



## Concerns, Complaints, and Disputes Policy

### Aims

- A. To provide accessible and safe complaint handling processes that are understood by children and young people, staff, families, and volunteers.
- B. To resolve concerns and complaints effectively, in a timely manner, and in accordance with the principles of procedural fairness.
- C. To ensure constructive and positive outcomes are achieved for both those expressing their concern and the school.

### Scope and Application

This policy is available on the school website and applies to:

- A. Employees
- B. Volunteers
- C. Parents/Carers
- D. Students
- E. Community members
- F. Visitors to the school

The *KSCS Concerns, Complaints, and Disputes Policy* will be supplied with the staff induction package at commencement of staff employment.

This policy is to be used to guide the resolution of concerns, complaints, and disputes raised by students, parents, and wider community members. Employee personal work-related grievances should be raised and reported in accordance with the *KSCS Staff Grievance Policy*.

### Definitions

- A. **Arbitration** - is a process where disputing parties agree that one or several individuals can make a decision about the dispute after receiving evidence and hearing arguments.
- B. **Complaint** - 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.
- C. **Concern** - an expression of dissatisfaction made to the school. Non-Government School Regulation (NGSR) considers that, in the spirit of the provision of a safe school environment, the expression of a concern or a complaint equates to an expression of dissatisfaction and both should be managed and recorded in the same manner. For this

reason, throughout this document, the use of the terms concern and complaint are used interchangeably.

- D. Conciliation Committee** – a committee comprising of school personnel, where parties discuss issues to reach an agreement. The Conciliation Committee may offer advice and potential solutions.
- E. Culturally Safe Complaint Handling Process** - 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.
- F. Dispute** - is a pursued unresolved complaint that has been escalated, either internally and/or externally to the school.
- G. Mediation** - a structured discussion between the complainant/s and respondent/s and a third party (mediator) designed to work through issues in a process to reach a resolution. Mediation may not be appropriate in all cases and is a voluntary resolution option.
- H. Resolution** - an outcome of a complaint that is satisfactory to both parties.
- I. Rules of Procedural Fairness** – these rules require:
  - 1. a hearing appropriate to the circumstances;
  - 2. lack of bias;
  - 3. evidence to support a decision; and
  - 4. inquiry into matters in dispute.
- J. Support person** - a person who the complainant or respondent elects to be supported by in the resolution process. The support person does not participate in the process but can be present at meetings or interviews.
- K. Workplace Grievance** - an issue, concern, or complaint raised by an employee that relates to actions or behaviour of another employee, a part of the organisation, a policy, or a decision.

## Principles

- A.** Kerry Street Community School values the partnership between the School and parents/carers and encourages open communication to best meet the needs of our students. Suggestions and comments from parents and guardians are welcome and any complaints and concerns that may be raised are taken seriously.
- B.** Kerry Street Community School is committed to prioritising the safety and wellbeing of students and the provision of a child focused concerns and complaints process. We recognise that it is critical to empower children and young people to understand their rights, to report problems and concerns, and effectively support them to address issues.
- C.** We aim to make the complaints management process simple and accessible to all. This policy provides guidance on who is the most appropriate person to contact with a concern or complaint, though people may bring a concern or complaint to any member of staff.
- D.** Each complaint will be addressed on its merits, in an equitable, impartial, objective, unbiased, and confidential manner.

- E. When handling complaints, KSCS will ensure that reporting, record keeping, privacy, and employment law obligations are met.
- F. Any person who has lodged a complaint, or is a witness to a complaint, will not be discriminated against or victimised. It is also not acceptable for students to receive adverse treatment because they or their parents have raised a complaint.
- G. Staff will receive relevant training to ensure the handling of complaints is appropriate. In general, the nature and extent of an investigation will be proportionate to the seriousness of the complaint.
- H. The school will undertake regular analysis of complaints received to identify causes and systemic failures to inform continuous improvement.

## **Responsibilities**

### **A. Board Members**

1. Review and update this policy in consultation with relevant parties.
2. Oversee the monitoring of concerns and complaints for patterns and trends and ensuring appropriate action is implemented.
3. Participate as part of the Conciliation Committee if required.
4. Receive concerns and complaints from the school community and forwarding to relevant personnel.

### **B. Board Chair**

1. Receive and deal with all concerns and complaints relating to Governance matters.
2. Receive and deal with all concerns and complaints relating to the Principal.
3. Assist members of the school community to clarify and decide on options regarding unresolved concerns, complaints, and disputes.
4. In consultation with the Principal and/or the Board and in agreement with complainant/s determine the membership of the Conciliation Committee.
5. Refer community members to appropriate external agencies if required.
6. Ensure the Board Complaints Register and complaint records (relating to complaints received by the Chair/Board) are maintained and stored confidentially.

### **C. Conciliation Committee**

1. Receive and deal with all unresolved concerns, complaints, and disputes brought to its attention.

### **D. Principal**

1. Oversee the implementation of this policy including ensuring the school community feels comfortable to give feedback, raise a concern, or make a complaint, in a positive way, to the appropriate person.
2. Oversee the development, implementation, and monitoring of a Child-Friendly Complaints Procedure.
3. Ensure all staff receive training in handling of concerns and complaints.
5. Receive concerns and complaints from the school community and forwarding to relevant personnel.

4. Receive and deal with all unresolved concerns, complaints, and disputes brought to their attention.
6. Ensure complaints involving child safety and wellbeing are dealt with through the *KSCS Child Safety and Wellbeing Policy* and grooming and child abuse are reported appropriately.
5. Ensure complaints concerning staff misconduct are dealt with through the *KSCS Staff Conduct and Discipline Policy*.
6. Facilitate the access of appropriate support for school community members who lodge a complaint and receive a complaint if required.
7. Facilitate and participate in mediation and/or arbitration if requested and ensuring relevant staff members can participate as required.
8. Ensure all concerns and complaints are followed through to a resolution and follow up occurs to ensure solutions remain satisfactory.
9. Forward unresolved concerns, complaints, and disputes to the Board Chair.
10. Be available to the Board Chair and Conciliation Committee to assist in resolving a complaint.
11. Ensure that reporting, record keeping, privacy, and employment law obligations are met.
12. Record concerns and complaints and facilitating termly reviews with staff.
13. Monitor trends in concerns and complaints and addressing underlying issues within the school.
14. Reporting regularly to the Board on patterns, trends, and actions taken.

**E. Wellbeing Coordinator**

1. Ensure that all staff are educated about the School's *Child-Friendly Complaints Procedure*.
2. Investigate complaints where appropriate (not in the case of child safety and wellbeing complaints).
3. Where necessary, escalate complaints and when requested by the complainant.
4. Maintain accurate records.
5. Regularly report to the Principal about complaints received.
6. Ensure systemic complaints are identified.
7. Monitor the effectiveness of, and continually improving, the School's *Child-Friendly Complaints Procedure*.

**F. All Staff including Volunteers**

1. Participate in training about the School's concerns and complaints policy and procedure.
2. Receive concerns and complaints from the school community and forwarding to relevant personnel.
3. Deal with all concerns and complaints brought to their attention related to their duties and responsibilities, in line with this policy.

4. Forward unresolved concerns, complaints, and disputes to the Principal.
5. Participate in mediation and/or arbitration if requested.
6. Participate in the Conciliation Committee if requested.
7. Regularly review the child-friendly complaints procedure with students and ensure they understand what to do if they have a concern or complaint.
8. Teachers to record concerns and complaints and attend termly reviews with staff.

**G. Adult members of school community**

1. Direct feedback, suggestions, concerns, and complaints to the appropriate person.
2. Resolve concerns and complaints in a positive and constructive manner and in line with this policy.
3. Discuss options regarding unresolved complaints and disputes with the Board Chair.
4. Participate in mediation and/or arbitration if agreed upon.
5. Work with the Conciliation Committee to resolve complaints if agreed.
6. Support their children in expressing and resolving concerns and complaints at school.

**H. Students**

1. Ensure they tell someone if they have a concern or complaint.

**Related Legislation**

- A. Corruption, Crime and Misconduct Act 2003 (WA)
- B. Criminal Code Act Compilation Act 1913 (WA)
- C. Disability Standards for Education 2005 (Cth)
- D. Equal Opportunity Act 1984 (WA)
- E. Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- F. Incorporated Associations Act 2015
- G. Racial Discrimination Act 1975 (Cth)
- H. School Education Act 1999 (WA)
- I. School Education Regulations 2000 (WA)
- J. Teacher Registration Act 2012
- K. Working with Children Act 2004 (WA)

**Related Kerry Street Documentation**

- A. Procedures and Forms including:
  1. Concerns, Complaints, and Disputes Procedure
  2. KSCS Concerns, Complaints, and Disputes Flowchart
  3. KSCS Concerns, Complaints, and Disputes Policy Statement

4. KSCS Child-Friendly Complaints Procedure
  5. Child-Friendly Complaints Poster for Staff
  6. Complaint Information for Students
  7. Child-Friendly Complaints Poster for Students
  8. Concerns and Complaints Review Form
- B.** KSCS Policies including:
1. Child Safety and Wellbeing Policy
  2. Communication Policy
  3. Community Member Participation Policy
  4. Critical Incidents Policy
  5. Duty of Care Policy
  6. Non-Discrimination and Anti-Harassment Policy
  7. Privacy Policy
  8. Records Management Policy
  9. Staff Conduct and Discipline Policy
  10. Staff Grievance Policy
  11. Workplace Health and Safety Policy
- C.** KSCS Constitution
- D.** KSCS Values and Philosophy
- E.** KSCS Codes of Conduct
- F.** Complaint files
- G.** Staff records

## References and Resources

- A.** Are You Listening? Guidelines for Making Complaint Systems Accessible and Responsive to Children and Young People – Commissioner for Children and Young People WA.
- B.** Complaint Handling Guide: Upholding the rights of children and young people – Australian Government: National Office for Child Safety.
- C.** National Principals of Child Safe Organisations - Australian Government: National Office for Child Safety.

## Contact Person

Enquiries relating to this policy should be directed to the School Principal or Board Chair.

## Breaches of this Policy

Any breach of this policy may result in disciplinary action up to and including termination.

## Review and Authorisation

- A. This policy was authorised by the Kerry Street Council on 13/1/06.
- B. The Grievance Policy was incorporated into this policy at a meeting of staff and council on 13/1/06.
- C. The policy was reviewed again in January 2007, on the recommendation of the Office of Non-government Education.
- D. This policy was reviewed September 2012.
- E. This policy was reviewed September 2013. Changes to complaints flowchart were made at the recommendation of DES for Reregistration.
- F. Policy amendment made to procedure. Referral of complaints to AISWA was removed. Recorded in November 2015 minutes.
- G. Policy changed to clarify independent auditor clause June 2016.
- H. Reviewed and Accepted December 2017.
- I. Reviewed July 2019.
- J. Reviewed June 2021.
- K. To be reviewed S1 2022.
- L. Reviewed March 2022.
- M. To be reviewed S1 2023.

## Revision History

Date	Revision	Detail
13/01/06	V.1	Policy created.
3/9/2017	V.1	Revised to incorporate new Complaints Procedure developed in conjunction with the review of the KSCS Constitution
July 2019	V.2	Revised to incorporate new requirements relating to child-friendly complaints system. Formatting changes, and edits to improve scope.
June 2021	V.3	Reviewed and updated to simplify and clarify the complaints handling procedure. Staff Grievances procedure removed to form a new policy. Name change from <i>Concerns and Complaints Policy</i> to <i>Concerns, Complaints, and Disputes Policy</i> .
March 2022	V.4	Minor Formatting Changes.