



# ST PATRICK'S SCHOOL, TONGALA

## Complaints and Grievances Policy

Revised April 2017

### Our Identity

St Patrick's is a Catholic school community, committed to the values of strength and kindness in the spirit of the Brigidine tradition.

### Our Vision

St Patrick's strives to

- Foster **collaborative partnerships** with our families and wider community to create a **dynamic learning environment** in which the **whole person** is educated – spiritually, academically, socially, emotionally and physically.
- Teach, model and live the **teachings of Jesus**.
- Create a learning environment where **learners inquire, explore, discover and reach their full potential**.
- Foster **safe and positive learning environment** that values **best practice learning and teaching**.
- Create a school community that is **inclusive and welcoming**.
- Be a school community that **supports, celebrates and values the contributions** of all.

### Introduction

Discrimination and harassment are unlawful under the following:

*Equal Opportunity Act 1995*

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Disability Discrimination Act 1992*

*Workplace Relations Act 1996*

Discrimination and harassment on the basis of any of the attributes listed below are unlawful

- age
- lawful sexual activity
- physical features
- industrial activity
- carer status
- disability
- marital status
- parental status
- political belief or activity
- pregnancy
- race
- religious belief or activity
- sex
- personal association with a person who is identified with reference to any of the above attributes.

### Discrimination Free School.

At St. Patrick's we value the diversity of our school community and respect the difference between employees and students, recognising that each person has individual talents and skills to bring to their work. At St. Patrick's we believe that all employees and students are entitled to work in an environment in which they can enjoy their work and their relationships with their colleagues, free from unwanted discrimination and harassment of any kind.

### What is Harassment?

Harassment is any behaviour which is unwelcome and is based on one of the legislatively prescribed attributes listed above.

It will usually be repeated behaviour, but can also consist of a single act.

Harassment has the effect of offending, humiliating or intimidating the person at whom it is directed. It makes the working environment unpleasant and sometimes even hostile. If a person is being harassed their ability to do their work is affected. They often become stressed and suffer health problems as a result.

Harassment can often be the result of behaviour which is not intended to offend or harm, such as jokes or unwanted attention. The fact that harassment is not intended does not mean that it is not unlawful. The differences between people should be acknowledged and respected – never ridiculed.

Harassment often involves an abuse of power, for example, *a person in a position of authority* may harass a person over whom they have authority. Abuse of power can also happen when certain groups are in a minority in the work place and are therefore in a vulnerable position, for example, people from non-English speaking backgrounds.

It does not include lawful behaviour which is mutually acceptable to the parties.

### **Types of Harassment**

There are many types of harassment. These can range from direct forms, such as abuse, threats, name calling and sexual advances: to less direct forms, such as where a hostile work environment is created, but no direct attacks are made on an individual.

#### *Examples of verbal harassment:*

- sexual comments, advances or propositions;
- racist comments or jokes;
- spreading rumours;
- belittling someone's work or contribution in a meeting;
- repeated unwelcome invitations;
- obscene telephone calls, unsolicited letters, faxes, e-mail.

#### *Examples of non-verbal harassment:*

- putting offensive material on notice boards, computer screen savers, e-mail, etc;
- displaying sexist or racist cartoons or literature;
- demoting, failing to promote, or transferring someone because they refuse requests for sexual favours;
- mimicking someone with a disability;
- practical jokes which are unwelcome;
- ignoring someone, or being cold or distant with them;

#### *Examples of physical harassment:*

- unwelcome physical contact, such as kissing, hugging, pinching, patting, touching, brushing up against a person;
- hitting, pushing, shoving, throwing objects at a person.

### **What is discrimination?**

Discrimination is making unlawful distinctions between individuals and groups on the basis of any of the proscribed attributes listed above. Direct discrimination occurs when a person is denied a benefit or an opportunity on the grounds of any of the proscribed attributes. Indirect discrimination occurs when a policy, rule or practice has a discriminatory effect against a group of people (for example a height requirement may discriminate against women).

### **Discrimination/Harassment**

It is against St. Patrick's policy and a breach of equal opportunity laws to harass or discriminate against an employee or student because of any of the proscribed characteristics. Harassment/discrimination will also occur if it is based on a perception that a person has one of those attributes, even if they don't, in fact, have that attribute.

Discrimination/harassment will not be tolerated at St. Patrick's. If, after an investigation by an appropriate person, it is found that discrimination or harassment has taken place, the person responsible will be disciplined. In serious cases, dismissal may be the result. Serious cases of harassment involving assault may also constitute a crime.

Workplace discrimination/harassment is also against the St. Patrick's Occupational Health and Safety Policy, as it creates an unsafe environment.

### **What to do if you are harassed or suffer discrimination.**

If you feel you are being harassed or are suffering discrimination, tell the person to stop, that the behaviour is unacceptable and that it must not happen again. It is important to say these things to the harasser as the person might interpret silence as tacit consent. If, however, you are too frightened or embarrassed to say anything, this does not mean that your complaint will not be taken seriously. If the behaviour does not stop, or even if it does stop but you wish to report it, tell the Principal. Alternatively, you may wish to speak to a complaints officer who will tell you what your options are. If you so wish, you may make a formal complaint under the St. Patrick's Complaints Handling Procedure. Copies of the Procedure included in this policy.

It is a good idea to make a written note of any discrimination or harassment, including details of dates, times, witnesses, what happened, and what you said/felt.

Be frank and open with those who are investigating the complaint about what happened. This will enable appropriate action to be taken.

You can also get advice from your union, or a government agency such as the Equal Opportunity Commission Victoria.

### **What St. Patrick's will do.**

It is St. Patrick's legal responsibility to ensure that the discrimination and harassment do not happen in the workplace. If they do occur, complaints will be taken seriously by St. Patrick's. The complaint will be investigated in a sympathetic, fair and confidential manner. Action will be taken to make sure that the offending behaviour stops. Appropriate warnings or disciplinary action will be taken where harassment/discrimination is found to have occurred.

You will not be victimised or treated unfairly for making a complaint.

### **Responsibilities**

It is part of the role of the principal to ensure that harassment does not occur in the workplace. The principal must ensure that harassment does not occur in the workplace. The principal must ensure that they do not engage in behaviour that is discriminatory or harassing themselves – either of other employees, students or visitors.

When the principal observes discrimination or harassment happening in the workplace, they should take steps to stop it and warn the person involved of the consequences if the offending behaviour continues.

The principal is also responsible for ensuring that all staff and students are aware that discrimination and harassment will not be allowed in the school and that complaints will be dealt with in accordance with the terms of St. Patrick's Complaints Handling procedure.

If you tell a principal about harassment, he/she is obliged to make sure that confidentiality is maintained.

If the principal feels that he/she is not the appropriate person to be dealing with a complaint, he/she will refer the matter to a *grievance contact officer or the complaints officer* Deputy Principal who will be able to assist you.

### **Responsibilities of employees**

Employees are legally obliged to ensure that they do not discriminate against or harass other employees students or visitors at St. Patrick's. Employees must also ensure that they do not encourage others to do so.

If you become aware that someone you work with is being harassed or subjected to discrimination, you can assist them in a number of ways. Tell them you are willing to act as a witness if they decide to make a complaint. Back them up or support them in saying “no” to the alleged offender. However it is not your responsibility to say anything to the alleged offender. Remember that if you spread rumours about anyone, you may be subject to a defamation act.

### **Where to go for more information.**

For more information about workplace discrimination and harassment, you can approach the following [some examples]:

- *your union*
- *the Equal Opportunity Commissioner Victoria 380 Lonsdale Street Melbourne 3000 Telephone (03) 92817111, or from the country 1800134142*
- *In the Melbourne Archdiocese – the coordinating Chairperson, pastoral Care Unit CEO Melbourne.*
- *In each of the country dioceses – the Educational Consultant at the relevant Catholic Education Office.*

### **Purpose of this Procedure**

At St. Patrick’s we are committed to providing a pleasant work environment for all employees and students. We acknowledge, however, that employees and students can sometimes feel aggrieved about something that is happening at St. Patrick’s which appears to be discriminatory or to constitute harassment. An employee or student can have a complaint about any decision, behaviour, act or omission (whether by the Principal, members of the leadership team or other staff/students that he or she feels is discriminatory or constitutes harassment.

The purpose of this document is to provide a procedure by which employees/students can have such complaints addressed. If you feel that you are being harassed or discriminated against, this complaints handling procedure is available to you so your concerns can be addressed.

### **Key elements of our complaints handling procedure.**

The following are the key elements of our complaints handling procedure:

**Impartiality.** If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

**Confidentiality.** You can feel secure that if you do make a complaint under this policy, it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint and the person investigating.

**No victimisation.** You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. St. Patrick’s *authorities* will ensure that a person who makes a complaint is not victimised in any way.

**Timeliness.** Each complaint will be finalised within as short a period as possible. All complaints should be finalised within one month.

### **What to do if you have a complaint**

#### **1. Approach the person involved.**

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory or harassment. Telling the person will give them a chance to stop or change what they are doing.

#### **2. Go to Complaints Officer**

If you don’t feel as if you can approach the person directly, then go and explain the problem to your Complaints Officer. At St. Patrick’s School this is the Leading Teacher. This person is the first point of contact for people with complaints. The *Complaints Officer* will advise you about what your options are and what will happen if you decide to make a formal complaint. Nothing will be done in relation to the complaint without you agreeing.

**What happens next?**

Once you have made the complaint to the Complaints officer, the complaints officer will then consider whether there are any reasons why he/she should not proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the Complaints Officer to deal with your complaint, it will, with your consent, be referred to another person.

The Complaints Officer will then interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the complaint is being dealt with.

The Complaints Officer will then talk to the person about whom the complaint is made to hear that side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality. (eg. Possible defamation action, initiation of a complaint for harassment).

**Review/Appeals**

If the complaint remains unresolved it will be reviewed by the Principal who will make a final decision as to the outcome of the complaint.

**Possible outcomes**

If the complaint is proved, the following are possible outcomes:

- a written apology,
- an official warning,
- counselling,
- disciplinary action, or
- dismissal.

If the complaint is unproved (not enough evidence), possible outcomes are:

- relevant training for all staff; and/or
- monitoring of behaviour of employees.

If the complaint is proved not to have happened at all, the following are possible outcomes:

- counselling for the person who made the complaint,
- a written apology
- an official warning
- disciplinary action, or
- dismissal.

The Principal will make sure that whatever outcome is decided upon actually happens. He/she will also assess the effectiveness of the outcome from time to time.

The principal will look into the way the complaint was handled and examine the outcome. If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action. If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

The appeal will be dealt with by someone other than the person who first handled the complaint.

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