



Catholic
Education
Commission
Tasmania

COMPLAINTS MANAGEMENT POLICY

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1 WHY DO WE HAVE A COMPLAINTS POLICY?

- 1.1 Catholic Education Tasmania (**CET**) acknowledges that all students, families, staff, volunteers and members of the broader community have the right to raise a complaint (including matters of concern or a grievance) with CET.
- 1.2 CET supports and welcomes the chance to receive and act on complaints.
- 1.3 CET is committed to acting on any complaints received to ensure that:
- (a) Individual complaints, concerns and grievances are taken seriously, addressed fairly, objectively, in a timely manner and with transparency, accountability and due regard for the severity of the matter;
 - (b) Any systematic improvements are identified and implemented; and
 - (c) CET does everything it can to protect the welfare of all students and their families.
- 1.4 This Complaints Management Policy (**Policy**) is made in compliance with *Standard 11 of the Non-government Schools Registration Board Guidelines*.

2 WHAT IS THE PURPOSE OF THIS POLICY?

- 2.1 The purpose of this Policy is to outline:
- (a) Which types of complaints are covered by this Policy and the Complaints Management Procedure (**Procedure**);
 - (b) Which types of complaints are excluded from this Policy and the Procedure;
 - (c) The overarching principles that apply to the management of all complaints;
 - (d) The responsibilities of persons involved in the complaint process; and
 - (e) Where to access support during the complaint process.

3 WHICH TYPES OF COMPLAINTS DOES THIS POLICY APPLY TO?

- 3.1 This Policy applies to complaints made in relation to all Catholic Schools in Tasmania, the Tasmanian Catholic Education Office (**TCEO**) and the St Patrick's Child Care Centre in Latrobe, operating in the Archdiocese of Hobart.

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4 WHICH TYPES OF COMPLAINTS ARE EXCLUDED FROM THIS POLICY?

4.1 The following types of complaints are not covered by this policy:

- (a) Child safety and mandatory reporting matters (these matters are covered by the Child Safety Policy, the Mandatory Reporting Policy and the Mandatory Reporting Procedure);
- (b) Incidents occurring outside of school hours or off school grounds, unless it is a School Activity;
- (c) Complaints by one parent against another, unless the complaint is in relation to breaches of the CECT Adult Behaviour Policy;
- (d) Family law matters;
- (e) Complaints about a school or TCEO decision regarding implementing State or Commonwealth legislation and associated legal requirements; and
- (f) Criminal offences.

4.2 Complaints received by the TCEO for Catholic schools owned and operated by Edmund Rice Education Australia (**EREA**), St Francis Flexible Learning Centre and St Virgil's College – will be redirected to EREA's Complaints Policy for their schools.

4.3 Complaints received by the TCEO for Dominic College, which is owned and operated by Dominic College Glenorchy Limited, will be redirected to Dominic College Glenorchy Limited's Complaints Policy for Dominic College.

5 PRINCIPLES THAT APPLY TO ALL COMPLAINTS

5.1 The following principles apply to the management of all complaints:

- (a) There must be a clear and separate process for dealing with complaints by students, parents, members of the community, and staff;
- (b) Complaints against a school principal will be processed separately from other complaints and will be directed to the Regional Principal Leader;
- (c) All complaints will be addressed with transparency, accountability and with due regard to the severity of the matter;

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- (d) All complainants will be treated with equity, dignity and respect and all reasonable support will be offered to complainants (and their families if the complainant is a student);
- (e) A complainant and the person who is the subject of the complaint must be given an opportunity to be heard (in person or in writing as appropriate to their needs), and an opportunity to respond to the allegations and/or evidence offered by the other;
- (f) A person who is the subject of a complaint will be provided with a written copy of the allegations in order to be able to respond to the complaint;
- (g) Where a complaint requires the determination of facts (including, but not limited to situations where there are disputed facts):
 - (i) CET must ensure that disputed facts are investigated. CET in its discretion may appoint an investigator to determine such facts;
 - (ii) The investigation will be conducted in a manner that, acting reasonably and in the spirit of this Policy, CET considers appropriate and proportionate to the subject matter of the complaint;
 - (iii) Investigators will be impartial, free from bias or the perception of bias and will avoid Conflicts of Interest (be they actual, potential or perceived); and
 - (iv) Findings of fact will be based on the balance of probabilities.
- (h) Consequences must be consistent with established CET policy and be supported by evidence, including a finding on the balance of probabilities in the event of a disputed fact;
- (i) Final decisions may be made by an adjudicator appointed by CET where required. The adjudicator may also be the investigator, provided that the investigator is free from bias or the perception of bias;
- (j) Complaints will remain confidential unless:
 - (i) The circumstances reasonably require disclosure to afford a relevant party procedural fairness, in which case CET will disclose the complaint so far as is reasonably practicable to enable the fair, objective and timely resolution of the complaint; or

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- (ii) Disclosure is required by law, in which case disclosure will be made as required by that law.
- (k) Complainants will regularly be kept informed and updated about the progress of the complaint which includes being informed about the complaint resolution process, applicable timeframes and that the complainant's view will be taken into account;
- (l) Mediation will always be possible and legal advice may be sought at any time by any party to a complaint;
- (m) Additional support will be provided to persons during the complaint process where appropriate;
- (n) Complainants will be offered the support of an adult support person;
- (o) A person with a complaint will not be subjected to recrimination and will be protected from victimisation;
- (p) Complainants who are also employees within the scope of this policy will be protected from adverse action in accordance with the protections contained in the *Fair Work Act 2009* (Cth); and
- (q) Complainants can request anonymity. Any such request will be genuinely considered but must be balanced against the requirement to manage a complaint in a procedurally fair manner and a request for anonymity may impact the steps that CET is able to take to investigate and determine a complaint.

6 RESPONSIBILITIES

6.1 The following persons have the following responsibilities under this Policy:

People who are:	Must:
Principals of Catholic Schools	<ul style="list-style-type: none"> (a) Familiarise themselves with and comply with this Policy and the Procedure; (b) Ensure that school level processes for investigating, managing, and documenting a complaint align with this Policy and the

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	<p>Procedure;</p> <ul style="list-style-type: none"> (c) Ensure that this Policy and the Procedure are accessible via the relevant school's website and upon request; (d) Ensure school staff have appropriate training in complaints management process and procedure; (e) Ensure all information regarding the handling of a complaint is recorded and that this information is securely stored; (f) Ensure any child safety matters identified during the investigation of a complaint becomes the subject of an immediate mandatory report and should be treated in accordance with the Child Safety Policy, the Mandatory Reporting Policy and the Mandatory Reporting Procedure; (g) Report any criminal activity identified during the investigation of a complaint to Tasmania Police or the relevant authority immediately; and (h) Determine if a complaint is a Frivolous or Vexatious Complaint.
TCEO Directors	<ul style="list-style-type: none"> (a) Familiarise themselves with and comply with this Policy and the Procedure; (b) Ensure that that the TCEO processes for investigating, managing, and documenting a complaint align with this Policy and the Procedure; (c) Ensure that the TCEO provides access to this Policy, the Procedure and CET Feedback Portal via the CET website and upon request; (d) Ensure that, so far as it relates to TCEO staff under their control, TCEO Staff have the appropriate training in complaints management process and procedure; (e) Ensure that all information regarding the handling of a complaint is

	<p>recorded and that this information is securely stored;</p> <p>(f) Ensure that any child safety matters identified during the investigation of a complaint becomes the subject of an immediate Mandatory Report and should be treated in accordance with the Mandatory Reporting Policy and the Mandatory Reporting Procedure;</p> <p>(g) Report any criminal activity identified during the investigation of a complaint; and</p> <p>(h) Determine if a complaint is a Frivolous or Vexatious Complaint.</p>
<p>Staff at Catholic Schools and the TCEO</p>	<p>(a) Familiarise themselves with and comply with this Policy and the Procedure;</p> <p>(b) Declare and resolve any Conflict of Interest that may arise as the result of a complaint;</p> <p>(c) Take all complaints seriously, listen carefully with an open mind, remain calm, do their best to investigate and resolve the matter in a timely, fair, sensitive, constructive, positive, and objective way;</p> <p>(d) Work towards achieving restorative justice for all parties;</p> <p>(e) Cease communication with a person or take further action if required, where a person with a complaint behaves in an unacceptable manner;</p> <p>(f) Take any action necessary to protect student and staff safety and/or to de-escalate a situation and allow a period of time to reflect and calm down for all people involved;</p> <p>(g) Ensure any child safety matters identified during the investigation of a complaint become the subject of an immediate mandatory report and are treated in accordance with the Child Safety Policy, the Mandatory Reporting Policy and the Mandatory Reporting Procedure;</p>

	<p>(h) Report any criminal activity identified during the investigation of a complaint to Tasmania Police or the relevant authority immediately; and</p> <p>(i) Determine whether a complaint is a Frivolous or Vexatious Complaint.</p>
Complainants	<p>(a) Familiarise themselves with and comply with this Policy and the Procedure;</p> <p>(b) Ensure that any complaint made is made in good faith;</p> <p>(c) Not make a Frivolous or Vexatious Complaint;</p> <p>(d) Not engage in Unacceptable Behaviour; and</p> <p>(e) Behave at all times in an acceptable manner according to established CECT behavioural guidelines and school guidelines (the relevant school and/or the TCEO can cease communication with a complainant or take further action if required).</p>

7 RECORD KEEPING AND REVIEW OF COMPLAINTS

7.1 The TCEO and all schools must maintain a record of all complaints received. The record must include the following documentation:

- (a) A copy of the complaint;
- (b) All associated documentation included in the complaint;
- (c) Notes from all formal meetings in relation to the complaint;
- (d) Correspondence relating to the complaint and the resolution of the complaint;
- (e) A record of all decisions taken in response to the complaint;
- (f) A record of all outcomes in response to the complaint.

7.2 Complaint records will be held in accordance with the CET Privacy Policy.

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- 7.3** The TCEO and all schools will review and analyse their complaints records regularly with a view to assessing both their services and their complaints management system, to ensure that:
- (a) Any systemic issues are identified;
 - (b) Action can be taken to prevent further complaints; and
 - (c) Action can be taken where required to improve the complaints management system.

8 COMPLIANCE

8.1 This Policy relates to the following legislation and guidelines:

Commonwealth legislation

- (a) *Disability Discrimination Act 1992 (Cth)*
- (b) *Disability Standards for Education 2005 (Cth)*
- (c) *Fair Work Act 2009 (Cth)*
- (d) *Privacy Act 1988 (Cth)*

Tasmanian legislation

- (e) *Anti-Discrimination Act 1998 (Tas)*
- (f) *Children, Young Persons and Their Families Act 1997 (Tas)*
- (g) *Education Act 2016 (Tas)*
- (h) *Education Regulations 2017 (Tas)*
- (i) *Teachers Registration Act 2000 (Tas)*
- (j) *Work Health and Safety Act 2012 (Tas)*

Other

- (k) Non-Government Schools Registration Board Guidelines
- (l) United Nations Convention on the Rights of the Child

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9 DEFINED TERMS

CET means Catholic Education Tasmania.

CECT means the Catholic Education Commission Tasmania.

CET Feedback Portal means the CET online complaint mechanism available at [Contact Us - Catholic Education Tasmania](#).

Conflict of Interest means a risk that a person will make a decision based on their own interests and not those of CET.

A conflict of interest can be actual, perceived or potential:

- (a) Actual conflicts involve a direct conflict between current duties and responsibilities and existing private/personal and or related interests.
- (b) Perceived conflicts exist where it could be perceived or appears that private/personal interests could improperly influence the performance of duties – whether or not this is in fact the case.
- (c) Potential conflicts arise where private interests could conflict with official duties in certain circumstances.

School Activity means an excursion or camp, where the student is still under a school's duty of care.

TCEO means Tasmanian Catholic Education Office.

Unacceptable Behaviour includes but is not limited to excessive and repetitive phone calls, extreme verbally abusive language towards staff and/or students, and aggressive behaviour or threats of violence towards staff and/or students. In the event of unacceptable behaviour, action will be taken to protect student and staff safety or to de-escalate the situation and allow a period of time to reflect and calm down for all people involved.

Frivolous or Vexatious Complaint is a complaint that is made without reasonable foundation in fact and is designed to bother, harass or deliberately cause an additional resources burden to the relevant school and/or the TCEO.

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10 FURTHER INFORMATION AND ASSISTANCE

10.1 For further information and assistance in relation to this Policy please contact Advisor: Governance, Policy and Research at the TCEO.

11 REVIEW OF THIS POLICY

11.1 This Policy will be reviewed every four years.

11.2 Updated versions of this Policy will be available on the CECT website and on request.

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