

<b>Title</b>	Complaints Policy
<b>Description of policy</b>	<p>This policy outlines how Catholic Education, Archdiocese of Canberra and Goulburn (CECG) manages complaints relating to:</p> <ul style="list-style-type: none"> <li>• The behaviour of workers, students, parents/carers and members of the community, including reportable conduct matters</li> <li>• Work and school related incidents</li> <li>• The application of policies and procedures</li> </ul> <p>It applies to all CECG offices, schools, Early Learning Centres (ELCs), school-age care, and to work-related activities away from CECG workplaces. It applies to all CECG workers and people interacting with CECG workplaces and activities including parents/carers, students and members of the public.</p>
<b>Required because?</b>	A consistent and effective approach to handling complaints ensures complaints are dealt with promptly and professionally.
<b>Description of changes</b>	<p>Clarified the existing complaints process and simplified it to a five-step process for all complaints. Combined the six existing complaints-handling policies:</p> <ul style="list-style-type: none"> <li>• Grievance or dispute resolution policy R437016</li> <li>• Workplace Complaints Policy R86240</li> <li>• Grievance and dispute handling - employee with School leader management R94734</li> <li>• Grievance and dispute handling - performance management of staff R94646</li> <li>• Complaints intake and management policy R116086</li> <li>• ELC Grievance and Complaint Policy R431252.</li> </ul>
<b>Applies to</b>	<input checked="" type="checkbox"/> Organisation-wide <input type="checkbox"/> Specific ( <i>location, schools/ELCs&amp;SACs, Service Area</i> ) <input checked="" type="checkbox"/> Staff only <input type="checkbox"/> Students only <input type="checkbox"/> Staff and students
<b>Status</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Major revision of existing document <input type="checkbox"/> Minor revision of existing document

<b>Related documents</b>	<a href="#">Complaints Handling Summary</a> <a href="#">Risk Management Policy</a> <a href="#">Routine Complaints Investigations Procedure</a> <a href="#">Privacy Policy</a> <a href="#">Child Safety Policy</a> <a href="#">Workplace Discrimination, Bullying, and Harassment Policy</a> <a href="#">School and ELC Bullying and Harassment Policy</a> <a href="#">Record Keeping Policy</a>
<b>Intranet Category</b>	Complaints and Incident Management
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<b>Approval authority</b>	School and Family Services Area Leader People and Culture Service Area Leader
<b>Approval Date:</b>	22 June 2020
<b>Accountable authority</b>	Director
<b>Responsible officer/team</b>	Child Protection Manager (School-based complaints) People and Culture Officer (Workplace complaints)

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## 1. Summary

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- 1.1 This policy outlines how Catholic Education, Archdiocese of Canberra and Goulburn (CECG) manages complaints relating to:
- The behaviour of workers, students, parents/carers and members of the community
  - Reportable conduct matters
  - Work and school related incidents
  - The application of policies and procedures
- 1.2 The policy applies to all CECG offices, schools, Early Learning Centres (ELCs), school-aged care centres (SACs), and to work-related activities. It applies to all CECG workers and people interacting with CECG workplaces and activities including worker interactions with each other, parents/carers, students and members of the public.

## 2. Complaints Policy

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- 2.1 Any person may make a complaint and CECG takes all complaints seriously. All complaints are dealt with fairly, impartially, and confidentially. People raising complaints can expect to:
- Be treated respectfully and fairly
  - Have the matter dealt with as soon as possible, and
  - Be informed of progress.
- 2.2 A [short summary of CECG's approach to complaints handling](#) can be shared or displayed in schools, ELCs, SACs and offices to assist with enquires and complaints.
- 2.3 CECG recognises the often emotive nature of complaints received in schools and the personal impact this may have on students, parents/carers and staff. CECG has various wellbeing support available to assist parties to complaints in regards to their welfare.
- 2.4 CECG undertakes to respond respectfully to complaints which takes into account the circumstances of the complaint and relevant parties. CECG requires parties involved in a complaint to act at all times in a respectful, non-violent and not aggressive manner as such conduct can adversely affect CECG staff and other parties to a complaint.
- 2.5 Complaints will be dealt with at the most appropriate level of the organisation. Where a complaint involves a person's actions (in contrast to a process or policy), people are encouraged to raise the issue with the person, if it is appropriate and they are comfortable doing so. This may assist to resolve the issue at the most appropriate level and allow complaints to be escalated only where it is necessary.
- 2.6 CECG recommends all complaints are made in writing, if they cannot be resolved at the time through discussion.
- 2.7 If a complaint is made by a person on behalf of another person (for example by a solicitor or parent/carer) CECG may wish to speak with the affected person during the Assessment or Investigation phase to determine the facts of the complaint.
- 2.8 All parties will be informed of the process and the result of the investigation process.
- 2.9 CECG applies a risk management approach to complaints, allowing a range of responses from informal resolution of complaints to formal investigation and reporting to government agencies and law enforcement where necessary. This risk based approach is used by Schools and Catholic

Education which ensures the most serious complaints are responded to as a matter of priority. This may mean some complaints take longer to resolve due to other priorities.

- 2.10 All information obtained during the complaints process must be treated with appropriate confidentiality, in line with privacy laws and the CECG Privacy Policy. CECG will take into account any request to keep information confidential but it may also have legal obligations to share information about some issues, including child protection issues.
- 2.11 CECG may have legal obligations to report the identity of a complainant. CECG will notify a complainant if they are required to report a complainant's identity.
- 2.12 This policy operates together with other CECG documents including:
  - The [Child Safety Policy](#), which outlines CECG's approach to child protection, and
  - The [Routine Complaints Investigations Procedure](#).

### 3. Types of Complaints

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3.1 Complaints can be broadly categorised as:

- **Workplace Complaints** – a complaint raised about a worker and a genuine work related concern. This can include for example:
  - interpersonal conflict;
  - perceived breach of privacy;
  - inappropriate behaviour towards a work colleague, student, parent/carer, or other person;
  - dissatisfaction with work related issues such as unfairness, allocation of work, development opportunities, unfairness or bullying, discrimination or harassment.
- **Administrative Complaints** – a complaint raised about organisational practice, policy or procedure.
- **Student complaints** – that relate to issues arising between students or teachers or other school staff.
- **Child Protection** related complaints – this can relate to allegations of behaviours towards children that the organisation considers unacceptable, including concerning conduct, misconduct or criminal conduct. This may include complaints of child sexual abuse.
- **CECG complaints** – where through collection of information (e.g. anonymous complaints, systemic issues from reviews) an internal decision is made to instigate an investigation process.

CECG is able to resolve complaints:	CECG is not able to resolve complaints:
Where an issue or incident affects a student, parent/carer, worker or community member in a way that breaches CECG policies and requirements, or relevant laws.	Where the issue or incident is not within CECG's ability to resolve, for example Family Law issues or therapeutic treatments to children that fall outside CECG's capacity to provide.
Where a policy or procedure is believed to be deficient in some way.	Where the issue is a personal matter rather than a failure of policy or procedure, for example failing grades or appropriate discipline that follows CECG policies and procedures.
Where the Service Area, School or ELC has not followed a policy or procedure, or relevant laws.	Where the issue has previously been reported and dealt with in accordance with policies and procedures, including vexatious complaints.

## 4. Complaints Process

- 4.1 The complaints process will generally involve five stages, listed in detail at the table below.
- 4.2 ELCs and SACs have specific obligations to report complaints about serious incidents or breaches of the law within 24 hours, or complaints about risks to the health, safety or wellbeing of a child within 7 days. The deadline applies from the time of the incident. The School and Family Services team will make the formal report on behalf of the ELC, via the ACT Regulatory Authority, Children's Education and Care Assurance (CECA).
- 4.3 Workers involved in ELC complaints must manage the complaints process and notify School and Family Services in time to enable CECG to meet these deadlines.

### Complaints process

Step	Stage	Action
One	Complaint	A person makes a complaint about an issue or incident, on-line or in writing to ensure the details are correctly recorded. If a complaint is made verbally, the person receiving the complaint will take the details of the complaint and request the person making the complaint to confirm the details in writing.
Two	Referral	The complaint is referred to the most appropriate level of the organisation for assessment. This will most often be: <ul style="list-style-type: none"> <li>the Principal (for school-based complaints)</li> <li>the ELC Director (for ELC-based complaints)</li> <li>the School-Aged Care Director (for school-aged care based complaints) or</li> <li>the Service Area Leader of the relevant team (for workplace complaints in the Catholic Education Office).</li> </ul> If the complaint involves Mandatory Reporting issues, the person receiving the complaint must also report the matter to authorities.
Three	Preliminary Assessment	The school Principal, ELC Director, or Service Area Leader assesses the complaint to: <ul style="list-style-type: none"> <li>Identify if the necessary details have been obtained</li> </ul>

		<ul style="list-style-type: none"> <li>• Ensure the complaint is within CECG’s ability to resolve</li> <li>• Assign a risk level (see Stage 3 – Preliminary Assessment below), and</li> <li>• Consider other CECG requirements that may apply including the Reportable Conduct Policy; Complaints Investigation Procedures; Enterprise Agreement; or Discrimination, Bullying, and Harassment Policy.</li> </ul> <p>It may be appropriate to send an interim response at this stage outlining the expected process and timeframe for resolving the complaint. Care should be taken not to raise unreasonable expectations of time to resolve.</p>
Four	Respond according to risk level	<p>The school Principal, ELC Director, School-Aged Care Director or Service Area Leader will respond according to the risk level. Response may involve:</p> <ul style="list-style-type: none"> <li>• A request for more information</li> <li>• Concluding that the complaint it is not within CECG’s ability to resolve</li> <li>• Assessing and resolving the complaint at the School, ELC, or Service Area level (e.g. mediation or conciliation), or</li> <li>• Formal investigation and response under relevant CECG policies and procedures.</li> </ul> <p>The School and Family Services team will report ELC complaints about serious incidents or about health, safety or wellbeing of a child will be reported to ACEQA at this stage.</p>
Five	Decision and Report	<p>After the complaint examination or investigations conclude, the decision-maker will advise the person who made the complaint of the outcome, the reasons for the decision, and any options to review the decision.</p>

## 5. Stage 1 - Making a Complaint

- 5.1 To ensure CECG receives all the facts and issues accurately, complaints should be made in writing – either by email or by letter to the Service Area Leader, Principal, ELC Director or another relevant CECG worker. The person receiving the complaint will arrange for it to be referred to the most appropriate area.
- 5.2 People making complaints verbally will be asked to confirm the complaint details in writing (e.g. an email by the complainant or the person receiving the verbal complaint), to ensure the facts and desired resolution are recorded accurately.
- 5.3 Where a complaint involves serious allegations, CECG may request additional written information and/or follow-up telephone or a face to face interview to ensure the complaint is recorded accurately.
- 5.4 Where a complainant is a vulnerable person such as has a disability, reasonable assistance will be offered and adjustments made to enable the complaint to be recorded accurately.
- 5.5 Complaints should include as much of the following details as possible:
  - The full name, address and contact details of the person affected and the person making the complaint (if they are different)

- If a complainant is not lodged by the affected person - the reason why the affected person is unable make the complaint themselves
- Details of the person or issue being complained about, including the time, date and place of any incident
- Observations whether there was any harm to a child or young person
- Observations whether there was any harm to another person
- The names and contact details of any known witnesses
- The desired outcome or any expectations to resolve the issue or complaint
- The priority of the resolution of the complaint.

## 6. Stages 2 & 3 – Referral and Preliminary Assessment

- 6.1 The person/area receiving the complaint will refer this to the Complaint Management Team (located within School and Family Services) who will conduct a preliminary assessment of the complaint.
- 6.2 The person to whom the complaint is referred will assess the information available, and request more information if necessary, to determine if the matter is within CECG’s ability to resolve and assign a risk level. The risk level determines the level of response (extracted from the [CECG Risk Management Policy](#)).

### Preliminary Assessment – Complaint Categories

Complaint Category	Examples	Risk Consequence Level	Priority
High	Matters of a serious nature, including matters that must be referred to an external party such as New South Wales Police, the ACT Police, the Australian Federal Police, ACT Child and Youth Protection Services, NSW Family and Community Services, ACT Children’s Education and Care Assurance, ACT WorkSafe, or NSW WorkCover. It includes Reportable Conduct, Mandatory Reporting, or child protection issues.  These matters require formal investigation. They may be investigated and managed by S&FS and P&C or outsourced to an external investigator, as well as any investigations by authorities.	Catastrophic or Major.	Commence within 2 days of receipt of complaint
Medium	Matters that may involve a breach of CECG policy or practice but would not necessarily need referring to an external agency. These matters will be commonly investigated and managed by the CECG School and Family Services team or People and Culture team, or outsourced to an external investigator.	Major or Moderate	Commence within 4 days of receipt of complaint
Routine	Matters of a less serious nature where the risk to relevant parties are low. These matters will be commonly assessed and managed at the level they are reported – e.g. the School, ELC, or Service Area.	Minor or Insignificant	Commence within 7 days of receipt of complaint



- 6.3 Having conducted this assessment the Complaints Officer will attach a risk level and priority level to the complaint and refer the complaint to:
- the Principal - for complaints about people or issues in schools
  - the ELC Director - for complaints about people or issues in ELCs
  - the School-Aged Care Director - for complaints about people or issues in school-aged care, or
  - the Service Area Leader of the relevant team - for complaints about people or issues in the Catholic Education Office.
- 6.4 During the Preliminary Assessment the responsible person may:
- Interview the complainant, respondent or relevant witnesses
  - Assess written records or information
  - Make a record of these interviews; and
  - Prepare a Preliminary Assessment Report based on these inquiries.
- 6.5 Once the assessment is complete, the responsible person will respond according to the risk level.

## 7. Stage 4 – Respond according to risk level

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- 7.1 All complaints are taken seriously. Even where a complaint outside CECG's ability to resolve, the person to whom the complaint is referred will assess it and respond to advise the reasons for the decision.
- 7.2 In many cases, particularly at the routine level, complaints can be resolved through conciliation and mediation where they are raised and do not need a formal investigation.

### **Investigation**

- 7.3 If a complaint is assessed as requiring investigation and further action, investigators and decision makers must refer to:
- the CECG [Routine Complaints Investigations Procedure](#) (for routine level complaints) or
  - the Reportable Conduct and Workplace Misconduct Investigation Procedure (for medium or high level complaints).
- 7.4 One of the first steps in an investigation is to send an interim response to the person who made the complaint outlining the process and expected timeframes for resolving the complaint.
- 7.5 The School and Family Services and People and Culture service areas are available to support investigators and decision-makers, to ensure they are aware of relevant policies and procedures.

### **Suspension during investigation**

- 7.6 The preliminary assessment may recommend that a person be suspended pending investigation. This would usually indicate a medium or high complaint category, since complaints assessed as routine involve lower risk by definition. Suspension pending investigation is not disciplinary action or a finding of fault.
- 7.7 Any decision to suspend a worker must be made by the People & Culture Service Area Leader. The decision to suspend a worker will consider the nature of the allegation and risk to students and workers. Where a worker is suspended this may be from working in any CECG workplace, or in a particular location.

## Reporting complaints about ELCs and SACs to ACEQA

- 7.8 If the complaint is made about a about serious incident (see definitions below) or a breach of the Education and Care Services National Law or Regulations CECG ELC or SAC, it must be reported within 24 hours. The person who conducts the risk assessment must notify the School and Family Services team as soon as possible to ensure this deadline can be met.
- 7.9 If the complaint is about a risk to the health, safety or wellbeing of a child in an ELC or SAC, the person who conducts the risk assessment must notify the School and Family Services team in sufficient time that School and Family Services can notify ACEQA within 7 days of the incident.
- 7.10 School and Family Services can notify ACEQA of complaints about serious incidents or breaches of the national law using the [National Quality Agenda IT system](#). The ACT regulator (Children’s Education and Care Assurance, Early Childhood Policy and Regulation, Education Directorate) can be notified of other complaints at:

Email: [ceca@act.gov.au](mailto:ceca@act.gov.au)  
Telephone: (02) 6207 1114

## Procedural Fairness

- 7.11 CECG must provide procedural fairness to people that may be adversely affected by a decision in the complaints process. This includes ensuring:
- the decision-maker and process is free from bias
  - decisions are based on evidence that supports the facts, and
  - any person that may be adversely affected by decisions has an opportunity to present their case and have their input considered before a decision is made. This may occur in writing or in person, during conciliation and mediation, or at different stages in the formal investigation process.
  - Stage 5 – Decision and Report
- 7.12 Complaints received in writing may receive a written response. The decision-maker will respond to the person who made the complaint outlining the decision made and the reasons for that decision. The written response should also identify if options exist for internal or external review of a decision.

## 8. Record Keeping

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- 8.1 Complaints processes must be consistent and transparent regardless of the level at which they are resolved. Records must be kept of information gathered and actions at all stages, in detail consistent with the level of risk and sufficient to explain the reasons for action. The CECG Record Keeping Policy outlines particular legal obligations and record retention periods.

## 9. Reviewing Decisions

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- 9.1 Depending on the type of complaint and the outcome, a decision may be subject to review. Internal review is available:
- If the request for review raises new information – e.g a complaint was not resolved in line with CECG policy, or new facts that were not taken into account in the first decision, and
  - For workplace complaints in accordance with the Enterprise Agreement and the *Fair Work Act 2009* (Cth).

- 9.2 If a complainant wishes to request a review, they may email the School and Family Services Team (for school/ELC/SAC complaints) or the People and Culture Team (for workplace complaints), outlining the request and the reasons for the review.
- 9.3 Some decisions may also be subject to external review by an Ombudsman or government accreditation board.

## 10. Complaints and Complainants' Rights

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- 10.1 Complaints made in good faith help CECG identify where actions or practices are unsatisfactory or unacceptable. They are an important part of a culture of accountability and ongoing improvement.
- 10.2 Part of the commitment that CECG will deal with complaints fairly, impartially and confidentially is a commitment to protect the rights of people who make complaints.
- 10.3 Complainants must not be subject to adverse actions because they raise a complaint in good faith. For example, students or workers who raise a complaint in good faith cannot be treated differently to other students or workers, or suffer disciplinary action. These rights are in line with the Principles of Catholic Social Teaching and protected by law for workers in the *Fair Work Act 2009*.

## 11. Definitions

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- 11.1 **Complainant:** A person who provides information or an allegation of wrong doing by either the organisation or worker.
- 11.2 **Respondent:** Person or functional area about whom the complaint is made.
- 11.3 **Serious Incident:** For the purposes of Early Learning Centres and School-Aged Care centres a serious incident is:
- a) the death of a child
    - i. while being educated and cared for by the service or
    - ii. following an incident while being educated and cared for by the service
  - b) any incident involving a serious injury or trauma to a child while that child is being educated and cared for, which:
    - i. a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
    - ii. the child attended or ought reasonably to have attended a hospital e.g. broken limb\*
  - c) any incident involving serious illness of a child while that child is being educated and cared for by a service for which the child attended, or ought reasonably to have attended, a hospital e.g. severe asthma attack, seizure or anaphylaxis  
NOTE: In some cases (for example rural and remote locations) a General Practitioner conducts consultations from the hospital site. Only treatment related to serious injury, illness or trauma is required to be notified, not other health matters.
  - d) any emergency for which emergency services attended  
NOTE: This means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person at an education and care service. It does not mean an incident where emergency services attended as a precaution.

- e) a child appears to be missing or cannot be accounted for at the service
  - f) a child appears to have been taken or removed from the service in a manner that contravenes the National Regulations
  - g) a child is mistakenly locked in or locked out of the service premises or any part of the premises
- 11.4 **Vexatious Complaint:** A complaint that is falsely made, is not made in good faith, or is not based on evidence. Repeated vexatious complaints may constitute harassment or bullying.
- 11.5 **Worker:** All people carrying out work for CECG including employees (permanent, temporary and casual), contractors and sub-contractors, volunteers, apprentices, work experience students, or a minister, priest, other religious leader or member of a religious order.

## 12. Related Documents and Legislation

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### 12.1 Related CECG Documents:

- [Complaints Handling Summary](#)
- [Risk Management Policy](#)
- [Routine Complaints Investigations Procedure](#)
- [Privacy Policy](#)
- [Child Safety Policy](#)
- [Workplace Discrimination, Bullying, and Harassment Policy](#)
- [School and ELC Bullying and Harassment Policy](#)
- [Record Keeping Policy](#)

### 12.2 Legislation and Standards:

- [Children and Young People Act 2008 \(ACT\)](#)
- [Ombudsman Act 1989 \(ACT\)](#)
- [Ombudsman Act 1974 \(NSW\)](#)
- [Children and Young Persons \(Care and Protection\) Act 1998 \(NSW\)](#)
- [Fair Work Act 2009 \(Cth\)](#)

## 13. Contact

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- 13.1 For support or further questions relating to these guidelines, contact the CECG School and Family Services team (for school/ELC complaints) or the CECG People and Culture team (for workplace complaints).