



St Ursula's College
TOOWOOMBA

POLICY	
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Author	
Approved By	

Grievance (Maintaining Right Relations) Policy

Culture Statement

St Ursula's College, a Catholic educational and residential community in the Ursuline tradition, is dedicated to the education and care of young women.

We strive to create learning opportunities that will encourage students to take responsibility for their own thinking and learning, so that they may become more resourceful and empathetic young women who seek:

- the development of personal faith and spirituality
- participation and leadership in all facets of today's and tomorrow's world

The challenge for all is to model relationships within and beyond our community based on:

- mutual respect;
- tolerance and acceptance;
- care for the individual and the environment;
- interdependence and collaboration;
- service

so that our students, growing in wisdom, justice and integrity will contribute responsibly to their own transformation and that of society.

Purpose

This policy provides a process for those employed by St Ursula's College Toowoomba and those receiving services from the College to raise complaints or grievances. This includes students, parents, personnel, and members of the wider community.

St Ursula's College Toowoomba has specific complaints processes dealing with specific matters. The Student Protection Procedures and Guidelines has specific policies and procedures to address complaints of child abuse and reportable conduct. The Workplace Bullying, Harassment and Discrimination Policy and Procedures addresses issues of harassment, bullying and discrimination within the College. Nothing in this document replaces the processes outlined in those documents.

Policy

St Ursula's College Toowoomba is committed to developing an educational and organizational culture based on mutual trust and respect. We are committed to providing a safe and supportive work and learning environment for all personnel and students.

We acknowledge that personnel, students and parents may sometimes have a complaint about a decision, behaviour, act or omission that they feel is unacceptable. Whilst most issues can be resolved through direct discussion between the parties concerned, there may be instances in which this is not possible. The companion guidelines/procedures for this policy provide guidance on a process for resolution.

Rationale

The intent of the policy is to ensure that all parties to a grievance dispute have timely access to a fair, impartial and respectful process that is consistent with the values of Catholic education.

Consequences

St Ursula's College Toowoomba is committed to the following principles to ensure complaints are addressed appropriately.

All complaints will be dealt with at the lowest level in the first instance and in a timely manner.

Complaints will be dealt with in a fair and impartial manner.

Natural Justice will be respected.

A respondent is entitled to know sufficient, relevant information about the substance of the complaint(s) and to have the opportunity to respond. The respondent has the right to obtain legal or industrial representation.

- Confidentiality and privacy require that all parties must ensure that information is restricted to those who genuinely need to know.
- The complaints management processes will be conducted in a manner that is respectful of all parties.
- Victimisation of a person for making a complaint or allegation is unacceptable.
- Complaints which are vague and non-specific cannot be addressed.
- Anonymous complaints will be addressed to the extent they can.
- It is expected that complaints are made in good faith and are not vexatious or malicious.
- Complainants will be advised if the matter cannot be finalised at the lowest level.

Reflection

See Also (Related Policies and Procedures)

- Complaint Handling Procedures and Guidelines
- Behaviour Management Policy (Students)
- Staff Code of Conduct
- Code of Conduct – Parents/Carers and Families, Visitors and Volunteers
- Positive Peer Relations (Anti-Bullying) Policy
- Workplace Bullying, Harassment and Discrimination Policy

APPENDIX 1

Complaint Handling Procedures and Guidelines

Complaints Handling Procedures

Complaints will be addressed according to the Complaint Handling Procedures and Guidelines in a professional, competent and timely manner.

Complaint Handling Guidelines

Scope and application

These guidelines apply to parents/guardians, students, visitors and school officers, employees, contractors and volunteers (collectively **College Personnel**) of St Ursula's College Toowoomba, except where issues are dealt in accordance with:

- Child Protection – Risk of Harm and Significant Harm and /or Allegations.
- Relevant College discipline procedures for employees (for serious complaints involving allegations of misconduct/unsatisfactory performance by employees).
- Workplace bullying, harassment or discrimination.
- Enterprise Agreements/Awards.
- Positive Relationships (Anti-Bullying Policy for Students).
- Criminal Jurisdiction.

Generally, student complaints will be processed through College-based procedures relating to pastoral care or behaviour management. The St Ursula's Complaint Handling Procedures may be used in matters assessed as more serious in nature and involving an adult as one of the parties (e.g. a complaint by a student against a teacher, teacher against a student, or by a parent on behalf of their child).

Complaints relating to the areas of bullying, harassment and discrimination are dealt with according to the Workplace Bullying, Harassment and Discrimination Policy (2017).

Definitions

The person making a complaint is referred to as 'the complainant'. The person about whom the complaint is made is 'the respondent'. The 'parties' refer to both complainant and respondent. The person handling the complaint is the 'complaint handler'. This will be the College Principal or delegate. Persons who directly witness an alleged incident are referred to as 'witnesses'.

Complaint options

There are informal and formal options for making and resolving complaints. The aim is to resolve most complaints informally where appropriate. Assessment of a complaint is an important step in determining how a complaint will be handled. See Appendix 2 - Complaint Handling Process Informal Complaints.

Making an informal complaint

Wherever possible, complaints should be raised directly with the person concerned (unless this person is a child, in which case, it is usually more appropriate to contact the relevant Head of Middle or Senior Years or Assistant Principal-Pastoral Relations). Approaching the person who may be the cause of the complaint and letting them know the impact of their actions may be the most appropriate action. This provides the person with an opportunity to stop or change what they are doing and/or explain their actions.

Informal complaints may be received in a number of ways, including face-to-face contact, email, letter or phone. Completion of the Complaint Form is optional for informal complaints, although all complaints should be recorded.

Options for resolving informal complaints

Resolving a complaint informally requires that parties identify the issues concerning their complaint, and agree on a resolution.

Informal options for resolution include:

- **Self-resolution** – handle the issue personally.
- **Assisted resolution** – seek resolution with the help of a colleague, support person, College Principal or team leader (e.g. Deputy Principal, Assistant Principal, Business & Finance Manager, Head of Faculty, Head of Year, Head of Boarding or manager – office, kitchen, cleaning, maintenance).

See Appendix 2 for explanation of these options.

Formal Complaints

Making a formal complaint

A formal complaint may be made when:

- a complaint cannot be resolved informally
- where you cannot approach the person directly or remain dissatisfied with their response
- the seriousness of the issue warrants a higher level of formality

Options for resolving formal complaints

Formal options for resolving formal complaints are:

- **Intervention** - developing a solution or agreement through discussion or correspondence with the parties.
- **Investigation Procedure** – investigation procedure is used for a complaint relating to an alleged serious breach of legislation, policy or procedure.
- **Mediation** – a structured process conducted by a trained mediator aimed at resolution between the parties concerned.
- **School Improvement Procedure** – used for a complaint that is about policies, procedures or systems rather than a person.

See Appendix 2 in defining these options.

Complaint Intake

All formal complaints are to be put in writing using the Complaint Form. For informal complaints, a record of the complaint should be retained at the school or workplace.

For school related matters, the form should be forwarded to the College Principal.

If the complaint relates to a Principal, the form should be forwarded to the Chair of the College Board.

Complaints relating to the Chair of the Board, should be forwarded to the Bishop, Diocese of Toowoomba.

Appointment of an investigating officer

The College Principal may determine and appoint an investigating officer for a complaint.

The investigating officer is responsible for assessing, planning and managing an investigation process concerning the allegations to completion of a formal report containing both findings and recommendations.

The implementation of the report's recommendations is the responsibility of the College Principal. The investigating officer will:

- assess if there is any conflict of interest.
- plan and implement an investigation process.
- complete report with findings to the complaint handler.

The complaint handler will:

- communicate with all parties, including the outcome of a complaint process.
- take action concerning the findings of the investigation.
- refer issues requiring system improvement to the relevant Director.

Natural justice and procedural fairness

The principles of natural justice apply to all complaints. Natural justice is also known as procedural fairness and applies in situations where a decision could potentially have a detrimental effect on the rights, interests or legitimate expectations of a person. Procedural fairness requires that:

1. The respondent is heard.
2. The decision is not biased.
3. The decision is based on relevant and reliable evidence.

It is also important that complaints are dealt with in a timely manner and parties advised of the reason for any delays. Where an anonymous complaint is lodged, no action will be taken unless the allegation is reportable conduct and action must be taken in accordance with the Queensland Ombudsman's Act 2001 –

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/O/OmbudsA01.pdf>

Confidentiality

To maintain confidentiality in so far as that is reasonable all participants in the process, particularly the Complaint Handler, should restrict the information about the complaint to those who need to know.

All participants in the process also need to be informed of the importance of confidentiality and also that unfair repercussions or victimisation in any form is unacceptable and if evident could result in disciplinary action.

Access to support

The person who made the complaint and the respondent may access support. If meetings with the parties are held, the parties may have a support person present. Students under the age of 18 who make a complaint are to be offered the support of an adult support person. This may be a parent, guardian, teacher or other significant person.

Guidelines for dealing with complaints may be adapted according to such considerations as the age of students, English competency and disability (for example, assistance may be given completing the Complaint Form).

All employees participating in the complaints process may access a confidential counselling service which is made available by contacting the College Counsellor for further information on the College Employee Assistance Program (EAP).

Record keeping

Complaint handlers will keep written records of the complaint resolution process and outcomes. Complaint records will be filed and stored appropriately.

Outcomes-resolution and remedy

If an allegation/complaint is substantiated, the complaint handler will determine appropriate resolution and/or remedy

When determining an appropriate remedy the following factors may be taken into consideration:

- the seriousness of the conduct.
- the complainant's and respondent's input concerning resolution.
- referral to previous cases and consequences.

Decisions on appropriate remedies involving students will consider their age and involvement of, and consultation with, parents/guardians. Remedies for substantiated complaints may include:

- A written apology and/or a summary of action to be taken
- Counselling and support
- Mentoring
- Ongoing monitoring of behaviour
- Facilitated/mediated resolution
- A formal agreement.

In addition for employees:

- Performance management
- Workplace training

School improvement:

- Review school procedures and implementation of changes if required.

Ongoing monitoring

- The complaint handler will determine appropriate ongoing follow up particularly where a complaint is substantiated.
- This could include regular 'check in' with parties involved in the complaint and/or implementation of school improvement.

Unsubstantiated or vexatious complaints

- If the complaint is unsubstantiated - (did not occur or not proven) - the complaint handler will communicate this outcome to the parties concerned and determine further action if necessary.
- If the complaint is found to be vexatious/malicious similar remedies for a substantiated complaint including a written apology could be implemented by the complaint handler. Conduct of this nature could result in disciplinary action in the case of an employee.

Review

Either the complainant or respondent/s may request a review of the process. The review will be undertaken by a person nominated by the College Principal.

A request for a review must be made within 10 working days from the date of the finding and detail the grounds for the review. The person conducting the review will:

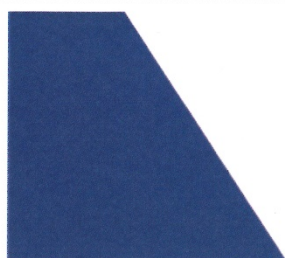
- review all relevant material.
- make a recommendation to the College Principal as per College Complaint Handling Procedures and Guidelines Complaints Handling Procedures and Guidelines.

Where a review has been requested, the finding that is being reviewed will be put on hold until the review is complete. The reviewer will record action taken and communicate the outcome of the review to the College Principal.

The College Principal will advise parties in writing of the outcome of the review and the status of the decision.

The decision of the College Principal is final.

Complaints Handling Procedures and Guidelines – Complaint Form



St Ursula's College
TOOWOOMBA

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Appendix 1

Complaint Forms

1. YOUR DETAILS

Family name: _____ Given name(s): _____
Contact details: _____

2. YOU ARE: (PLEASE TICK)

Student ☐ ☐
Parent/Caregiver ☐ ☐
Staff ☐ ☐
Other (please specify) _____

3. PERSON(S) ABOUT WHOM THE COMPLAINT IS MADE

4. PLEASE GIVE DETAILS OF THE COMPLAINT

(Please attach additional page if space is insufficient. You may also attach further documentation if you wish.)

5. PLEASE GIVE DETAILS OF THE OUTCOME YOU ARE SEEKING

(Please attach additional page if space is insufficient.)

6. HAVE YOU PREVIOUSLY RAISED THE CONCERN WITH A STAFF MEMBER? (PLEASE TICK)

No ☐ Yes ☐
If yes, when: _____
Who dealt with the matter? _____
What was the result? _____

7. DO YOU PROVIDE CONSENT FOR DETAILS OF THE COMPLAINT TO BE FORWARDED TO THE RESPONDENT?

No ☐ Yes ☐

Signature: _____ Date: _____

For complaint handler use (see assessing and referring complaints)

College Use

For matters which are resolved at intake:

Advice/Action: _____

Options:

Self-resolution ☐ Assisted resolution ☐ Mediation ☐ Intervention ☐ Investigation ☐ School Improvement ☐

Outcome:

Date matter is finalised: _____

Name of complaint handler: _____ Signature: _____

For matters which need further action:

Referred for further assessment to: College Principal ☐ Chair of College Board ☐ Other ☐

Referred to: _____ Name: _____

Referred by: _____ Name: _____ Signature: _____

Date: _____

Options for Resolving Complaints

1. Informal options

The College Principal/delegate has specific responsibilities in the area of handling and attempting to resolve complaints and have specific roles in providing assistance with the resolution of complaints. The complainant and the respondent also have a responsibility to resolve the issue, and to seek and accept realistic outcomes. Use of informal options may prevent escalation of conflict and achieve effective resolution of complaints.

Informal options apply to the resolution of complaints concerning most day to day operations. Once informal options have been genuinely attempted, or the concern has become persistent or serious, then formal procedures are recommended.

The following options should be considered in order of priority:

1.1 Self-resolution

Self-resolution is based on reflective practice and direct conversations respectful of each person's needs within the College and workplace. Concerns may be resolved through the provision of relevant information or clarification of issues in open discussion by the parties themselves.

1.2 Assisted self-resolution

Assisted self-resolution may be discussed with a support person who may be a colleague, member of the College Leadership team or team leader/manager or staff union representative who may provide professional advice or assist the parties with resolving possible misunderstanding, miscommunication or lack of clarity concerning the issue.

2. Formal Options

In circumstances where it is inappropriate or not possible to resolve a matter informally, there are three formal procedures available. In general, the procedure that will apply will depend on whether or not the complaint is about the conduct of a person and, if it is, whether or not the matter is considered to be serious.

In some instances, it may be necessary to apply more than one option.

The complainant or respondent cannot stipulate the formal procedure to be used to address the complaint; however the complaint manager may take into account preferred options indicated by the parties in choosing an appropriate option.

2.1 Intervention

Intervention is the process of developing a solution or agreement through discussion or correspondence with the parties.

It may require a decision by the complaint manager if no mutually acceptable resolution is reached. It applies to complaints that while assessed to be less serious, for some reason, have been unable to be resolved informally. This procedure requires the complaint manager to assist in the resolution by communicating with the parties, and if needed, meeting with them separately or jointly.

If this does not resolve the issue then the complaint manager makes a decision and notifies the parties of that decision.

This procedure is generally used to resolve employee grievances and parent/guardian complaints which have not been resolved using informal options.

Appendix 2

2.2 Investigation

Investigation procedures may be used in more serious matters where there has been a complaint about a person or entity. It will generally relate to a serious breach of school policy, rules or contractual matters (for example an employment contract). As most investigations will relate to employment matters of a disciplinary nature, usually misconduct, employment matters do not come within the scope of this policy.

The goals of an investigation are to:

- Articulate the specific nature of the allegations (e.g. what is the breach of policy, rule broken).
- Identify and document the material evidence.
- Comply with procedural fairness obligations.
- Facilitate an informed decision.

Any suspected breaking of a rule/misconduct is referred to as an allegation and the investigator's role is to assist the adjudicator (decision maker) to decide if sufficient evidence exists for the allegation to be sustained. A "balance of probabilities" principle is applied in assessing the substantiation of allegations.

2.3 Mediation

Mediation is a structured process and is available following assessment by the complaint manager where self-resolution or other forms of assisted self-resolution have not resolved the issue.

Parties to a complaint may explore the possibility of reaching agreement with the assistance of a mediator. The mediation process itself involves identifying issues, exploring options, considering alternatives and finding resolution. The mediator does not make decisions on behalf of the parties .

2.4 School improvement

School improvement procedure is used for a complaint that is about policies, procedures rather than a person.

School improvement provides remedies by way of processes, procedures, policies and practices to address various needs of the school, and which is identified as a result of a complaint. A school improvement process should include:

- Assess if remedy and/or school improvement is warranted.
- Implement interim remedy, refer matter to Chair of College Board for advice.
- Refer recommendation to College Principal.
- Monitor following implementation.