

COMPLAINTS POLICY

Kilbreda College

A Kildare Education Ministries School in the Brigidine Tradition





KILBREDA COLLEGE

Complaints Policy

1. Values

Kilbreda College as part of Kildare Ministries is inspired by the transformative visions of the Christian story and our rich traditions. Our vision is a community where all people are valued, where all creation is recognised as sacred and where hope, justice and courage are our hallmarks.

2. Rationale

As a Kildare Education Ministries school, Kilbreda College strives to be a community of faith, hope and love where communication takes place in an environment of transparency, respect, compassion, tolerance and inclusion in the interests of all students. All Catholic Schools are committed to providing a safe and supportive work and learning environment for all employees and students. We acknowledge that employees, students and parents can sometimes feel aggrieved about something that is happening at the school which may cause concern, be upsetting, be discriminatory, or constitute harassment. Every member of our school community has a right to have their grievance or complaint addressed, and we will work positively and restoratively to achieve a satisfactory outcome for all people involved.

Catholic teaching emphasises the primacy of parents as the first teachers of their children. Within the reality of the schooling experience, it is recognised that from time to time misunderstandings and differences of opinion will occur, and that these need to be resolved satisfactorily in partnership with the stakeholders involved. Addressing such matters within a framework of dignity, respect and truth can provide powerful opportunities to model the love of Christ in the reality of our contemporary world.

An employee, student, parent or community member can have a complaint about any decision, behaviour, act or omission (whether by the Principal, members of the Leadership Team or other staff/students/parents) that they feel is unacceptable, unreasonable or discriminatory.

Sometimes the aggrieved person can address the issue by raising the complaint directly with the person involved with the issue. However, that is not always possible, and sometimes several attempts at local or face-to-face resolution have been attempted or have taken place with little success. Whilst most issues can be resolved through direct discussion with the parties, there may be instances in which to take up the issue with the other person on a face-to-face basis is not possible.

Examples of complaints covered by this policy include:

- issues related to student discipline procedures
- issues related to learning and teaching
- issues related to professional conduct
- issues related to relational disputes
- damage/loss of personal property
- bullying and harassment
- Child Safety Policy

In conjunction with this complaints procedure, note should be taken of relevant legislation, guidelines, policies and procedures pertinent to the issue, including for instance:

- Occupational Health and Safety issues
- Child Protection Legislation,
- The Care and Protection of our Children and Young People
- Professional Conduct
- Enrolment Policy and Procedures
- Behavioural Management Policy

3. Scope

This policy outlines Kilbreda College's complaints resolutions process for complaints that are referred to the College from parents, guardians, carers and students (the Complainant). Procedures for making a complaint are presented in Section 8 of this policy.

4. Definition

A complaint is an expression of dissatisfaction with an action taken, decision made, service provided or handling of an issue at Kilbreda College.

[Restorative Practice](#) is a strategy that seeks to repair relationships that have been damaged, including those damaged through bullying. It does this by bringing about a sense of remorse and restorative action on the part of the offender and forgiveness by the victim.

5. Guiding principles

Kilbreda College uses the principles of Restorative Practices to build, repair and maintain healthy relationships. In receiving and responding to complaints, the following guiding principles will inform and direct the actions of Kilbreda College:

- Complaints are best received and managed at the 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
- Complainants can expect their concern or complaint to be responded to in a respectful and timely manner
- Complainants and the person(s) against whom the complaint is made have the right to be heard and to expect that procedural fairness be observed
- Confidentiality, protection of privacy, respect, access, dignity and impartiality will form the basis of the complaints resolution process
- The complaints resolution process will seek to achieve the restoration of good and respectful relationships
- Complaints regarding alleged sexual abuse cannot be investigated by the College. These must and will be reported to the police and to the Department of Human Services (see section 5.2 below).

Our resolution process will be grounded in sound and fair procedures for information sharing, conciliation, investigation and decision making.

6. Complaints against teachers and staff

The nature of the complaint will determine who is the most appropriate person or body to manage a complainant's concerns.

6.1 Misconduct or serious misconduct

All complaints of alleged misconduct or serious misconduct by a teacher or staff member should be reported to the principal of the school. Complaints about teachers can also be reported to the Victorian Institute of Teaching (VIT), which is the regulator in relation to the registration and investigation of serious misconduct (including conduct which is of a physical or emotional nature) of all teachers in the state of Victoria. If unsure if the complaint constitutes serious misconduct by a teacher, contact the VIT on Telephone 1300 888 067 or email vit@vit.vic.edu.au.

In some cases, certain actions which involve physical or emotional misconduct, such as unlawful assault or threats to the person, may constitute a criminal offence. These types of offences should be reported to and investigated by the police.

Consultation with the principal of the school is strongly recommended and may help to determine the appropriate course of action in these circumstances.

Where the misconduct or serious misconduct issue is alleged against the principal of the College, complaints should be made to the Chair of the Stewardship Council or the Executive Officer of Kildare Education Ministries (see section 5.3 below).

6.2 Child abuse (including sexual offences)

There are legal obligations on all adults to report child abuse to police once a reasonable belief is formed that a sexual offence has been committed against a child. Failure to disclose a sexual offence against a child is a criminal offence under Section 327 of the *Crimes Act 1958 (Vic.)* and applies to all adults (18 years and over) in Victoria.

Complaints involving communication with children under 16 years by teachers, staff, or any other person to prepare or 'groom' a child for future sexual activity is a criminal offence under Section 49B (2) of the *Crimes Act 1958 (Vic.)* and must be reported to the police. The offence of grooming applies to any person aged 18 years or over and does not apply to communication between people who are both under 18 years of age.

6.3 Complaints against the principal of a school

Complaints against the principal of a KEM school should be referred to Kildare Education Ministries. Complainants can be referred to the Co-Chair, a Director or Executive Officer of the KEM Board. Alternatively, the complaint can be referred directly to the Trustees of Kildare Ministries (see contact details below).

Complainants may also choose to contact the relevant Catholic Education Office in the region or diocese in which the school is located. In most instances reports to Catholic Education Offices will be referred to Kildare Education Ministries, as the governing body of the College.

7. Complaints against clergy or other religious persons

If the complaint relates to the clergy or other religious persons, the complainant should contact and seek advice from the Professional Standards Unit of the Vicar General's Office in the Archdiocese of Melbourne, 228 Victoria Parade, East Melbourne. Contact www.cam.org.au or telephone 03 9926 5680.

If the priest or religious person is a member of a religious order, the complainant should also contact the Provincial Head or Professional Standards Office of that congregation or religious order.

8. Anonymous complaints

Kilbreda College will endeavor to address and respond to all complaints. In some situations however, Kilbreda College will not address complaints that are made anonymously or which lack sufficient detail to enable an investigation or resolution of the matter. To ensure procedural fairness, respondents have a right to know the particulars of the allegations being made against them, and be given an opportunity to respond to them.

9. Procedures for complaints about issues arising at a school

All schools are required to develop and maintain a fair, effective and efficient complaint-handling process so that complaints about events or decisions at the school can be addressed.

The following steps can guide the process for those wishing to make a complaint about issues arising at a school.

9.1 Clarify the issue:

- 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.
- Think about what would be an acceptable outcome.

9.2 Utilise some or all of the following:

- Write an appropriate letter or email to the relevant person (e.g classroom teacher) outlining concerns.
- Make an appointment to speak on the phone or in person with the relevant person(s).
- Speak with a Year Level Leader or Learning Leader, or equivalent, if appropriate.
- Arrange meeting times or phone calls through the school office.
- Ensure the relevant person(s) is (are) given a reasonable amount of time to take the steps required to resolve or address the concerns.

9.3 Contact the Principal or member of College Leadership Team:

- If the issue remains unresolved after discussion with the relevant person(s) at the school, discuss the concern with the principal or member of the college leadership team.
- Request an appointment with the principal or leadership team member.
- Note that the Principal may ask another senior staff member to represent her. Also, if the relevant staff member is going to be present at the meeting, the meeting time is more likely to occur outside classroom hours.

9.4 Complaint escalation

- If the matter cannot be resolved at the school level, or if the complaint is about the Principal of the school, complainants may contact Kildare Education Ministries (see 5.3 above and 9 below). Refer to the Kildare Education Ministries Complaints Policy.

10. Actions to be taken following receipt of a complaint

Following receipt of a complaint, the College may take some or all of the following actions:

- Acknowledge receipt of a written complaint as soon as possible, ensuring the complainant is aware of the College's complaints handling procedures.
- Record the complaint in the agreed data management system to ensure the complaint can be tracked.
- Advise the complainant that a record of their complaint is being maintained.
- Contact the complainant for more information to help assess the issues or allegations.
- Assess the complaint, which may result in undertaking one or more of the following processes to help resolve it:
 - allow more time for resolution;
 - provide assistance to reach a resolution through leadership team support;
 - arrange for an independent investigation.
- Where necessary, seek advice from appropriate sources and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal/redress already exist.
- Advise the complainant of any delays that may occur in the College's ability to respond within a set timeframe.
- Where necessary, actively support the complainant with special needs through the complaint process.
- Record the outcome of the complaint in the agreed system database.
- Communicate the outcome of the complaint investigation to the complainant.

10.1 Possible outcomes of a complaint to Kilbreda College

The College's assessment may result in the complaint being upheld or not upheld. If the complaint is upheld, suggested actions could include providing the complainant with:

- A restorative outcome
- Formal communication of a change of decision, policy, procedure or practice.
- The provision of counselling or other support.

If the complaint is not upheld the suggested actions could include providing the complainant with:

- An explanation of:
 - how the decision taken is consistent with school policy
 - how the decision taken is supported by an external agency that specialises in the area under consideration.
- How College policies and guidelines are reflected in and supportive of the decision.
- The provision of counselling or other support.

Complainants should note that privacy laws may prohibit information being provided to the complainant of any specific action that has been taken in relation to individuals about whom the complaint has been raised. This is also consistent with the College's commitment to uphold the dignity of each person involved during the complaint process.

10.2. Lodging complaints with Kildare Education Ministries

A complaint can be referred to Kildare Education Ministries via mail, email (adminassistant@kildareministries.org.au) or telephone as per contact details below. Complainants should read the Kildare Education Ministries Complaints Policy before making a complaint to KEM.

Kildare Education Ministries

Executive Officer
Brigidine Ministry Centre
54 Beaconsfield Parade
Albert Park VIC 3206
Phone: 9682 2973

11. Related Legislation

The relevant legislative and regulatory framework for this policy includes:

- Children, Youth and Families Act 2005 (Vic.)
- Children's Protection Act 1993 (SA)
- Education and Training Reform Act 2006
- Education and Training Reform Regulations 2007
- Charter of Human Rights and Responsibilities Act 2006
- Protected Disclosure Act 2012
- Privacy Act 1988
- Crimes Act 1958
- Equal Opportunity Act 2010
- Wrongs Act 1958
- Disability Discrimination Act (DDA) 1992
- Disability Standards for Education (DSE) 2005
- Racial Discrimination Act 1975
- Migration Act 1958

Responsibility (Monitor and implement)	Kilbreda College, College Leadership Team
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