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*Carmel College Concerns and Complaints Procedures - 01*

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*(to be read in conjunction with the Protected Disclosures Procedure)*

**DEFINITIONS:**

- ✦ **A concern** is a matter raised by student, staff, parent/caregiver or member of the public that requires further clarification and/or more detailed information and/or answers to some questions and/or an investigation about any school related matter. Concerns are not dealing with what the person raising them would consider a serious matter (e.g. student thinks being treated unfairly; or a student has said something nasty to another student or teacher) and can usually be dealt with at an informal level. A meeting may be arranged and discussion undertaken to resolve the concern.
  
- ✦ **A formal complaint:** is a matter raised, in writing, by student, staff, parent/caregiver or member of the public that requires a more formal response about any school related matter. Formal complaints deal with serious issues such as allegations of illegal actions; anything involving drugs, alcohol, or physical violence. A formal complaint can be a continuation of a concern raised that was not resolved satisfactorily. A formal complaint can be made using the conditions of the Protected Disclosure Procedures.

**AIMS:**

1. To address concerns and resolve complaints in a fair and professional manner - this should be done in a co-operative and speedy manner.
  
2. To protect the rights of complainants by:
  - a. acting promptly to address the concern and/or resolve the dispute of complaint;
  - b. ensuring that they are not harassed for having raised a concern or laid a complaint;
  - c. ensuring that, if the concern / complaint is unfounded, that there are no adverse effects for the staff or student complained about.
  
3. To protect the rights of staff by:
  - a. ensuring that all concerns and complaints are fairly investigated and decisions are made on the basis of properly evaluated evidence;
  - b. ensuring the process complies with the procedure set out below and relevant contractual provisions;
  - c. ensuring that a process is in place so that the staff member does not suffer adversely as a result of raising the concern or making the complaint.
  
4. To protect the rights of students by:
  - a. ensuring that all concerns and complaints are fairly investigated and decisions are made on the basis of properly evaluated evidence;
  - b. ensuring that a process is in place so that the student does not suffer adversely as a result of raising the concern or making the complaint.

## PROCEDURE FOR CONCERNS

### Concerns of Students:

1. Students are encouraged to talk directly to their teachers whenever a concern arises. However, if the student does not feel this is appropriate or the concern is not resolved, they should approach their Dean, relevant Head of Department, guidance counsellor or a member of the Senior Leadership team.
2. Concerns regarding students are to be recorded on the school SMS in such a way that a parent or caregiver could read the material. Consideration to privacy issues should be considered when composing those pastoral notes on a student.

### Concerns of Staff (including teachers and support staff):

1. If a staff member has a concern about any school related matter, they should initially discuss their concern directly with the person involved.
2. If they feel unable to discuss with the person directly or it is a concern that does not involve a particular person, they should direct their concern to one of the following people:
  - ✦ Their 'line manager' as stated in their appraisal process
  - ✦ the relevant Head of Department or year level dean;
  - ✦ The Guidance Counsellor;
  - ✦ A member of the SLT
  - ✦ The Principal.

### Concerns of Parents/Caregivers

1. Where a parent/caregiver has a concern about a classroom matter, they should first try to contact the teacher involved to discuss the matter. This is best done by telephoning the school or writing/emailing to the teacher concerned. Contact details must be included or left with the college receptionist. It is expected that the parent/caregiver, teacher and Head of Department meet to discuss the concern. Teachers will endeavour to respond to parent/caregiver contact by the end of the following school day.
2. If the response provided does not fully address the concern, the parent/caregiver may take the matter further by making a formal complaint.

### Other Concerns

If a parent/caregiver has a concern about any other school related matter which they feel unable to discuss with the teacher directly or which does not involve a particular teacher, they may telephone or write to one of the following people:

- ✦ The year level dean of their daughter;
- ✦ The relevant Head of Department;
- ✦ The Guidance Counsellor;
- ✦ A member of the SLT;
- ✦ The Principal.

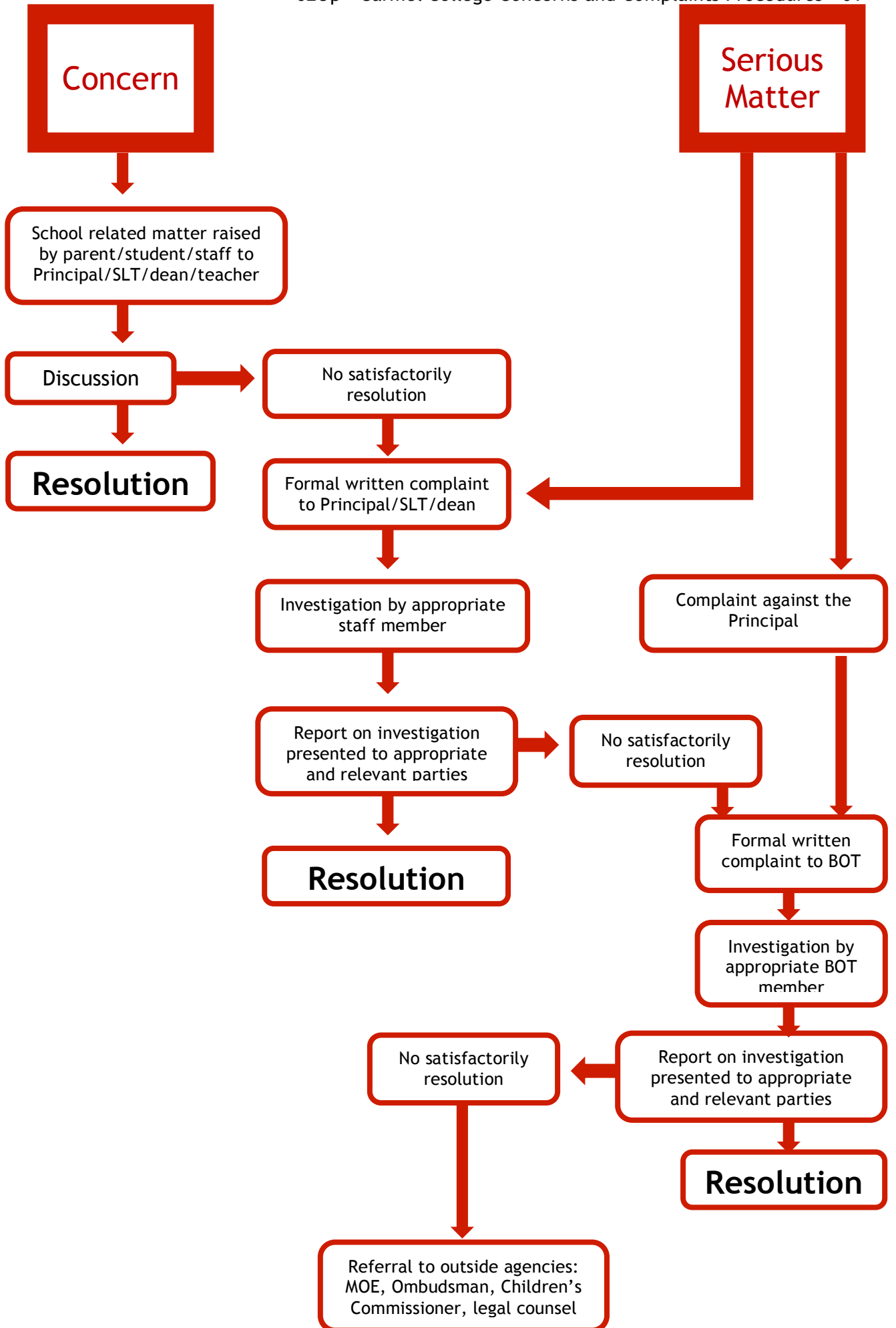
Concerns from the wider community should be directed in the first instance to either the Principal or a Deputy Principal. If the concern from a member of the wider community is about a staff member, it should be directed to the Principal. If the concern is about the Principal, it should be directed to the Chairperson of the Board of Trustees.

**PROCEDURE FOR MAKING A FORMAL COMPLAINT** (also see flow chart on Page 3)

*If the formal complaint is of a very serious nature, it can be made using the conditions of the Protected Disclosure Procedures.*

When the college's response to a concern is unsatisfactory or a formal complaint is to be made, these procedures should be followed:

1. The complaint should be recorded, in writing, with details that include the full nature of the complaint, any prior efforts made to resolve the matter and the complainant's name, address and contact details.
2. The written formal complaint should be addressed to the Principal, or in the case of a complaint about the Principal, to the Chairperson of the Board of Trustees.
3. When the complaint is received, the Principal or Board Chairperson will discuss the matter with the complainant to seek clarification before deciding what action should be taken. The complainant may have a support person during this process if desired.
4. The Principal, Board Chairperson or delegated senior member of staff, will investigate the complaint by procuring all relevant documentation and interviewing all relevant parties. Written statements will normally be taken.
  - a. Complaints about a student: see Appendix 1
  - b. Complaints about a staff member: see Appendix 2.
5. The Principal or Board Chairperson will decide what steps will be taken as a result of the investigation and will ensure that a record of the complaint, the process and the outcome is kept in the confidential Complaints File.
6. Depending on the nature of the complaint, the matter may be referred to the Board of Trustees for consideration and action.
7. The complaint will generally be treated in confidence. However, in the interests of natural justice, any persons included in a complaint must have the opportunity to hear all details about it and have the opportunity to present their point of view. They may have a support person during any discussion of the complaint if they wish.
8. Complainants will be informed, in writing, of the outcome of the investigation.
9. If a complainant is dissatisfied with the outcome of the complaint, they may write to the Board of Trustees for a review of the process. This should be completed within 28 days.



## **APPENDIX 1**

### **PROCEDURE REGARDING COMPLAINTS ABOUT A STUDENT**

1. All complaints must identify the person(s) involved.
2. The Principal (or such other staff member as may be appropriate and has been delegated this responsibility by the Principal) shall investigate the complaint to determine whether or not it is of substance. If there is no foundation to the complaint or it is capable of being remedied informally with the agreement of the parties concerned, then this shall conclude the enquiry and the outcome shall be advised, in writing, to those concerned and recorded.
3. If the complaint is not capable of being resolved informally, then the Principal shall give consideration to an appropriate response in accordance with the school discipline procedures, stand down, suspension, exclusion and expulsion rules and provisions under the Education Act 1989.
4. Complaints regarding students are to be recorded on the school SMS in such a way that a parent or caregiver could read the material. Consideration to privacy issues should be considered when composing those pastoral notes on a student.

## APPENDIX 2

### PROCEDURE REGARDING COMPLAINTS ABOUT A STAFF MEMBER

1. Complaints should identify the person(s) involved. It is acknowledged, in some rare cases, a written complaint may not be practicable. This will not prevent these procedures being implemented.
2. If a complaint is received about a staff member's conduct, then the Principal (or such other staff member as may be appropriate and has been delegated this responsibility by the Principal) shall carry out an investigation in the first instance unless the complaint is about, or concerned with, the Principal, in which case the Board of Trustees shall carry out the investigation. The purpose of this initial inquiry is to determine whether there is any foundation to the complaint, whether it can be resolved informally or if it should be the subject of a formal disciplinary investigation.
3. An investigation into a staff complaint shall comply with the requirements of procedural fairness and the relevant terms of the applicable employment agreement. The investigation process shall be determined by the investigator on a case by case basis but shall always include the following minimum requirements:
  - a. the staff member shall be fully advised of the complaint and be given the opportunity to make an initial response;
  - b. if a formal disciplinary investigation is commenced, the staff member shall be advised of this decision and of his or her right to representation during the investigation. The identity of the person(s) who will be carrying out the formal investigation on behalf of the Board of Trustees shall be notified;
  - c. the disciplinary investigation may involve interviewing those persons considered relevant to the enquiry. The staff member shall be kept advised of the progress of the enquiry.
  - d. the staff member shall be given the opportunity, throughout the process, to give responses and ensure his or her views are considered;
  - e. at the completion of the formal investigation, a report setting out the tentative findings and recommendations of the Board shall be made available to the staff member who will be given further opportunity to respond to the findings and recommendation.
4. The complaints procedure will be carried out in accordance with the principles of procedural fairness. Every attempt will be made by the Principal and/or Board of Trustees to resolve any issues involving staff, informally, prior to their becoming major issues requiring disciplinary action. In the event of disciplinary action being required, the procedures will adhere to the relevant provisions contained in a staff member's employment agreement. It is also acknowledged that the investigation process may be varied to meet individual circumstances and that, in some cases, the following may apply:

- a. the Principal or Board of Trustees may suspend a staff member at any time following receipt of a complaint provided the reason for suspension is in accordance with the relevant provisions of the applicable employment contract. The Principal is authorised by the Board of Trustees to suspend on its behalf in appropriate circumstances;
  - b. the Board of Trustees may delegate all or part of an investigation to a suitably qualified person outside of the school where the Board considers such external assistance appropriate.
5. For teaching staff, during an investigation and upon its completion, the applicable reporting requirements to the Teachers' Council shall be met, in particular if:
- a. the teacher is dismissed for misconduct or failure to reach the required level of competence;
  - b. the teacher resigns within twelve months of an investigation being carried out with respect to the teacher's conduct or competence;
  - c. a complaint is received within twelve months after a teacher ceases employment;
  - d. there is reasonable belief that a teacher may have engaged in serious misconduct or has not reached the required level of competence despite the school undertaking competency procedures;
  - e. any criminal conviction of an offence punishable by imprisonment for three months or more must be reported by the teacher within seven days of conviction.
  - f. The teacher shall be provided with copies of any notices sent to the Teachers' Council provided in accordance with the Education Act 1989.



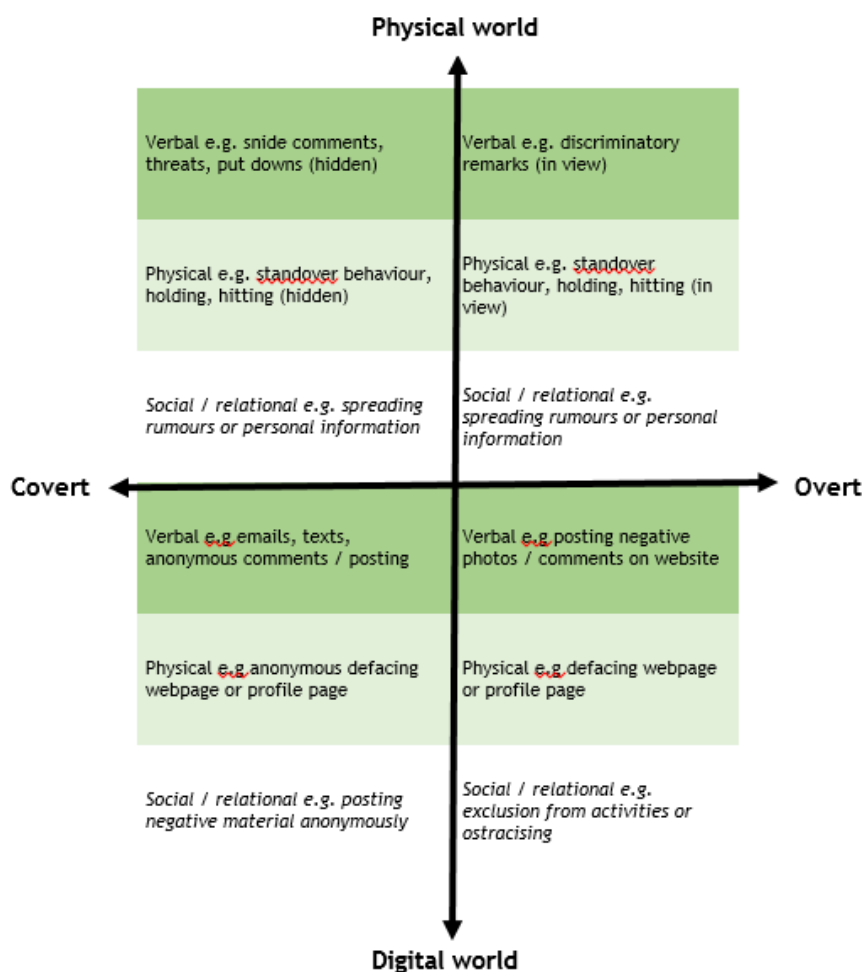
## APPENDIX 3:

## Definitions of particular unacceptable behaviours

**Definition of Bullying** (from MOE *Bullying Prevention and Response: a Guide for Schools, 2015*)

This guide is based on the widely-accepted definitions of bullying behaviour that emphasise the following four characteristics:

- **Bullying is deliberate** - there is an intention to cause physical and / or psychological pain or discomfort to another person.
- **Bullying involves a power imbalance** - there is an actual or perceived unequal relationship between the target and the initiator that may be based on physical size, age, gender, social status or digital capability and access.
- **Bullying has an element of repetition** - bullying behaviour is usually not one-off. It is repeated over time, with the threat of further incidents leading to fear and anxiety. Repeated acts of bullying may involve single acts with different targets, as well as multiple acts with the same target.
- **Bullying is harmful** - there is short or long-term physical or psychological harm to the target (eg, as a result of coercion or intimidation).



### Definition of Cyberbullying:

Cyberbullying is one particular form of bullying but it doesn't sit on its own. It is bullying that is enabled, enhanced, or in some way mediated through digital technology. Digital technology can be a medium for all kinds of bullying behaviour, including physical, verbal and social / relational bullying. Email, cell phones, chat rooms, social networking sites and instant messaging can all be used to bully others verbally, socially or psychologically.

The characteristics of bullying behaviour can be expressed in a cyberbullying context:

- ✦ **repetition** - can be influenced by the ability of a single action to spread and be repeated rapidly to a wider audience and with a degree of permanence (eg, forwarding texts)
- ✦ **power imbalance** - can also be a function of the anonymity of the person initiating the cyberbullying, or of an individual's ability to use technology (as opposed to traditional age, physical strength and social status imbalances)
- ✦ **cyberbullying** - can involve people who have never physically met and / or people who share no common acquaintances.

Examples of cyberbullying include:

- ✦ sending abusive texts or emails
- ✦ posting negative or inappropriate messages or images on social networking sites
- ✦ taking and sharing private images, including sexual images
- ✦ forming bullying groups on social networking sites
- ✦ assuming the identity of a target online and representing them in a way that may be harmful to them or cause them distress.

**Definition of Harassment:**

- ✦ Harassment is ongoing, offensive, unasked for behaviour which troubles or annoys someone.
- ✦ Harassment can occur between individuals and/or groups, and may involve students and/or adults.

**Harassment may take several forms:**

<b>Physical</b>	Hitting, tripping, kicking, punching or unwanted touching.
<b>Verbal</b>	Name calling, swearing, threatening, so-called “jokes”, spreading rumours.
<b>Emotional</b>	Ignoring, “giving the evils”, gesturing, hiding or damaging someone’s property.
<b>Sexual</b>	Physical contact, gestures, words, jokes or pictures of a sexual nature.
<b>Bullying</b>	Using power to make someone do something through intimidation or humiliation.
<b>Racial</b>	Discriminating comments or actions regarding a specific person or group based on race or ethnicity.

**Definition of Racial Harassment**

Racial harassment is behaviour that is uninvited and humiliates, offends, ridicules or intimidates someone because of their race, colour or ethnic or national origin. It can involve language, written or visual material or a physical act. The behaviour usually has to be repeated, or of such a significant nature, that it has a detrimental effect on that person it is directed at (Human Rights Act, 1993). The gravity of the incident is determined by how the complainant experiences it.

**Definition of Sexual Harassment**

Sexual harassment is any continued unwanted or offensive attention of a sexual nature. It can occur between students, between students and staff and between staff. Some forms of sexual harassment are obvious and constitute serious crimes. Others are more subtle, although serious, and breach the College’s special character and values such as the commitment to respect each individual’s dignity, rights and individuality.