



## Complaints Policy

### Principles

This policy establishes a mechanism to handle complaints made against employees by parents, students or staff.

This policy does not cover situations where a complaint of sexual abuse, sexual misconduct or racial or sexual harassment is made. These matters are covered by the College's *Discrimination, Harassment, Sexual Harassment and Bullying Policy* and the College's *Child Protection Policy*. Complaints relating to the implementation of College policies, including those above, may be considered under this Complaints Policy.

It emphasises open and transparent processes to ensure that natural justice is afforded to all parties in speedily determining whether the employee has indulged in an unsatisfactory or inappropriate practice; and, if so, what educational, pastoral or administrative measures should be taken to prevent the recurrence of similar situations. The process is confidential to the participants. Reconciliation between the employee and complainant is the desired overall outcome. Dependent on the outcome of the complaint, and pursuant to Sections 76, 77 and 78 of the *Education (Queensland College of Teachers) Act 2005*, the Queensland College of Teachers may need to be notified.

Where the Headmaster is the complainant, or the complaint is lodged against him, the Regional Director of Marist Schools Australia will fulfil the functions of the Headmaster in the procedures outlined below.

### Procedure

*Potential complainants must be informed by the Headmaster (or other appropriate staff member) that they must follow this procedure if they wish to proceed with a complaint.*

Where any meetings as a part of this process are held between the respondent and the Headmaster, other appropriate staff members or parents/students, the respondent must be given sufficient notice, in writing, about the purpose of the meeting and who will attend it.

1. The complainant must commit their concerns to paper in reasonable detail, sufficient to ensure that the respondent is made aware of the name of the person making the complaint and the specific nature of the complaint. The written complaint will be given to the Headmaster (or other appropriate staff member) and notified to the respondent as soon as possible.
2. Before any response is sought from the employee who is the subject of the complaint they must be
  - i) cautioned that they should refrain from immediate comment in the light of the need for a considered verbal or written response from them, and

- ii) made aware of the way in which the Complaints Policy will operate including the possible consequences for the employee of the complaint being substantiated.
3. The respondent must then be given the opportunity by the Headmaster (or other appropriate staff member) to respond to the allegations, prior to any action being taken in response to the complaint. The respondent may choose to be accompanied by a support person (such as a colleague or union official) who can both act as an adviser and engage in the meeting.
4. The respondent should then be given the option of responding to the expressed concerns (verbally or in writing, or by a meeting arranged between the parties) with a view to resolving the issue.
5. Should the complainant not feel the matter is satisfactorily resolved, the Headmaster (or other appropriate staff member) should either:
  - a) discuss the matter further with the complainant, and where they have found the concern to be based on misinformation or misunderstanding, or to be vexatious, clarify the matter with the complainant; or
  - b) where the respondent is found by the Headmaster (or other appropriate staff member) to have indulged in an unsatisfactory or inappropriate practice or action<sup>1</sup>, further discuss the matter with the respondent, including providing advice about appropriate steps to achieve a reconciliation with the complainant.
6. It is the responsibility of the Headmaster (or other appropriate staff member) to keep both respondent and complainant fully informed of all relevant developments in relation to the handling and progress of the complaint.
7. When the processing of the complaint under this policy is finalised by the College, the complainant and respondent will be notified in writing.
8. Where the complainant or respondent feels aggrieved by the outcome of this process, they may access the grievance procedure outlined in the relevant Certified Agreement. [If the complainant is not a College employee they may pursue the complaint through other avenues of complaint open to them.]
9. Records of the complaint, its progress and any outcomes must be kept by the College;
  - i) Where the complaint is found to lack substance, it must be marked as such and stored in a place separate from the respondent's personnel file.
  - ii) Where the complaint is found to be justified, a copy of all reports related to the handling of the complaint must be given to the respondent. Another copy is to be filed in the respondent's personnel file.

**NB**

At such time/s as the consideration of the complaint may be deemed to be covered by one of the College Policies listed above (and is therefore not covered by the Complaints Policy), the respondent will be informed and the potential consequences of this outlined in writing.

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<sup>1</sup> Such a finding should be supported by a transparent and rigorous investigation by the Headmaster or his delegate, but not the person handling the complaint. The respondent should be made aware that an investigation is taking place and be able to respond to the findings before further actions as outlined in 5b) take place.