

# Lance Holt School Policies and Procedures



# Concerns, Complaints and Disputes Policy



## **Concerns, Complaints and Disputes**

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## 1. Policy Statement

Good relationships between Lance Holt School and its community give our children a greater chance of success at school. The school welcomes suggestions and comments from parents and others and takes seriously any concerns and complaints that may be raised. Our concerns and complaints policy and procedures aim to diffuse problems and provide the school with helpful information. Concerns and complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaint.

## 2. The School and Legislation

The Western Australian *School Education Act 1999* includes a standard, applicable to Non-Government Schools that relates to 'the response to, and recording of, complaints and disputes at schools.' Sec 159(1)(k). This standard is reflected in the Non-Government Schools' Registration Standards and Requirements along with advisory information in relation to its satisfaction.

In 2019 Lance Holt School revised and updated its Constitution in order to comply with the key reforms of the Incorporated Associations Act 2015 which came into effect in July 2016. This legislation stated the requirement of each association to have a Disputes and Mediation Clause in its rules/constitution which is then reflected in the disputes resolution process of the Concerns, Complaints and Disputes Policy and Procedures of the Association.

The implementation of an effective concerns and complaints policy and procedure serves to:

- provide access to an open and responsive complaints' handling process;
- ensure that complaints are dealt with in an expeditious and fair manner and do not escalate unreasonably;
- enhance the school's ability to resolve complaints in a consistent, systematic and responsive manner;
- enable and encourage staff to improve their skills in complaints' handling;
- provide the school with helpful information to assist in the identification of trends and eliminate causes of complaints; and
- provide a basis for continual review and analysis of the complaints' handling process, the resolution of complaints and improvement.

A **concern** is the expression of a worry, something that has made a person troubled or anxious about an issue and is expressed at a 'first level' i.e. to a class teacher at the classroom door or by telephone or email directly to the relevant staff member. Depending on the nature of the concern, it can often be resolved at this 'first level' in a more informal manner. It is recommended however, the teacher or staff member concerned to make and file a brief note regarding the issue and interaction in case of future escalation.

A **complaint** is an "expression of dissatisfaction made to an organisation, related to its products, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected" (as defined by the *Australian Complaint Handling Standard ISO AS 10002-2006*). Within a school this would usually equate to an expression, in writing, of protest, objection, dissatisfaction with a real or perceived problem, accusation, or criticism and is usually dealt with in a formal manner. Irrespective of whether the complaint was first expressed as a concern, it would be expected to be in the form of a written communication, a letter or email, addressed directly to the relevant staff member, their superior, the Principal or the Chair of the school's governing body.

A complaint may be made if a complainant thinks that the school or someone has, for example:

- done something wrong;
- failed to do something it/they should have done; or
- acted unfairly or impolitely.

A complaint may be made about the school as a whole, about a specific department in the school, about a particular school activity, about an individual member of staff or about one or more students. Concerns and complaints treated as constructive suggestions can facilitate rectification and improvement and may prevent cause for further complaint. Even an unjustified complaint may indicate an area that can be improved.

A **dispute** would usually be viewed as an argument or disagreement and may be the result of a pursued unresolved complaint.

### **3. An Open Approach – Climate and Culture**

Good relationships between Lance Holt School and its community give our children a greater chance of success at school. Concerns and complaints will arise and as a school these should be dealt with in a school culture of trust and respect.

It is better to have a direct complaint to a member of staff than to have parents sharing their dissatisfaction with others. Parents like to feel valued and involved with the school and they should be encouraged to voice their concerns. Therefore, as a school we need to continue to ask ourselves if there is evidence that:

- the school is open to listening to expressions of concerns and complaint.
- the school has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership staff and volunteers;
- effective complaint handling processes are understood by children and young people, staff, families and volunteers, and are culturally safe;
- complaints are taken seriously and responded to promptly and thoroughly;
- the school has well publicized policies, procedures and flow charts 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;
- reporting, record keeping, privacy and employment law obligations are met; and
- staff are appropriately and adequately trained in dealing with concerns and complaints.

A concern is a worry about an issue or situation that is causing a low level of discomfort or anxiety. To address a concern a parent needs to seek further information, clarification or reassurance. At Lance Holt School we aim to address parent's concerns when they first come to the attention of staff. Addressing a concern early and with professionalism can avoid a concern becoming a complaint or grievance.

Procedures need to be flexible enough to handle both formal complaints and the informal raising of issues, keeping in mind that sometimes serious issues may be raised in an informal and friendly way and apparently trivial issues in an adversarial manner. Complaints against members of staff, in particular, need to be handled sensitively.

#### **3.1 Reducing Anxiety**

The school can reduce the anxiety of a complainant by taking the matter seriously and dispelling uncertainty about how the complaint will be handled. This can be achieved by:

- prompt written acknowledgement of the complaint;
- confirming the nature of the complaint and what is concerning the complainant;
- providing an assurance that the school takes the matter seriously; and
- keeping the complainant informed on what is happening in relation to the concern or complaint and, if a more detailed response is needed, the date by which it will be received. The issue should be dealt with as quickly as possible.

#### **3.2 Confidentiality**

It is essential that any complaint is treated in a respectful and confidential manner.

Parents often seek an assurance of confidentiality before expressing their concerns. If, for example, they wish to discuss a particular member of staff they may fear that their child will suffer in some way because they have complained.

It should be made clear to all concerned that it is the school's policy that complaints made by parents will not rebound adversely on their children and similarly that complaints raised by students will not rebound on them or on other students.

The question of confidentiality should be discussed sensitively and on an individual basis with the parents and the school's policy should be carefully explained.

Members of staff should be told about complaints that might be damaging to their reputation. Training will help staff to deal not only with complaints that are made to them, but also complaints that are made about them. The school should be prepared to provide support for staff against whom a complaint is made. This may involve a colleague who is not involved in the complaint.

**If there is a situation involving the Police, the School Coordinator, or if unavailable the next most senior staff member, must take responsibility for action to be taken within the school and the Chair of School Council should be informed as soon as possible. At this stage, depending on the circumstances, it would also be important to fulfil the school's requirement to submit a Critical Incident Report to the Director General of Education.**

[www.education.wa.edu.au/ongoing-obligations](http://www.education.wa.edu.au/ongoing-obligations)

### **3.3 Anonymous Complaints**

An anonymous complaint may occur when there is no name or address supplied, or where the complainants say that they do not wish to be identified.

Complainants should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, it is at the School Coordinator's discretion as to what action, if any, should be taken, depending on the nature of the complaint.

Anonymous complaints should be recorded in the complaints log as, over time, they may contribute to an identifiable pattern.

## **4. Concerns and Complaints' Handling**

The Non-Government Schools' Registration Standards and Requirements suggest that a school's policy and procedure should be clear, open and accessible and would include the following requirements:

- confidentiality;
- prompt written acknowledgement of the complaint with a stated timespan for action;
- procedural fairness for all parties;
- formal examination and investigation of the complaint and/or areas of disputation by an authorised person;
- substance of the complaint provided to the subject of the complaint;
- chairperson of the governing body informed, where appropriate;
- action being taken communicated to the complainant;
- clear record kept of the complaint, the action taken and the outcome;
- involvement where necessary of a third party within the school community or an independent arbiter;
- referral, where required, to an external authority such as the CPFS or the Western Australian Police Service for advice or immediate action;
- written report given to the complainant; and
- action evaluated and procedures reviewed.

The Registration Standards go on to say that:

*'Staff should be trained in handling complaints according to the school's documented procedures, especially regarding child protection matters.'*

Refer to the Lance Holt School Children's Rights: Child Protection Policy

### **4.1 Training**

Given the diverse nature of complaints, the school should ensure that through training, all staff, including support staff, know how to carry out their responsibility, within their job description, to support and implement the school's policy.

Training should cover:

- the complaints' procedure;
- communication skills, such as listening, questioning and calming;
- handling complaints, negotiation and mediation skills;
- skills in observing, recording and reporting;
- the benefits of handling complaints well and the consequences of handling them badly;
- Responding to different types of complaints;
- The different ways children and young people may express a concern, distress or disclose harm;
- Recognising and responding to neglect, grooming and other forms of harm;
- Disclosures of harm and reporting obligations; and
- Confidentiality and privacy considerations

Lance Holt uses the online compliance system, Sentrient, to provide, manage and report on staff training along with Professional Learning provided within staff meetings

## **4.2 Lines of Approach**

All community members are encouraged to adhere to the Concerns, Complaints and Disputes Policy. It is appropriate that all members of staff are encouraged to deal with parental concerns that lie within their area of responsibility.

If approached about a matter that lies outside their responsibility, staff should refer the person to the school policy and flowchart and advise them of the next step.

Concerns and complaints relating to classrooms issues are in the first instance addressed to the relevant teacher and if unresolved then the School Coordinator.

Concerns and complaints relating to school policy are directed to the School Coordinator.

Some complainants will wish to go straight to the School Coordinator with their concerns, and this should be respected. However, it should be explained that the School Coordinator might not be able to respond until they have consulted the staff that can help and/or are involved.

Serious complaints should be shared with the Chair of the school governing body by the School Coordinator. There may be certain circumstances, such as complaints about the School Coordinator, where it will be necessary for the complainant to write directly to the Chair, whose address should be readily available.

The school will enable and accept the expression of a concern/complaint in any form, in person, by telephone, in writing (in any form) and anonymously.

Diversity and cultural differences are respected, and the school provides a culturally safe environment.

## **4.3 Procedural Fairness**

Procedural fairness is concerned with the procedures used by a decision maker rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

The rules of procedural fairness require:

- a hearing appropriate to the circumstances;
- lack of bias;
- evidence to support a decision; and
- inquiry into matters of dispute

(Reference: Ombudsman Western Australia – Guidelines on Complaints Handling – Revised 2010

<http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Effective-handling-of-complaints-made-to-your-organisation.pdf>)

The duty to act fairly requires that:

- The decision maker must have an open mind (free from bias) when reading/listening to what is said by both parties; and
- People whose interests will be affected by the decision must have the chance to give response before the decision is made, but after all important information has been gathered.

#### **4.4 Role of 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 complaint or override the school's decision.

#### **4.5 Resolution**

Satisfaction for a complainant may come from any of the following:

- knowing that changes have been made and that matters will be different in future;
- knowing that the school is now alert to a possible problem;
- feeling that their concern has been considered seriously;
- an outcome which may be different from the one they sought, but which they perceive to be well-considered;
- a considered letter; or
- an apology.

If time is needed to investigate/consider the complaint then the complainant should be kept informed of its progress, in writing, giving the assurance that the issue has been understood and the matter is being dealt with.

Following an appropriate investigation, the school should offer a response, for example to correct the problem and prevent it happening in the future. However, schools need to be aware that they are not obliged to give complainants explicit information on what action has been taken, but rather provide an assurance that action has been taken. This is especially important when the matter involves a staff member. Outlining the resolution, to the degree considered appropriate by the school and in the interests of satisfying the complainant, should help prevent misinformation being circulated in the school community.

#### **4.6 Recording**

It is important to maintain an effective **register of complaints** and log of concerns as:

- it provides information should there be legal action in the future;
- patterns may be identified that indicate a need for action; and
- it provides information for reporting, by the Principal, to the School governing body as required.

The register/log should contain the following information:

- date when the issue was raised and to whom it was raised;
- name of complainant and relevant parties involved;
- brief statement of issue;
- member of staff handling the issue;
- name of the person/member of staff responsible for reviewing any decision made;
- brief statement of outcome including date of resolution/outcome; and
- location of detailed file (if applicable).

In particular the records of complaints, allegations and findings related to grooming and child abuse, whether involving former or current staff or students:

- must contain as much detail as possible;
- be stored securely; and
- must not be destroyed without the approval of the Director General or, where their retention becomes impactable or unduly onerous, are forwarded to the Director General with her permission for retention in accordance with the State Records Act 2000.

Confidential files on all complaints should be maintained and kept together and cross-referenced with other files as necessary. The files should contain simple but clear notes of all communication with the complainant. This includes friendly chats and telephone conversations, as misunderstandings easily arise. There should be a clear statement of what is concerning the complainant. The notes can be agreed with the complainant.

Records concerning students need to be kept for 75 years from the date of birth of a student and permanently for students of indigenous origin or in out-of-home care.

## **5. Disputes**

Most complaints can be resolved if approached positively. However, a pursued unresolved complaint may become the subject of a dispute for a variety of reasons including the nature of the original complaint, the way in which it was handled, or possibly because the parent perceives the school to have 'closed ranks' against him or her.

Pursued, unresolved complaints/disputes are usually taken to the School Council as a last resort and if both parties agree, an independent arbiter. **Appendix A**

### **5.1 Referral to the Chair of the school governing body**

In some cases, the procedure will be that the School Coordinator refers the matter to the Chair of the School Council and advises the complainant that this is the next step in the process. However, a situation may arise where the complainant is unhappy with the School Coordinator's response, in which case the complainant should be able to write directly to the Chair.

The Chair should discuss the matter fully with the School Coordinator and be provided with relevant documentation. If a briefing is required from a member of staff, this should occur in the presence of the School Coordinator.

The Chair should respond to the complainant, notifying them that they are reviewing the matter, asking them if they wish to add anything further and providing a date by which they may expect a response.

The Chair's response should be clear and detailed and should offer a meeting if the complainant remains troubled.

### **5.2 Meeting with the Chair of the School Council**

If a meeting is requested, the Chair would offer to meet the complainant at a time convenient to them. Those involved are:

- the Chair of the School Council;
- the School Coordinator and, at the most, one other member of staff; and
- the complainant.

The complainant should be permitted to bring with them a supportive friend who is not involved with the complaint. Legal representation would be discouraged at this stage.

The Chair, after questioning and listening to the complainant and the School Coordinator, may be able to find a solution. If this is not possible, and the complainant wishes to take the matter further, the Chair could consider the School Council or engaging an independent arbiter or the involvement of some form of dispute resolution.

### 5.3 Referral to a School Council

The Chair of the School Council, in consultation with the School Coordinator, decides when to refer a complaint to the School Council.

Protocols will include:

- the Convenor is the Chair of School Council;
- members are committed to keeping the proceedings confidential and to operating in a fair and objective manner – their aim is to conciliate;
- Sufficient time is committed to the meeting;
- The complainant and the School Coordinator should be asked in advance whether there are any papers they would like to have considered at the meeting, bearing in mind the need for all to keep the proceedings confidential. The papers are copied and distributed before the meeting, allowing due consideration by all parties of any written statement submitted by any party;
- If more time is required, it may be necessary to convene a second meeting. If so, council members must commit themselves to attend, as continuity is essential;
- If a positive solution is reached, the Chair should summarise the outcome and confirm the nature of the agreement before ending the meeting. The agreement should be recorded, copied and circulated as soon as possible; and
- At the end of the Council’s deliberations, the Chair makes a full report to be kept in the log of complaints.

### 5.4 Referral to an Arbitrator

As a final step in the disputes and complaints procedure, **if appropriate**, the school will use an independent arbiter to review the process that has been implemented to that stage and to assist in the facilitation of a resolution. The process around the use of an independent arbiter would be determined by the Chair of Council. It is usual practice for the arbitrator to be:

- Agreed by both parties;
- Remunerated by both parties (if appropriate); and
- Assured both parties will accept the arbiter’s decision.

### 5.5 Further Action

At all stages of a complaints’ resolution process the complainant should be informed about the services including advocacy and support services which may be available and reminded that they can seek legal advice if they wish, especially at the point where the school has done all it can to reach a resolution.

## 6. Students’ Complaints Process

It is well recognised that *‘empowering children and young people to understand their rights, to report problems and concerns and effectively support them to address the issue raised is critical. Taking children and young people seriously if they raise a matter of concern and ensuring that staff and volunteers have appropriate training and processes to ensure that such matters are dealt with effectively’*<sup>1</sup> is of paramount importance.

One of the ways in which a school can ensure that their students’ *views are heard, their rights respected and their safety and wellbeing prioritised is to build a complaints system that is accessible and responsive to the needs of children and young people.*<sup>2</sup> **The principles that apply to parental complaints should also be applied to complaints and concerns from students.** There are, however, differences in approaches. One important difference from the handling of parental complaints is that students should be able to raise concerns with any member of staff with whom they feel comfortable.

<sup>1</sup> Taken from Summary – [Creating Child Safe Organisations Report on Consultation with Children and Young People June 2015](#), WA Commissioner for Children and Young People

<sup>2</sup> WA Commissioner for Children and Young People – [Complaints Guidelines](#)

As Lance Holt School caters for primary students concerns of students will often be raised through their parents who act as advocates for their children. Students are aware that their complaints can be made to anyone in the school that they trust or feel safe to speak to and that they can bring along a friend or parent to support them.

There are a variety of reasons why children may not report concerns to staff members:

- not believing their problem is big enough to warrant an 'official' complaint;
- not understanding they are allowed to make a complaint or how to go about it;
- concern about not being believed;
- fear of getting into trouble or getting others into trouble;
- embarrassment or shame;
- worry about confidentiality and privacy;
- fear of repercussions and that things will get worse (especially about bullying).

A positive and open culture is needed in order for students to disclose their concerns. At Lance Holt School a strong set of core values underpins a structure that encourages active participation. Students have a keen sense of social justice and need opportunities to exercise their democratic rights. Lance Holt School students can raise concerns individually or in groups with staff members through processes such as: class meetings, development of class rules, whole school meetings and with the School Coordinator.

The Social and Emotional Learning programs and the Protective Behaviours curriculum of the school are major contributors in not only teaching students how they may support and act as mentors to others, but also in encouraging them to understand that their views matter and to voice concerns.

### **6.1 Development of Class Codes of Conduct**

At the beginning of each school year each class develops a Class Code of Conduct. The students are actively involved in the development of the plan to encourage a sense of ownership. The students are encouraged and scaffolded to examine their rights in the classroom and from this develop an outline of their responsibilities. From this the class develop a set of working guidelines for the classroom. The participation level of the students increases, as they get older. The Class Code of Conduct is visible in the classroom and shared with parents.

### **6.2 Development of Child Friendly Complaints Process**

At the beginning of each school year, teachers support each class to develop an age appropriate, child friendly complaints process to support and empower children to:

- know what to do when they feel unsafe or wish to make a complaint; and
- know what to expect will happen when they make a complaint

Processes will be displayed in each class for children to refer to.

## **7. Policy and Process Review**

As well as ensuring regular review of the school's policy and procedure it is just as important to review how complaints have been handled, at regular intervals, including monitoring anonymous complaints that may not be able to be addressed but nonetheless can be discretely investigated.

A review would include the scope, clarity and effectiveness of communication, by the school, about the available process, during an actual situation, at the point of resolution and any required follow up as well as the ease and usefulness of the process, from the user's perspective. It would further include reviewing the effectiveness of staff induction, training and communication of updates in this area.

Finally, a thorough review is only of benefit if there is a response of taking action to improve and enhance the policy and process which will not only leave complainants feeling respected, if not always satisfied, but also position the school and its reputation as being fair and accountable.

The school will report on the findings of relevant reviews to staff, volunteers, community and families and children and young people.

Please see the website of the Ombudsman of Western Australia for more guidance and information on [Complaints Handling](#) and the very useful associated [Complaints' Handling Checklist](#).

**8. Effective Date: Created 2004, Revised 2011, 2016, 2020**

**9. Next Review Date: 2023**

APPENDIX A Parent Concerns and Complaints Flow Chart

