

DISPUTES AND COMPLAINTS AGAINST MEMBERS OF THE VILLANOVA COMMUNITY POLICY

Rationale

Villanova College is committed to fostering a caring community where all members are recognised and treated as valued individuals. In forming and maintaining community (Unitas) every attempt is made to nurture right relationships between members. Villanova College applies Restorative Practices to the resolution of issues about student behaviour and conduct. Similarly, where there are concerns on the part of a parent/caregiver or staff member about decisions, behaviours or actions of a member of the Villanova College community, those concerns are best resolved informally by way of direct discussion between those involved. Where a formal written complaint against a member of the Villanova College community is received, then such formal complaint will be dealt with in a timely fashion in accordance with this policy and the current Single Enterprise Collective Agreement-Religious Institute Schools of Queensland.

Policy

Complaints and disputes between and against members of the Villanova College Community will be handled in a timely, fair and just manner with regard to principles of Natural Justice.

Complaints which refer to sexual harassment or harm to children, are not addressed under this policy but are treated in the following:

- a) Student Protection Policy
- b) Sexual Harassment Policy

Principles

Restorative Practices

There are a range of Restorative Practices at Villanova College which can assist in the resolution of disputes between members of this community.

- Every effort will be made to handle formal complaints in a timely manner.
- Confidentiality will be respected.
- The resolution of informal and formal disputes and complaints will interfere as little as possible with the Teaching and Learning process at the College.
- The College Principal or delegate will appoint the trained Restorative Practices Facilitator.

Values

The integrity, ethos and values of the College should not be compromised for short term goals.



Implications

Procedures for handling disputes and complaints between and against members of the Villanova College community will be implemented and published.

Evaluation and Review

Policy Endorsement: Approved by Villanova Collge Council 27 April 2016

Review Date: 2019

PROCEDURES FOR THE HANDLING OF DISPUTES AND COMPLAINTS AGAINST MEMBERS OF THE VILLANOVA COMMUNITY

Informal Complaints

Where concerns are best resolved informally by way of direct discussion between those involved.

(a) Where a parent/caregiver or staff member (the complainant) has a concern about a behaviour, action or decision of a staff member he/she may make an informal (i.e. verbal) complaint to:

- i. the staff member concerned; or
- ii. the relevant member of the College Leadership Team.

(b) In both cases, those concerned should proceed in accordance with Restorative Practices in use at Villanova College in attempting to resolve the informal complaint

(c) If a relevant member of the College Leadership Team is involved, that member will brief the Principal.

Informal Complaints

Complaint is received in written form.

(a) Where an informal complaint cannot be resolved by the use of Restorative Practices, the complainant may wish to proceed by registering a formal complaint. A formal complaint may also be registered without initial recourse to a prior informal complaint. A formal complaint must be made in writing to the Principal. The complainant is required to set out clearly the grounds of the complaint and any information to support the complaint. The parties to a formal complaint are the complainant and the College (represented by the Principal).

(b) If after initial, preliminary investigation by the Principal or her/his delegate, the complaint proves to be unfounded, vindictive, vexatious or the complainant is not prepared to follow agreed processes in documenting their formal complaint, the Principal shall dismiss the formal complaint.

(c) If the formal complaint is not dismissed under 2(b), the Principal shall determine whether or not the formal complaint made warrants a formal investigation.

Investigation of Formal Complaints

(a) In the event that the Principal decides that a formal investigation is warranted, s/he or her/his delegate will appropriately inform the staff member concerned in writing of the

details of the complaint made against him/her, including the name of the complainant and the specific details of the complaint.

(b) The staff member concerned will be given the opportunity to respond in writing prior to any action being taken by the Principal in response to the complaint. The staff member concerned will be allowed up to ten (10) working days to submit a written response to the complaint. The length of time provided for the staff member to respond will depend on the nature and seriousness of the complaint.

(c) Where a witness is interviewed regarding the complaint a written statement will be prepared and the witness will be required to sign this statement.

(d) On completion of the investigation, the Principal will:

- i. Determine whether the complaint is upheld or dismissed.
- ii. Notify the complainant and the staff member concerned of the decision to uphold or dismiss the complaint.
- iii. Consider options for resolving any residual interpersonal conflict relating to the complaint, including mediation, or other Restorative Practices that are in use at Villanova College.

The completion of steps (d) i and ii above shall bring the complaint process to an end.

(e) In those instances where it is the decision of the Principal to uphold a formal complaint, on completion of the complaint process the Principal will decide whether any remedial or disciplinary action is warranted.

(f) At any time during the process the complainant may withdraw the complaint and the Principal may (if necessary) facilitate reconciliation between the complainant and the staff member concerned in accordance with Restorative Practices in use at Villanova College.

Note: Should the conduct of the Principal be the subject of the complaint, then in each instance of the process above, the Principal is replaced by the Chair of the Villanova College Council or his/her delegate in the investigation and processing of the complaint.

Confidentiality

- Confidentiality shall be maintained at all stages of the complaint procedures with communication limited to those people who need to be informed in order to resolve the complaint. Details of a complaint shall be known only to those directly involved in its resolution.
- The identity of the person reporting the matter must not be revealed to any other person without that person's knowledge and consent, unless it is required to be disclosed by law.

Record Keeping

Records of the complaint, the process for handling the complaint and any outcomes will be kept.

Where the formal complaint is dismissed, any record pertaining to the complaint or handling of the complaint should be kept in a file separate to the personnel file of the staff member concerned and marked investigated and dismissed.

Consistent with the notion that the College is a party to any formal complaints, records relating to formal complaints and the handling of such complaints, are confidential records of the College. Neither complainants nor staff members are entitled to access those records.

Reporting

If a complaint has the potential to impact on the public reputation and standing of the College, or the financial liability of the College, or the complaint involves a risk to personal health and safety, then the Principal will report the matter to the Chair of the Villanova College Council.

Definitions

Complaint: An expression of dissatisfaction with a product or service provided by Villanova College, Coorparoo, Brisbane.

Complainant: Any person making a complaint.

Natural Justice: Natural justice principles include that:

- the respondent shall have a right to be heard before the decision is made;
- all parties to a complaint shall have the right to be heard;
- all relevant submissions and evidence shall be considered;
- matters that are not relevant shall not be taken into account;
- the decision-maker shall not be biased or appear to be biased.

Respondent: Someone who responds or makes reply to a complaint allegation.

Vexations Complaints

Those deemed to be mischievous, frivolous, malicious, misconceived, lacking in substance, not made in good faith or containing spurious information, and predominantly aimed at annoying, harassing and/or intimidating staff members.

