

Title Document Type Document Owner Directorate Date of Publication	<b>Concerns, Complaints and Disputes</b> <b>POL - Policy</b> <b>Rebecca Morse</b> <b>EET - Employment, Education and Training</b> <b>23/08/2023</b>	Document Number <b>CA-POL-0012</b>
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## 1 Purpose

All Non-Government schools in Western Australia are legally required to have in place and implement a policy and procedures for complaints management. The *Guide to the Registration Standards and Other Requirements for Non-Government Schools January 2020* defines a **Complaint** as an ‘expression of dissatisfaction made to the school about its services, decisions, actions or those of its staff, or about the complaint management process itself.’ A **Dispute** is defined as ‘a pursued unresolved complaint that has been escalated, either internally and/or externally to the school’. Communicare Inc. as an organisation is committed to creating a child safe environment and ensuring the safety of all children involved in Communicare services.

As a school, the Academy is required to enable and accept the expression of a concern/complaint in any form, e.g in person, by telephone, in writing, and anonymously. The concern/complaint may be made about the school as a whole, about a specific department within the school, a specific activity, an individual member of staff, about another person working in the school, or about one or more of the students.

The Academy’s regulator, the Director General of the Department of Education, requires the school to implement a complaint handling system as outlined in the *Non-Government Schools Registration Standards 2020*, satisfying Principle’s 6 and 9 of the *National Principles for Child Safe Organisations*.

The purpose of this policy is to outline the expectations of the school in managing school complaints, concerns, and disputes as defined above, in line with the regulator’s expectations.

## 2 Scope

This policy applies to complaints made to the school, about the school as outlined in the policy purpose. It does not apply to Communicare Inc. employee complaints, grievances, and disputes. These matters should be managed using Communicare Inc.’s *COR-POL-0033 Grievance and Dispute Policy* and *FCS-POL-0001 Keeping Children and Young People Safe Policy*.

This policy applies to all employees, volunteers, pre-service teachers, other students on practical placements, and any other person conducting business through the Academy.

## Policy

### 2.1.1 Complaints Handling System

As outlined in Principles 6 and 9 of the *National Child Safe Organisation Principles*, the Western Australian Department of Education has implemented a Non-Government School Standard that relates to the response and recording of complaints and disputes at school.

Information on the Academy's complaints handling system and policy will be made available upon enrolment, on the Academy website (including the email and phone number), on posters within the school, and within Student Services the anonymous complaints box will be signposted. Students are also invited to voice concerns or raise issues regularly during our weekly assembly's 'community circle' component.

The Academy's complaints handling system follows this process:

1. The Academy's *Concerns, Complaints and Disputes Policy* will be made available to stakeholders on the Academy website, upon enrolment at the school, and at any time as requested.
2. A child friendly version of the policy will also be made available to all students and regularly reviewed in collaboration with the students. A minimum of once every two years, or after a dispute.
3. Students and other members of the school community may make their complaint or concern known in writing, verbally, through the student suggestion box, or by any other means accessible to the person making the complaint.
4. Academy staff members will acknowledge the receipt of the complaint in writing where possible.
5. The staff member will pass the complaint on to the Principal immediately (or member of the Academy Leadership team in their absence). If the complaint is about the Principal, then the complaint will be passed to the Chair of the Board to handle.
6. The Principal will assess the immediate context of the complaint and whether or not the Police or other services need to be involved to ensure the safety of the child in the immediate situation.
7. The Principal will acknowledge receipt of the complaint to the person making the complaint (unless anonymous) in writing and will outline the steps they will take to investigate/resolve the issue.
8. If needed, the Principal will engage a neutral party to assist the person making the complaint to understand the process. For example, School Social Worker to support the student making the complaint.
9. The Principal, or appropriate other staff member as delegated by the Principal, will undertake an investigation of the complaint within 5 working days.
10. Once the investigation is complete, the Principal will take appropriate actions to resolve the complaint based on the nature of the complaint. Other school policies and regulations will be observed depending on the context and this will affect the outcome. E.g suspected grooming behaviour by a staff member incurs action taken by Police or the Teachers Registration Board as per the Staff Code of Conduct and *Non-Government Schools Registration Standards*.
11. Failure to reach a satisfactory outcome with the parties involved will result in escalation of the complaint to the CEO of Communicare, other their delegate, for further clarification, investigation and determination.
12. Should there be no resolution to the complaint or dispute at this level, an external, independent arbiter will be appointed. The arbiter sought will be agreed upon by all parties, so that each member has an unbiased mediator and each view is represented.
13. The Principal will record the complaint and outcome on the Communicare Inc.'s complaint register via the Chief Executive Officer's Executive Assistant and within the school's complaints register.
14. The school Board will also be informed of the outcome of any complaints made and actions taken to resolve. The Principal will do this for each Board Report period. Should the complaint form a notifiable incident, as per Department of Education definitions, then the Board Chair will be notified within 24 hours.

15. The matter of the complaint will be monitored and reviewed for a period of time after the complaint's resolution to ensure outcomes are maintained and the factors

### 2.1.2 Complaints Register

The regulator expects schools to maintain a detailed complaint 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 their 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
- Review resolution agreed with or offered to complainant

AISWA's advice is that the Principal should keep as detailed records as possible and that the school Leadership Team regularly review the complaint register to identify patterns and to prioritise any matter related to student protection, welfare and wellbeing.

### 2.1.3 Complaints relating to grooming and child abuse

The Academy's records of complaints, allegations, and findings related to grooming and child abuse, whether involving former or current staff or students should:

- Contain as much detail as possible
- Be stored securely
- Not be destroyed without the approval of the Director General or, where their retention becomes impracticable or unduly onerous, are forwarded to the Director General with her permission for retention in accordance with the *State Records Act 2000*

The Academy will respond appropriately to complaints and allegations of grooming, child abuse, and breaches of the Code of Conduct in the best interests of students, and in accordance with policies and procedures. It is required that:

- The complainant is informed about the services, including advocacy and support services, which may be available
- The matter is reported promptly to the responsible government authorities and their direction is sought and complied with as to when, what and by whom information related to the matter and its investigation may be given to the person against whom the complaint or allegation is made, the complainant and their parents/guardian, other affected students and their parents/guardians, and the wider school community.
- That the Principal reports the complaint and investigation to the Reportable Conduct Scheme.

Any complaints raised relating to grooming or child sexual abuse will also need to be reported, by the Leadership Team, to the Mandatory Reporting Service as per the Mandatory Reporting policy and the Teachers Registration Board of WA should the complaint be against a registered teacher.

#### 2.1.4 Upholding the rights of children and young people

The regulator recommends school's use the *Complaint Handling Guide: Upholding the rights of children and young people* by the National Office of Child Safety when reviewing the school's policies and procedures.

This guide is consistent with the *National Principles of Child Safe Organisations* and is an approved standard of best practice and advice on the regulator's expectations. The Academy will also refer to Communicare Inc.'s *Keeping Children and Young People Safe Policy and Framework* for additional reference.

#### 2.1.5 Role of the Director General

As per Registration Standard 9, the school must publish the following information to the school community.

*'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.'*

This wording has been recommended by the regulator and will be made available on the Academy's website and published alongside the complaints policy. A simplified version will be included in the child friendly version of the policy.

#### 2.1.6 Child-friendly Complaints Process

The Academy operates in a child safe and trauma informed manner. Staff have been trained in, and regularly update training on, the topics of child safety, mandatory reporting, responding to disclosures, and trauma informed practice. This will include annual review of our complaints handling process, what things to say to someone making a complaint, and how to manage procedural fairness.

It is expected of Academy staff that they respond to complaints and concerns from students in the same manner as responding to a disclosure, and respond using an outcomes focused and evidence based approach. This approach will alleviate some of the common concerns students express as reasons for not filing a complaint. Such as not being believed, fear of getting people in trouble, and worry about safety or confidentiality. By approaching complaints or concerns in this manner, while explaining procedural fairness, it will create a culture where students feel able to voice their concerns.

#### 2.1.7 Complaint Rectification

When attempting to resolve a complaint, the Principal will use an outcomes focused approach using the Academy's policies and relevant legislation to inform the decision. All complaints will be considered in a child safe manner and resolution should aim to protect the child's best interests.

Some suggested ideas for complaint management are:

##### *Communication*

- Explaining why the problem occurred
- Giving reasons for decisions

- Reaching agreements acceptable to the complainant through mediation between parties, conciliation or other informal approaches to resolution

*Rectification*

- Reconsidering and/or adjusting, stopping, or starting certain conduct or activities
- Making changes to ensure the problem does not reoccur

*Mitigation*

- Ceasing action so as to prevent further issues/detriment
- Taking steps to ensure that records are correct and up to date
- Waiving fees, charges or debts

*Satisfaction*

- Providing an apology
- Providing assurance of steps put in place to correct matters and then following through
- Instituting disciplinary action (as per relevant legislation, Staff Code of Conduct, or internal Communicare Inc. policies)

*Compensation – only with legal advice and approval from the Board*

- Restitution – for loss (financial/earnings etc) or damage to property
- Reimbursement – refunds, and costs or damages that may or are likely to have been incurred by the complainant e.g medical
- Satisfaction or appeasement – financial assistance or payment, goodwill gift for damage to reputation or humiliation, worry or distress (including grief and suffering)

### 3 Responsibilities

<b>Academy Staff</b>	Follow the Academy <i>Concerns, Complaints and Disputes</i> policy, other policies relevant to the context, <i>Staff Code of Conduct</i> , and notifying the Principal as outlined.
<b>Board Chairman Communicare Inc. EA Principal</b>	Investigating complaints about the Principal Adding Academy complaints to the Communicare Inc. complaints register.  Follow the policies and documents as outlined for Staff, record complaints and outcomes on the register, ensure security of the complaints register, provide access to regular training for staff. Reporting complaints of child abuse to the appropriate authorities.

### 4 Related Documents/Legislation

COR-POL-0033 COR-POL-0084	Academy Staff Code of Conduct Complaint Handling Guide: Upholding the rights of children and young people – National Office of Child Safety Grievance and Dispute Policy Keeping Children and Young People Safe Policy National Principles of Child Safe Organisations Non-Government Schools Registration Standards 2020 State Records Act 2000
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## 5 Document Governance

Prepared by:	Rebecca Morse	Head of Teaching	11/08/2021
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