



ST PATRICK'S COLLEGE  
TOWNSVILLE

## COMPLAINT AND DISPUTE RESOLUTION PROCEDURES

<b>Purpose:</b>	The purpose of this procedure is to provide support to the Complaints Handling Policy and to ensure that student, parent/guardian and employee complaints and disputes are dealt with in a responsive, efficient, effective and fair way.	
<b>Scope:</b>	Students, parents/guardians and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements.	
<b>Status:</b>	Approved	Supersedes: N/A
<b>Authorised by:</b>	St Patrick's College Townsville Limited (Governing Body)	<b>Date of Authorisation:</b> October 2019
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Education (Accreditation of Non-State Schools) Regulations 2017</u></a></li> <li>• <a href="#"><u>Australian Education Regulations 2013</u></a></li> <li>• <a href="#"><u>Fair Work Act 2009</u></a></li> <li>• <a href="#"><u>Work Health and Safety Act 2011 (Qld)</u></a></li> <li>• <a href="#"><u>Privacy Act 1988 (Cth)</u></a></li> <li>• <a href="#"><u>Anti-Discrimination Act 1991 (Qld)</u></a></li> <li>• <a href="#"><u>Australian Human Rights Commission Act 1986 (Cth)</u></a></li> <li>• <a href="#"><u>Sex Discrimination Act 1984 (Cth)</u></a></li> <li>• <a href="#"><u>Age Discrimination Act 2004 (Cth)</u></a></li> <li>• <a href="#"><u>Disability Discrimination Act 1992 (Cth)</u></a></li> <li>• <a href="#"><u>Racial Discrimination Act 1975 (Cth)</u></a></li> <li>• <a href="#"><u>Catholic Employing Authorities Single Enterprise Collective Agreement – Religious Schools of Queensland 2019-2023</u></a></li> <li>• <i>St Patrick's College Townsville Complaints Handling Policy</i></li> <li>• <i>St Patrick's College Townsville Child Protection Policy</i></li> <li>• <i>St Patrick's College Townsville Child Risk Management Strategy</i></li> <li>• <i>St Patrick's College Townsville Work Health and Safety Policy</i></li> <li>• <i>St Patrick's College Townsville Workplace Bullying Policy</i></li> <li>• <i>St Patrick's College Townsville Privacy Policy</i></li> </ul>	
<b>Review Date:</b>	Every three years or as necessitated by law	<b>Next Review Date:</b> February 2025
<b>Policy Owner:</b>	St Patrick's College Townsville Limited (Governing Body)	

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### STEP 1 - PARTIES ATTEMPT TO RESOLVE THE DISPUTE/COMPLAINT INFORMALLY THROUGH DISCUSSION AND NEGOTIATION

Ideally, a parent/guardian, student or staff member wishing to make a complaint is encouraged to approach the staff member concerned and attempt to resolve the issue through dialogue using an open, non-defensive and objective process. The approach may be made either in person or by phone.

Where the parent/guardian, student or staff member feels uncomfortable with the face-to-face approach, the option exists to commit the complaint to the staff member concerned in signed-and-dated form.

Where a parent/guardian, student or staff member feels uncomfortable directly approaching the staff member, he/she is encouraged to seek advice from any member of the Middle or Senior Management Teams.

In order to give the process the greatest chance of success, the parties should:

- Adopt an open, non-defensive and unbiased communication process.
- Focus on the issue or complaint and not the personalities.
- Have a clear idea of what the issues are and the grounds on which the complaint was made.
- Work cooperatively to determine how best to resolve the issue.
- Look for constructive solutions.

### STEP 2 – FACILITATED RESOLUTION PROCESS

Another option for resolution can be by a facilitated process. The Parties must each be comfortable with the facilitator (internal or external) as suggested by the College.

The facilitator may be one of the following people:

- Head of Faculty or Deputy Principal - Academic for a curriculum/academic issue
- Head of House/Year or Director of Students for a pastoral issue
- Deputy Principal
- College Psychologist
- Director of Boarding for a boarding issue
- The Principal, if the complaint is against a Deputy or Director
- The Chair of the Board, if the complaint is against the Principal

The facilitator is responsible for:

- Consulting with the Leadership Team
- Informing the staff member that a complaint has been referred to her/him
- Detailing the Mediation/Negotiation options
- Facilitating resolution of the issue through an open and transparent process of dialogue, mediation and negotiation
- Preparing a written record of the issue, its resolution and actions taken

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A written record will be provided to both parties and to the Principal. If a staff member is involved the record will be placed in the confidential employee file. Both parties will be requested to support an outcome, and sign what was agreed upon.

The matter will be subsequently monitored at set intervals.

### STEP 3 - FORMAL DISPUTE/COMPLAINT PROCEDURE

A Complainant may decide to follow the formal process in the following circumstances at ANY TIME – i.e. informal procedures do not have to be attempted first.

- a. The Complainant is required to make the complaint in writing to the Principal of the College.
- b. The Complainant should particularise the complaint so that it is clear and detailed as to what the allegations are.
- c. The Complaint is to include: time, circumstances, what the Complainant heard, saw or experienced:
  - What was the reaction?
  - Who was involved;
  - Whether there were any witnesses; and
  - Other relevant information.
- d. The Principal, on consultation will decide who will manage the investigation and conduct interviews. The person against whom the complaint has been made must be informed promptly by the Principal:
  - that there will be an investigation;
  - that it will follow the Complaints Handling Policy;
  - who the Manager/Investigator will be;
  - the general nature of the Complaint/Dispute and that full particulars of the complaint will be provided through the Manager/Investigator as soon as possible.
- e. Either party may request the presence of a support person and should be encouraged to have one.
- f. The Manager/Investigator will make a written Report to the Principal of findings (whether or not each separate allegation is substantiated) on the evidence from the Parties and witnesses.
- g. A copy will be provided to each of the parties.
- h. Consequences for Complaint allegations which are substantiated (on the evidence) will be put in place by the Principal.
- i. If an investigation process is decided:
  - An outside Investigator may be engaged as the Manager.
  - The Investigator will attend the College to interview the Parties to the Complaint/Dispute.
  - All interviewed will be requested to sign a Confidentiality Protocol for Parties.
  - All statements taken will be cited as a 'true record' of information given.

The Principal will inform both Complainant and Respondent of the management plan decided upon to address the Complaint. All procedures will be undertaken with discretion and confidentiality to protect the reputation of the person being investigated.

- j. The Investigator will privately interview the Complainant and:
  - Explain the process of investigation including the desirability of having a support person.
  - Ensure confidentiality.
  - Obtain/request particularised allegations/information and written documentation in support of the allegations, to be provided to the Respondent.

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- Ask the Complainant what they would like to have happen as a result of the investigation.
- Keep a detailed record of all information and statements made by the Complainant.
- k. The complaint/dispute Investigator will privately interview the Respondent and inform the Respondent:
  - Of the general nature of the allegations.
  - That particularised allegations will be provided for written Responses as soon as they are available.
  - Of the Respondents right to have a person of their choice present.
  - Of the nature of the process of the investigation and meeting.
- l. The Principal will consider whether the attendance of the Respondent is an unacceptable risk to the wellbeing of staff or students. If so, the Respondent can be stood down on pay (if a staff member) for the duration of the Investigation.
- m. The Investigator will:
  - put the allegations to the Respondent;
  - invite the Respondent to respond then and there, if he/she wishes but also,
  - allow the Respondent time to respond to the allegations in writing;
  - record all responses in detail.
- n. Both parties are encouraged to have support persons of their choice at all stages of the proceedings.
- o. The Investigator will interview all relevant witnesses who are nominated.
- p. The Investigator will provide a Report of the Investigation to the Principal – and whether or not the allegations in the Complaint can be substantiated, with Findings and Recommendations.
- q. The Report is privileged to the Principal and Board.
- r. The Principal at his/her discretion will decide on the most appropriate outcomes.
- s. The Principal, in writing, will inform the Complainant and the Respondent of the decision regarding the outcomes with reasons.
- t. The Principal will put in place any outcomes resulting from the decision; these may include disciplinary outcomes for Staff and Students.

### CONFIDENTIALITY

The College is committed to the confidentiality of all complaints, at all steps in the process of their resolution. Only the College and persons directly involved in a complaint will have access to information which is the subject of the complaint. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved.

Complainants and Respondents have a duty to uphold strict confidentiality during the complaints procedure for the safety and consideration of others that may be involved. Complainants and Respondents must not publicise the complaint or the progress of its resolution.

Although the College is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person's right to confidentiality. For example, a person's health and safety may be at risk, or the complaint may involve criminal activity including breaches of child protections laws.

If criminal activity is involved the information will be passed on to the Police.

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### OTHER INFORMATION

The procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be impartial
- allow swift handling with established timelines for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- treat all complaints/disputes with sensitivity and respect
- provide information to the College Leadership Team so that services can be improved
- ensure that no person is victimised as a result of raising a complaint
- utilise appropriate consequences for substantiated complaints

See Annexures A and B

### POSSIBLE OUTCOMES

#### Joint Agreement

The parties may agree to seek resolution through meetings or mediation. The terms of the agreement may be reduced to writing and signed by the parties. It may be a term of any such agreement that its terms remain confidential.

#### Disciplinary Action

This may be taken against a person or persons if:

- they have breached one of the school's policies or standards;
- they have otherwise engaged in substantiated inappropriate conduct.

The nature of the disciplinary action will depend on the circumstances and the following may be taken into account in deciding what disciplinary action is appropriate:

- the seriousness of the circumstances;
- whether the person(s) knew what they were doing;
- whether the person(s) has/have been officially warned or disciplined before about the same type of conduct; and
- whether there are any circumstances that mean the person(s) should not be disciplined at all or not disciplined seriously.

Discipline could involve one or more of the following, in addition to any penalties which may apply at Law:

- written apology;
- compulsory counselling;
- attendance at further training;
- an official warning/caution

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- demotion;
- dismissal;
- suspension;
- exclusion for students.

### **Vexatious Complaints**

Efforts will be made to remedy the injustice. Disciplinary outcomes will apply to anyone who brings a complaint which is considered vexatious or without any basis.

### **College-initiated Investigation**

There may be a time when a Complainant does not want, for a variety of reasons, to continue with any process of investigation or to bring a complaint at all. There may also be the circumstance where concerns brought to the notice of the Principal are assessed as College issues. If the issues raised are such that the health and wellbeing of staff or students is being adversely affected, the College reserves the right to initiate an investigation irrespective of the wants of the Complainant or other parties.

### **Review**

This procedure will be reviewed every three (3) years or as necessitated by legislation.

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### ANNEXURE A

#### CHECKLIST

- ☐ If, after initial enquiries, the complaint is found to be vexatious, the matter will be referred to the Principal for action.
- ☐ Each party agrees to maintain confidentiality and discretion during the resolution process to avoid unnecessary escalation of the issue or embarrassment to any party. This means that the complaint is to be discussed only with the people involved. Failure to do so severely jeopardises positive resolution of the complaint and may have adverse effects on the College environment and the integrity of the school.
- ☐ If a letter of complaint is received by any member of the Leadership Team, they will encourage the complainant to go through Step 1 and Step 2 first.
- ☐ If it is found that any party has experienced victimisation as a result of a complaint being made, this could lead to disciplinary action against the culprit.
- ☐ Every attempt should be made by a staff member against whom a complaint is made to resolve a concern as soon as possible, including apologising where necessary.

### ANNEXURE B

Support persons may include but are not limited to the following:

- Student complainant: Students will inevitably be supported by their parents/guardians, including Director of Boarding, but are also encouraged to consider the College Psychologist.
- Staff/Other Complainant or Respondent: Staff are encouraged to bring a support person who will accompany them to any meetings that take place during the complaints process. They need to be made aware that they are not an advocate for the complainant or respondent and must not have an active role in the resolution process, including if they are Union support persons.

### ANNEXURE C

#### Points to consider:

- What is the complaint/dispute about?
- Who was involved?
- What was your reaction?
- Have you taken some time to reflect on the situation before determining what action you may wish to take?
- Has this affected your schoolwork? If so, how?
- Has this affected your personal life? If so, how?
- Why do you think this is a genuine complaint?
- There are always two sides to a story. What do you think the other side might be?
- What would resolve the situation for you?
- Do you think that something can be done so that the situation does not arise again?

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