



Rationale

Diocese of Ballarat Catholic Education Limited (DOBCEL) is committed to ensuring DOBCEL Schools and Catholic Education Ballarat are communities of faith, hope and love where communication takes place in an environment of transparency, respect, compassion and inclusion in the interests of all students.

The DOBCEL Complaints Management Policy and DOBCEL Complaints Management Procedure are the key documents that set out DOBCEL's approach to managing complaints that arise about the operation of DOBCEL schools.

Catholic teaching emphasises the primacy of parents as the first teachers of their children. Within all schools, there are times when misunderstandings and concerns arise. In addressing these matters, DOBCEL seeks to model the love of Christ and the teachings of the Catholic Church. The dignity of each person, belief in the common good and the principle of subsidiarity will inform the manner in which DOBCEL deals with stakeholders and school communities including the manner in which complaints are managed.

The Guidelines to the Minimum Standards and Requirements for School Registration published by the Victorian Registration and Qualifications Authority (VRQA) requires all DOBCEL Schools to have policies and procedures for managing complaints and grievances in order to meet the care, safety and welfare regulatory requirement.

DOBCEL recognises that a known, robust and transparent complaint resolution process provides information, creates opportunities for giving and receiving feedback and provides a valuable opportunity for reflection and learning. An effective process for resolving complaints treats people fairly, is timely and provides those involved with an opportunity to present their view and to respond to issues.

Definitions

Complainant: the person(s) lodging the complaint. A complainant can be a parent, guardian, a student or a member of the school community.

Complaint: an expression of dissatisfaction related to our programs or activities, the actions of staff, or the complaint handling process.

Decision Maker: a DOBCEL employee with the authority to make a ruling about a Complaint.

DOBCEL Complaints Management Procedure: is the process for resolving complaints. The Complaints Management Procedure is referred to in the Key Documents section of this Policy.

Employer: the employer is DOBCEL. The Board of DOBCEL has delegated authority to the Executive Director of DOBCEL for the management of employees, including school employees.

Employee: a person employed by DOBCEL.

Investigator: is a person appointed by a Decision-Maker according to the provisions of the relevant Complaint Procedure.

Minimum Standards for School Registration: are the requirements/standards specified for all schools in the Education and Training Reform Act 2006 (the Act) and the Education and Training Reform Regulations 2017.

Parent/Care Giver: the parent or legal guardian of a student enrolled in a DOBCEL School.

Procedural Fairness: procedural fairness or the rules of natural justice as follows:

1. A Complainant is given a genuine opportunity to make a Complaint, and the complaint will be taken seriously and acted upon in accordance in with terms of the relevant Complaint Procedure.
2. A Respondent is given sufficient information about the complaint to allow to respond to the complaint before a decision affecting their interests is made.
3. The Decision-Maker must be impartial and not pre-judge an outcome. The Decision-Maker, will make a decision on the balance of probabilities considering the available evidence to determine what is most likely to have occurred.

Respondent: the person against whom the complaint has been raised.

School: means a Catholic primary or secondary school operating under the governance of DOBCEL.

Serious complaint a serious complaint is one requiring urgent action or which could have serious consequences for the parties concerned or others, resulting from a serious breach of legislation, school policy or procedure. The complaint may be in relation to issues about student behaviour management, bullying or harassment, drug or alcohol use, damage or loss of personal or school property, student wellbeing or the requirement for adjustment to learning for students. Serious complaints may be complex or those of a whole school nature.

Student: a child or person enrolled in a DOBCEL school.

Support Person may accompany the Complainant to meetings. The support person's role is to listen. They may make notes and may occasionally speak to the Complainant to clarify what they are saying. The support person does not speak on behalf of the Complainant.

Principles

Human dignity

Our common humanity requires respect for and support of the sanctity and worth of every human life. All other rights and responsibilities flow from the concept of human dignity. This principle is deemed as the central aspect of the Church's social teaching. The belief that each life has value is shared with International Human Rights which are universal, inviolable and inalienable.¹

¹ *ibid.*

Solidarity and synodality involving the breadth of the diocesan community

Synodality involves the active participation of all members of the Church in its processes of discernment, consultation and co-operation at every level of decision-making and mission. Every member of the People of God is involved, though with varied roles and contributions.²

Solidarity, on the other hand, presupposes a commitment to a more just social order and urges each to consider the impact of how they live and interact with others from the point of view of justice. Being in solidarity means recognising others as equals and actively working for their good.³

Subsidiarity in fostering local expressions of the Church's common mission

All people have the right to participate in decisions that affect their lives. Thus, decisions should be made at the most appropriate level, by the people most affected by the decision and by those who exercise responsibility for carrying out the decision. It also means that those in positions of authority have the responsibility to listen to everyone's voice and make decisions according to the common good.⁴ Implementing the principle of subsidiarity supports the interdependence of all decision makers.

Scope

This Policy applies to all DOBCEL Schools for complaints at the school level and to any complaints referred to DOBCEL through the Catholic Education Commission of Victoria Ltd (CECV), authorised as the Review Body for Victorian Catholic schools.

The Policy does not relate to critical incidents, emergency management, criminal offences or the conduct of those in religious ministry. It is not to be used by employees to make a complaint about their workplace or employment conditions.

Policy Statement

DOBCEL strives to provide positive, clear and effective processes for resolving complaints between the school and parent/guardians or students. This can assist in building strong relationships, dispelling anxiety and ultimately provide a settled and harmonious learning environment. The Complaints Management Policy seeks to achieve the restoration of fair and respectful relationships.

DOBCEL Schools must develop policies and procedures for managing complaints and grievances which ensure procedural fairness, are accessible to the school community, are consistent with its enrolment agreement and aligned with this policy.

Complaints of a school-based nature are best received and managed at the local school level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties.

Unresolved complaints about DOBCEL schools can be referred to Catholic Education Ballarat. A complaint may be raised with Catholic Education Commission of Victoria (CECV) if there is a perceived breach of the Minimum Standards. The CECV acts in accordance with the Memorandum of Understanding with the Victorian Registrations and Qualifications Authority (VRQA) to investigate alleged breaches of the Minimum Standards in accordance with Sections 4.2.2 and 4.2.3 of the Act.

²http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html ¶ 7, 21. See also *The Light from the Southern Cross*, *op.cit.*, 5.2.3., p.43

³ See <https://caritas.org.nz/catholic-social-teaching/solidarity>

⁴ See <https://caritas.org.nz/catholic-social-teaching/subsidiarity>. See also *The Light from the Southern Cross*, *op.cit.*, 5.2.1. p.41.

Where necessary, DOBCEL will ensure that specialist advice and support is available to schools when dealing with serious complaints and the complaints handling processes associated with these.

A record will be kept of formal complaints and written anonymous complaints. A written record of complaints which relate to the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS) will be kept.

DOBCEL Schools must develop school-based complaints management procedures that are consistent with the requirements outlined in the DOBCEL Management Policy and Procedure. The procedure must be contextualised to reflect the school's setting.

Key related documents

- DOBCEL Behaviour Management Policy
- DOBCEL Complaints Management Procedure
- DOBCEL Child Safe School Policy
- DOBCEL Enrolment Policy
- DOBCEL PROTECT: Reporting and Responding Obligations Policy
- DOBCEL Privacy Policy
- DOBCEL Whistleblower Protection Policy and Procedures

Relevant Legislation

The relevant legislative and regulatory framework for this policy includes:

- *Education and Training Reform Act 2006 (Vic.)*
- *Education and Training Reform Regulations 2017 (Vic.)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic.)*
- *Protected Disclosure Act 2012 (Vic.)*
- *Privacy Act 1988 (Cth)*
- *Crimes Act 1958 (Vic.)*
- *Equal Opportunity Act 2010 (Vic.)*
- *Wrongs Act 1958 (Vic.)*
- *Disability Discrimination Act 1992 (Cth)*
- *Disability Standards for Education 2005 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Migration Act 1958 (Cth)*



Complaints Management Procedure

Reviewed: April 2021

Next Review: 2022

The procedure:

- explains the way in which Catholic Education Ballarat and DOBCEL Schools respond to and resolve complaints received from parents, guardians, students or a member of the DOBCEL school community
- do not apply to matters that are subject to external determination such as through any court, tribunal, commission, or statutory authority or to matters that are the subject of civil litigation.
- do not apply to complaints that are of child protection nature or staff employment conditions.

In receiving and responding to complaints, DOBCEL's actions must be informed by the DOBCEL Complaints Management Policy and DOBCEL Complaints Management Procedure. Actions by DOBCEL Schools will be informed by the school based Complaints Management Policy and Procedure which is based on the DOBCEL Complaints Management Policy and DOBCEL Complaints Management Procedure.

This procedure does not relate to critical incidents, emergency management, criminal offences or the conduct of those in religious ministry. It is not to be used by employees to make a complaint about their workplace or employment conditions.

Complaints relating to incidents of Bullying & Harassment

For complaints relating to discrimination, bullying and harassment of a student, the DOBCEL Student Anti Bullying and Harassment Policy and Procedure applies.

Complaints relating to Child Abuse

For complaints relating to child abuse or neglect by a staff member, the DOBCEL PROTECT: Reporting and Responding Obligations Policy apply.

Complaints regarding the DOBCEL Executive Director

Complaints relating to the DOBCEL Executive Director, should be directed to the Chair of the DOBCEL Board in the first instance. If the matter is unresolved it should be referred to the Member, (Bishop Paul Bird).

Complaints regarding a member of the DOBCEL Board

Complaints relating to a member of the DOBCEL Board including the Chair of the DOBCEL Board should be referred to the DOBCEL Executive Director or the DOBCEL Member (Bishop Paul Bird).

Development of School-based policies and procedures

In developing their school-based policies and procedures, DOBCEL Schools must establish a clear and transparent complaints management policy and procedure that is contextualised to the school's setting.

All parties to a Complaint (Complainant and school staff) must ensure that during the Complaints Management Procedure:

- they treat everyone with respect, using appropriate language to present their view of the situation;
- they treat the content of the Complaint and the process as confidential (save that all parties are entitled to seek legal advice, to have a support person and to discuss all matters freely with these people);
- they do not post details of the Complaint or parties to the Complaint on social media or other public forums
- be prepared to accept the outcome of the process even if it is not their preferred outcome and to work constructively with each other to move forward.

In making a decision, the Principal must balance the needs and views of the student, parent or caregiver, the respondent, other students, the school community and any statutory requirements. This means that there may be times when the outcome of the process will be not in favour of the Complainant. Where this happens, the Principal will work with the Complainant to explain the reasons for this and attempt to find a constructive way forward.

The Principal will ensure that the Complaint is addressed in a fair and reasonable manner taking into account the evidence and principles of natural justice or procedural fairness.

If the Complainant wishes to appeal the decision or is not satisfied with the outcome because the school did not follow stated policy or is in breach of the Minimum Standards, a Complaint should be lodged with Catholic Education Ballarat (CEB). All such Complaints are directed to the Manager Safeguarding and Standards who will arbitrate after careful review of the Complaint and resolution process undertaken.

If the matter has not been resolved to the satisfaction the Complainant, after it has been referred to CEB, the Complainant has the right to seek appeal through external avenues such as state and federal government commissions for example the Victoria Equal Opportunity and Human Rights Commission. This may entail financial cost to the Complainant.

If the Complainant wishes to make a Complaint about the Principal the Complaint is to be directed to the DOBCEL Assistant Director: People and Development.

School based procedures must reflect the following:

- provide a clear purpose for the policy
- provide clear and fair processes that allow complaints to be aired and resolved in a timely and effective manner
- align with the DOBCEL Complaints Management Policy and Procedure
- indicate that all Complaints will be treated confidentially, seriously and addressed professionally
- set out the expectation that all parties will conduct themselves in a respectful and courteous manner
- define the nature and scope of what constitutes a Complaint in the school

- specify steps for responding to Complaints in accordance with the DOBCEL Complaints Management Procedure. Steps must reflect principles of procedural fairness as outlined in the definitions section.
- specify timelines for Complaint management that is reasonable
- describe possible avenues for resolution such as mediation, counselling and external agencies that may have scope to hear a Complaint if the matter is not settled to the satisfaction of all parties
- maintain all records relating to Complaints
- reference related policies and procedures
- explain avenues of appeal if the Complainant is dissatisfied with the Complaint management process
- use simple language and define terms where necessary to ensure the Policy and Procedures are accessible to parents, guardians and students
- ensure the School's Complaints Management Policy and Procedure is accessible to the school community and is published on the School's website.

The **[Insert School Name] Complaints Management Policy and Procedure** document assists schools in developing a school-based Complaints Management Policy and Procedure.

Lodging a complaint with DOBCEL

Complaints of a school-based nature are best received and managed at the local school level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties.

When lodging a complaint with DOBCEL Management, complainants must:

- read the DOBCEL Complaints Management Policy
- be clear about the topic or issue to be discussed
- be mindful of the need to ascertain all the facts relating to the circumstances of the topic or issue
- consider what would be an acceptable outcome

Complaints can be lodged by webform to **DOBCEL's Manager Safeguarding and Standards** via <https://ceob.edu.au/office-locations-contacts/feedback-form/> or by post to PO Box 576, Ballarat, Vic 3353.

Complaints will be acknowledged within two working days. DOBCEL may need to contact the complainant for more information to help assess the issues or allegations.

The DOBCEL Manager Safeguarding and Standards will determine the appropriate response, either informal or formal. If appropriate, the Complaint will be referred to another agency such as the *Commission for Children and Young People, Department of Health and Human Service, or Victoria Police.*

In addressing and responding to a complaint, Catholic Education Ballarat must apply the principles of procedural fairness. Respondents have a right to know of a complaint made against them and be given an opportunity to respond. Confidentiality of information must be maintained as far as that is reasonable.

When in receipt of a complaint, Catholic Education Ballarat will:

- record the Complaint in the agreed data management system to ensure the Complaint can be tracked

- acknowledge receipt of the Complaint as soon as possible in writing, within two business days, ensure the complainant is aware of the DOBCEL complaints management procedures, who is managing the process and provide the case number for future communication
- inform the Principal of the School of the receipt of the Complaint and provide an opportunity for the Principal to respond to the issues raised
- where it is considered appropriate, provide the Complainant with an opportunity to respond to the Principal's response to the matters raised prior to making a decision about the Complaint or contact the Complainant for more information to help assess the issues or allegations if required
- seek to review School documentation relevant to the Complaint such as school policies, procedures, guidelines, records of communication, minutes of meetings or student data
- advise and/or seek permission from the Complainant if any sensitive or medical information provided will need to be shared with others in order to resolve the matter
- where necessary, seek advice from other members of Catholic Education Ballarat and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal/redress already exist
- assess the Complaint, which may result in undertaking one or more of the following procedures and processes to help resolve it:
 - allow more time for resolution at the school
 - provide assistance to reach a resolution such as mediation or counselling
 - arrange for an independent investigation
- where necessary, actively support a Complainant with additional needs through the complaint procedures and processes
- notify the Complainant of the outcome of the complaint enquiry in writing where sufficient contact details have been provided
- provide the Principal of the School with the outcome of the assessment of the Complaint in writing
- complete documentation of the complaint review required by the CECV
- ensure records of anonymous complaints are retained in the approved database to enable identification of trends or potential problems
- provide a timeframe for dealing with the Complaint at the outset, generally four weeks, and keep the complainant informed if there are changes to this timeframe
- provide written notification to the complainant of the outcome of a formal inquiry or review resulting from a complaint

If the Complaint is unable to be resolved to the satisfaction of the complainant, but the matter is however finalised, the complainant may seek alternative independent or other advice, or contact other entities such as the CECV, the VRQA, the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal (VCAT) or the courts.

Appendix 1: DOBCEL Complaints Management Procedure Flowchart

