



Rationale

Diocese of Ballarat Catholic Education Limited (DOBCEL) is committed to ensuring DOBCEL Schools and Catholic Education Ballarat are communities of faith, hope and love where communication takes place in an environment of transparency, respect, compassion and inclusion in the interests of all students.

The DOBCEL Complaints Management Policy and DOBCEL Complaints Management Procedure are the key documents that set out DOBCEL's approach to managing complaints that arise about the operation of DOBCEL schools.

Catholic teaching emphasises the primacy of parents as the first teachers of their children. Within all schools, there are times when misunderstandings and concerns arise. In addressing these matters, DOBCEL seeks to model the love of Christ and the teachings of the Catholic Church. The dignity of each person, belief in the common good and the principle of subsidiarity will inform the manner in which DOBCEL deals with stakeholders and school communities including the manner in which complaints are managed.

The Guidelines to the Minimum Standards and Requirements for School Registration published by the Victorian Registration and Qualifications Authority (VRQA) requires all DOBCEL Schools to have policies and procedures for managing complaints and grievances in order to meet the care, safety and welfare regulatory requirement.

DOBCEL recognises that a known, robust and transparent complaint resolution process provides information, creates opportunities for giving and receiving feedback and provides a valuable opportunity for reflection and learning. An effective process for resolving complaints treats people fairly, is timely and provides those involved with an opportunity to present their view and to respond to issues.

Definitions

Complainant: the person(s) lodging the complaint. A complainant can be a parent, guardian, a student or a member of the school community.

Complaint: an expression of dissatisfaction related to our programs or activities, the actions of staff, or the complaint handling process.

Decision Maker: a DOBCEL employee with the authority to make a ruling about a Complaint.

DOBCEL Complaints Management Procedure: is the process for resolving complaints. The Complaints Management Procedure is referred to in the Key Documents section of this Policy.

Employer: the employer is DOBCEL. The Board of DOBCEL has delegated authority to the Executive Director of DOBCEL for the management of employees, including school employees.

Employee: a person employed by DOBCEL.

Investigator: is a person appointed by a Decision-Maker according to the provisions of the relevant Complaint Procedure.

Minimum Standards for School Registration: are the requirements/standards specified for all schools in the Education and Training Reform Act 2006 (the Act) and the Education and Training Reform Regulations 2017.

Parent/Care Giver: the parent or legal guardian of a student enrolled in a DOBCEL School.

Procedural Fairness: procedural fairness or the rules of natural justice as follows:

1. A Complainant is given a genuine opportunity to make a Complaint, and the complaint will be taken seriously and acted upon in accordance in with terms of the relevant Complaint Procedure.
2. A Respondent is given sufficient information about the complaint to allow to respond to the complaint before a decision affecting their interests is made.
3. The Decision-Maker must be impartial and not pre-judge an outcome. The Decision-Maker, will make a decision on the balance of probabilities considering the available evidence to determine what is most likely to have occurred.

Respondent: the person against whom the complaint has been raised.

School: means a Catholic primary or secondary school operating under the governance of DOBCEL.

Serious complaint a serious complaint is one requiring urgent action or which could have serious consequences for the parties concerned or others, resulting from a serious breach of legislation, school policy or procedure. The complaint may be in relation to issues about student behaviour management, bullying or harassment, drug or alcohol use, damage or loss of personal or school property, student wellbeing or the requirement for adjustment to learning for students. Serious complaints may be complex or those of a whole school nature.

Student: a child or person enrolled in a DOBCEL school.

Support Person may accompany the Complainant to meetings. The support person's role is to listen. They may make notes and may occasionally speak to the Complainant to clarify what they are saying. The support person does not speak on behalf of the Complainant.

Principles

Human dignity

Our common humanity requires respect for and support of the sanctity and worth of every human life. All other rights and responsibilities flow from the concept of human dignity. This principle is deemed as the central aspect of the Church's social teaching. The belief that each life has value is shared with International Human Rights which are universal, inviolable and inalienable.¹

¹ *ibid.*

Solidarity and synodality involving the breadth of the diocesan community

Synodality involves the active participation of all members of the Church in its processes of discernment, consultation and co-operation at every level of decision-making and mission. Every member of the People of God is involved, though with varied roles and contributions.²

Solidarity, on the other hand, presupposes a commitment to a more just social order and urges each to consider the impact of how they live and interact with others from the point of view of justice. Being in solidarity means recognising others as equals and actively working for their good.³

Subsidiarity in fostering local expressions of the Church's common mission

All people have the right to participate in decisions that affect their lives. Thus, decisions should be made at the most appropriate level, by the people most affected by the decision and by those who exercise responsibility for carrying out the decision. It also means that those in positions of authority have the responsibility to listen to everyone's voice and make decisions according to the common good.⁴ Implementing the principle of subsidiarity supports the interdependence of all decision makers.

Scope

This Policy applies to all DOBCEL Schools for complaints at the school level and to any complaints referred to DOBCEL through the Catholic Education Commission of Victoria Ltd (CECV), authorised as the Review Body for Victorian Catholic schools.

The Policy does not relate to critical incidents, emergency management, criminal offences or the conduct of those in religious ministry. It is not to be used by employees to make a complaint about their workplace or employment conditions.

Policy Statement

DOBCEL strives to provide positive, clear and effective processes for resolving complaints between the school and parent/guardians or students. This can assist in building strong relationships, dispelling anxiety and ultimately provide a settled and harmonious learning environment. The Complaints Management Policy seeks to achieve the restoration of fair and respectful relationships.

DOBCEL Schools must develop policies and procedures for managing complaints and grievances which ensure procedural fairness, are accessible to the school community, are consistent with its enrolment agreement and aligned with this policy.

Complaints of a school-based nature are best received and managed at the local school level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties.

Unresolved complaints about DOBCEL schools can be referred to Catholic Education Ballarat. A complaint may be raised with Catholic Education Commission of Victoria (CECV) if there is a perceived breach of the Minimum Standards. The CECV acts in accordance with the Memorandum of Understanding with the Victorian Registrations and Qualifications Authority (VRQA) to investigate alleged breaches of the Minimum Standards in accordance with Sections 4.2.2 and 4.2.3 of the Act.

²http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html ¶ 7, 21. See also *The Light from the Southern Cross*, *op.cit.*, 5.2.3., p.43

³ See <https://caritas.org.nz/catholic-social-teaching/solidarity>

⁴ See <https://caritas.org.nz/catholic-social-teaching/subsidiarity>. See also *The Light from the Southern Cross*, *op.cit.*, 5.2.1. p.41.

Where necessary, DOBCEL will ensure that specialist advice and support is available to schools when dealing with serious complaints and the complaints handling processes associated with these.

A record will be kept of formal complaints and written anonymous complaints. A written record of complaints which relate to the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS) will be kept.

DOBCEL Schools must develop school-based complaints management procedures that are consistent with the requirements outlined in the DOBCEL Management Policy and Procedure. The procedure must be contextualised to reflect the school's setting.

Key related documents

- DOBCEL Behaviour Management Policy
- DOBCEL Complaints Management Procedure
- DOBCEL Child Safe School Policy
- DOBCEL Enrolment Policy
- DOBCEL PROTECT: Reporting and Responding Obligations Policy
- DOBCEL Privacy Policy
- DOBCEL Whistleblower Protection Policy and Procedures

Relevant Legislation

The relevant legislative and regulatory framework for this policy includes:

- *Education and Training Reform Act 2006 (Vic.)*
- *Education and Training Reform Regulations 2017 (Vic.)*
- *Charter of Human Rights and Responsibilities Act 2006 (Vic.)*
- *Protected Disclosure Act 2012 (Vic.)*
- *Privacy Act 1988 (Cth)*
- *Crimes Act 1958 (Vic.)*
- *Equal Opportunity Act 2010 (Vic.)*
- *Wrongs Act 1958 (Vic.)*
- *Disability Discrimination Act 1992 (Cth)*
- *Disability Standards for Education 2005 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*
- *Migration Act 1958 (Cth)*