Complaints Policy

Rationale

The Academy of Mary Immaculate recognises the importance of demonstrating respect for the dignity of each person and of creating an environment where a sense of belonging for all is experienced. These aspirations are central to the wellbeing of individual staff and to a workplace where all staff feel safe and respected.

The Academy of Mary Immaculate is committed to justice which necessitates resolution of conflict arising from complaints and grievances. When conflict arises, all who are associated with Academy of Mary Immaculate are called to show respect for others and to act with compassion and courage. Complaint resolution procedures provide the opportunity to promote service, develop understanding, prevent further issues and ensure just outcomes.

It is expected that staff who make a complaint, or who may be witnesses to circumstances giving rise to a complaint, will participate fully and confidentially in any investigation and resolution procedures.

This policy and its accompanying procedures are compliant with the legislative framework under which the College operates. The College is guided by the applicable legislation in determining its prevention and intervention measures.

Definitions

A complaint or grievance relates to a perception of unjust treatment that causes resentment and is seen as grounds for action; such a complaint could be judged eventually as justified or not. The complainant is the person raising the concern. The subject of the complaint (the respondent) is the person, persons or organisation against which a complaint is made.

Principles

• The College is committed to building and nurturing a positive workplace.
• The College is committed to implementing awareness-raising programs and strategies that heighten staff members' understanding of the impact of their behaviour on others and awareness of their rights and responsibilities.
• The College aims to achieve resolution of complaints of perceived or actual incidents promptly. The College will endeavour to ensure that the offending behaviour stops.
• The College aims to respond to complaints in a sensitive, fair and timely manner.
• The College encourages the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure protection of the complainant(s) from any subsequent victimisation.

Introduction

Academy of Mary Immaculate acknowledges that the nature of school communities will inevitably, at times, lead to a lack of harmony where some individuals or groups will consider that their rights or responsibilities are being eroded.

Wherever possible, grievances should be resolved by a process of discussion, cooperation and conciliation. The aim is to reach an acceptable outcome that minimizes any potential detriment to ongoing relationships.

No person will be victimized because they raise a complaint or are associated with a grievance.

Members of a school community should not instigate complaints that are frivolous, vexatious or malicious. All individuals are expected to participate in the complaint resolution process in good faith.

Staff, Contractors and Volunteers – All persons who work on College grounds, including contractors, are required to comply with this policy in relation to the treatment afforded to other staff and contractors.

Contact Officers – A Contact Officer is a staff member who is trained in and responsible for being a contact point for staff who have complaints. A Contact Officer is able to provide staff with information, clarify any questions or concerns a person may have and provide advice on the options that are available for dealing with the complaint.
Procedure for resolving complaints
A complaint can be resolved using informal resolution processes and/or formal resolution processes. The approach taken should reflect the seriousness of the matter. For less serious matters, informal resolution processes should be explored prior to a formal resolution procedure. For more serious matters, or where informal approaches have been unsuccessful, a formal procedure may be appropriate.

The employer should endeavour to commence investigations into the complaint (whether informal or formal processes are being followed) within two working days of the receipt of the complaint.

A non-judgemental and non-adversarial, restorative approach will be taken to resolving complaints and grievances. Parties will work together with respect and openness to reach fair and reasonable decisions.

Procedural fairness will be followed in all aspects of complaint handling, including:
- Giving the complainant the opportunity to present their case
- Informing the subject of the complaint that it has been received and what the allegations are
- Giving the subject of the complaint an opportunity to respond
- Advising all parties of the outcome of the investigation
- Informing parties of any avenue of review

Complaints and their resolution will be fully documented.

Complaints will be handled in a manner which is consistent with current Australian legislation and practice and relevant industrial agreements.

Appropriate levels of confidentiality will be adhered to at all times. Complainants should be advised that for legal reasons absolute confidentiality may not always be possible. These reasons include but are not limited to, duty of care, workplace health and safety and mandatory reporting.

The outcome of the complaint will be communicated to both the Complainant and Respondent.

Informal resolution processes
The informal options open to a Complainant to attempt to resolve a complaint include:
- Speaking directly with the Respondent about their behaviour or actions;
- Consulting with a Contact Officer for advice, support and assistance; and/or
- Reporting the matter to a member of the Leadership Team for assistance or to Mercy Education Limited if the complaint is about the Principal.

Informal resolution processes do not involve an investigation or making findings based on an investigation, but generally involve the parties coming to an understanding or agreement as to how the issues can be resolved.

In the case of an informal verbal complaint, the complainant will be encouraged to document the issue. If this does not occur, the complaint will be assessed as to whether it merits further investigation.

Speaking directly with the Respondent
In the first instance, if the Complainant feels comfortable about speaking directly with the Respondent, this may be the quickest and easiest way of resolving the matter. The Complainant should address the issue with the Respondent in unambiguous terms and in plain language.

Consulting with a Contact Officer
If the Complainant does not feel comfortable about approaching the Respondent directly (this may be the case particularly where the Respondent is in a position of authority), the Complainant may prefer to seek the assistance of a Contact Officer. A Contact Officer can provide information and support to the Complainant and/or Respondent regarding issues, including options for resolving the matter. Contact Officers do not take any action on behalf of the staff member such as approaching the Respondent or conducting mediation.

Reporting the matter to a member of the Leadership Team
The Complainant may report the matter to a member of the Leadership Team who can assist with exploring resolution strategies. This may include suggesting that the Complainant speak directly with the Respondent.

Where appropriate, and in consultation with the Complainant, the member of the Leadership Team may approach the Respondent and talk to them informally about the matter.
Other informal resolution options which may also be considered at this stage include:

- Facilitated discussion;
- Mediation; and
- Entering into mutual agreements on workplace practices.

**Referral to formal investigation**

Note that at this stage, if a matter raised is sufficiently serious such that a formal investigation is warranted, then the College reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation (see below).

If students are interviewed in the course of investigation of a complaint, written permission must be obtained from their parents or guardians and they must be accompanied by a responsible adult.

**Formal resolution processes – Internal**

If a matter is not able to be resolved using informal resolution methods, or for more serious matters a formal process may be appropriate.

**Lodging a formal complaint**

A formal complaint can be made by a Complainant to the Principal or to Mercy Education Limited if the complaint is about the Principal. The complaint 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 complaint may not be pursued if it relates to events that occurred more than 12 months ago.

**Initial response**

Following receipt of a formal complaint, the Principal (or Mercy Education Limited or delegate if the complaint is about the Principal) will meet with the Complainant to discuss the complaint. This will involve canvassing options for resolution which may include informal resolution processes. In the event that the complaint is to be dealt with formally, the Complainant will be informed of:

- How the complaint will be investigated (e.g. interviews, viewing documents);
- The expected timeframe for any investigation;
- Who can be present at investigation interviews;
- What support is available for persons involved in the process;
- The interim measures, if any, that will be implemented to ensure the health, safety and welfare of any person pending the resolution of the complaint; and
- If the complaint raises issues which place the College under a legal obligation to report the matter to law enforcement agencies.

**Formal internal investigation**

Where appropriate, a formal investigation may be conducted into a complaint. An Investigating Officer will be appointed to conduct the investigation. The Investigating Officer is someone who is independent and will conduct the investigation impartially. The Investigating Officer will:

- Interview the parties involved, and witnesses if any;
- Review relevant evidence, such as emails and other documentary evidence;
- Report on whether or not the complaint is substantiated.

All parties will be offered the opportunity to be accompanied by a support person to interview. This may be a colleague, a union representative or any other person who acts as a support to the person being interviewed. Their role is to observe, advise and provide support in relation to the process. Any support person

- Must be identified in advance;
- Shall not be a person directly involved with the complaint
- Must not be acting in the capacity of a legal practitioner;
- Does not actively participate in the interview process, although may confer privately with the interviewee during the process;
- Must maintain confidentiality.
**Investigation outcomes and action to be taken**
If a complaint is substantiated, appropriate action, will be taken which may include:

- A written or verbal apology;
- Official warning
- Counselling
- Changes to work practices;
- Disciplinary action, including dismissal;
- An undertaking that the behaviour will not be repeated;
- Reversal of an action or decision or substitution of a different action or decision; and/or
- Training.
- No action

Assistance may also be offered to a Complainant or other persons involved which may include:

- Counselling;
- Redressing any inequality resulting from the action or decision the subject of the complaint;
- Mentoring and support.

If an investigation is inconclusive (i.e. a complaint cannot be proved due to a lack of evidence) further action may nevertheless be taken which may include counselling, mediation, changed working arrangements and/or conducting training for employees on relevant policies.
If a complaint is not proved through insufficient evidence, possible outcomes include:

- Monitoring of behaviour
- Relevant training
- Mediation
- Counselling
- Change to work practices

If a complaint is proved to be unfounded, possible outcomes include:

- Counselling for the complainant
- Counselling for the subject of the complaint
- Mediation

If a complaint is proved to be vexatious, possible outcomes include:

- Counselling for the complainant
- Counselling for the subject of the complaint
- Mediation
- A written apology to the subject of the complaint from the complainant
- An official warning
- Disciplinary action
- Dismissal

**Formal complaint – External**
A Complainant may choose to seek assistance or information at any time during the process from statutory support agencies in Victoria. Information and contact details for the support agencies are outlined in Appendix 2. Each agency will have specific requirements for lodging a complaint and will have varied investigation procedures.

In dealing with complaints, the College may seek external advice and assistance from professional mediators, investigators, external agencies and any other appropriate persons.

**Confidentiality**
Anyone involved in a complaint or its investigation, must ensure that the circumstances and facts of the complaint are disclosed only to those people who are directly involved in progressing its investigation and resolution. In particular, it is important that staff who either make a complaint, or who may be witnesses to the circumstances giving rise to the complaint, do not discuss the matter outside the investigation and resolution processes.
**Counselling support**
In confronting and/or resolving complaints a staff member and his/her immediate family members may utilise the services of counselling support at any stage of the process. The College is a member of Access programs, Melbourne. The contact phone number for this support is 1300 66 77 00. The College Contact Officers can assist staff to access the service.

**Vexatious claims**
The College will not deal with complaints under this policy that:

- are made anonymously, without sufficient detail being provided so as to allow investigation or resolution of the matter;
- do not have sufficient detail so as to allow investigation or resolution of the matter;

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 no demonstrated commitment to resolution, then depending on the circumstances, disciplinary action may be taken against a Complainant.

**Appendices**
Appendix 1: Complaints Procedure Flow Chart
Appendix 2: Support Agencies

**Policy ratified by College Leadership Team: March 2016**
Next review date: March 2019
Person responsible: Principal

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**Related Policies**
- College Policy: Occupational Health and Safety
- College Policy: Anti Bullying policy
- College Policy: Social Media

**Relevant Legislation**

**Victoria**
- *Occupational Health and Safety Act 2004*

**Commonwealth**
- *Fair Work Act 2009*
Appendix 1
Complaints Procedure Flowchart

Person has a complaint or grievance

Informal Resolution
- Speak directly with Respondent
- Consult with a Contact Officer
- Report matter to member of Leadership Team to explore options including:
  * speaking to Respondent on Complainant’s behalf
  * facilitated discussion
  * mediation

Formal Resolution
- Lodge formal complaint with the Principal or Leadership Team Member
- Initial Response:
  - may include consideration of informal options
- Investigation by Investigating Officer, where appropriate
- Investigation outcomes and action to be taken, where appropriate
- Communicate outcome to the Complainant and Respondent

If resolved satisfactorily, no further action
- Communicate outcome to the Complainant and Respondent

If not resolved satisfactorily, consider formal resolution processes

Note: If at this stage a matter raised is sufficiently serious such that a formal investigation is warranted, then the College reserves its right to take appropriate action in the circumstances, including referring the matter to formal internal investigation.

CONTACT OFFICERS: Student Counsellor

Note: Access Programs, Melbourne
The contact phone number is 1300 66 77 00
Mercy Education Limited, (03) 9499 1577
Appendix 2
Support Agencies

WorkSafe Victoria
Ground Floor, 222 Exhibition Street, Melbourne, Vic, 3000

WorkSafe Victoria is a statutory body set up to, amongst other things, enforce Victoria’s occupational health and safety laws and assist injured workers back into the workforce.

Phone 1800 136 089
Website www.worksafe.vic.gov.au

Fair Work Commission
Level 4, 11 Exhibition Street, Melbourne, Vic, 3000

Fair Work Commission is a statutory body set up to deal with various workplace matters, and now includes a jurisdiction to deal with complaints of bullying.

Phone (03) 8661 7777
Website www.fwc.gov.au

Amended 18 April 2016