

1.06B

MERCY EDUCATION PROCEDURE 1.06B COMPLAINTS MANAGEMENT

Key Steps in the Management of Complaints in Mercy Schools

- B01 If Mercy Education receives a verbal complaint, it will be considered informal and in the first instance the complainant will be encouraged to deal directly with the subject of their complaint. If this is not considered feasible or advisable or does not produce a satisfactory resolution, the complainant will be encouraged to contact the Principal of the relevant school. If this is not considered feasible or advisable, does not produce a satisfactory resolution or if the complaint is against the Principal, the complainant will be advised to put their complaint in writing to Mercy Education. Once the complaint is in writing it will be considered and addressed as a formal complaint.
- B02 If a complainant chooses not to put their complaint in writing, Mercy Education will assess whether any further action should be taken. All informal complaints and any action taken will be documented.
- B03 If Mercy Education receives a complaint in writing, in the first instance it will respond to the complainant following the same process outlined in B01.
- B04 If the complaint is passed to the Principal it will be investigated according to the policy and practice of the individual school. The complainant will be advised that this has occurred. Mercy Education will be informed of the outcome of such complaints.
- B05 If Mercy Education makes the decision to investigate a complaint, it will inform the subject of the complaint of the nature of the issue and the process to be followed in the investigation.
- B06 Complaints made directly to the Institute of Sisters of Mercy of Australia and Papua New Guinea or to Diocesan Education Offices should be referred to the Mercy Education for management. In such instances, Mercy Education will report back to these organisations in writing following resolution of a complaint.
- B07 Complaints relating to the Principal of a school governed by Mercy Education, whether received directly or indirectly, will be managed by the

CEO of Mercy Education or an authorised delegate. The Board of Mercy Education will be kept fully informed of the investigation of a complaint of this nature.

B08 Complaints relating to the Board or staff of Mercy Education will be managed as follows:

- A complaint against Mercy Education Executive staff other than the Chief Executive Officer will be managed by the CEO who will inform the Board Chair
- A complaint against the CEO of Mercy Education will be managed by the Board Chair
- A complaint against a Board Director will be managed by the Board Chair
- A complaint against the Board Chair will be managed by the Deputy Chair and two Board members. ISMAPNG will be informed of a complaint of this type.

B09 Mercy Education will delegate responsibility for investigation of an individual complaint to a team comprised of Mercy Education staff and/or Board members and/or others as appropriate.

B10 The investigating team may choose to interview the complainant, the subject of the complaint and/or other witnesses in an attempt to substantiate or address the complaint and seek resolution.

B11 All parties will be offered the opportunity to be accompanied by a support person to interview. This may be a colleague, a union representative or any other person who acts as 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.

B12 If students are interviewed in the course of investigation of a complaint, written permission must be obtained from their parents or guardians and they must be accompanied by a responsible adult.

B13 All interviews will be documented and signed by the interviewee.

B14 The investigating team may choose to consider written evidence from the complainant or others.

B15 Where appropriate, legal advice will be sought.

B16 Information considered in a complaint investigation must be based on facts, not hearsay, gossip or opinion.

B17 Mercy Education, in consultation with the Principal, may choose to stand down any staff member in the course of an investigation. When a complaint is directed towards a Principal, Mercy Education may choose to stand down the Principal while the complaint is investigated.

B18 Upon completion of its investigation, the investigating team will report its findings back to the Board of Mercy Education and recommend any further steps to be taken.

B19 Mercy Education will notify the complainant and the subject of the complaint in writing of the results of the investigation and its decision on any further action. The person who lodged the complaint may not be told all details of the recommendation because the level of response will be confidential between the person complained about and Mercy Education.

B20 Should the complainant wish to pursue the issue further and is able to substantiate sufficient grounds to do so, Mercy Education will engage an independent investigator to review the findings of the investigating team.

B21 Following an independent investigation, the Board will notify the complainant and the subject of the complaint in writing of the investigator's decision, including such details as appropriate. The person who lodged the complaint may not be told all details of any recommendation because the level of response will be confidential between the person complained about and Mercy Education. The investigator's decision will be final, notwithstanding clause B24.

B22 If a complaint is proved, possible outcomes include:

- Written or verbal apology
- Official warning
- Counselling
- Disciplinary action
- Dismissal
- Change to work practices
- No action

If a complaint is not proved through insufficient evidence, possible outcomes include:

- Monitoring of behaviour
- Relevant training
- Mediation
- Counselling
- Change to work practices

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

B23 Information in a complaint should only be disclosed to those parties who have a need to know in order to investigate and resolve the complaint.

B24 Documents produced in the course of the investigation by Mercy Education or an independent investigator will be securely retained by Mercy Education.

B25 Should a complaint result in evidence of misconduct or illegal activity, the relevant authorities will be informed e.g. Victorian Institute of Teaching, the relevant Catholic Education Office, Police, South Australia Teacher Registration Board, Teacher Registration Board of Western Australia.

B26 Mercy Education will make every reasonable effort to resolve the complaint. However, the complainant retains recourse to legal and industrial means of pursuing their grievance. The complainant or the subject of the complaint may approach an external provider such as Employee Assistance Provider (EAP), the Equal Opportunity Commission, Fair Work Commission or WorkSafe for independent advice at any time.