be done to resolve the problem. You should tell the Principal what action you would like taken e.g. a written apology, a written warning.

- If you are accused of adverse behaviour, you are advised to be frank and open when the matter is being investigated. You may also choose to seek the support of a trusted colleague, the VIEU or other person. It is important that you do not discuss the matter openly and that you are as confidential as possible.

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.)

POSSIBLE OUTCOMES

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

- A written apology
- An official warning
- Counselling/training
- Mediation
- Disciplinary action
- Dismissal/expulsion

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

- Relevant training for staff and/or students
- Mediation between the parties to improve the working relationship
- Monitoring of behaviour of staff and/or students

If the complaint is proven 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
- Dismissal /expulsion

Vexatious Claims

The College will not deal with complaints that:

- Are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter;
- Taken at their highest, do not constitute discrimination, sexual harassment or victimization.

Where a complainant makes frivolous, vexatious or malicious claims against a Respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is not demonstrated commitment to resolution, then depending on the circumstance, disciplinary action may be taken against a Complainant.

APPEALS

If you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you, there are several options open to you:

1. You may appeal to the Principal. The Principal will look at the way the complaint was handled and examine the outcome. If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action. If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

The appeal will be dealt with by someone other than the person who first handled the complaint.

2. If you are not happy with the way your complaint has been dealt with by the College, you may seek further advice or assistance from the CEO Sandhurst, the Parish Priest, VIEU, Equal Opportunity Commission or other agency.

Confidentiality

You can feel secure that if you do make a complaint under this policy, it will remain as confidential as is possible. The only people who will have access to information about the complaint will be the person whom the complaint is reported to, the Principal and/or the Deputy Principal Staff, the person accused and any relevant witnesses.

Impartiality

If you make a complaint, it will be investigated in a fair and impartial manner. No judgments or assumptions will be made and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

Timeliness

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

ESSENTIAL SUPPORTING INFORMATION

- CCW Workplace Equal Opportunity Policy V1.0
- CCW Staff Bullying Policy V1.3
- Equal Opportunity Act 2010
- OH&S Act 2004