

POLICY 9

STAFF COMPLAINTS POLICY

The daily life of the College will be permeated with the values of Jesus Christ and the teachings of the Catholic Church. Special links will be maintained with the Sisters of Our Lady of the Missions as the College Founders and their special charism reinforced in the College.

1.0 Introduction

Sacred Heart Girls School (SHGC) encourages the prompt and, where appropriate, informal resolution of staff complaints. This policy documents the approach SHGC will take toward resolving staff complaints. For clarity, this policy does not apply to complaints against students and learners at SHGC, and/or parents or caregivers of students and learners at SHGC. In these cases, *Policy 7 Complaints Policy* applies.

2.0 Purpose

- Document the approach SHGC will take toward resolving concerns and complaints.
- Implement a policy that encourages the prompt and efficient handling and resolution of complaints at the lowest level appropriate in the circumstances.

3.0 Scope

This policy applies to all employees of SHGC (including members of its board and proprietors board), including contractors, visitors, and volunteers, and applies to the SHGC workplace, which can include locations beyond the school's campus, such as training and conference venues, work functions, camps, sporting events, and at church.

4.0 Definitions

4.1 A **concern** is any low-level query or statement by a person which relates to a SHGC staff member, contractor, visitor and/or volunteer and which involves a teaching or management practice, conduct, or decision or some other aspect of SHGC's operations.

4.2 A **complaint** (also referred to as a **formal complaint** in this policy) is a statement by a person which relates to a SHGC staff member, contractor, visitor and/or volunteer and which involves a teaching or management practice or decision, conduct, or some other aspect of SHGC's operations that have not met the person's expectations for some reason and which they want to be investigated and resolved.

4.3 **Complainant** is any person making a complaint, and **respondent** is any person who is the subject of a complaint. For clarity, a complaint can involve multiple complainants and respondents.

4.4 **Protected Disclosure** means a report of serious wrongdoing made (or capable of being made) under the protection of the Protected Disclosures Act 2022 (or any successor legislation) (PDA22). 'Serious wrongdoing' has the same meaning as the PDA22.

4.5 **senior staff member** means any member of SHGC's senior leadership team (including: principal and deputy principal/s) and any designated Leader of Learning.

5.0 Policy

5.1 All concerns and complaints must be taken seriously and dealt with efficiently and in accordance with the principles of natural justice, including independence, fairness, and transparency.

5.2 Every person has a responsibility to engage in the resolution of concerns or complaints that involve them. This includes participating in any meetings and/or interviews as part of any investigation commenced by SHGC.

5.3 In dealing with any concerns or complaints, SHGC must meet any statutory obligations it may owe the parties.

5.4 Every person has a responsibility to comply with this policy and its procedures where they want to raise (or respond to) a concern or complaint.

6.0 Procedures

6.1 Confidential process:

- (a) concerns and complaints should be dealt with confidentially and in a manner that protects, to the extent possible, the dignity and mana of any participants, including complainants and respondents.
- (b) information will be treated in confidence and in accordance with the requirements of the Privacy Act 2020.
- (c) information generally should not be disclosed without the complainant's consent, unless it involves serious wrongdoing or involves a senior staff member.
- (d) in some situations, information can be disclosed without the complainant's consent, however the complainant's feedback must be considered before any disclosure occurs.
- (e) confidentiality will not prevent SHGC from using or disclosing any information to commence or defend any legal proceedings or make submissions in relation to any enquiry or complaint, or refer any matter to enforcement agencies, including Police.
- (f) confidentiality does not mean secrecy. SHGC will disclose information to people it believes need to be aware of it.

6.2 Self resolution or informal resolution:

- (a) an individual can consider approaching the person or people involved to resolve any concern or complaint informally.
- (b) informal resolution can involve direct discussions, written communications, facilitated meetings (including mediations and conciliations), or other processes the parties agree to
- (c) informal resolution is a voluntary process for the parties involved. No-one can be compelled to engage in informal resolution.
- (d) if an individual's concerns or complaint cannot be resolved informally for any reason, they can choose to make a formal complaint in accordance with the relevant policy.

6.3 Formal complaint:

- (a) formal complaints can be made in writing at any time. However, SHGC encourages individuals making formal complaints to do so promptly and without delay. Formal complaints should include details of the complaint, the parties involved in the complaint, any steps taken to address the complaint, the effect of the complaint on the complainant, and any other relevant or supporting information.
- (b) formal complaints must be dealt with by the appropriate senior staff member, generally the complainant's direct report or supervisor, unless that is inappropriate for any reason. Where the complaint involves a senior staff member, another senior staff member and/or member of SGHC's board must deal with the complaint, taking into account the need to avoid conflicts of interest. The board can delegate its responsibilities under this policy to a sub-committee made up of members of the board.
- (c) the parties to a formal complaint (including the complainant and any respondent) are entitled to natural justice, which includes the provision of any relevant information.
- (d) a senior staff member dealing with a complaint must ensure:
 - (i) the SHGC principal and/or board are made aware of the complaint.
 - (ii) the complainant and any respondents are kept updated about decisions concerning the formal complaint.
 - (iii) the complainant is aware their identity along with the formal complaint will be disclosed to any respondents.
 - (iv) the outcome of the formal complaint is communicated to the complainant and any respondent, taking into account any rights to privacy.

6.4 Process for dealing with a formal complaint:

- (a) once received by SHGC, a formal complaint should be promptly acknowledged and allocated to a senior staff member for processing.
- (b) the senior staff member must assess whether the formal complaint is being made, or is capable of being made, under the PDA22. In the event the formal complaint is a protected disclosure, any applicable statutory process will apply and this policy will be modified accordingly.

- (c) in the first instance, the relevant senior staff member must assess the formal complaint and determine the best way for it to be addressed, taking into account the purpose of this policy.
- (d) where appropriate, the senior staff member must advise the SHGC principal and/or board of the formal complaint.
- (e) the senior staff member will advise any respondents of the formal complaint, the complainant's identity (unless the complaint is a protected disclosure, in which case, statutory requirements regarding those disclosures will apply), and any supporting information the complainant has provided as part of the formal complaint.
- (f) the senior staff member, with the assistance of the SHGC principal and/or board (as appropriate), must decide:
 - (i) whether the complaint will be investigated internally or externally
 - (ii) who the investigator will be; and
 - (iii) any terms of reference for the investigation.
 Any decisions must be communicated to the complainant and respondents.
- (g) The senior staff member is responsible for providing updates to the complainant and respondents during and following the investigation.
- (h) The senior staff member is responsible for communicating the outcome of any formal complaint to the complainant and respondents, taking into account the need to protect the privacy of individuals.

6.5 Investigations:

- (a) SHGC may appoint an investigator in respect of any formal complaint. The investigator's role is to investigate the formal complaint in accordance with best practice and to make findings of fact, but not to determine any disciplinary outcome.
- (b) The investigator may be from within SHGC or may be an external (third) party.

6.6 Managing conflicts of interest:

- (a) The senior staff member dealing with any formal complaint must not have a conflict of interest. A **conflict of interest** exists where the responsibilities of the person in question are, or could be, affected by some other personal, financial or academic interest or duty.
- (b) Actual or potential conflicts of interest must be identified and appropriately managed.

6.7 Vexatious complaints:

- (a) SHGC acknowledges that formal complaints of bullying, harassment and/or discrimination are serious matters which can potentially damage an individual's reputation. Intentionally false allegations that are found to be of a frivolous or vexatious nature will be viewed seriously and may result in SHGC taking disciplinary action against the complainant.

6.8 Modifications to the process of dealing with formal complaints:

- (a) The process outlined at clause 6.4 can be modified at SHGC's discretion, taking into account the circumstances of the concern or complaint and this policy's purpose (including for lower-level resolution where that is appropriate). Modifications to the process should only occur following consultation with the complainant and respondents.

REVIEW:

This policy will be reviewed by the board.

Review schedule: Bi-annually
Review due next: October 2025

Approved by the Board at the meeting held on 25th October 2022



Presiding Member