

Handling of complaints against staff

1. Preamble

- 1.1 The Independent Education Union Victoria Tasmania acknowledges that parents, students and staff have a right to raise concerns and have them addressed by the appropriate member of staff. Complaints should be handled objectively and with sensitivity, and not in a reactive and subjective manner.

The most desirable outcome in cases of complaints against teachers and other members of staff is:

- (i) the determination about whether there has been any unsatisfactory/inappropriate practice or action, as early as possible and in the fairest and most objective manner possible;
- (ii) the implementation of any necessary changes designed to bring about better educational, pastoral or administrative outcomes, as appropriate;
- (iii) the achievement of reconciliation between the parties;
- (iv) the establishment of a renewed confidence in the student-teacher (or other staff member) relationship.

It is imperative that all schools have well-developed policies and procedures for the handling of parental, student and staff complaints and that these policies and procedures are understood by staff, parents and students.

Policy and procedures for the handling of parental, student and staff complaints should be underpinned by the principles and procedures outlined in this policy.

2. Principles

- 2.1 While parents, students and staff may from time to time raise concerns or complaints relating to a teacher or other staff member, not all matters will need to be raised with the staff member concerned. Complaints not raised with the staff member concerned at the time must not be relied upon in any future disciplinary proceedings or professional contexts.

However, where, in the professional judgement of the Principal or other Senior Staff member, there is a need for a complaint to be addressed or acted on, or it is in the best interests professionally or educationally, the teacher or other staff member must be informed of the complaint.

- 2.2 Teachers and other members of staff are entitled to know the details of the complaint against them, including the name of the person raising the complaint, the specific details of the complaint, and be given the opportunity to respond prior to any action being taken in response to the complaint.

It is unprofessional and a denial of natural justice for the name of the complainant and the details of the complaint to be withheld from the teacher or staff member concerned. Such withholding of key information does not afford the teacher or other staff member an appropriate and adequate opportunity to respond to and address the complaint.

In cases of alleged sexual or physical abuse of students where the Police and /or Children's Services are involved, the Principal shall follow the advice of these agencies in respect to the timing etc of raising the complaint with the member of staff concerned. In Victorian Catholic schools the principal must follow the procedures outlined in the particular Diocesan Procedures for the Management of Allegations of Misconduct Against Lay Employees in Catholic Schools and Catholic Education Offices.

- 2.3 Where there are meetings of the teacher concerned with the Principal, parents/students or other appropriate staff in relation to the complaint, the teacher or other staff member concerned should be told in advance the purpose of the meeting and who will be attending the meeting. The teacher or other staff member concerned must be given the opportunity to be accompanied by an IEU Victoria Tasmania representative or staff member of their choice.

- 2.4 The teacher or other staff member concerned should be involved in discussions about the resolution of the concern and any actions arising from the complaint.

based on misinformation/ misunderstanding, will discuss the concern with the teacher or other staff member concerned.

Such discussions, meetings and actions arising out of the complaint should be carried out in accordance with the Principles outlined in Section 2.0 of this Policy.

3. Procedures for the Handling of Complaints

Where, in the professional judgement of the Principal or appropriate senior staff member who has received the complaint, there is a need for a complaint to be addressed, the teacher or staff member concerned must be informed and involved.

3.1 Step 1 - Redirection To Teacher/Staff Member Concerned

In the first instance, the parent, student (if appropriate) or staff member who has made the complaint should be requested by the Principal or other senior staff member who receives the complaint, to discuss the concern with the teacher or other staff member concerned.

If the complaint relates to an allegation of serious misconduct of sexual physical or emotional abuse, Principals in Victorian Catholic schools must follow the procedures outlined in the Diocesan Procedures for the Management of Allegations of Misconduct Against Lay Employees in Catholic Schools and Catholic Education Offices.

Principals in Independent and other Catholic schools should take advice on the most appropriate and fair procedure to follow in handling a complaint of serious misconduct such as sexual, physical or emotional abuse. Policies on the handling of complaints of this nature should be developed in each school and distributed to all staff.

3.2 Step 2 – Further Discussion Necessary

If, following redirection to the teacher or staff member concerned, the complainant does not feel the matter to be resolved, and further raises the concern with the Principal or other Senior staff member (as appropriate), the Principal will either:

- (a) discuss the matter further with the complainant, and where the concern is based on misinformation, misunderstanding or is vexatious or misconceived, clarify the matter with the parent or student. In this instance, the teacher or other staff member concerned should be informed that the complainant further discussed the matter with the Principal or Senior Staff member (as appropriate), and the outcome of the Principal's discussion with the parent or student; or
- (b) discuss the matter further with the complainant, and where the Principal (or other senior staff member, as appropriate) forms the view that the concern is not vexatious nor misconceived, nor

4. Record Keeping

- 4.1 Records of the complaint, the process for handling the complaint and any outcomes should be kept. Where the complaint is found to be vexatious or based on misinformation etc, any record pertaining to the complaint or handling of the complaint should be kept in a file separate from the teacher or staff member concerned and the student.

Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint must be given to the teacher or staff member concerned. Teachers and staff members must have access to the files kept on them by the school.

Policy and procedures at both Catholic and independent school levels should be consistent with the procedures outlined in both the IEU Victoria Tasmania Policy on Principles To Operate When Keeping Personal Files On Employees, and Catholic Education Office Melbourne (COEM) Policy 2.3.

5. Grievances

- 5.1 If a teacher or other staff member believes that the process of handling the complaint and/or the outcome of the complaint have been unfair and / or inappropriate, they have the right to pursue grievance procedures. In such situations the teacher or other staff member concerned should be granted access to all file notes.

6. Role of the IEU

- 6.1 IEU Victoria Tasmania will provide advice, support and direct representation, if requested, to IEU members in relation to all aspects of this policy whether they are the teacher or staff member about whom a complaint is made, or the person who makes the complaint.
- 6.2 In the case of both parties, i.e. the complainant and the teacher or staff member about whom the complaint is made, being members of the union, the IEU Victoria Tasmania will assign a separate IEU officer to provide advice, support and representation to ensure that the principles and practices outlined in this policy are carried out in the handling of the complaint.

Ratified by Annual Conference, November 2001