



- the complaints resolution process will seek to achieve the restoration of good and respectful relationships
- the best interests of the school community will generally exceed those of any individual.

## 5. Complaints against teachers and staff

The nature of the complaint will determine who is the most appropriate person or body to manage a complainant's concerns.

### 5.1 Misconduct or serious misconduct

All complaints of alleged misconduct or serious misconduct by a teacher or staff member should be reported to the principal of the school. Complaints about teachers can also be reported to the Victorian Institute of Teaching (VIT), which is the regulator in relation to the registration and investigation of serious misconduct (including conduct which is of a physical or emotional nature) of all teachers in the state of Victoria. If unsure whether the complaint constitutes serious misconduct by a teacher, contact the VIT on 1300 888 067 or [vit@vit.vic.edu.au](mailto:vit@vit.vic.edu.au).

In some cases, certain actions which involve physical or emotional misconduct, such as unlawful assault or threats to the person, may constitute a criminal offence. These types of offences should be reported to and investigated by the police. Initial consultation with the principal of the school may help to determine the appropriate course of action in these circumstances.

### 5.2 Child abuse (including sexual offences)

There are legal obligations on all adults to report child abuse to police once a reasonable belief is formed that a sexual offence has been committed against a child. Failure to disclose a sexual offence against a child is a criminal offence under section 327 of the *Crimes Act 1958* (Vic.) and applies to all adults (18 years of age and over) in Victoria.

Communication with children under 16 years of age by teachers, staff or any other person to prepare or 'groom' a child for future sexual activity is a criminal offence under section 49M(1) of the *Crimes Act* and must be reported to the police. The offence of grooming applies to any person aged 18 years or over and does not apply to communication between people who are both under 18 years of age.

For further information, refer to CEM [Policy 2.19 Child Protection – Reporting obligations](#).

### 5.3 Complaints against principal of a school

In the case of complaints involving the principal of a Catholic primary school which forms part of a parish, the Parish Priest (the employer) and the manager of the CEM regional office which oversees that school should be informed immediately.

Complaints against the principal of a Catholic secondary school should be referred to the regional manager of that school zone. CEM regional offices are located in the North, South, East and West of metropolitan Melbourne.

Contact details are listed in **Section 9.4** of this policy.

In the case of a Catholic school governed by a Religious Institute or a Ministerial Public Juridic Person (MPJP)<sup>2</sup>, complainants can be referred to the Chair, Director or Executive Officer of the school's Board or Council. Alternatively, the complaint can be referred directly to the Provincial of the Religious Institute or MPJP. In many cases, the Religious Institute or MPJP will have its own complaints processes, professional standards office or equivalent.

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<sup>2</sup> In Victoria, the Religious Institutes and MPJPs with governance responsibilities for some Catholic schools are the Antonine Sisters, Carmelite Fathers, De La Salle Brothers, Dominican Education Australia, Edmund Rice Education Australia, Faithful Companions of Jesus, Good Samaritan Education, Jesuits, Kildare Ministries, Loreto Education, Marist Schools Australia, Mary Aikenhead Education, Mercy Education Limited, Missionaries of the Sacred Heart, Presentation Sisters, Salesians, Sion Sisters, Sisters of Our Lady of the Sacred Heart, Sisters of St Joseph of the Sacred Heart, Sisters of the Resurrection and Society of the Sacred Heart.

## 6. Complaints against clergy or other religious persons

If the complaint relates to the clergy or other religious persons of a Catholic primary or secondary school, the complainant should contact and seek advice from the Professional Standards Unit of the Vicar General's Office in the Archdiocese of Melbourne, 228 Victoria Parade, East Melbourne. Contact [www.cam.org.au](http://www.cam.org.au) or telephone 03 9926 5680.

If the priest or religious person is a member of a religious order, the complainant should also contact the Provincial Head or professional standards office of that congregation or religious order.

## 7. Anonymous complaints

CEM endeavours to address and respond to all complaints. In some situations, it may not be able to fully address complaints that are made anonymously or without sufficient detail being provided to enable an investigation or resolution of the matter. To ensure procedural fairness, respondents have a right to know the particulars of the allegations being made against them, and be given an opportunity to respond to them.

## 8. Procedures for complaints about issues arising at a school

All schools are required to develop and maintain a fair, effective and efficient complaint-handling process so that complaints about events or decisions at the school can be addressed.

The following steps can guide the process in making a complaint about issues arising at a school.

### 8.1 Clarify the issue:

- Be clear about the topic or issue to be discussed.
- Be mindful of the need to ascertain all the facts relating to the circumstances of the topic or issue.
- Think about what would be an acceptable outcome.
- Check and observe the school's complaints policy or guidelines.

### 8.2 Follow the school complaints policy or guidelines which may include:

- Write an appropriate note or email to the relevant person (e.g. classroom teacher) outlining concerns.
- Make an appointment to speak on the phone or in person with the relevant person(s).
- Consider speaking with the school's student wellbeing leader if appropriate.
- Arrange meeting times or phone calls through the school office.
- Ensure the relevant person(s) is given a reasonable amount of time to take the steps required to resolve or address the concerns.

### 8.3 Contact the principal or assistant principal

If the issue remains unresolved after discussion with the relevant person(s) at the school, request an appointment through the school office to discuss the concern with the principal or assistant principal.

Note that the principal may ask another senior staff member to represent them. Also, if the relevant staff member is going to be present at the meeting, the meeting time is more likely to occur outside classroom hours.

### 8.4 Complaint escalation

If the matter cannot be resolved at the school level, or if the complaint is about the principal of the school, complainants may contact the relevant CEM regional office (see **Section 5.3** above and **Section 9** below).

In the case of a Catholic school governed by a Religious Institute or an MPJP, complainants can be referred to the Chair, Director or Executive Officer of the school's Board or Council. Alternatively, the complaint can be referred directly to the Provincial of the Religious Institute or MPJP. In many cases, the Religious Institute or MPJP will have its own professional standards office or equivalent.

## **9. Role of Catholic Education Melbourne – regional office**

The role of the CEM regional office is to provide advice to:

- schools, along with support, when they are responding to complaints
- complainants when they are seeking to make a complaint at their school.

CEM regional offices will generally not respond to a complaint and/or become involved when:

- issues have not been raised with the school
- the school is continuing to address the issues in the complaint
- issues raised are the responsibility of the school (e.g. school uniform, tuck shop duty, school parking)
- issues raised should be able to be resolved at the school level.

### **9.1 Responsibilities of the regional office**

CEM regional offices are responsible for responding to complaints when:

- a complainant is not satisfied that a matter has been addressed in accordance with the school's complaint-handling policies and processes
- a complainant is not satisfied that an acceptable resolution has been reached
- the subject of the complaint relates to policy outside the responsibility/management of the school
- a school requests assistance to resolve a complaint
- the subject of the complaint is the principal of a school.

### **9.2 Actions to be taken following receipt of a complaint**

Following receipt of a complaint, the regional manager (or delegate) will:

- acknowledge receipt of a written complaint as soon as possible, ensuring the complainant is aware of CEM's complaint-handling procedures
- record the complaint in the agreed data management system to ensure the complaint can be tracked
- advise the complainant that a record of their complaint is being maintained
- provide the complainant with a case number that should be used for all further communication
- contact the complainant for more information to help assess the issues or allegations
- inform the principal of the receipt of the complaint and provide an opportunity for the principal to respond to the issues raised
- assess the complaint, which may result in undertaking one or more of the following processes to help resolve it:
  - allow more time for resolution at the school
  - provide assistance to reach a resolution through regional support
  - arrange for an independent investigation
- where necessary, seek advice from appropriate business units within CEM and/or external agencies to determine how a complaint may be reviewed and whether other avenues of appeal/redress already exist

- advise and/or seek permission from the complainant if any sensitive or medical information provided will need to be shared with others in CEM in order to resolve the matter
- advise the complainant of any delays that may occur in the region’s ability to respond within a set timeframe
- where it is considered appropriate, provide the complainant with an opportunity to respond to the principal’s response to the matters raised prior to making a decision about the complaint
- where necessary, actively support the complainant with special needs through the complaint process
- provide the complainant and the principal of the school with the results of the regional office’s assessment of the complaint
- notify the complainant of the outcome of the complaint enquiry
- record the outcome of the complaint in the agreed system database.

### 9.3 Possible outcomes of a complaint to the CEM regional office

The CEM regional office assessment may result in advice provided to the school for action. The suggested actions could include providing the complainant with:

- an apology or expression of regret
- formal communication of a change of decision, policy, procedure or practice
- the provision of counselling or other support
- an explanation of:
  - how the decision taken is consistent with school policy
  - how the decision taken is supported by an external agency that specialises in the area under consideration
  - how CEM policies and guidelines are reflected in and supportive of the decision.

It is not the role of CEM to ‘sanction’ or ‘punish’ a school or to disclose details of disciplinary proceedings relating to its employees. Privacy laws may prohibit information being provided to the complainant of any specific action that has been taken in relation to individuals about whom the complaint has been raised.

### 9.4 Lodging complaints at the CEM regional office

A complaint can be referred to the regional manager of the relevant school zone via email or telephone as per contact details below:

<p><b>Eastern Regional Office</b>            39 Hewish Road            CROYDON VIC 3136            Ph: (03) 9427 6400            Email: <a href="mailto:manager.ero@cem.edu.au">manager.ero@cem.edu.au</a></p>	<p><b>Northern Regional Office</b>            Cnr Howard &amp; Rosslyn Streets            WEST MELBOURNE VIC 3003            Ph: (03) 8387 3200            Email: <a href="mailto:manager.nro@cem.edu.au">manager.nro@cem.edu.au</a></p>
<p><b>Southern Regional Office</b>            602 South Road            MOORABBIN EAST VIC 3189            Ph: (03) 8301 7400            Email: <a href="mailto:manager.sro@cem.edu.au">manager.sro@cem.edu.au</a></p>	<p><b>Western Regional Office</b>            47 Synnot Street            WERRIBEE VIC 3030            Ph: (03) 8412 2400            Email: <a href="mailto:manager.wro@cem.edu.au">manager.wro@cem.edu.au</a></p>

Complaints can also be lodged online via [www.cem.edu.au](http://www.cem.edu.au) ‘Contact us’. Refer to the feedback complaints form entitled **RESOLVE**.

## 10. Role of Catholic Education Melbourne – East Melbourne

CEM (East Melbourne) is responsible for:

- assisting schools to meet all obligations as required by law as well as internal policy
- ensuring information concerning complaints resolution is readily available for complainants and regional staff
- ensuring training in relation to the management of complaints is available to school and regional staff
- providing specialist advice and support to schools and the regions with regard to the matter and complaint-handling processes.

CEM will not respond to a complaint and/or become involved when:

- issues have not been raised with the school or regional office
- the regional office is continuing to address the issues in the complaint.

CEM will, in conjunction with regional managers, carefully assess complaints based on all the relevant information provided and will endeavour to address the complaint within its responsibilities.

CEM may undertake one or more of the following processes to help resolve the complaint:

- allow more time for resolution
- provide assistance to reach a resolution through regional support
- refer to external agencies where appropriate
- arrange for an independent investigation.

### 10.1 Lodging complaints at CEM

A complaint to CEM can be lodged by email via [www.cem.edu.au](http://www.cem.edu.au) 'Contact us'. Refer to the feedback complaints form entitled **RESOLVE**.

CEM will acknowledge receipt of the complaint and issue a case number. It may also contact the complainant for more information to help assess the issues or allegations.

Complex and sensitive issues may involve some delay in order to follow up with the relevant parties. Complainants will be notified if major delays are expected and will be advised on the outcomes of the investigation.

If the complaint is unable to be resolved to the satisfaction of the complainant, but the matter is however finalised, the complainant has the right to seek alternative independent or other advice, or contact other entities such as the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal (VCAT) or the courts.

### 10.2 Withdrawal of a complaint

A complaint can be withdrawn at any stage during the complaint management process. A complaint should be retracted in writing by the complainant and addressed to the relevant regional manager (email details in **Section 9.4** of this policy).

## 11. Related 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).

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# Catholic Education Melbourne Complaint Flowchart

