



## COMPLAINTS' MANAGEMENT POLICY

### Policy

To provide an effective complaints' resolution process for all members of the College. Complaints will be taken seriously, managed in a fair, equitable and timely manner, and will be child-friendly. Complaints will be judged on merit, and within a process driven model, so that truth and justice, efficient, moral practice is maintained and encouraged. Reports of complaints, allegations or findings regarding child abuse, grooming or neglect should be made and should include specific and extensive detail, be stored securely, and not be destroyed without the permission of the Principal and Director General of Education.

### Rationale

The *School Education Act 1999* has, as a condition of registration or renewal of registration, a requirement that a school has a "means by which disputes and complaints about the provision of education at the school may be dealt with."

An effective complaints procedure can diffuse problems, concerns, disputes and provide the College with helpful information. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaint. Even an unjustified complaint may indicate an area that can be improved. Vexatious accusations, or consistently negative reactions, will be identified through the process. The College enrolment form and policy framework should be adhered to at all times. Within the context of this policy, a complaint will also synonymously pertain to disputes and concerns.

Conflict is a normal part of school life. As people-based organisations, schools will encounter conflict and problems. It is, therefore, important that resolution in relation to complaints is managed effectively. The following terms are used in complaints' management:

#### *Complaint*

An expression of dissatisfaction with College policies, procedures, decisions, omissions, quality of service or staff behaviour.

#### *Complainant*

A person who has made a complaint.

#### *Procedural fairness*

- (a) a hearing appropriate to the circumstances;
- (b) lack of bias;
- (c) evidence to support a decision; and
- (d) inquiry into matters in dispute.

#### *Resolution*

A matter has been resolved to the College's satisfaction.



## *Respondent*

The person responsible for a decision, act or omission about which a complaint is made.

General principles of effective complaints' management include:

- Complaints are taken seriously;
- Fairness to all parties (natural justice);
- Sufficient resourcing to meet procedural needs;
- Visibility and transparency in dealing with complaints within the constraints of confidentiality, governance and privacy laws;
- Reasonable responsiveness of the College to complaints;
- Changes are implemented as a result of the complaint;
- Cultural sensitivity and child-focused complaints' management is practised (see APPENDIX 2);
- Requirements under law whereby there are obligations to act and report, and ethical/moral obligations to report, and cooperate with law enforcement and child protection authorities;
- Data and records are collected on the nature of complaints, and these records are retained according to the law.

## Roles and Responsibilities

Roles and responsibilities of managing complaints are based on the management and governance structure of the College. A flow chart is found in APPENDIX 1, which outlines a clear process for managing complaints. A complaint may be made at any level or time by a student, parent/carer, volunteer, staff member or stakeholder. This policy outlines the progression of a complaint in terms of general principles, procedural fairness and resolution.

In their capacity, staff and volunteers should work together to ensure a fair and equitable workplace, with particular regard to the safety and welfare of children. Parents/carers and students, under the terms of the enrolment contract, are also required to respect and fairly participate in complaint's management process. Complaints can be directed at Stage 1 to staff members, as resolution at the lowest level is preferred for low-level complaints. Volunteers (not including Board members) may not resolve a complaint within this policy context. Volunteers who receive a complaint should refer this to a staff member if the complaint is low-level; more serious complaints made to volunteers should be referred to a Deputy Principal or the Principal directly. The Board can receive complaints that have not been, or cannot be, resolved at the management level

The Principal is the accountable officer of the College, however there is a duty of care for all stakeholders to ensure a safe, caring and supportive school. Other relevant College policies, which explain the roles and responsibilities, include: *Code of Conduct; Student Code of Conduct; Child Protection Policy; Duty of Care Policy; Enrolment Policy, and; Occupational Health and Safety Policy.*

It is also applicable that the Director General of the Department of Education has the following function in law.

*The Director General of the Department of Education is responsible for ensuring that the school observes the registration standards, including the standard about its complaints handling system. Any student,*



*parent or community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint. Information is available on the Department of Education website. While the Director General may consider whether the school has breached the registration standards, she does not have power to intervene in a complaint or override the school's decision.*

## Strategies

- HillSide Christian College staff, as delegated by the Principal and Board, is responsible for managing the resolution of disputes and complaints lodged by students, parents, staff and members of the community. Volunteers should refer complaints to management, or to the College Board, following the flow chart in APPENDIX 1.
- The Executive team, under the authority of the Principal, will make every effort to promptly resolve disputes and complaints at the local level in accordance with the principles of procedural fairness. Some complaints are more protracted and/or urgent. Responses will be made according to the level of severity with particular focus on those complaints involving safety, duty of care, and gross breaches of behaviour or morality.
- The Principal is responsible for establishing and maintaining processes for managing and reviewing enquiries, concerns and complaints at the local level. The Principal is appointed by the College Board, and is under the authority of the Board and the law. The Principal has management of the College, whereas the Board is the governing body.
- Where a dispute or complaint is not resolved at the local level, the complainant or Principal can forward a written complaint to the next appropriate agency or to the governing body.
- Grievances lodged between staff members, staff complaints relating to equal opportunity, sexual misconduct, harassment and staff complaints of racial discrimination are lodged under separate grievance policy frameworks (*Code of Conduct and Staff Handbook*).
- The Complaints' Management Policy is published on the College website and the SEQTA portal.
- Student complaints are explained and welcomed in child-friendly terms, and are managed within the context of the *Student Code of Conduct*, which details the specific process whereby students may make complaints. The process for escalation and addressing the concern, dispute or complaint will adhere to this policy, but the methodology will be sensitive to the development and cultural diversity of students.

### *Guidelines about managing complaints*

- As complaints are received, the Principal decides upon the required process. If the complaint is serious, the complainant may be requested to make the complaint in writing, so as to ensure the precise nature of the complaint and its formality.
- The Principal or his/her nominee determines the facts of the incident(s) behind the complaint and the policy settings that are relevant as soon as possible. The facts, as understood by the Principal or his/her nominee, are documented.



- The Principal may inform the Chairman of the College Board if the complaint has a system-wide impact or is of a serious nature.
- The complaint is resolved as quickly as possible as a general principle.
- Staff members are not to interview parents who are angry without an executive member present.
- Non-teaching staff and volunteers are not to conduct interviews with parents/carers unless permitted expressly by the Principal.
- The Principal seeks advice as required to decide upon a resolution of steps towards a resolution and notifies individuals in writing or in another appropriate way.
- The impact of the resolution is monitored by the Principal to ensure its effectiveness.
- Policy may be revised if the complaint shows a weakness in College operations or structure.
- Face-to-face discussion, in the first instance, is always preferable at the lower level of the complaints' management process.
- Reports of complaints, allegations or findings involving staff, former staff and/or students, which are related to child abuse, grooming or neglect should be made (see Child Protection Policy) and should include specific and extensive detail, be stored securely, and not be destroyed without the permission of the Principal and Director General of Education.

## Procedures

- Step One:* Speak or write to the individual staff member concerned (the problem may be a simple misunderstanding; however, serious complaints will need to be directed to a higher level).
- Step Two:* Speak or write to a Deputy Principal (depending on the nature of the complaint, you may be asked to put your complaint in writing).
- Step Three:* Speak or write to the Principal for more serious complaints, or to resolve a disagreement or issue.
- Step Four:* Write to the Board Chairman (Board members may discuss the issue with College personnel and/or the complainant to bring about a timely resolution, or the matter may come before a Board meeting). The Board Chairman may refer the matter for arbitration or mediation at his discretion.
- Step Five:* If the decision of the Board is not accepted, or if there is a serious complaint about the Board, a final referral may be made to the HillSide Association, through the Chairman. The Chairman may liaise with parties to resolve the matter through either conciliation or arbitration.

See APPENDIX 1.

- Resolution should be made in writing at Step Four. For more serious complaints, the Principal or Board will write to the complainant;
- If the decision on how to resolve a complaint is not accepted by the complainant or others involved in the complaint, then a Complaints Management committee may be established and will consist of the Chairman of the Board (or his/her nominee) and the Principal (or his nominee). That Committee will conclude its investigation and make its recommendation within ten (10) working days of committee's formation;
- Complaints at Board level will receive a response acknowledging receipt of the complaint, but the timeframe for resolution will be more protracted due to the time period between Board



meetings;

- A complaints' register is kept by the College as a requirement of non-government school registration;
- Either party has the prerogative to seek legal advice at their expense and discretion;
- Vexatious and/or consistent frivolous complaints that have no merit or truth, will be treated in accordance with the Code of Conduct (for staff, volunteers, governing body members and contractors) and the Enrolment Policy (for parents/carers and students).

## References

Concerns, Complaints and Disputes (AISWA) 2020

Curtin University Complaints' Management Policy 2020

HillSide Christian College – Child Protection Policy

HillSide Christian College – Code of Conduct

HillSide Christian College – Duty of Care

HillSide Christian College – Enrolment Policy

HillSide Christian College – Occupational Health and Safety

HillSide Christian College – Staff Handbooks (Grievance section)

HillSide Christian College – Student Code of Conduct

Non-government School Registration Standards 2020 (DET)

## Legislative Links

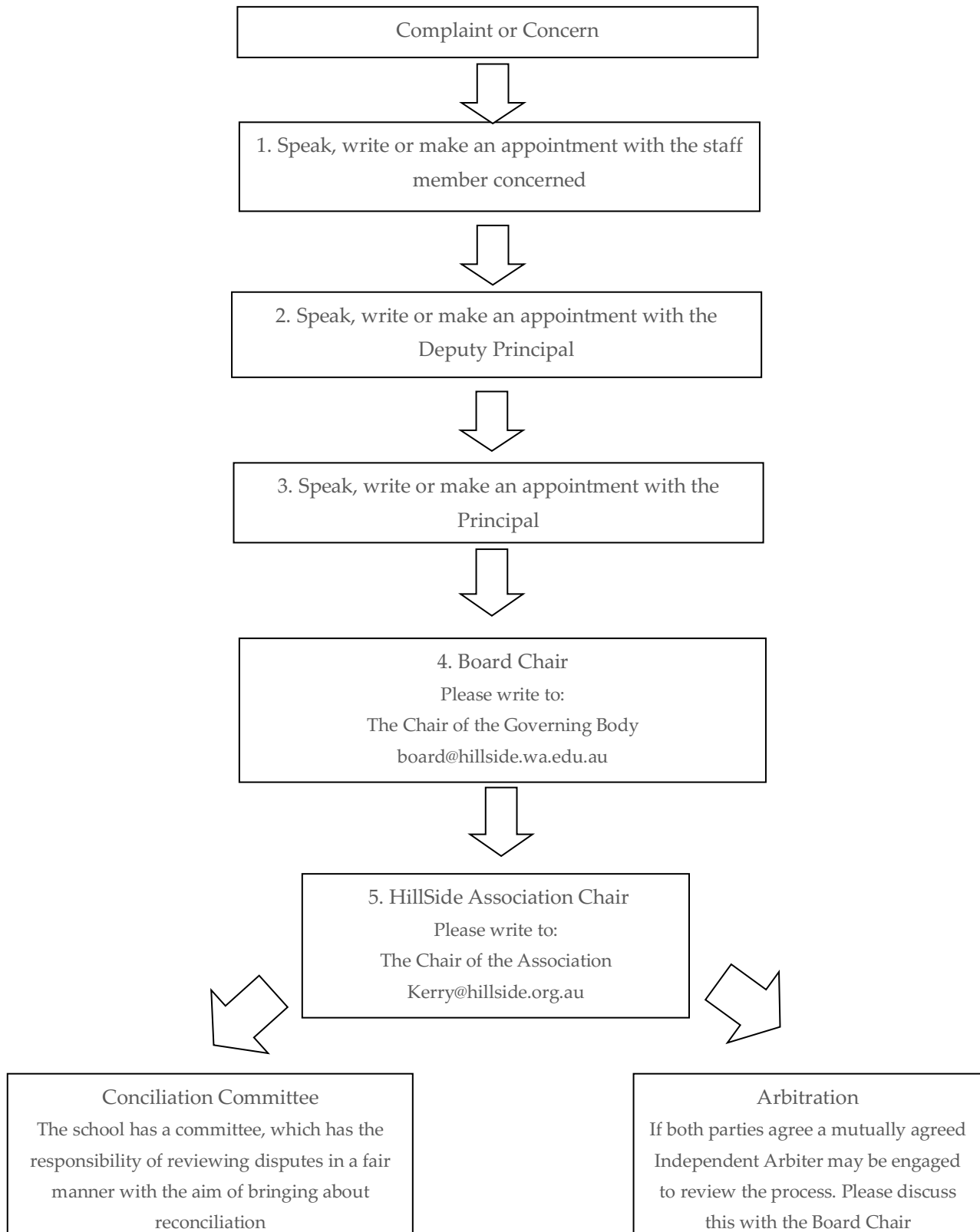
School Education Act 1999

School Education Act Regulations 2000



## APPENDIX 1

### Complaints Flow Chart





## APPENDIX 2 – BACKGROUND INFORMATION AND GUIDE

The following excerpts are provided from AISWA's *Concerns, Complaints and Disputes Guidelines*. This information provides clarifying and specific references for this policy.

### *School Registration Standard – Complaints*

The Western Australian *School Education Act (1999)* includes a Non-Government school registration standard that relates to 'the response to, and recording of, complaints and disputes at schools.' s.159(1)(k). The requirements of this standard are reflected in the *Guide to the Registration Standards and Other Requirements for Non-Government Schools January 2020, (The Guide)* as described below:

#### *Standard 9: Complaints*

- 9.1 The school has and implements a complaint handling system which satisfies each of the key action areas of Principles 6 and 9 of the National Child Safe Organisation Principles.
- 9.2 The school's complaint handling system conforms to the rules of procedural fairness and includes a system for review.
- 9.3 The school publishes information to the school community about the role of the Director General in monitoring the school's compliance with these standards including, but not limited to, standards 9.1 and 9.2, and her authority to respond to instances of non-compliance.

Please see below for information on National Principles 6 and 9 and their respective key action areas:

*Child Safe National Principle 6 – Processes to respond to complaints and concerns are child focused.* This Principle provides guidance on how human resource management policies and practices and effective complaints management processes should be accessible, responsive to and understood by children and young people, families, staff and volunteers. Complaint management processes will be linked to the Code of Conduct and provide details about where breaches of the Code have occurred (in the past). Training will help staff and volunteers to recognise and respond to neglect, grooming and other forms of harm, provide appropriate support to children and young people in these instances and meet legal requirements. This includes training to assist in responding to different types of complaints, the different ways children and young people may express a concern, distress or disclose harm, confidentiality and privacy considerations, listening skills, disclosures of harm and reporting obligations.'

#### *National Principle 6 key action areas:*

- 6.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.





- 6.2 Effective complaint handling processes are understood by children and young people, staff, families and volunteers, and are culturally safe.
- 6.3 Complaints are taken seriously, and responded to promptly and thoroughly.
- 6.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- 6.5 Reporting, record keeping, privacy and employment law obligations are met.

*A culturally safe* complaints handling process:

The Royal Commission into Institutional Response to Child Sexual Abuse adopted the following definition of a culturally safe environment:

*‘an environment ‘where there is no assault, challenge or denial of [a person’s] identity, of who they are and what they need’ and refers specifically to Aboriginal and Torres Strait Islander peoples. This encompasses Aboriginal and Torres Strait Islander individuals’ own assessment of their safety and capacity to engage meaningfully, on their own terms with a non-Indigenous person or institution. This requires action from the non-Indigenous person or institution to listen, enable and support these environments, with accountability to Aboriginal and Torres Strait Islander colleagues or service users [Final Report, Volume 1, page 322].*

*The Royal Commission’s reports and other papers indicate that a culturally safe complaint handling process will be one which overcomes cultural barriers and taboos to disclosure, provides culturally appropriate means of making complaints, is managed by people who are aware of and sensitive to potential complainant’s culture and cultural attitudes, including those arising from historical trauma and mistrust of authorities, and which facilitates access to culturally-appropriate therapeutic and other services as required.’*

While the above definition specifically refers to Aboriginal and Torres Strait Islander peoples, it should be noted that the *National Principles for Child Safe Organisations* highlight that organisations should consider the particular needs of children from diverse backgrounds and circumstances, including Aboriginal and Torres Strait Islander children, as required under *Principles 3, 4 and 7*.

***Child Safe National Principle 9*** – *Implementation of the national child safe principles is regularly reviewed and improved’*. This National Principle emphasises the need for organisations to regularly review their delivery of child safe services and their operations.





*National Principle 9 key action areas:*

- 9.1 The organisation regularly reviews, evaluates and improves child safe practices.
- 9.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
- 9.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

*Rules of procedural fairness, as referenced in Standard 9.2, require:*

- (a) a hearing appropriate to the circumstances;
- (b) lack of bias;
- (c) evidence to support a decision; and
- (d) inquiry into matters in dispute.

*Complaints' Register*

The regulator expects schools to maintain a detailed complaints' register with capacity to record:

- date of complaint;
- name of complainant and relationship to the school;
- subject matter of the complaint, including the name of any person complained about and his or her relationship to the school;
- complaint investigator and position or role at the school;
- date investigation completed;
- whether complaint upheld;
- resolution agreed with or offered to complainant;
- date of referral for review (for example by the governing body);
- complaint reviewer and relationship to the school;
- date review finalised; and
- review resolution agreed with or offered to complainant.