



BRISBANE CATHOLIC EDUCATION STAFF COMPLAINTS MANAGEMENT PROCEDURE

1. **INTRODUCTION**

- 1.1 Brisbane Catholic Education (“BCE”) is committed to maintaining a high performing workforce and a safe and supportive work environment where excellence is pursued, misconduct and underperformance are managed and everyone is treated with respect, fairness and dignity.
- 1.2 BCE expects all staff to maintain a high standard of personal and professional conduct and comply with all BCE’s policies and procedures, including the *Catholic Education Archdiocese of Brisbane Code of Conduct*.
- 1.3 Staff are encouraged to resolve complaints informally themselves, however, where staff are unable or unwilling to do this, staff may make a written complaint in accordance with this Procedure.

2. **PURPOSE**

- 2.1 The purpose of this Procedure is to outline a process whereby staff or Principals/Managers may initiate a complaint in relation to a staff member.
- 2.2 A clear process is also provided in this Procedure for Principals/Managers to address and manage complaints initiated under this Procedure.

3. **SCOPE**

- 3.1 Brisbane Catholic Education is the agency of The Corporation of Trustees of the Roman Catholic Archdiocese of Brisbane responsible for the administration of systemic Catholic Schools (“BCE Schools”) and the BCE office (“BCEO”).
- 3.2 This Procedure applies to all “Staff” which in this Procedure includes all employees of BCE who work at BCE Schools or the BCEO, including full-time and part-time employees, casual or temporary employees and volunteers when acting in that role.
- 3.3 This Procedure does not apply to contractors, except that contractors may make a complaint under this Procedure of workplace bullying or sexual harassment as described in the *BCE Workplace Bullying and Sexual Harassment Policy* and that complaint will be handled in accordance with this Procedure.

4. **COMPLAINTS COVERED BY THIS PROCEDURE**

- 4.1 A ‘Complaint’ in this Procedure, means an expression of dissatisfaction or concern regarding the action or inaction of BCE staff members. Complaints must relate to a work issue which, depending on the circumstances, may include work related activities and functions which may occur outside the workplace and outside normal working hours.
- 4.2 A complaint may be initiated by a staff member or a Principal/Senior Leader – Learning and Identity /Manager or a Director of BCE. A written complaint may be made by a staff member or a Principal /Senior Leader - Learning and Identity/Manager or a Director of BCE as described in section 10.

5. **EXCLUDED COMPLAINTS**

- 5.1 This Procedure does not apply to the following complaints:
 - (1) allegations or reasonable suspicions of sexual abuse/likely sexual abuse or harm/risk of harm to a student or staff inappropriate behaviour towards a student, which must be managed and reported in accordance with the *BCE Student Protection Processes*;

- (2) complaints in relation to a possible breach of the *BCE Student Protection Processes* which must be handled in accordance with the *BCE Complaints Procedure for Non-Compliance with the Brisbane Catholic Education Student Protection Processes*;
- (3) complaints where there is an existing BCE procedure, guideline or mechanism about managing that complaint; and
- (4) complaints made by parents, carers, students or the school community (although Principals/Senior Leaders - Learning and Identity /Managers may initiate a complaint based on allegations that are raised by parents or students).

ADVICE AND SUPPORT

For Staff Members

If staff have any questions or concerns about the *BCE Staff Complaints Management Procedure* they may contact a member of the Employee Relations Team on (07) 3033 7579 or by email at employeerelations@bne.catholic.edu.au

If the staff member is a member of the **Union**, they may seek advice or assistance from their Union.

BCE provides the **Employee Assistance Program** to give free and confidential counselling to BCE staff who require support. The Employee Assistance Program is not available to contractors or volunteers. BCE staff are encouraged to access the Employee Assistance Program or seek other counselling support at any time. **BCE staff may access the Employee Assistance Program on 1800 808 374 or info@assureprograms.com.au** for confidential, short term counselling to assist with work or personal issues.

For Principals/Senior Leaders - Learning and Identity /Managers/Directors

The **Manager Professional Standards and Student Protection** and the **Manager Employee Relations** will provide advice and assistance to Principals/Senior Leaders - Learning and Identity/Managers/Directors on the *BCE Staff Complaints Management Procedure* and the appropriate steps to follow in managing complaints. **The Manager Professional Standards and Student Protection can be contacted on (07) 3033 7409 or by email at**

professionalstandards&studentprotection@bne.catholic.edu.au

The Manager Employee Relations can be contacted on (07) 3033 7579 or by email at employeerelations@bne.catholic.edu.au

Managers may access the Manager Support Program on 1800 505 015 or

info@assureprograms.com.au for assistance in managing personal and interpersonal work issues relating to employee performance and work relationships.

6. IMPORTANT PRINCIPLES AND VALUES

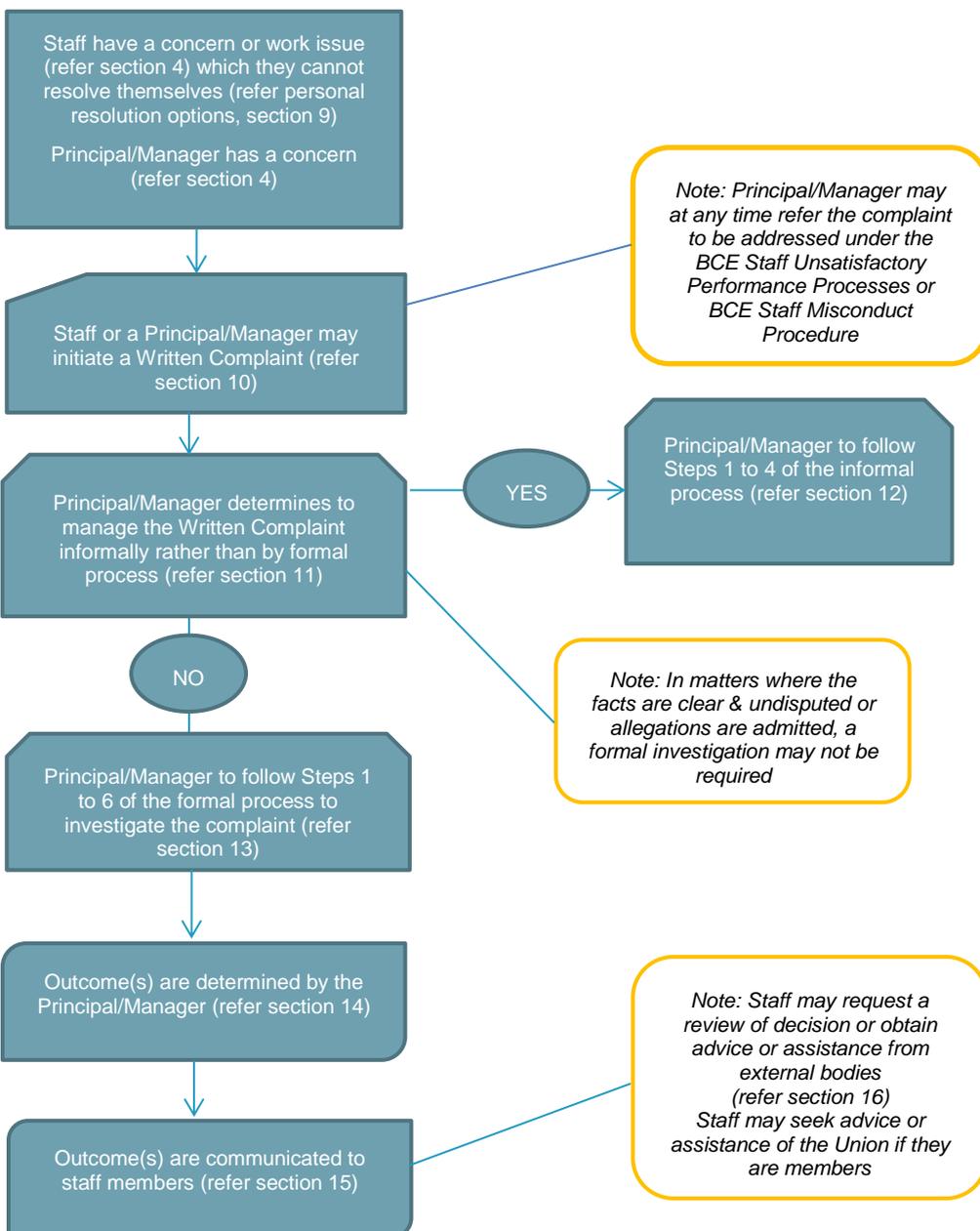
- 6.1 The underpinning values of this Procedure are guided by the fundamental principles of natural justice and procedural fairness. These principles include that the process is:
 - (1) fair and just;
 - (2) consistent and impartial;
 - (3) confidential to those involved;
 - (4) prompt; and
 - (5) careful and thorough.
- 6.2 All persons involved in this process must observe confidentiality, unless they are otherwise authorised or required to disclose information (for example, where there is a risk to the health and safety of staff or students). The details of the process for a specific complaint should be known only to those directly concerned. The Principal/Manager will advise all parties to the complaint, support persons and witnesses to keep the details of a complaint, any investigation and documents confidential. Staff must not approach witnesses or any member of the school community, including parents and students, to discuss details of the complaint.

- 6.3 Staff members may involve a support person/ Union representative in any meetings between the staff member and the Principal/ Manager. The Principal/Manager should advise staff of their right to a support person/ Union representative in meetings between them and the staff member. The support person may be another staff member, friend or family member. The staff member must give reasonable notice of the support person's/Union representative's attendance at a meeting.
- 6.4 Complaints must be genuine. Vexatious or frivolous complaints will not be considered (and may be considered as misconduct and dealt with under the *BCE Staff Misconduct Procedure*).
- 6.5 It is against the law for a person to be victimised. Staff, who make reasonable and genuine complaints, witnesses and those seeking to resolve the complaint, must not be victimised or subject to any reprisals. Staff should report any such incidents. Substantiated incidents of victimisation or reprisals will result in disciplinary action.

7. OVERVIEW OF COMPLAINTS MANAGEMENT PROCESS

7.1 Complaints which are initiated under this Procedure by either staff or Principals/Senior Leaders - Learning and Identity/Managers/Directors should be managed in accordance with these Procedures.

7.2 The following flowchart summarises the Complaints Management Process.



8. SELECTING THE RIGHT PROCESS FOR PRINCIPALS/ MANAGERS

- 8.1 The Principal/Manager will make an assessment about the appropriate way to manage a complaint or issue. Principals/Managers will determine whether the matter should be dealt with under this Procedure or whether it should proceed under the *BCE Staff Unsatisfactory Performance Processes* or the *BCE Staff Misconduct Procedure*.
- 8.2 This Procedure should generally be used for dealing with complaints and issues described in section 4 which do not fall within the matters dealt with under the *BCE Staff Unsatisfactory Performance Processes* or the *BCE Staff Misconduct Procedure*.
- 8.3 The *BCE Staff Unsatisfactory Performance Processes* should be used in relation to unsatisfactory work performance of a staff member. The *BCE Staff Misconduct Procedure* should be used for dealing with a staff member who is alleged to have engaged in conduct of a serious nature, repeated behaviour or allegations that amount to misconduct as defined in the *BCE Staff Misconduct Procedure*.
- 8.4 The Principal/Manager may at any time in the complaints management process, determine that the substance of the complaint is more serious than first anticipated or new evidence or allegations arise. The Principal/Manager may at any time refer the matter to be dealt with under the *BCE Staff Misconduct Procedure* or the *BCE Staff Unsatisfactory Performance Processes*. The staff member will be advised of this referral.

9. PERSONAL RESOLUTION OF WORK ISSUES BY STAFF

- 9.1 Staff are encouraged to try and resolve their work issues and grievances themselves and it is expected that in most cases, staff will manage ordinary complaints and challenges themselves or with the assistance of their Principal/Manager without the need to lodge a Written Complaint (see section 10). This is often successful, especially where the behaviour is less serious, unintentional or subtle.
- 9.2 In some cases, it may not be appropriate for a staff member to make a personal approach to another staff member, for example, in cases of sexual harassment and a Written Complaint should be lodged (see section 10).
- 9.3 In attempting to personally resolve a complaint, staff should raise the issue either verbally or in writing, as soon as possible with the other staff member. Staff could raise the specific conduct with the other staff member, explain the impact of the conduct and ask for the conduct to stop. Staff should not retaliate against the person, but stay calm, plan what they will say, focus on the unacceptable behaviour (rather than the person) and seek a resolution of the issues. Any conversation should be conducted in a venue that provides privacy and confidentiality for staff.
- 9.4 Staff may discuss the matter with their Principal/Manager and if requested, the Principal/Manager may bring the parties together to attempt to reach a resolution of the issues. The Principal/Manager may discuss the issues with the parties, raise the allegations, provide guidance or clarification of relevant operational issues, ask for a response or attempt for both parties to reach an acceptable agreement. The Principal/Manager should appropriately document any agreements between the parties.
- 9.5 Where a Written Complaint has not been lodged by staff (see section 10), the Principal/Manager will not carry out an investigation or make a determination about the allegations (although, in some cases the Principal/Manager may make a determination that the matter needs to be investigated and may initiate a complaint against a staff member in accordance with section 10.4.)

10. WRITTEN COMPLAINT

- 10.1 Staff (“complainant”) may lodge a written complaint (“Written Complaint”) with their Principal/Manager, where they have been unable to resolve the complaint themselves or where they believe personal resolution is inappropriate in the circumstances.

- 10.2 Staff should provide sufficient information in their Written Complaint to enable the Principal/Manager to manage the complaint. Staff should complete a BCE Complaint Form (or use it as a guide). The BCE Complaint Form is contained in *Attachment 1*. Staff who have any questions or require assistance to complete the BCE Complaint Form, should contact the Employee Relations Team on (07) 3033 7579 or by email at employeerelations@bne.catholic.edu.au
- 10.3 Staff must lodge their Written Complaint with their Principal/Manager. If the complaint is about the Principal/Manager or the staff member is uncomfortable or believes it is inappropriate to have the matter managed by their Principal/Manager, the staff member should lodge the Written Complaint with the school's Senior Leader - Learning and Identity or the Director of the Manager's Directorate who will, where appropriate, manage the complaint in place of the Principal/Manager (and in this case, the references in this Procedure to the Principal/Manager will refer to the Senior Leader - Learning and Identity/Director of the Manager's Directorate).
- 10.4 Principals/Managers may initiate a complaint under this Procedure. The Principal/Manager should complete the BCE Complaint Form to document the allegations or information on which the complaint is based.
- 10.5 Complaints should be made as soon as possible after the complaint has arisen or where a personal resolution of the complaint has been unsuccessful.
- 10.6 In most cases, it is not possible for a complainant to remain anonymous. If this is requested, the Principal/Manager will manage the concerns of the complainant to ensure there is fairness to all parties and natural justice to the respondent. In managing complaints involving students as witnesses, disclosure of the identity of the student is to be balanced with the principle of what is in the best interests of the student.

11. RESPONSE TO COMPLAINT BY PRINCIPAL/MANAGER

- 11.1 When a Written Complaint is lodged by staff or initiated by the Principal/Manager, the Principal/Manager should take the following steps:
- (1) **Step 1** - Assess the nature of the complaint and whether the complaint is serious, complex or urgent. Complaints will be managed in accordance with the urgency and the seriousness of the matter raised. If the matter concerns an immediate risk to the safety or security of staff or students, the response will be prioritised. Where the complaint involves misconduct or serious or complex issues the Principal/Manager will promptly advise their Senior Leader - Learning and Identity/Director.
 - (2) **Step 2** – Carry out a risk assessment to identify any workplace safety concerns (for example, sexual harassment) and act promptly to ensure the workplace is safe. The Manager Professional Standards and Student Protection or the Manager Employee Relations may provide advice about appropriate risk management actions. Advice regarding a recommendation to the Executive Director to stand down an employee while the process is undertaken should be obtained from the Manager Professional Standards and Student Protection or the Manager Employee Relations. If there is an allegation of criminal conduct, the Principal/Manager must obtain the advice of the Manager Professional Standards and Student Protection or the Manager Employee Relations, before making any report to the Queensland Police Service.
 - (3) **Step 3** – Determine the appropriate course of action to manage the complaint, that is, using an informal process detailed in section 12 or a formal investigation detailed in section 13.
 - (4) **Step 4** – Provide the complainant with a written acknowledgement of their complaint.
 - (5) **Step 5** – Discuss the complaint with the complainant to gain an understanding of the complaint; explain how the complaints management process will proceed; provide reasonable time

expectations and discuss the possible outcomes of this process. A direction about confidentiality will be given to the complainant.

- (6) **Step 6** – Subject to any request made by the Queensland Police Service where the matter has been reported to them, advise the staff member who is the subject of the complaint (“respondent”) in writing, of the complaint, who the complainant is, the specific allegations of the complaint and if appropriate any outcomes suggested by the complainant. The Principal/Manager should give a direction about confidentiality and provide the respondent with an opportunity to respond to the allegations within a reasonable timeframe.

- 11.2 If the respondent admits the allegations in the complaint, the Principal/Manager may proceed to a determination of outcomes (see section 14). This does not prevent further investigation by the Principal/Manager of the circumstances and the actions of the respondent or other staff members, for example, to assist in preventing future similar incidents.

12. INFORMAL PROCESS – FACILITATED MANAGEMENT OF COMPLAINT

- 12.1 Many complaints are most appropriately dealt with at an informal level and Principals/Managers should try to resolve complaints at an informal level where appropriate. In this case, there is no formal investigation or determination about the substance of the allegations in the complaint.

- 12.2 Where the Principal/Manager determines to attempt to resolve the complaint informally, they should take the following steps:

- (1) **Step 1** – Take all reasonable measures to ensure that the complainant is not exposed to a repeat of the behaviour complained about and that the behaviour of all parties is appropriate and professional at all times.
- (2) **Step 2** - Interview the complainant to clarify and gain an understanding of the complaint. The respondent will be separately interviewed to raise the allegations and discuss the complaint. The Principal/Manager should discuss with the parties the possible outcomes to manage the complaint. The Principal/Manager will advise the respondent that they may have a support person available during these interviews and meetings. A direction about confidentiality will be given to the parties.
- (3) **Step 3** - The Principal/Manager may bring the parties together, or meet with the parties individually, to offer suggestions, strategies, guidance or clarification to the parties to assist in the resolution of the matter. For example, the Principal/Manager may encourage the parties to acknowledge circumstances and develop solutions and alternative responses. The Principal/Manager should appropriately document any agreements between the parties.
- (4) **Step 4** - In some circumstances, an external facilitator may be appointed (with the prior approval of the relevant Principal/Manager/Director) to assist in reaching a settlement.

- 12.3 Through an informal process, a resolution may be achieved which is acceptable to all the parties, including, for example, agreeing to any of the outcomes in section 14.

13. FORMAL PROCESS - INVESTIGATION OF COMPLAINT

- 13.1 The Principal/Manager may determine that a complaint should be managed using a formal process (including where an attempt at informal resolution has been unsuccessful). Where there is a serious or complex allegation, a person external to BCE may be appointed to conduct the investigation (with the prior approval of the relevant Principal/Manager/Director).

- 13.2 Where the Principal/Manager determines to formally investigate a complaint, they should, in accordance with section 6, take the following steps:

- (1) **Step 1** - Carry out a risk assessment. The Manager Professional Standards and Student Protection and the Manager Employee Relations may provide advice to the Principal/Manager about appropriate risk management actions (and see section 11.1(2)).

- (2) **Step 2** – Investigate the complaint by making appropriate enquiries and gathering relevant information. This may include interviewing the parties, examining information and documentation, taking a statement from any witnesses or other persons and/or interviewing those people and producing a written record of notes of the interview. Confidentiality directions should be given to all parties and witnesses and the parties are to be advised of their right to a support person/Union representative at meetings.
- (3) **Step 3** - The respondent must be given an opportunity to fully respond to the allegations in the complaint. Reasonable notice (recommended 24 hours) must be given to a respondent regarding requests to attend meetings.
- (4) **Step 4** – The complainant must be given an opportunity to comment on matters raised by the respondent and be provided with an opportunity to comment on any further relevant evidence including contradictory information.
- (5) **Step 5** – Keep a confidential record of meetings, conversations, evidence and agreements.
- (6) **Step 6** - Assess all the evidence of the complaint impartially, taking into consideration whether the weight and reliability of the evidence demonstrates that there is substance to the complaint.

14. COMPLAINT OUTCOMES

- 14.1 After an investigation, the Principal/Manager will form a conclusion, on the basis of the balance of probabilities (that is, it is more likely than not that the allegations occurred), about: (1) whether the complaint is substantiated, unsubstantiated or unable to be substantiated;
 - (2) whether the substantiated complaint constitutes a breach of the *Catholic Education Archdiocese of Brisbane Code of Conduct* or any of BCE's policies or procedures; and
 - (3) the response or required course of action which needs to be undertaken.
- 14.2 Where the Principal/Manager determines that the complaint is substantiated on the balance of probabilities, the Principal/Manager may determine to take one or more of the following actions:
 - (1) seek an apology from the respondent to the complainant;
 - (2) change work arrangements;
 - (3) seek an undertaking to change behaviour and that inappropriate behaviour will cease;
 - (4) clarify and restate expectations of appropriate conduct;
 - (5) refer staff members to professional development or further training;
 - (6) refer staff members to BCE's Employment Assistance Program;
 - (7) implement a period of monitoring; or
 - (8) refer the matter to be handled under the *BCE Misconduct Procedure*, the *BCE Unsatisfactory Performance Procedure* or any other BCE Policy or Procedure.
- 14.3 Where the Complaint is unsubstantiated, the Principal/Manager should clarify any misunderstandings and may take one or more of the following actions:
 - (1) acknowledge different perspectives;
 - (2) develop agreed strategies for managing differences;
 - (3) remind those involved of the expected standards of conduct;
 - (4) take action to resolve underlying workplace conflict or issues;
 - (5) monitor the situation;
 - (6) refer staff members to professional development or further training; or
 - (7) refer staff members to BCE's Employment Assistance Program.
- 14.4 The Principal/Manager is responsible for ensuring that the course of action or outcome is implemented.

15. NOTIFICATION OF OUTCOMES TO STAFF

- 15.1 At the conclusion of the process, the Principal/Manager will notify the complainant in writing whether the complaint has been able to be substantiated and that appropriate action has been taken.
- 15.2 It is not appropriate for the Principal/Manager to inform the complainant about the specific details of any disciplinary action taken against another staff member, as that information is personal information between the employer and the staff member. Any disciplinary action taken against the respondent is confidential.

16. REVIEW PROCESS

- 16.1 If either party to a complaint is dissatisfied with the process or outcome, they may make a written request to the Director-Employee Services seeking a review of the decision. The request must:
- (1) be received within 14 days of the staff member receiving a notification of the outcome of the written complaint;
 - (2) clearly state the reasons for dissatisfaction with the decision; and
 - (3) clearly state the outcome the staff member believes would resolve the complaint.
- 16.2 The Director – Employee Services may delegate the matter to be reviewed to an appropriate Senior Leader - Learning and Identity/Manager at BCE who has not been directly involved in the complaint process. The Director – Employee Services (or their delegate) will, in a timely manner, review the complaint process and the outcome and determine if there are any procedural deficiencies and whether the outcome was fair and reasonable in all the circumstances. At the conclusion of this review, the Director-Employee Services (or their delegate) will notify the complainant and the respondent of their decision. The outcome of this review is final and there is no other appeal or review mechanism provided by BCE.
- 16.3 Staff may at any time in the process refer the complaint for advice or assistance to external bodies (for example, the Queensland Anti-Discrimination Commission or Fair Work Commission) and if staff are members, they may seek advice or assistance from their Union.

17. GENERAL

- 17.1 This Procedure does not contractually create or contribute to a legal cause of action against BCE.
- 17.2 The processes outlined in this Procedure are not prescriptive, but are a guide to assist Principals/Senior Leaders - Learning and Identity /Managers to manage complaints.

18. REVIEW OF PROCEDURE

- 18.1 BCE may amend this Procedure from time to time as BCE considers necessary.
- 18.2 This Procedure will be periodically reviewed to ensure that it remains effective and relevant to the workplace.

BCE Complaint Form

If insufficient space is provided in this form, please attach additional pages.

1. Complainant’s Name and Contact Details

Full Name/Title: _____

Address: _____

Telephone (work): _____ (home) _____ (mobile) _____

Email Address: _____

Role/Position: _____

School/Office location: _____

Principal/Manager: _____

2. If the complaint is about another person, details of staff member to whom the complaint relates

Staff Member’s Name: _____

Role/Position: _____

School/Office location: _____

3. Details of Complaint

In space below, please outline your complaint, providing full details of the complaint (what happened, where it happened, times and dates and details of any witnesses). Please attach a separate sheet if there is insufficient space provided.

4. Documents/other evidence

5. Outcome being sought to resolve the complaint

6. Describe any action that has been undertaken to resolve complaint

7. Other Information

The information contained in this form is true and accurate to the best of my knowledge.

Please sign and date this form:

Signature: _____ **Date:** _____

Print or Type Name: _____

**PLEASE LODGE THIS FORM WITH YOUR PRINCIPAL/MANAGER
(OR THEIR LINE MANAGER) EITHER IN PERSON OR VIA EMAIL OR POST**