



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.

Staff, Contractors or Volunteers are all persons who work on College grounds

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 also able to provide staff with information, clarify and questions or concerns a person may have and provide advice on the options that are available in dealing with a complaint.

Informal resolution process does not involve an investigation or making findings based on an investigation. It generally involves the parties coming to an understanding or agreement as to how the issue can be resolved.

Formal resolution process is where a formal investigation is conducted. These can be done internally or externally and usually involves an investigating officer who is independent of the parties involved.

Investigating Officer is a person who is independent and will conduct the investigation impartially.

Policy Statement/Guiding Principles

The College is committed/aims to:

- Building and nurturing a positive workplace
- 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
- Achieve resolution of complaints perceived or actual incidents promptly
- Ensure that the offending behaviour stops
- Respond to complaints in a sensitive, fair and timely manner
- Encouraging the reporting of behaviour which is perceived to be in breach of this policy and will endeavour to ensure the protection of the complainant(s) from any subsequent victimisation.

Procedures

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 formal resolution procedures. 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 formal or informal processes are being followed) within TWO days of the receipt of the complaint.

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 include:

- **Speaking directly with the Respondent about their behaviour/actions**
- **Consulting with or making a report to a Contact Officer (Member of the College Leadership Team) for advice, support and assistance**

Informal resolution processes do not involve an investigation or making findings based on an investigation, but general involve the parties coming to an understanding or agreement about how the issue(s) can be resolved.

Speaking directly with the Respondent

If the Complainant feels comfortable enough to speak with the Respondent, this may be the quickest way to resolve a matter. The Complainant should address the issue with the Respondent in unambiguous terms and plain language.

Consulting with a Contact Officer

If the complainant does not feel comfortable approaching the Respondent directly (this may be the case particularly when the Respondent is in a position of authority), the Complainant may prefer to seek the assistance of a Contact Officer who is a member of the College Leadership Team.

Members of the College Leadership Team include:

Principal – Sr Mary Moloney

Deputy Principal – Paul Finneran

Director of Faith & Mission/Director of Programs – Mark Hyland
and Director of Learning – Nada Jarni

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

Formal Resolution Processes

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 the 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 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 an interview. This may be a colleague, a union representative or any other person who acts 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

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 be offered to the 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 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

If an investigation is inconclusive (i.e. complaint cannot be proven due to a lack of evidence) further action may 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

Formal External Investigation

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 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 family 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 667 700. The College Contact Officers can assist staff to access the service.

Vexatious Claims

Under this policy, the College will not deal with complaints that:

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

Where a complaint 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.

Related Documents

College Policy: Occupational Health & Safety

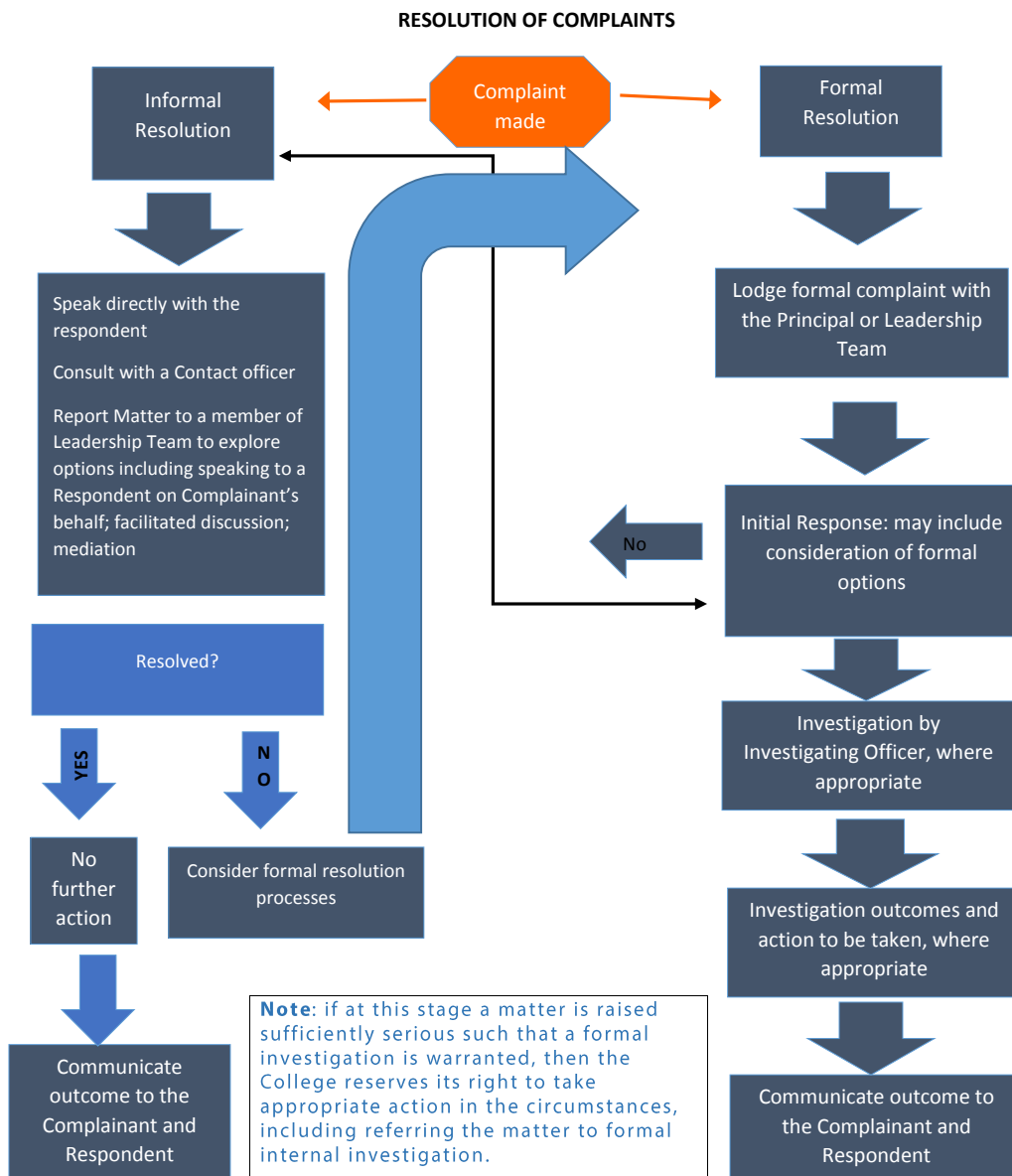
College Policy: Anti-Bullying Policy

College Policy: Social Media Policy

Occupational Health & Safety Act 2004 (Victoria)

Fair Work Act 2009 (Commonwealth)

APPENDIX 1: COMPLAINTS PROCEDURE FLOW CHART



APPENDIX 2: SUPPORT AGENCIES

WORKSAFE VICTORIA

Ground Floor, 222 Exhibition St., 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.

Tel: 1800 136 089

Website www.worksafe.vic.gov.au

FAIR WORK COMMISSION

Level 4, 11 Exhibition St., 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 and bullying.

Tel: (03) 8661 7777

Website: www.fwc.gov.au

ACCESS PROGRAMS, MELBOURNE

Tel: 1300 667 700

MERCY EDUCATION LIMITED

720 Heidelberg Rd, Alphington VIC 3078

Tel: (03) 9499 1577

Date to be reviewed

Version	Author	Description of Changes	Release Date	Review Date
2	Paul Finneran	a) Omitted introduction and embedded information in the Rationale b) Added definitions for: - Formal resolution process - Informal resolution process - Investigating Officer c) Changed subtitle of <i>Formal complaint – External</i> to Formal External Investigation	November 2017	December 2018