

# Dispute and Complaint Resolution Policy and Procedures – ASC Schools (WA)

Section Number	Operations 60
Version	9
Page	1 of 20
Approved Date	ASC Board January 2022
Review	December 2023

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## Executive Summary:

The purpose of this Policy is to ensure a complaint lodged by a member of the ASC community, both past and present, will be resolved in an appropriate, prompt and professional manner. It is designed to assist staff, parents, guardians and students, enrolled in ASC schools, to resolve conflict in an appropriate and satisfactory way. It is written with the understanding that, in most cases, matters are best resolved at the local school level.

Appendices specific to schools, parents and students are provided:

Appendix 1 – Procedures for Implementation (School Council Chairs and Principals)

Appendix 2 – Information for Parents and Students

## Key Actions:

- Communicate Policy and Procedures to school community e.g., school council, staff, students and parents.
- Develop school-specific addendums to this document which provide school-specific support.
- Provide dispute and complaint resolution training to staff including volunteers.
- Ensure the Policy is supported by child friendly, child focused and culturally safe processes.
- Make available alternative formats for receiving complaints.
- Maintain a Complaints Register capturing key information.
- Role of the Director General published on ASC/School website.
- Publish school-specific process on school website (Refer to Appendix 2).

**NB:** The list above is not exhaustive, and the Policy should be read in full to understand all obligations.

## **1. PURPOSE**

- 1.1. The Anglican Schools Commission (ASC) is committed to ensure that a complaint lodged by a member of the community (past and present) will be resolved in an appropriate, prompt, professional manner and prioritises the safety and wellbeing of students.
- 1.2. We seek to be a caring Christian community, where people are in harmony with each other. Therefore, this Policy is designed to assist staff, parents, guardians, and students enrolled in ASC schools (and others where appropriate) to resolve conflict in an appropriate and satisfactory way.
- 1.3. This Policy is written with the understanding and experience that, in most cases, matters are best resolved at the local school level.
- 1.4. The Guide to Registration Standards and other requirements for Non-Government Schools 2020 requires the following regarding complaints:

### **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.*

### **Standard 10: Child Abuse Prevention**

- 10.9 *The school's records of complaints, allegations and findings related to grooming and child abuse, whether involving former or current staff or students:*
  - (a) *contain as much detail as possible;*
  - (b) *are stored securely; and*
  - (c) *are not 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.*
- 10.10 *The school responds appropriately to complaints and allegations of grooming, child abuse and breaches of the Code of Conduct or student code of conduct in the best interests of students and in accordance with policies and procedures which at least require that:*
  - (a) *the complainant is informed about the services, including advocacy and support services, which may be available; and*
  - (b) *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 his or her parents/guardians, other affected students and their parents and guardians, and the wider school community.*

- 1.5 This Policy does not apply to complaints from staff members about matters under their employment contract. The prescribed process in the Anglican Schools Commission Incorporated Western Australian Agreement 2019, Support Staff EBA (WA) or relevant Award or contract of employment shall be followed.

## **2. SCOPE**

- 2.1. The following Policy applies to the ASC and its schools in WA to ensure that disputes and complaints are addressed fairly, objectively and in a timely manner.

## **3. DEFINITION**

### **Child Abuse**

Four forms of child abuse are covered by WA law:

1. Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a child's caregiver.
2. Sexual abuse occurs when a child is exposed to, or involved in sexual activity that is inappropriate to the child's age and developmental level, and includes sexual behaviour in circumstances where:
  - (a) The child is the subject of bribery, coercion, a threat, exploitation or violence;
  - (b) The child has less power than another person involved in the behaviour; or
  - (c) There is significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.
3. Emotional abuse includes:
  - (a) Psychological abuse; and
  - (b) Being exposed to an act of family and domestic violence.
4. Neglect is when children do not receive adequate food or shelter, medical treatment, supervision, care or nurturance to such an extent that their development is damaged, or they are injured. Neglect may be acute, episodic or chronic.

### **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.

### **Corporal Punishment**

Punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].

### **Culturally Safe Complaints Management**

The Royal Commission did not define this concept in the context of complaint handling. The following definition of a culturally safe environment was adopted:

*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.*

*[Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, Volume 1, page 322].*

### **Degrading Punishment**

Punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].

### **Director General**

The Director General is the chief executive officer appointed in accordance with s.151 of the *School Education Act 1999*; currently the Director General, Department of Education.

### **National Child Safe Organisation Principles**

The National Principles for Child Safe Organisations incorporate the ten standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse in December 2017 but cover all forms of child abuse. They were developed by the Australian Human Rights Commission and endorsed by all members of the Council of Australian Governments (COAG) in February 2019.

#### **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 the law requires reporting, and co-operates with law enforcement.

(6.5) Reporting, record keeping, privacy and employment law obligations are met.

#### **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**

These rules 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.

## **School Community**

The school community is staff, parents, guardians and students.

### **4. PRINCIPLES**

This Policy is based on a number of fundamental principles:

- 4.1. Natural justice must be exercised in resolving any dispute or complaint. This requires that both parties receive a fair hearing and that the final decision is made without bias.
- 4.2. The ASC and the school explicitly forbids the use of any form of child abuse, corporal punishment or other degrading punishment.
- 4.3. Training must be provided to staff and volunteers on the dispute and complaint process, their roles and responsibilities, reporting and privacy obligations, and responding to children who disclose abuse (including recognising the different ways that children may disclose).
- 4.4. Complaints are taken seriously and responded to promptly and thoroughly.
- 4.5. The dispute and complaint process must be child-focused and child friendly, which is understood by children, staff, volunteers and families.
- 4.6. The dispute and complaint process must be culturally safe.
- 4.7. Schools must make available alternative formats for receiving complaints. A complaint does not have to be submitted in writing; it may be face-to-face, by email, by telephone call, a letter, or a meeting.
- 4.8. The dispute and complaint process must be able to respond to concerns or complaints relating to harm caused to a child by another child.
- 4.9. The resolution to a dispute or complaint must exhaust all reasonable attempts at conciliation prior to an imposed arbitrated decision.
- 4.10. Individual cases must be examined on their own merits.
- 4.11. Resolutions must appropriately balance the principles of justice and compassion.
- 4.12. Appropriate confidentiality must be respected by all parties.
- 4.13. Complaints made by parents will not rebound adversely on their children and similarly, complaints raised by the students will not rebound on them or on other students.
- 4.14. The Principal of the school has the responsibility to attempt to resolve a dispute or complaint with the parties directly involved at the local level.
- 4.15. Parties may appeal to the Chair of the School Council the decision made by the Principal.
- 4.16. Parties may appeal to the ASC the decision made by the Chair of the School Council.
- 4.17. Reporting, privacy and employment law obligations will be met.
- 4.18. Mandatory reporting obligations must be adhered to when receiving, responding to and investigating complaints of child harm or abuse.
- 4.19. Schools will engage children, young people, families, communities, staff and volunteers in the review process and provide feedback on review outcomes.
- 4.20. Complaints recorded will be regularly analysed in order to identify causes or systemic weaknesses and implement improvements.

- 4.21. The ASC and its schools will ensure that information about the role of the Director General is published.
- 4.22. A school Dispute and Complaint Resolution Policy, which aligns with this Policy, has been developed (**Appendix 2**). This must be published on the school website.
- 4.23. Each school will review school-based processes annually, or after an event, to ensure they continue to align with this Policy. The school will seek participation of children and young people in this review.

## 5. PROCEDURES

The following procedures will apply in relation to this Policy:

- 5.1. Principals shall advise parents, staff and students of the dispute and complaint resolution process and ensure it is understood, is child friendly and is culturally safe.
- 5.2. The Dispute and Complaints Resolution Process (Appendix 2) must be published on the school website and displayed in relevant areas of the school e.g., staff room, administrative offices etc.
- 5.3. Each school shall develop and communicate its own school-based Dispute and Complaint Resolution process which aligns with this Policy. The school-based process must clearly outline:
  - (a) the roles and responsibilities of leadership, staff and volunteers, including who within the school is permitted to have access to information about the matter;
  - (b) approaches to dealing with different types of complaints, such as local, informal and formal complaints;
  - (c) detailed records required for each complaint raised, the secure storage of those records, noting that they must not be destroyed without the Director General's approval; and
  - (d) obligation to act and report breaches of relevant policies or the Code of Conduct.
- 5.4. Each school will ensure that the following information about the role of the Director General is published.

*"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."*

- 5.5. Principals shall ensure that the dispute and complaint process is child-focused and child-friendly. The six-key elements of a child-friendly complaints system are:
  - (a) *Focus on children and young people* – acknowledge children and young people.
  - (b) *Visibility* – publicise complaints system to invite comments; advise young people of their right to complain; ensure it is age-appropriate and culturally safe; and use relevant technology (use of SMS, in person, email, online, telephone).
  - (c) *Accessibility* – ensuring children and young people know to whom to make a complaint and how (face-to-face, child-friendly publication etc.), easy to find, and create opportunities for children to discuss their experience.
  - (d) *Responsiveness* – ensure the complaint system is responsive to children and young people once they have complained, and staff are trained to respond quickly.
  - (e) *Confidentiality* – complaint systems should treat complainant's information as confidential.

- (f) *Accountability and continuous improvement* – specific needs of children and young people are recognised in accountability and continuous improvement processes.
- 5.6. Principals will ensure complaints are taken seriously, responded to promptly and thoroughly and follow the rules of procedural fairness, which 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.
- 5.7. Principals will ensure that training is provided to all staff, including support staff and volunteers on the school dispute and complaint resolution process.
- 5.8. Principals must maintain an appropriate Complaints Register\* recording all formal complaints and how they have been resolved. The Complaints Register must contain the following:
- (a) date of complaint;
  - (b) name of complainant and relationship to the school;
  - (c) subject matter of the complaint, including the name of any person complained about and their relationship to the school;
  - (d) complaint investigator and position or role at the school;
  - (e) date investigation completed;
  - (f) whether complaint upheld;
  - (g) resolution agreed with or offered to complainant;
  - (h) date of referral for review (for example by the governing body);
  - (i) complaint reviewer and relationship to the school;
  - (j) date review finalised; and
  - (k) review resolution agreed with or offered to complainant.
- \* A sample Register will be provided by the ASC.
- 5.9. When receiving, responding to and investigating complaints of child harm or abuse:
- (a) the complainant must be informed about the services, including advocacy and support services, which may be available; and
  - (b) mandatory reporting obligations must be followed in accordance with the Mandatory Reporting of Child Sexual Abuse Policy and Procedures (WA).
- 5.10. If the complaint involves a student enrolment matter, the ASC Enrolment and Attendance Policy and Procedures (WA) must be followed.
- 5.11. If the complaint involves an employment issue, the prescribed process in the Anglican Schools Commission Incorporated Western Australian Agreement 2019, Support Staff EBA (WA) or relevant Award or contract of employment shall be followed.
- 5.12. Each dispute or complaint resolution process followed by a school shall ensure that all relevant parties:
- (a) are informed in writing of the dispute or complaint (where complaint is received in writing);
  - (b) have the opportunity to place their version on record; and
  - (c) have the opportunity to be represented if they so wish.
- 5.13. The resolution of a dispute or complaint, in the first instance, should be undertaken between the immediate parties involved.

- 5.14. Should the immediate parties involved fail to reach a resolution, then the Principal is responsible for undertaking a procedure to resolve any dispute or complaint within the school. This procedure will only be initiated following a written complaint addressed to the Principal.
- 5.15. Where a dispute or complaint involves the Principal, the matter shall be referred in writing directly to the Chair of School Council.
- 5.16. Anonymous complaints may be where there is no name or address supplied, or where the complainants say they do not wish to be identified. Parents and students are encouraged to give their names and given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, the complaint will be accepted, recorded and evaluated. It is at the Principal's discretion as to what action, if any, will be taken, depending on the nature of the complaint and the information it may contain. Matters will be handled with appropriate confidentiality.
- 5.17. The Principal shall maintain records of the procedure and resolution to any formal dispute or complaint. These will include a clear statement of the complaint, notes of all communications with the complainant, including friendly chats, telephone conversations and any statements made by the parties involved. **NB:** recording informal complaints will also assist in the detection of patterns over time.
- 5.18. To ensure records, which relate to child safety and wellbeing, meet the minimum compliance requirements of recommendations 8.4 and 8.5 of the Royal Commission into Institutional Responses to Child Sexual Abuse, refer to Appendix 3 for guidance.

**NB:** If a school is advised of an actual or alleged incident of child sexual abuse, records which are likely to be of relevance include:

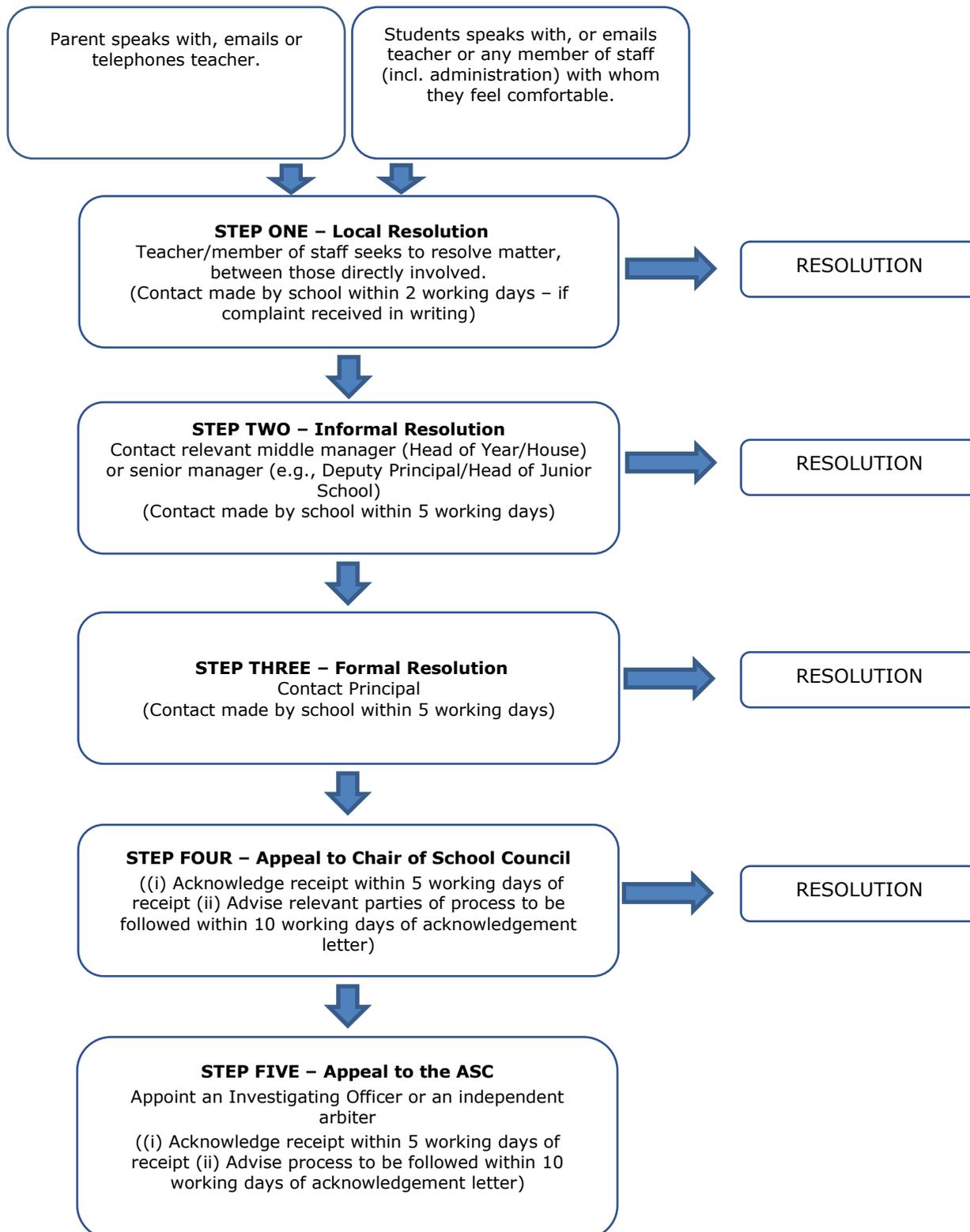
- Letters or emails or other records making an allegation, or relating to an allegation.
  - A file note should be made of the allegation or report, where notification occurs verbally.
  - Incident reports and witness statements.
  - Records of meetings or discussions, including notes.
  - Case files and other records of the child who is alleged to have been abused e.g., school attendance and admission records, work experience and placements records, reports of accidents and injuries, medical records, counselling records.
  - Relevant personnel and work placement records, including records relating to volunteers e.g., counselling, mediation, and discipline records, minutes and agendas of meetings, travel records.
  - Relevant worker employment records including personnel files and terms of employment e.g., rosters, attendance sheets and permission slips, employee contracts, leave requests, day-trips and excursions, off-site visits.
  - Reports or other records received from medical practitioners, health professionals, teachers, counsellors and other third parties.
  - Records documenting actions taken to address allegations and cases of sexual abuse of children including reviews of actions, cases or decisions by external authorities.
  - Records documenting support and remedial action for the child who is alleged to have been abused.
- 5.19. Records of any dispute or complaint shall be maintained in accordance with the Privacy Policy and Procedures and Records Management Policy.

- 5.20. It is the responsibility of the Principal to attempt to reach a resolution between the parties where possible.
- 5.21. Failing to reach a resolution by agreement, the Principal shall make a decision based on the merits of the case and appropriately balance the principles of justice and compassion. When this occurs, the Principal shall inform each party of the decision.
- 5.22. The Principal may, after exhausting all reasonable attempts at conciliation, call on outside mediation, including the Anglican Schools Commission's Employee Assistance Programme providers, to assist in the resolution of a dispute or complaint.
- 5.23. Any party may appeal the Principal's decision, in writing, to the Chair of the School Council.
- 5.24. Any party may appeal the School Council's decision, in writing, to the Anglican Schools Commission (marked for the attention of the Chief Executive Officer (CEO)).
- 5.25. If "5.24" occurs and it is determined that the complaint should be investigated further, the CEO shall appoint an Investigating Officer (who is not an ASC Board Member, School Councillor or staff member), or, where necessary, an independent arbiter.

The Visitor (as defined in the constitutions of the Anglican Schools Commission and individual schools) may play a role in this process, once all avenues of appeal have been exhausted, in accordance with the powers bestowed on the Visitor by the relevant Constitution.

- 5.26. The parties to the dispute or complaint shall be notified of the findings of the appeal.
- 5.27. At the end of any dispute or complaint procedure, actions taken shall be evaluated and procedures reviewed.
- 5.28. All complaints must be analysed regularly to identify systemic, recurring and single incident problems and trends, and to help eliminate the underlying cause of complaints.

## DISPUTE AND COMPLAINT RESOLUTION FLOWCHART – STUDENTS, PARENTS AND SCHOOL COMMUNITY



**NB:** The complainant will be advised if the Principal decides to omit STEP TWO due to the serious nature of the complaint.

**PROCEDURES FOR IMPLEMENTATION  
(for School Council Chairs and Principals)**

The following procedures are to assist a school resolve a dispute or complaint. The process may be adapted to best suit the local setting or particular circumstances, ensuring it conforms to the rules of procedural fairness and is in keeping with the Dispute and Complaint Resolution Policy.

**STEP 1: Local Resolution Process Between the Parties Directly Involved**

1. When a dispute or complaint arises at a school, the parties involved shall attempt to resolve the issue between themselves in the first instance. If a complaint or concern is raised in writing, the complainant must be contacted within two (2) working days, to explain how the school proposes to proceed.
2. Step 1 will involve:
  - the complainant being provided with, or advised where they can obtain a copy of the School Dispute and Complaint Resolution Process (**Appendix 2**);
  - all parties having the opportunity to state their position on the matter, allowing each party the opportunity to fully understand the other parties' position;
  - all parties being willing to compromise in order to reach an agreed solution.
  - the complainant being given the opportunity to be represented.
  - advice being given to the complainant about the advocacy and support services available, if the complaint relates to child harm or abuse, and a mandatory report being lodged (if applicable).
3. For purposes of identifying patterns, a record of the complaint should be included in the school Complaints Register. It may not be possible to complete every field in the register particularly if the complaint is resolved at an early stage.

**STEP 2: Informal Resolution Process**

**Note:** Where the dispute/complaint is of a serious nature that in the opinion of the Principal requires a formal resolution, the Principal shall proceed directly to the Formal Resolution Process (Step 3). The complainant will be advised if the Principal decides to omit Step 2 due to the serious nature of the complaint.

1. Where the parties directly involved cannot reach a resolution, the Head of House/Year or senior staff member should be approached to assist in the resolution of the matter. The complainant will be contacted in writing, within five (5) working days, to explain how the school proposes to proceed.
2. The Principal must be made aware of the dispute/complaint.
3. The Head of House/Year or senior staff member, as determined by the school, shall initially deal with the parties by:
  - providing all parties with the opportunity to state their position on the matter to allow them to gain a thorough understanding of each party's position,
 and then deal with the specifics of the matter by:
  - asking the necessary questions to obtain a detailed response
  - asking what resolution would resolve the matter
  - agreeing on a resolution between the parties where possible
  - setting a timeline when actions to reach the resolution shall be taken
  - reporting to the parties when the resolution actions have been taken.

4. There are no formal written records required for such a resolution. A file note of the meeting will be made.
5. For purposes of identifying patterns, a record of the complaint must be included in the school Complaints Register.

### **STEP 3: Principal Formal Resolution Process**

**Note:** The parties to the dispute/complaint shall be provided by the Principal with a copy of the School Dispute and Complaints Process (Appendix 2), at the commencement of this process.

1. When an informal resolution fails or when the Principal decides to move to the Formal Resolution Process immediately, the Principal shall:
  - contact the complainant in writing, within five (5) working days, to explain how the school proposes to proceed.
  - request in writing from the complainant information about the nature and details of the dispute/complaint.
  - record the specifics of the dispute/complaint including:
    - (a) the nature of the dispute/complaint
    - (b) the parties involved
    - (c) the parties' views of the matter and their suggested resolution
    - (d) any substantiation provided
    - (e) the provision to the parties of a proposed timeline for resolution.
  - make a decision based on the merits of the case and appropriately balance the principles of justice and compassion.
  - discuss the decision with the parties and provide the decision in writing within the proposed timeline.
2. The Principal may, after exhausting all reasonable attempts at conciliation, offer outside mediation, including the service of providers such as ASC Anglicare Employee Assistance Programme providers, prior to any decision being made.
3. The Principal will maintain an appropriate Complaints Register recording all formal complaints and how they have been resolved.
4. Where a party to the dispute or complaint does not accept the Principal's decision, that party may appeal the decision to the Chair of the School Council, after exhausting all reasonable attempts at conciliation. Where the dispute or complaint involves the Principal, the matter shall be referred in writing directly to the Chair of the School Council.

### **STEP 4: Appeal Process to the Chair of the School Council**

1. Where an appeal to the Chair of the School Council is lodged by a complainant against the decision of the Principal, or where the dispute or complaint involves the Principal, the following information must be provided to the Chair of School Council in writing for purposes of that appeal:
  - the notification of the appeal
  - the nature and details of the dispute or complaint
  - facts and/or documents that support or substantiate the dispute or complaint
  - the decision made by the Principal (unless the complaint is against the Principal)
  - the complainant's proposed resolution to the matter.
2. On receipt of the written information, the Chair of School Council will acknowledge the receipt of the appeal in writing, within five (5) working days, and contact the Principal in writing outlining the dispute/complaint with the documentation provided by the complainant and discuss the most appropriate way to proceed.

3. The Chair of School Council will advise the Principal and any other relevant parties involved within ten (10) working days, as to the investigating procedure to be adopted regarding the appeal.
4. Once the Chair of School Council is satisfied that the investigation has been completed, the Chair shall make a decision based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.
5. The parties shall be notified in writing of the outcome of the appeal. A copy of all documentation will be placed on file by the Chair of School Council.
6. Where a party to the dispute or complaint does not accept the Chair of School Council's decision, that party may appeal the decision to the Anglican Schools Commission CEO. The CEO will notify the Chair of the ASC Board.
7. The Principal will update the Complaints Register with the outcome of the review undertaken by the Chair of the School Council.

### **STEP 5: Appeal Process to the Anglican Schools Commission**

1. Where an appeal to the Anglican Schools Commission CEO is lodged by a complainant against the decision of the Chair of School Council, the following information must be provided in writing to the Anglican Schools Commission CEO for purposes of the appeal:
  - the notification of the appeal
  - the nature and details of the complaint or dispute
  - the person/school against whom the complaint is made or with whom there is a dispute
  - facts and/or documents that support or substantiate the dispute or complaint the decision made by the Chair of School Council
  - the complainant's proposed resolution to the matter.
2. On receipt of the written information, the Anglican Schools Commission CEO will acknowledge receipt within five (5) working days, and determine if Steps 1, 2, 3 and 4 have been undertaken by the complainant. Where these steps have not been undertaken, the matter will be referred back to the school and the complainant advised accordingly.
3. Where Steps 1, 2, 3 and 4 have been undertaken, the CEO will appoint an Independent External Investigator (Investigator) (who is not an ASC Board Member, School Councillor or staff member). The Investigator will contact the Chair of School Council and Principal in writing outlining the dispute or complaint with the documentation provided by the complainant, and seeking a response from the school to the complaint.
4. The Investigator will advise the complainant, the Chair of School Council and Principal and any other relevant parties involved, within ten (10) working days of the acknowledgement letter, as to the investigating procedure to be adopted by the Investigator regarding the complaint.
5. Once the Investigator has completed the investigation, the Investigator shall make a recommendation to the Anglican Schools Commission CEO based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.
6. Within five (5) working days of receiving the Investigator's recommendation, the Anglican Schools Commission CEO shall notify the parties, and the Chair of the ASC Board, of the outcome of the appeal. A copy of all documentation will be placed on file at the office of the Anglican Schools Commission and a copy provided to the school.
7. The Principal will update the Complaints Register with the outcome of the review undertaken by the Investigator.

8. The relevant ASC officer will update the ASC Complaints Register with the outcome of the review undertaken by the Investigator.

**[POLICY FOR SCHOOL WEBSITE:** *The following document must be published on the school website]*

## **DISPUTES AND COMPLAINT RESOLUTION INFORMATION FOR PARENTS AND STUDENTS**

### **INTRODUCTION**

[School] welcomes suggestions, feedback and comments from parents, students or staff, and takes all complaints and concerns seriously.

The School is committed to ensuring the safety, welfare and well-being of all children and people at the School. We want children to be safe, happy and empowered. We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and with consistency. We will always give priority to any complaints involving the safety, welfare and well-being of students.

This Policy deals mainly with procedures for parents (and guardians), the community and students (including past students). This Policy does not cover complaints from staff members about aspects of their employment.

Parents will often wish to raise issues on behalf of their children. There are other issues which students may choose to raise on their own behalf, and which are best raised by them.

### **What is a Complaint?**

A complaint is '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 complaint or concern may be raised about the School as a whole, a specific department in the School, about a particular School activity, about an individual member of staff, about one or more students, or about another member of the School community.

All complaints will be handled seriously.

### **Commitment**

We recognise parents and students have a right to complain and our aim is to ensure that:

- students, parents and the community wishing to make a complaint know how to do so;
- a child-focused, child-friendly, culturally safe dispute and complaint process is adopted;
- complaints are received in a positive manner and the outcome, the complainant or the subject of the complaint is not pre-judged;
- concerns are dealt with promptly and thoroughly and those who have raised them are kept informed about progress;
- all complaints are handled on their merits;
- a child-focused, child-friendly, culturally safe dispute and complaint process is adopted;
- the complaint process allows complaints to be made face-to-face, by email, by telephone call, a letter or a meeting.
- parents and students can expect to be taken seriously and can approach any member of staff about their concerns;
- training is provided to staff and volunteers on the dispute and complaint process;
- complaints made by parents will not rebound adversely on their children and similarly, complaints raised by students will not rebound on them or on other students;
- confidentiality is respected and maintained so far as is possible;
- a resolution of the matter is sought, with the parties directly involved, at the local level;
- children, young people, families, communities, staff and volunteers are engaged in the review processes and provide feedback on review outcomes;
- complaints are recorded and regularly analysed in order to identify causes or systemic weaknesses;

- mandatory reporting obligations when receiving, responding to and investigating complaints of child harm or abuse are adhered to;
- the dispute and complaint processes are reviewed annually, or after an event and participation of children and young people is sought in this review.

### **The Director General**

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.

For a copy of the full ASC Dispute and Complaint Resolution Policy, please refer to:

<https://www.ascschools.edu.au/about-us/policies/>

## **INFORMATION FOR STUDENTS**

### **What can I complain about?**

If there is anything that makes you feel unsafe, unhappy or worried about something, you can tell us. We will listen and try to help.

It could be about:

- how you've been treated by someone, e.g., a teacher or another child or young person;
- something that's changed that has made you feel unhappy or unsafe;
- something to do with our environment or facilities;
- us not doing anything about something that happened to you or you are unhappy with what we did to try to fix it.

### **Who can I speak to if I feel unsafe or concerned about something?**

You can talk to anybody who works here with whom you feel comfortable.

### **Can somebody help me make a complaint?**

Yes. If you would like a parent, carer, friend or someone you trust to help you make a complaint you can bring them with you when you complain. You can also use an interpreter if you need to or if your parent or friend needs one. If you don't want to talk to us about something that has happened, you can ask the person you trust to tell us, and you can speak with us when you want to do so.

### **Will I be in trouble for speaking up?**

No. Your safety and how you feel is important to us. By speaking up, you are helping us to do a better job and take better care of you and other children and young people.

### **What will the School do with information I tell them?**

If you tell us that you have been treated badly or you are feeling unsafe or worried about something, we will listen, write down what you tell us, and try to fix it. After we talk to you, we may need to find out more about what happened. We will tell you how long this will take and what will happen next.

### **Will you keep what I have told you a secret?**

We will keep information about you private. Private means we will keep your details safe. Sometimes we may need to share certain information with another organisation, such as the police, to protect you and other children and young people.

### **How will I know you're dealing with my complaint?**

We will ask if you would like us to give you updates about what is happening as we look into what you have told us and get further information.

You can tell us how you would like us to let you know how things are going with your complaint, e.g., in person, over the phone, by email or text message.

If you are worried about anything, we will try to fix it and get back to you quickly. We will let you know when we have finished looking into your complaint and explain what we're going to do. We will make sure that we involve the person you want to be with you when we give you information (e.g., parent or friend).

### **What if I don't want to be involved in the investigation?**

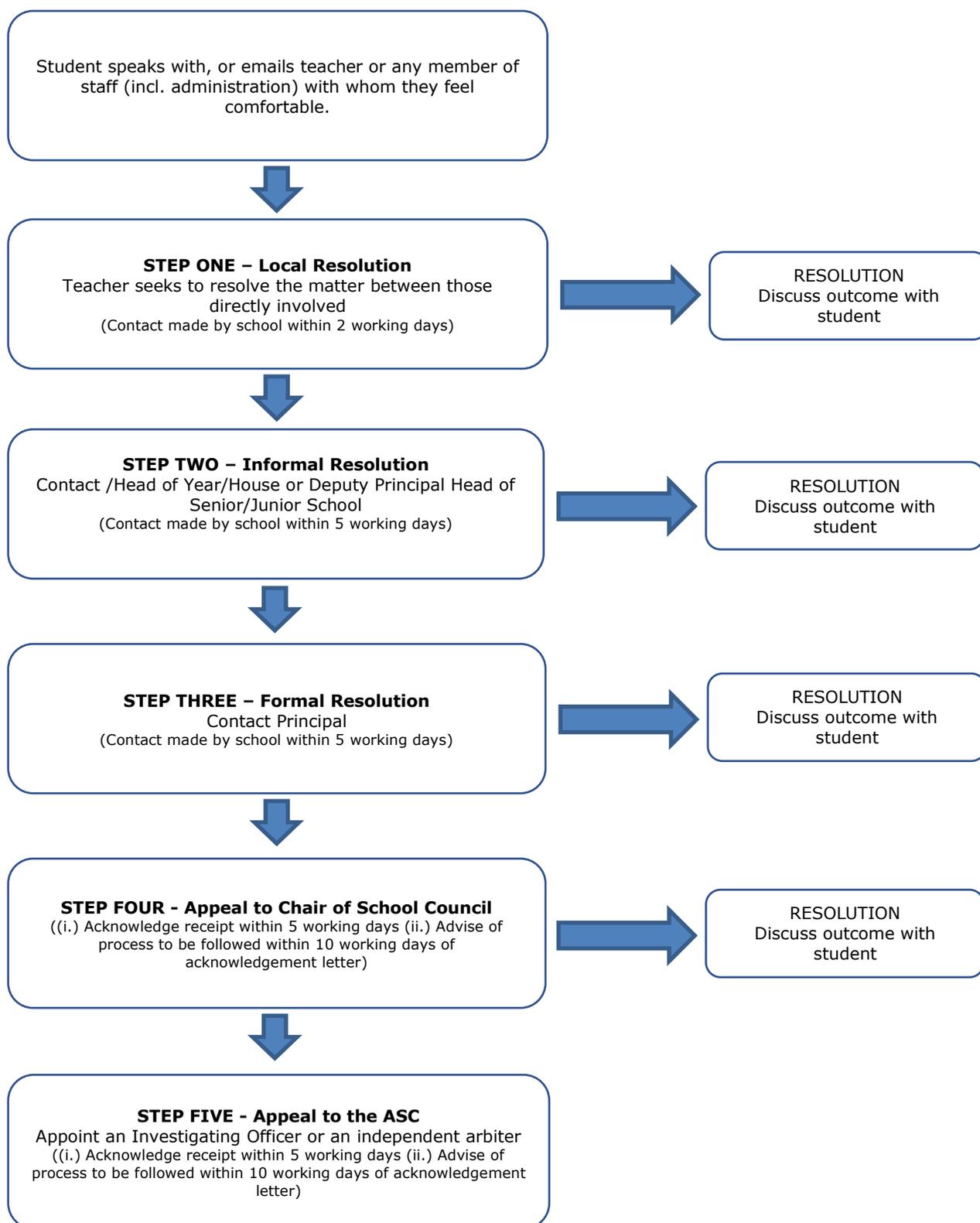
We will only contact you if you want us to do so. If you don't want updates that's okay. If you would like us to give information to a family member, carer or support person instead, that's also okay. If you change your mind and later want to speak with us, you can contact the person looking into your complaint or anybody else you trust in the School.

### **What if I'm still not happy?**

If you are not happy with how we handled your complaint or the result, we can help you to contact someone else to look at it. We can explain who this is if this happens. They will decide whether we have made the right decision.

**NB:** This information is based on the Complaints Handling Guide: Upholding the rights of children and young people

## DISPUTE AND COMPLAINT RESOLUTION FLOWCHART – STUDENT



**NB:** You will be advised if a STEP in the process is not taken e.g., the Principal decides to omit STEP TWO due to the serious nature of the complaint.

## **INFORMATION FOR PARENTS – Making a Complaint**

### **Step 1: Local Resolution**

Any member of staff will be happy to help. We recommend parents contact the person who knows their child the best i.e., classroom teacher, Year Group Coordinator. They may be able to resolve the matter quickly and with the minimum of fuss. Alternatively, we will accept complaints lodged verbally by phone, in-person, by letter, email or via the complaints form on the School's website. If you have made a complaint or raised a concern in writing, we will contact you within two (2) working days.

Persons for whom English is not their first language, or who have reduced literacy skills, may bring a translator or advocate.

We are here for you and your child, and we want to hear from you.

### **Anonymous Complaints**

We would prefer to know the identity of a person making a complaint as it can help in investigation and resolution.

Anonymous complaints will be noted and dealt with in accordance with the circumstances, available information and the action required.

### **Step 2: Informal Resolution**

Where a resolution cannot be reached, the Head of House/Year or senior staff member should be approached. Complaints raised face-to-face or by telephone may be resolved immediately and to your satisfaction. However, if you have made a complaint or raised a concern in writing, we will contact you within five (5) working days, to explain how we propose to proceed.

The person you contact will give you an opportunity to state your position on the matter, so they gain a thorough understanding of the matter. In many circumstances, they will need time to look into the matter and consider it further before responding. You will be given a date by which time you will receive a response. If a detailed exploration of the issue is needed, a letter or report will be sent to you as quickly as possible. This will tell you of the outcome of your complaint. It will explain the conclusion, the reasons for it, and any action taken or proposed.

The Principal will be advised of the dispute/complaint.

**NB:** You will be advised if a STEP in the process is omitted e.g., the Principal decides to omit STEP 2 due to the serious nature of the complaint.

### **Step 3: Formal Resolution**

If you are not satisfied, you can write directly to the Principal.

When an informal resolution fails or when the Principal decides to move to the Formal Resolution Process immediately, the Principal shall:

- contact you, within five (5) working days, to explain how the school proposes to proceed.
- provide you with a copy of the School Dispute and Complaints Process.
- request in writing from you about the nature and details of the dispute/complaint.
- record the specifics of the dispute/complaint including:
  - (a) the nature of the dispute/complaint
  - (b) the parties involved
  - (c) the parties' views of the matter and their suggested resolution
  - (d) any substantiation provided
  - (e) the provision to the parties of a proposed timeline for resolution.

- make a decision based on the merits of the case and appropriately balance the principles of justice and compassion.
- discuss the decision with the parties and provide the decision in writing within the proposed timeline.

The Principal may, after exhausting all reasonable attempts at conciliation, offer outside mediation, including the service of providers such as ASC Anglicare Employee Assistance Programme providers, prior to any decision being made.

The Principal will maintain an appropriate Complaints Register recording all formal complaints and how they have been resolved.

### **Confidentiality**

Your complaint or concern will be treated in a confidential manner and with respect. Knowledge of it will be limited to the Principal and those directly involved. The Chair of School Council may also need to be informed. It is the School's policy that complaints made by parents will not rebound adversely on their children.

We cannot entirely rule out the need to make third parties outside the school aware of the complaint and possibly also the identity of those involved. If information is passed to a third party, such as the Police or other external authorities, you will be informed, unless this is prevented by legal obligation.

In some cases, we will not be able to discuss the details of action taken as it would be inappropriate. Legally we are not able to divulge information of matters which require the involvement of a relevant government authority, without the permission of that government authority.

### **Step 4: Appeal to Chair of School Council**

#### **Not Satisfied with the Outcome**

We hope to resolve the matter, so you feel satisfied with the outcome, or at least that your concerns have been fully and fairly considered.

If you are not satisfied, you can write directly to the Chair of School Council, who will acknowledge receipt of your appeal within five (5) working days and advise you of the process to be followed within ten (10) working days. The Chair will obtain a full report from the Principal, examine matters thoroughly to determine if the complaint has been handled in accordance with the School's policy and procedure as well as to give further consideration. You will be notified in writing of the outcome of the appeal.

### **Step 5: Appeal to the Anglican Schools Commission**

If the outcome of the Chair's review and consideration does not bring about a resolution, you can write to the Anglican Schools Commission Chief Executive Officer, who will appoint an Investigating Officer(s) or an independent arbiter. The ASC will acknowledge receipt of your appeal within five (5) working days. The investigator will advise you of the process to be followed within ten (10) working days.

It is their task to look at the issues in an impartial and confidential manner and report to the ASC. The ASC will notify you, within five (5) working days of the outcome of the appeal.

The School recognises and acknowledges your entitlement to complain and we hope to work with you in the best interests of the children and young people in our care.

### **Contact Details**

Written complaints should be addressed to:

PRIVATE AND CONFIDENTIAL

The Principal

[INSERT SCHOOL ADDRESS]

Serious complaints will be shared with the Chair of Council by the Principal. There may be certain circumstances, such as complaints about the Principal or a Council member or when you are not satisfied with the Principal's decision, when the parents need to direct their complaint in writing to the Chair. This should be addressed to:

PRIVATE AND CONFIDENTIAL

The Chair of School Council

[INSERT SCHOOL ADDRESS]

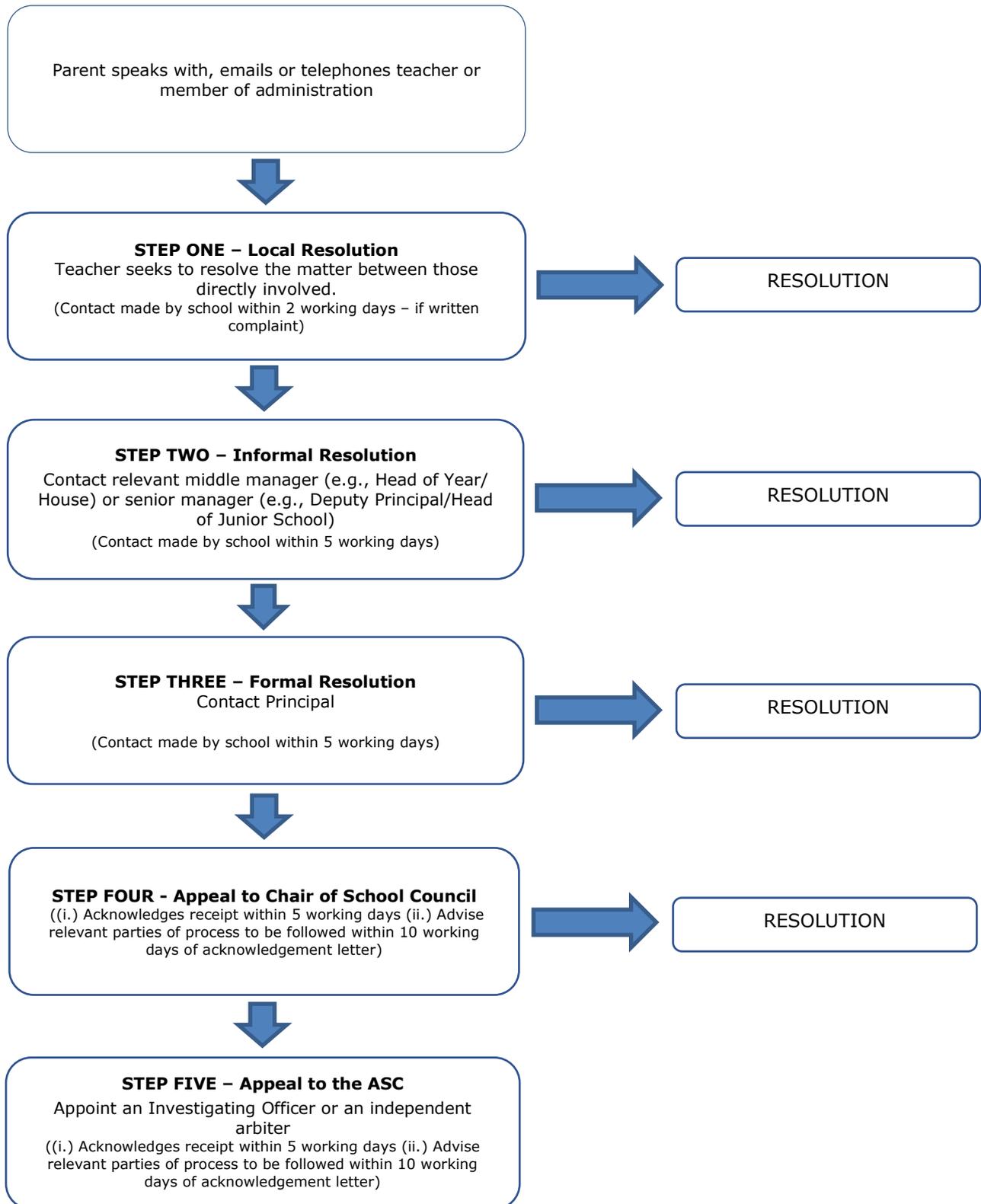
Complaints about the Chair of School Council's decision may be addressed to:

PRIVATE AND CONFIDENTIAL

Chief Executive Officer

The Anglican Schools Commission, PO Box 2520, Mt Claremont, WA 6010

## DISPUTE AND COMPLAINT RESOLUTION FLOWCHART – PARENTS AND SCHOOL COMMUNITY



**NB:** You will be advised if a STEP in the process is omitted e.g., the Principal decides to omit STEP TWO due to the serious nature of the complaint.

## Records and Recordkeeping Principles

### Recommendation 8.4

All institutions that engage in child-related work should implement the following principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution.

**Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.**

Institutions that care for or provide services to children must keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping. It is in the best interest of children that institutions foster a culture in which the creation and management of accurate records are integral parts of the institution's operations and governance.

**Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.**

Institutions should ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.

Records created by institutions should be clear, objective and thorough. They should be created at, or as close as possible to, the time the incidents occurred, and clearly show the author (whether individual or institutional) and the date created.

**Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.**

Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.

**Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.**

Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or published institutional policies.

Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

**Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.**

Individuals whose childhoods are documented in institutional records should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.

Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.

## **Records and recordkeeping - Records of non-government schools**

### **Recommendation 8.5**

State and territory governments should ensure that non-government schools operating in the state or territory are required to comply, at a minimum, with standards applicable to government schools in relation to the creation, maintenance and disposal of records relevant to child safety and wellbeing, including child sexual abuse.

**Source:** *Royal Commission into Institutional Responses to Child Sexual Abuse - Volume 8, Records and Recordkeeping principles (8.5) Records of non-government schools*

### Version Control

<b>Version</b>	<b>Date</b>	<b>Summary of Changes</b>
1	May 2008	New Policy
2	Apr 2009	Minor change to wording - title change, page 7
2a	Aug 2009	3 yearly review
3	Dec 2013	3 yearly review
4	Feb 2016	Updated to reflect DES requirements
5	Oct 2016	Updated to reflect the use of an Independent External Investigator in Step 5.
6	Aug 2019	Annual Policy review
7	Dec 2019	To divide policy for WA, NSW and Vic Update to reflect amendments to Registration Standards – definitions, child-friendly process, complaints register. Include flowcharts for parents and students.
8	Dec 2020	Update/include definitions Clarify guidelines Include timeframes
9	TBC	Include record keeping requirements and principles (Appendix 3) Align with Child Safe Policy (8b)