



Mount Lilydale Mercy College Complaint Management Protocol

1. PREAMBLE

- 1.1. This Complaint Management Protocol has been developed in the light of the Mission and Values Statement of Mount Lilydale Mercy College, in which we seek to live by and teach those values which the Catholic Church upholds and to celebrate our Catholic identity inspired by the Mercy tradition of Catherine McAuley. In line with the College vision “to strive for excellence in education grounded in the Gospel teachings of Jesus Christ”, the College is committed to building a community that features positive and respectful relationships. Such relationships support the learning and development of our students and value the innate dignity of each person. It is important that each member of the community, including staff, parents and students, are contributors to the building of the College community. A timely and professional response to a complaint is an effective means of encouraging communication, building trust and resolving issues for the betterment of all concerned.

2. RATIONALE

- 2.1. The College seeks support in promoting and upholding the core values of the College community and its culture of respectful relationships. Mount Lilydale Mercy College recognises that from time-to-time families may wish to raise concerns with the College. Within this framework, it is the College’s desire and responsibility to manage and address parents/guardians’ concerns fairly, efficiently and effectively. The College expects that any concerns that parents have will be raised in a courteous and respectful manner.
- 2.2. This protocol is to ensure and maintain a safe and supportive learning environment, which encourages positive and productive relationships between students, parents/guardians and staff. It outlines Mount Lilydale Mercy College’s resolution process for external concerns and complaints from parents, guardians and carers. It is intended to guide parents in their dealings with staff, other parents, students and the wider College community. It articulates the College’s key expectations of both staff and parents with regard to respectful relationships and behaviours. It also specifies the College’s position with regard to unacceptable behaviours that breach the College’s culture of respect.

3. SCOPE

- 3.1. MLMC has established this Complaint Management protocol to provide teachers, students and parents guidelines surrounding College expectations.
- 3.2. This protocol does not relate to critical incidents, emergency management, criminal offences, or the conduct of the clergy or other persons involved in religious ministry. This protocol is not for use by staff in relation to complaints about their workplace or employment conditions.

4. DEFINITIONS

- 4.1. A **complaint** is an expression of dissatisfaction with an action taken, decision made, service provide or handling of an issue at Mount Lilydale Mercy College. A **concern** is a lighter matter whilst a **grievance** may be a legal matter.

5. PROTOCOL STATEMENT

- 5.1. In receiving and responding to a complaint, the following guiding principles will inform and direct Mount Lilydale Mercy College's actions:

- 5.1.1. Complaints of a College-based nature are best received and managed at the College level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties. Complaints that are unable to be resolved at the local level will be escalated to Mercy Education Limited.
- 5.1.2. Complainants can expect their concern or complaint to be responded to in a respectful and timely manner.
- 5.1.3. Staff members will be informed of formal complaints that are made about them unless it impacts on the Child Safety Guidelines or Reportable Conduct Scheme.
- 5.1.4. Complainants and the person/s against whom the complaint is made have the right to be heard and to expect that procedural fairness will be observed.
- 5.1.5. Confidentiality, protection of privacy, respect, access, dignity and impartiality will form the basis of the complaint's resolution process.
- 5.1.6. The complaint resolution process will seek to achieve the restoration of good and respectful relationships.
- 5.1.7. The best interests of the College community together with the interests of the individual will be taken into account.

- 5.2. MLMC has procedures and processes in place by which parents/guardians/carers and the broader College community can confidently raise concerns in the knowledge that they will be listened to and their concerns will be professionally managed in a timely, confidential and appropriate manner.

5.3. Misconduct or serious misconduct

All complaints of alleged misconduct or serious misconduct by a teacher or staff member should be reported to the Principal.

Complaints about teachers can also be reported to the Victorian Institute of Teaching (VIT) – the regulator in relation to the registration and investigation of serious misconduct (including conduct which is of a physical or emotional nature) of all teachers in the state of Victoria. If unsure whether the complaint constitutes serious misconduct by a teacher, contact the VIT on 1300 888 067 or vit@vit.vic.edu.au.

In some cases, certain actions which involve physical or emotional misconduct, such as unlawful assault or threats to the person, may constitute a criminal offence. These types of offences should be reported to and investigated by the police. Initial consultation with the Principal may help to determine the appropriate course of action in these circumstances.

5.4. Child abuse (including sexual offences)

Complaints of suspected or alleged child abuse (including sexual offences) of College are subject to specific protocols as detailed in the MLMC Child Safety and Wellbeing Policy. There are legal obligations on all adults to report child abuse to police once a reasonable belief is formed that a sexual offence has been committed against a child.

5.5. Complaints against the Principal of Mount Lilydale Mercy College

In the case of a complaint involving the Principal, the Mercy Education Limited should be informed immediately. Contact details are listed at the end of this protocol.

5.6. Complaints against the clergy or other persons involved in religious ministry

If the complaint relates to the clergy or other persons involved in religious ministry with MLMC, the complainant should contact and seek advice from the Professional Standards unit of the Vicar General's Office in the Archdiocese of Melbourne, 383 Albert Street, East Melbourne. Visit www.melbournecatholic.org.au or contact 03 9926 5677. If the person is a member of a religious order, the complainant should also contact the provincial head or professional standards office of that congregation or religious order. Mercy Education should also be informed by phone on 03 9977 3870 or email on contact@mercy.edu.au.

5.7. Anonymous Complaints

MLMC endeavours to address and respond to all complaints. In some situations, the College may not be able to fully address complaints that are made anonymously or without sufficient detail being provided to enable an inquiry or resolution of the matter. To ensure procedural fairness, respondents have a right to know the particulars of the allegations being made against them and be given an opportunity to respond to them. Where possible, complainants are encouraged to give their names and to be reassured that the College will deal with complaints professionally and in accordance with procedural fairness and confidentiality. If the complainant wishes to remain anonymous, it is at the Principal's discretion what, if any, action will be taken.

5.8. Complaints in relation to Reportable Conduct

Legal obligations are imposed on the College to report to the Commission for Child and Young People (CCYP), and investigate allegations of reportable conduct, where those allegations are based on a person's reasonable belief that reportable conduct or misconduct involving reportable conduct has occurred. Reportable conduct includes the following:

- sexual offences against, with or in the presence of a child
- sexual misconduct against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- behaviour that causes significant psychological or emotional harm
- significant neglect.

Complaints relating to a reportable conduct allegation which meets the requisite threshold and which involves an employee (which amongst others, can include a teacher, principal, volunteer or contractor) must be reported. Complaints of reportable conduct involving a Principal should be reported to Mercy Education Limited.

5.9. How to lodge a complaint

Reference should be made to the procedures outlined in the College's *Complaint Handling Implementation Guidelines*. Concerns will be addressed in a timely manner and with the intention to resolve with a positive outcome.

6. GUIDING PRINCIPLES

- 6.1. MLMC is committed to handling complaints effectively and efficiently. A response to a complaint will be prepared following any necessary investigation as quickly as possible.

7. RELATED POLICIES/DOCUMENTS

- Complaints Management Protocol Implementation Guidelines
- Student Positive Behaviour Policy
- MEL Parent Code of Conduct
- Anti-bullying Policy
- Mercy Education Policy 1.06 Complaints Management
- Mercy Education Policy 1.10 Codes of Conduct
- Mercy Education Code of Conduct (Employees and Volunteers)
- Mercy Education Parent Code of Conduct
- Mercy Education Policy 6.09 Child Safety
- Mercy Education Policy 1.07 Privacy
- Mercy Education Policy 1.09 Whistleblower

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REVIEW HISTORY

Version	Date Released	Next Review	Author	Authorised by:
1.0	May 2023	May 2026	Principal	MLMC Executive