



# NEWMAN

Senior Technical College

## Parent and Caregiver Concerns and Complaints

### Policy & Procedures Catholic Schools Office Policy St Agnes Parish Policy & Process

**Status:** PCCC:V1

**Evaluation and Review:** 2011

**Approving Authority:** Director of Catholic Schools

**Related Documentation:**

*Catholic Education in the Diocese of Lismore: Foundational Beliefs and Practices – The Essential Framework, 2007*  
*Reporting Neglect and Child Abuse, NSW Commission for Children and Young People, 2002*  
*Commission for Children and Young People Amendment Act, 2005*  
*Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*  
*Parish School and Parent Partnership Policy Draft 2009 (CEO policy)*  
*Student Records Policy 2009 (CEO policy)*  
*Disability Discrimination Act 1992 and Disability Standards in Education*

## CONCERNS AND COMPLAINTS

### STATEMENT OF POLICY

This policy embodies and guides the living out of *Catholic Education in the Diocese of Lismore: Foundational Beliefs and Practices – The Essential Framework* in parish school communities.

In a spirit of partnership between home and school there must be a commitment to respond positively to critical feedback to ensure that people have the opportunity to contribute to the continued improvement of Newman Senior Technical College. It is expected that all staff will ensure that a culture of consultation and open dialogue is nurtured at every level.

It is acknowledged that parents/caregivers can feel concerned about an incident or something that they believe is happening at the College. The satisfactory resolution of any concern or complaint is vital to the Christian life and the wellbeing of the community.

It is recognised that parents and caregivers must have access to processes that allow them to resolve concerns and complaints in a supportive, conciliatory environment. Concerns and complaints need to be addressed as far as possible at the local level, responsively, openly and in a timely manner.

#### 1. **Scope**

This policy describes the process for effectively managing concerns and complaints raised by a parent or caregiver.

#### 2. **Definitions**

**Concern:** a matter that evokes a feeling of anxiety or worry.

**Complaint:** a matter causing grievance or leading to a formal accusation including formalising an unresolved concern.

**Procedural fairness:** Procedural fairness refers to a process that provides fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them and the right to information regarding the status of the complaint.

**Vexatious:** An allegation made without substance and with the intent of being malicious or to cause distress to the person against whom the allegation was made.

**Baseless:** Without a basis in reason, fact or law.

**Vindictive:** Showing malicious ill will and a desire to hurt; motivated by spite; disposed to revenge; prompted or characterised by revenge.

### 3. Policy

#### 3.1. Introduction

3.1.1 Newman Senior Technical College seeks to:

- develop a positive and collaborative relationship between home and the College
- welcome and value diversity of opinion
- ensure staff are aware of community expectations and the needs of students and families
- develop clear and open communication within the community
- ensure the wellbeing of the student is the central focus of all processes

#### 3.2 The Focus of the Policy

3.2.1 This policy applies to the concerns and complaints of parents and caregivers around all issues associated with life at Newman Senior Technical College

##### 3.2.2 Exclusions

Certain matters concerning child protection or other areas covered by specific legislation must be referred immediately to the relevant external agency.

School actions in certain matters related to secondary school curriculum may be governed by Board of Studies regulations.

Students, parent or caregivers may appeal to the Board of Studies for decisions that affect the School Certificate, Higher School Certificate or withheld school credentials.

Complaints by members of the broader community are not covered by this policy.

#### 3.3 General Principles

3.3.1 Concerns and complaints will be resolved according to the principles of procedural fairness.

3.3.2 Every endeavour will be made to address all concerns and complaints within reasonable timeframes and under mutual agreement. However, principals and school staff may not always be available to address the issue at the time it is raised, but will do so at the earliest mutually acceptable time.

### **3.4 The Rights and Responsibilities of Parents/Caregivers**

- 3.4.1 Any parent or caregiver has the right to raise a concern or complaint and have it responded to promptly and without fear of repercussions according to principles of procedural fairness. Many issues will be able to be resolved informally.
- 3.4.2 Any concern or complaint should address the individual situation and not be presented in a group action to the school.
- 3.4.3 Any parent or caregiver has the right to confidentiality otherwise than required by law in regard to a concern or complaint that is raised at the school. However, where others need to be informed, this will be explained to the parent or caregiver raising the matter.
- 3.4.4 Any parent or caregiver has a responsibility to maintain confidentiality in the best interests of all involved.
- 3.4.5 Any parent or caregiver has a responsibility to promptly raise concerns or complaints so that these do not become overwhelming for either the child or the family.
- 3.4.6 Formal complaints need to be put in writing to be acted upon. Complaints received by email are regarded as 'in writing'.

### **3.5 The Responsibilities of the Principal**

- 3.5.1 The principal has a responsibility to publicise and implement this policy.
- 3.5.2 The principal has a responsibility to manage concerns and complaints respectfully, effectively and to respond to parent or caregiver issues in a timely manner.
- 3.5.3 Respecting the wishes of the parish priest regarding consultation, the principal has a responsibility to bring to the attention of the parish priest matters of serious complaint.
- 3.5.4 The principal has a responsibility to ensure all notes, records (written and electronic), agendas, and diary entries in relation to the concern or complaint are kept secure, centrally and accurately in accordance with the Diocesan Records Policy.

### **3.6 The Role of the Parish Priest**

- 3.6.1 The parish priest is the leader of the parish community of

which the school is a part. The quality of the relationship between the principal, the parents and students and the parish priest is integral to the effective functioning of the parish school.

- 3.6.2 The parish priest will discuss with the parish school principal the level of consultation expected in the management of concerns and complaints within the parish school.
- 3.6.3 In assisting the principal with matters of school management, the parish priest will bring to the attention of the principal all written complaints relating to the school raised by parents or caregivers.

### **3.7 The Process**

- 3.7.1 The process will vary depending on the nature of the issue. In this policy complaints are regarded as more serious than concerns and will therefore be managed differently.
- 3.7.2 For both concerns and complaints the issue is generally best dealt with in the first instance by the person who is the subject of the concern or who is responsible for the particular matter. This may not always be possible and the parents or caregivers may not feel able to talk to the person about whom they have a concern. In these situations the complaint must decide the most appropriate person to address the complaint. In general:
  - where the concern or complaint involves a staff member of the school, the matter should be taken directly to the principal
  - any parent complaint forwarded to the Catholic Schools Office or the parish priest that has not been raised with the College will be directed back to the College for the College's attention and the principal notified of the contact [excluding any complaint about the principal].
- 3.7.3 Persons who phone the Catholic Schools Office to raise a concern or complaint about a school issue will be informed that the matter must be put in writing if they wish it to be progressed. The written complaint will be acknowledged and delegated to the appropriate CEO staff member to follow up with the complainant and the principal.

### **3.8 Managing Concerns**

- 3.8.1 Any parent or caregiver has a responsibility to promptly raise the concern with the person best placed to deal with the concern so that these do not become overwhelming for either the child or the family.
- 3.8.2 Where the parent or caregiver concern is not satisfactorily resolved directly with the school staff member involved, the

matter should be taken up with other appropriate school staff in suitable positions of responsibility. In secondary schools this may be the Year or KLA coordinator or the Assistant Principal or Principal. In primary schools this may be the Assistant Principal or Principal.

- 3.8.3 If the matter cannot be resolved within the school, the principal should seek advice from the relevant Catholic Schools Office Consultant on the appropriate course of action.

### **3.9 Managing Formal Complaints**

- 3.9.1 A formal complaint is defined as a complaint that is in writing, signed and directed to the principal, parish priest or Catholic Schools Office. Complaints in writing directed to the parish priest or Catholic Schools Office will be passed on to the principal for action.
- 3.9.2 A meeting will be arranged at the earliest possible opportunity by the principal. The principal will determine the attendance for part or the whole of the meeting of any additional and relevant staff. The complainant will be aware of the attendees prior to the meeting.
- 3.9.3 The meeting will be conducted formally, following an agenda organised by the principal. The principal will ensure a record will be taken. A recording device will only be used with the agreement of all parties. This recording becomes the official meeting record. Participants will receive a copy of the record following the meeting. Participants will have the right to note any disagreement with the record. This will be attached to the record of meeting. The meeting will seek a resolution of the complaint.
- 3.9.4 A person raising a formal complaint may have an appropriate support person present during meetings or interviews. The support person acts as an observer and does not take an active role in the meeting. The principal is to be advised of the attendance of a support person before any meeting or interview. Similarly the principal will advise of any other person he/she may invite to attend.
- 3.9.5 By mutual agreement it may be decided that further meetings are required.
- 3.9.6 The meeting will be terminated if any person present becomes abusive, uses profane or threatening language or attempts to physically intimidate others present. The meeting record will be reflective of this outcome. Should this occur the relevant CSO Consultant will be notified.
- 3.9.7 Access to relevant records may be given to parties directly

involved in the process or to others by mutual consent whilst adhering to the diocesan Student Records Policy.

- 3.9.8 The outcome of a complaint resolution meeting will be communicated to the parent or caregiver in writing. There may be an agreement to review its effectiveness within an agreed timeframe.
- 3.9.9 Complainants not satisfied with the outcome can refer the matter to the Catholic Schools Office by writing to the Director of Catholic Schools. Depending on the nature of the complaint a Consultant or Assistant Director will be delegated to attend to the issue.
- 3.9.10 The representative of the Catholic Schools Office will liaise with the principal and the complainant seeking a resolution. Advice may be offered to all parties to reconvene or a further meeting may be convened involving a representative of the Catholic Schools Office in the process.
- 3.9.11 Following this intervention the complainant will receive written advice from the Catholic Schools Office representative. The principal will receive a copy of this advice.
- 3.9.12 If this outcome remains unacceptable and the complainant believes the issue is unresolved, further redress can be sought by writing to the Director of Catholic Schools. The Director may appoint an independent person to undertake a review of the process followed and the conclusions reached.
- 3.9.13 Anonymous complaints or allegations will not be accepted except in the case of:
- allegations of child abuse
  - allegations of misconduct of a sexual nature by a staff member against a student
  - alleged breaches of legislation, including the Crimes Act
- 3.9.14 Where the complaint involves the principal it may be directed, if the complainant believes it necessary, to the Director of Catholic Schools, Catholic Schools Office. In this case the principal will be informed of the complaint by the Director and the process to be followed. The principal will receive a copy of the written complaint. The parish priest will also be notified.

### **3.10 Time Frames**

Unless another timeframe is mutually agreed upon, or where outside authorities are involved, a parent/caregiver can expect:

- an acknowledgement of his/her concern as soon as possible but no longer than within five (5) days
- an initial attempt to address and resolve the matter as soon as possible but no longer than within seven (7) working days of lodgement at each step in the process.

### **3.11 Concerns and Complaints of a Child Protection Nature**

3.11.1 Legally required processes for the management of complaints that fall within the definitions of child protection legislation are administered by the Catholic Schools Office which is accountable to the NSW Ombudsman's Office and/or NSW Department of Community Services.

### **3.12 Baseless, Vindictive and Vexatious Complaints**

3.12.1 At some point in the process of managing a complaint it may be determined that the complaint is baseless. This determination will be fully explained to the complainant. The complainant may seek further redress through the appropriate Catholic Schools Office Consultant. This must be in writing, fully explaining the reasons for further consideration.

3.12.2 Where a complaint is considered by the principal to be vindictive or vexatious the matter should immediately be referred to the Catholic Schools Office for consideration. External advice may be sought in bringing the matter to conclusion. Any decision or outcome in bringing the matter to a close will be put in writing to the complainant.

3.12.3 Any outcome or decision in relation to baseless, vindictive or vexatious complaints made by the Catholic Schools Office is final and no further redress will be available through this process.



## **St Agnes Parish Policy & Process for Dealing with Parental Complaint/Allegations in our Parish Schools**

**PREAMBLE:** It is becoming more common for Principals and staff of our schools to be placed under undue pressure by parental complaints which become unreasonably demanding. Principals are also finding that parents are bypassing them and taking their complaints to the Catholic Schools Office (CSO) and finding themselves or their staff the subject of an investigation by the CSO. The emerging problem is to bring about closure to these matters. In order to ensure that the just complaints of parents are properly dealt with and to protect Principals from ongoing harassment by dissatisfied parents, the following procedures are now the norm for our Parish schools.

1. Principals are expected to ensure that when a complaint is made the matter is properly investigated to ensure that school protocols have been observed. If the Principal is satisfied that this is the case then the Principal should use his/her best efforts to resolve the matter.
2. In those cases where there has been a failure by school staff to observe proper procedures the details are to be provided to the Parish Education Director and the Catholic Schools Office to determine, in consultation with the Principal, the best way in which the Principal can resolve the matter.
3. If the Principal cannot resolve a complaint, the matter should be referred to the Catholic Schools Office for an independent examination of the case to ensure that all correct procedures have been followed. Should this be in the affirmative the CSO will be requested to give the Principal a written report of their determination in the matter.
4. In the event that the CSO gives this approval that proper procedures have been followed or in the event that it is deemed that they have not been followed the matter should be referred to the Parish Education Council for consideration and determination.
5. Should the complainant not be satisfied with the decision of the Council the parent/s may be invited to meet with a panel from the Council to put their case.
6. The determination of the Council will bring closure to such matters as the Parish Education Council is the final arbiter.

It is important to understand why the authority in this matter rests with the Parish. The leading Canon Lawyer in Australia has provided the following option. "The responsible ecclesiastical authority in the case of the parish school is the parish priest. Canon Law determines that he alone – not the diocesan bishop (or his administrative assistant, the Catholic Schools Office) acts in the person of the parish in all juridical matters (Canon 532). He alone is responsible not only for the sacraments, liturgy, doctrinal formation etc., but also the civil, administrative and penal aspects.

In the present context the important point is that the only person who can authorise a sanction against a parent who unreasonably harasses the School Principal is the Parish Priest – or the body to which he delegates that authority. Neither the Principal nor the Catholic Schools Office has that authority.

The process for the resolution of parental complaints has become necessary in the light of recent incidents in St Agnes' Primary, St Joseph's Primary and St Joseph's

Regional College. The authority to impose sanctions lies with the Parish Schools Council. It is expected that the Council will keep the CSO informed of any such actions.