

PROCEDURES



Catholic
Education
Commission
Tasmania

COMPLAINTS MANAGEMENT PROCEDURE

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1 PURPOSE

- 1.1** This Complaints Management Procedure (**Procedure**) supports the policy contained in the Complaints Management Policy (**Policy**).
- 1.2** The purpose of this Procedure is to describe the steps involved in making a complaint, investigating a complaint and resolving a complaint under the Policy.
- 1.3** This Procedure also contains information about what to do if the complaint is not resolved and where you can access further information and support.

2 WHO DOES THIS PROCEDURE APPLY TO?

- 2.1** This procedure covers all Catholic schools in Tasmania, the Tasmanian Catholic Education Office (**TCEO**) and St Patrick's Child Care Centre in Latrobe.

3 WHO CAN MAKE A COMPLAINT?

- 3.1** In accordance with the Policy, complaints can be made by any person in relation to all Catholic Schools, the TCEO and St Patrick's Child Care Centre in Latrobe, operating in the Archdiocese of Hobart.
- 3.2** Complaints which are excluded from this Procedure are outlined at paragraph 4 of the Policy.

4 WHEN TO MAKE A COMPLAINT

- 4.1** Complaints should be made:
- (a) If a person suspects that a code of conduct or other CECT policy has been breached;
 - (b) If a person has suffered a grievance;
 - (c) If a person feels unsafe or at risk of any kind of harm;
 - (d) If a person has suffered or is suffering from any kind of harm.

5 HOW TO MAKE A COMPLAINT

- 5.1** Complaints can be made in the following ways:

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- (a) To a school or a school staff member;
- (b) By contacting your manager or your next in line manager (if you are a staff member);
- (c) To the TCEO;
- (d) To CECT (which is the Governing Body); and
- (e) Through the online CET Feedback Portal.

5.2 If you need assistance to make a complaint, please contact the relevant school or the TCEO for help by calling (03) 6210 8888.

5.3 All contact with the TCEO regarding a complaint must be logged by the TCEO in the CET Feedback Portal.

5.4 Complaints can be made to CECT in the following ways:

- (a) By email to cectsecretariat@catholic.tas.edu.au;
- (b) By writing to the Chair of CECT; and
- (c) Through the online CET Feedback Portal.

6 WHAT TO INCLUDE IN YOUR COMPLAINT

6.1 Complainants should try to include all relevant details in their complaint to enable the matter to be resolved promptly.

6.2 Information that may be relevant includes:

- (a) The names of any persons involved, including witnesses;
- (b) Whether your complaint is about a school principal;
- (c) The dates and times of any incidents that have occurred;
- (d) Any relevant documents, including emails and letters;
- (e) Your desired outcome;
- (f) Your preferred contact details;

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(g) The name of the school you attend or your place of work; and

(h) The name and contact details of your support person.

6.3 A person making a complaint can provide any additional information they deem relevant.

6.4 Language translators will be made available for individuals or families with limited English skills to assist with making complaints.

7 WHAT HAPPENS ONCE A COMPLAINT IS MADE?

7.1 After receiving your complaint, the following process will occur:

(a) Your complaint will be forwarded to the relevant person at the relevant school or the TCEO for investigation and response;

(b) As far as practical, the relevant school or the TCEO will contact you within 48 hours of making the initial complaint;

(c) You may be invited to attend the school or TCEO to discuss the matter further;

(d) If your complaint is about another person, that person will be notified of the complaint and will be provided with your written allegations to allow them to respond;

(e) Your complaint will be resolved within 30 business days unless this is not reasonably practicable in the circumstances;

(f) If the complaint cannot be resolved within 30 days you will be notified of the reasons for the delay and you will be provided with an estimated timeframe for when the complaint will be resolved;

(g) If a complaint is expected to take longer than 30 days to resolve, the investigator or their delegate must promptly decide what steps can be taken to resolve the matter as soon as reasonably practicable.

8 WITHDRAWING A COMPLAINT

8.1 You may withdraw your complaint at any time during the complaint process.

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9 CHILD SAFETY RELATED COMPLAINTS

- 9.1** If the complaint involves the safety and wellbeing of a child or a young person, the matter will be processed as a child safety matter in accordance with the Child Safety Policy, the Mandatory Reporting Policy and the Mandatory Reporting Procedure.

10 REQUIREMENTS FOR STAFF INVESTIGATING COMPLAINTS

- 10.1** Before investigating a complaint, the relevant staff member must ensure that they do not have a Conflict of Interest.

- 10.2** Provided the investigating staff member does not have a Conflict of Interest, the staff member must undertake the following steps:

- (a) Consider the nature of the complaint, and:
- (i) If the complaint involves the safety of a child or young person, a mandatory report will be made according to the Child Safety Policy, the Mandatory Reporting Policy and the Mandatory Reporting Procedure. The complaint must be immediately reported to the relevant school principal. If the complaint involves the school principal, the complaint must be instead referred to the Regional Principal Leader who must refer the complaint to the TCEO Senior Executive;
 - (ii) If there is an immediate threat to the health and safety of a person or it appears that a crime has occurred, phone Tasmania Police on 000;
 - (iii) If the complaint is about harassment or victimisation based on disability, offer any additional support as required to the complainant.
- (b) Respond to the complainant within 48 hours of the complaint being received and:
- (i) Acknowledge that the complaint has been received and that it will be investigated;
 - (ii) If the complaint is in relation to Dominic College, St Francis Flexible Learning Centre or St Virgil's College, refer the complainant to the relevant complaints policy of the relevant school;
 - (iii) Offer all support and assistance to the complainant as required to allow

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the person to make their complaint (for example, arrange for a language translator where appropriate);

- (iv) If the complainant is a student, consider what support can be offered to the student's family and offer that assistance;
- (v) Inform the complainant that they may have an adult support person to assist them throughout the complaints process and ensure that the complaints process does not continue any further until the nominated support person has been arranged;
- (vi) Explain to the complainant all the steps involved in investigating and resolving the complaint; and
- (vii) Advise the complainant that the relevant school or TCEO will aim to resolve the complaint within 30 business days of receiving the complaint.

10.3 If the complainant is a child, the staff member investigating the complaint must consider the wishes of the child in determining how to resolve the complaint and ensure that the child is able to express their own views (either directly or through a representative as appropriate);

10.4 If a person is the subject of the complaint, the staff member investigating the complaint must:

- (a) Inform the person (who the complaint has been made against) that the complaint has been made, the nature of the complaint, the process to be followed, and provide them a written copy of the allegations to give them a reasonable opportunity to respond;
- (b) Inform the person in writing that they may choose to be accompanied by an adult support person during meetings to discuss the complaint;
- (c) Following the investigation of the complaint, inform the person making the complaint of the final decision and reasons in support of that decision; and
- (d) Inform the person making a complaint that they have the right to respond to and appeal the decision.

10.5 Paragraph 10.4 does not apply if the person who is the subject of the complaint is

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accused of the abuse or neglect of an unborn baby, a child, or a young person. The following additional steps will then apply:

- (a) The matter must be reported immediately as a mandatory report (in accordance with the Mandatory Reporting Policy and the Mandatory Reporting Procedure) and to the relevant school principal; or
- (b) If the complaint involves the relevant school principal, the complaint should instead be reported to the Regional Principal Leader. After receiving notice of the complaint, the Regional Principal Leader must contact the TCEO Senior Executive.

10.6 The staff member investigating the complaint must then investigate the complaint by taking the following steps:

- (a) Speak to all people involved, including any witnesses, in a manner appropriate to the person's needs;
- (b) Check school or TCEO security cameras for evidence;
- (c) Follow up any other means available to gather evidence (e.g. check school ICT devices and access logs); and
- (d) Make a finding in relation to any disputed facts.

10.7 The relevant school and/or TCEO can postpone the investigation of a complaint at any time if the complainant exhibits Unacceptable Behaviour that may threaten the safety of students and/or staff, in which case the matter will be suspended until the Unacceptable Behaviour ceases.

11 INDEPENDENT LEGAL ADVICE AND MEDIATION

11.1 CET must inform all people involved in the complaint that:

- (a) They can obtain independent legal advice; and
- (b) Mediation is available at any stage.

11.2 If mediation is required, it must be organised by contacting the relevant TCEO Regional Principal Leader. For complaints about the TCEO, the Regional Principal Leader must organise mediation by contacting the TCEO Senior Executive.

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12 INVESTIGATORS

- 12.1** In some circumstances, such as a Conflict of Interest, the investigation and resolution of a complaint may require the appointment of an external investigator. An external investigator may be appointed in respect of any Complaint at the discretion of the TCEO.
- 12.2** An external investigator must not be engaged without the approval of a member of the TCEO Senior Executive.
- 12.3** The appointment of an external investigator may extend the investigation of a complaint beyond 30 business days.

13 ADULT SUPPORT PERSONS

- 13.1** All complainants are entitled to a support person at any stage in the complaint process.
- 13.2** A support person for parents/guardians, staff, volunteers or members of the community can be a work colleague, family member or friend.
- 13.3** CET employees are entitled under the *Tasmanian Catholic Education Single Enterprise Agreement* to have an Independent Education Union of Australia representative present during discussions if they wish.
- 13.4** For a student, an adult support person can be a school staff member, the school counsellor, or a family member/guardian. A student may also choose to have a friend to offer them peer support in addition to an adult support person.
- 13.5** A support person and/or adult support person may provide emotional support, take notes and ask for meeting breaks. They may not an advocate and may not speak on behalf of the person with the complaint.
- 13.6** The support person must not have a Conflict of Interest.

14 COMPLAINT RESOLUTION

- 14.1** All complaints are considered to be active unless withdrawn by the complainant, the TCEO is satisfied that the complaint is resolved, or the relevant school and/or the TCEO are satisfied that the complaint has been proven to be a Frivolous or Vexatious Complaint.

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14.2 A complaint is considered to be resolved when all investigative and appeals process have been exhausted or resolution has been achieved between all parties to the complaint.

14.3 The relevant school and/or TCEO can close a complaint at any time where the matter has been referred to Tasmania Police for investigation.

14.4 When a complaint is concluded, the complainant and the person who is the subject of the complaint must be informed in writing of the outcome of the complaint. The written response must include:

- (a) A summary of the facts that have been found;
- (b) Reasons for the decision made; and
- (c) A statement of the rights of all parties involved moving forward including information about any further avenues of redress which may be available.
- (d) The relevant school and/or the TCEO may cease the investigation into a complaint at any time if the complaint is proven to be a Frivolous or Vexatious Complaint.

15 UNRESOLVED COMPLAINTS

15.1 Unresolved school complaints can be referred to the Regional Principal Leader for procedural review at the TCEO. This review will consider if the complaint has been managed in accordance with the Policy and this Procedure. If the matter has not followed the Policy and/or this Procedure, it will be directed to the relevant stage of the process for re-consideration.

15.2 Complainants have the right to seek their own independent legal advice about potential further review options in addition to the process outlined in paragraph 15.1 above.

16 COMPLAINTS AGAINST SCHOOL OR TCEO STAFF MEMBERS

16.1 If a complaint is made against a school or TCEO staff member, the employer reserves the right to continue to investigate the issues raised regardless of whether the person withdraws their complaint or not.

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17 DEFINED TERMS

CET means Catholic Education Tasmania.

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

CECT means the Catholic Education Commission Tasmania.

Conflicts 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.

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.

Governing Body means Governing Body as defined in the *Education Act 2016* (Tas).

Unacceptable Behaviour includes but is not limited to excessive and repetitive phone calls, extreme verbally abusive language towards staff and/or students, 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

TCEO means the Tasmanian Catholic Education Office.

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18 FURTHER INFORMATION AND ASSISTANCE

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

19 REVIEW OF THIS PROCEDURE

19.1 This Procedure will be reviewed every four years.

19.2 Updated versions of this Procedure will be available on the CECT website and on request.

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