COMPLAINTS AND DISPUTES POLICY

Document Approval

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Note

Policies are reviewed and updated annually unless urgent updates are required due to legislation or policy and process change.

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Related Legislation and Policy

1. Legislation

This policy is aligned with the requirements of the following legislation.

- National Principles for Child Safe Organisations
- Children and Community Services Act 2004
- Children and Community Services Amendment Act 2008
- Privacy Act 1988
- Privacy Amendment (Notifiable Data Breaches) Act 2017

2. Related Policies/Guidelines/Supporting Documents

This policy is linked to the following school policies and guidelines.

- Child Protection Policy
- Behaviour Management Policy
- Enrolment Policy
- Attendance Policy
- Reporting Policy
- Record Retention Policy
- Welfare Policy
- Counselling Policy
- Emergency Management Policy
- School Excursions, Camps and Tours Guidelines
- Duty of Care Policy
- Code of Conduct – Student, Staff and Parent
- Privacy and Compliance Policy

Overview

1. Policy Statement

Sowilo Community High School is committed to providing a student focused, concerns and complaints process that is aligned with the requirements of the National Principles for Child Safe Organisations and required legislation. This policy outlines the processes we implement to receive, register and manage any complaints or disputes and demonstrates how, as a school, we recognise the rights of a child, prioritise the student and make sure the process is accessible to all members of the school community.

This policy has been authorised and endorsed by the Sowilo Community High School – School Council.

2. Introduction

In February 2019, the Council of Australian Governments endorsed the National Principles for Child Safe Organisations. The National Principles give effect to the ten child safe standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. They provide a nationally consistent approach to cultivating organisational cultures and practices that foster child safety and wellbeing. All governments are responsible for giving effect to the National Principles in their jurisdictions.

National Principle 6 states that organisations should have processes to respond to complaints and concerns that are child-focused and always uphold the rights of children and young people. The Royal Commission highlighted the importance of institutions using a child rights framework to guide their work with children and young people.

We value everyone in our school community – students, staff, parents/guardians, volunteers and community partners. Our aim is to empower our students to demonstrate safe life skills and become positive community members. We involve them in the decision making process to allow them to speak up when they believe something is wrong and participate meaningfully in the complaints handling process.

All concerns and complaints are taken seriously and managed with respect for everyone involved. We manage all barriers, including cultural barriers, by creating and building positive, and respectful partnerships with our students, parents/guardians, staff and the wider school community. These partnerships are focused on cultural awareness, community, inclusivity, understanding and mutual respect. We treat all concerns and complaints with respect, courtesy and sensitivity.

As part of this process we make sure that:

- All community members who have a concern or complaint know the process to follow to communicate that concern or complaint.
- We will always take all concerns and complaints seriously, treat all parties involved with respect and dignity and address all issues or concerns efficiently and quickly.
- All concerns and complaints raised are investigated in alignment with the school's policies and procedures.
- Results of the investigation are communicated to all parties involved and outcomes and actions are consistent with the school's philosophy and all relevant policies and processes.

- We manage all documentation and records safely and securely in accordance with our Privacy and Compliance Policy and Record Keeping and Retention Policy.

3. Policy Communication

This policy is:

- Available for download on our school website.
- Copies can be sent to Parents/Guardians upon request.
- Provided to new staff at the start of their employment.
- Stored in soft copy on our school drive.
- Stored as hard copy with our administration team.

All Sowilo Community High School all staff including our Community Partners and School Council are expected to know and understand their responsibilities as outlined in the policy.

Definitions

The following are definitions of terms used throughout the document:

Term	Definition
Arbiter	A person who settles a dispute or has ultimate authority in a matter.
Arbitration	A voluntary process, involving a third person (arbitrator), who can impose a resolution. Arbitration can be undertaken as part of or after mediation and/or conciliation.
Anonymous Complaint	A complaint lodged without a name or address of the complainant, or where the complainant states that they do not wish to be identified.
Complaint	Should be interpreted broadly and can include expressions of dissatisfaction about an organisation related to its services or dealings with an individual/s. It can include allegations about the conduct of its staff, volunteers, other individuals engaged by the organisation or concerns about another person/s at the organisation or the handling of a prior concern.
Child initiated complaint	A child or young person under the age of eighteen makes the complaint or brings the issue, concern, allegation to the attention of an organisation.
Adult initiated complaint	A child or young person's parent/guardian or another adult makes a complaint on behalf of, or that concerns, a child or young person.
Complaint handling system	An organised way of responding to, recording, reporting and using complaints to improve services. It includes all policies, procedures, practices, staff, hardware and software used by an organisation in the management of complaints.
Cultural and linguistic diversity	Refers to the range of different cultural and language groups represented in the population who identify as having cultural or linguistic affiliations. The term acknowledges that diversity may arise from a range of circumstances including place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home.
Child Sexual Abuse	Any act which exposes a child or young person to, or involves a child or young person in, sexual processes beyond his or her understanding or contrary to accepted community standards. Examples of sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism and exposing the child or young person to or involving the child or young person in pornography. It includes grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional

Term	Definition
	connection with a child or young person, to lower the individual's inhibitions in preparation for sexual activity with them.
Abuse and Neglect	Refers to any form of physical, emotional, psychological or sexual abuse or harm and neglect.
Corporal Punishment	Any 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. Examples include 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.
Degrading Punishment	Any punishment which is incompatible with respect for human dignity, including corporal punishment and nonphysical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.
Dispute	A pursued unresolved complaint that has been escalated either internally and/or externally to the School.
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.' (Source: The Royal Commission into Institutional Response to Child Sexual Abuse)
Mediation	A process where the parties, assisted by a third person, listen to each other, define the dispute, find points of agreement, investigate what is important to each party with the goal of reaching a workable agreement through the development of satisfactory options for resolution for each party.
Parents	For the purpose of this policy, refers to parents, guardians and carers.
Procedural Fairness	The rules of procedural fairness require: • A hearing appropriate to the circumstances. • Lack of bias. • Evidence to support a decision. • An enquiry into matters in dispute.

Roles and Responsibilities

The following roles and responsibilities are referenced in this document.

1. School Council

The School Council must:

- Follow the Code of Conduct.
- Know the National Principals for Child Safe Organisations and uphold the rights of children.
- Understand your responsibilities as outlined in the policy.
- Provide subject matter expertise and support as required.

2. School Coordinator/Principal

The School Coordinator/Principal must:

- Follow the Code of Conduct, the National Principles of Child Safe Organisations and uphold the rights of young people.
- Support the implementation of a student friendly complaints and disputes process.
- Foster and encourage a positive culture that encourages school community members to speak up about their concerns.
- Make sure the school community members know the complaints process and are reassured their feedback/complaint will be taken seriously.
- Make sure staff, volunteers and community partners understand the complaints process and know their roles and responsibilities in this process.
- Demonstrate awareness of the different ways that young people express concerns or distress and disclose harm and that staff and volunteers are trained to respond appropriately.
- Make sure appropriate and prompt action is taken if a complaint or concern is received and raises any immediate risks to the safety of the complainant or to a student.
- Make sure students are offered ongoing support throughout the complaint handling process.
- Make sure investigations of complaints are thorough and free from bias.
- Make sure all individual/groups linked to the complaint are communicated to appropriately and provided with timeframes.
- Practice procedural fairness.
- Make sure that all outcomes are consistent with the school's commitment to child safety and any relevant policies.
- Practice confidentiality unless in the case of a student complaint where it is deemed appropriate to advise the parent/guardian.
- Maintain an up to date, accurate and detailed complaints register.
- Make sure all documentation is accurate and stored in alignment with the Record Keeping and Retention Policy.
- If required, report complaints to relevant authorities and co-operate with law enforcement.
- Regularly evaluate and review the complaint handling procedures making sure all privacy and confidentiality obligations are met.

3. All Staff

All staff must:

- Support and follow the staff Code of Conduct, the National Principles of Child Safe Organisations and uphold the rights of young people.
- Know their responsibilities as part of the complaints and disputes process.
- Foster an open and respectful culture that allows school community members to feel safe and supported speak up about their concerns.
- Recognise the different ways young people express concerns or distress and disclose harm.
- Take all complaints seriously. Make sure appropriate and prompt action is taken if the complaint raises any immediate risks to the safety of the complainant or to a student.
- Make sure the student receives ongoing support throughout the complaint process.
- Support and follow the investigation process as directed.
- Maintain confidentiality where possible.
- Make sure documentation is captured correctly and stored according to the Record Keeping and Retention Policy. Make sure all reporting and privacy obligations are met.
- Provide feedback to improve and strengthen the process and attend any required training.

4. Volunteers/Community Partners

All volunteers and community partners must:

- Follow the staff Code of Conduct, know the National Principles of Child Safe Organisations and uphold the rights of children.
- Understand their responsibilities as per the Complaints and Disputes Policy.
- Treat everyone with respect and provide support as required.
- Report any complaints or concerns you receive to your supervising staff member or the School Coordinator/Principal. If the complaint is about the School Coordinator/Principal, then refer the complaint to your supervising teacher or the Chair of the School Council.

5. Parents/Guardians

All parents/guardians must:

- Support the school in making the safety, wellbeing and protection of students a priority.
- Understand the requirements of the National Principles for Child Safe Organisations and know the rights of children (UN Convention of the Rights of a Child).
- Treat everyone with respect and provide support where required.

Process Overview

1. Our Management Principles

Our process is based on the following information:

- Our school community is made aware of and understands the complaints process through the staff handbook, induction, school website and student enrolment packs.
- Complaints are lodged in the following ways:
  - In person.
  - By telephone.
  - In writing – email, SMS, letter.
  - Anonymously.
- All complaints are taken seriously. We respond promptly, professionally and respectfully.
- All complaints are investigated according to the school's policy and procedures.
- We apply procedural fairness and act where appropriate.
- We maintain confidentiality with all parties. The exception being in the case of a student complaint where it may be appropriate for the parent/guardian to be advised. Students are made aware of any limits to confidentiality.
- Records are kept in accordance with the Privacy and Compliance Policy and the Record Keeping and Retention Policy. We maintain an up to date Complaints and Disputes register.
- We review and evaluate complaints to make sure we can update or improve our child protection policy and procedures.
- We communicate findings to parents, students and school community members as required.
- We provide information or reports to relevant authorities or law enforcement as required.
- We regularly review our process and information to identify areas for improvement.

Note

We encourage school community members to raise concerns directly, rather than anonymously, by giving reassurance of confidentiality and respect. In the event of an anonymous complaint it will be at the School Coordinator/Principal's discretion as to what action, if any, can be and should be taken, depending on the nature or the circumstances of the complaint. All anonymous complaints will be recorded in the complaint register.

2. Embedding children's rights, safety and wellbeing in the complaints process.

Our school prioritises the safety and wellbeing of all students. To make sure we have a child friendly complaint process we include the following:

- A clear commitment that no one will get into trouble or be penalised for making a complaint or raising a concern.
- The complaints process is communicated to the school community across all levels of the school both formally and informally.
- Using the Protective Behaviours curriculum we provide all students with information on the complaints process and who they can talk to if they are feeling unsafe. This information is taught at all levels of the curriculum using a variety of methods and scenarios including visual posters, whole school meeting reminders, individual counselling and one on one discussions.

- We promote inclusion and diversity through our Charter of Commitment, our Codes of Conduct and our academic curriculum.
- Our staff are trained to understand the various ways that a student may communicate their concerns, complaint or distress and how they will disclose harm.
- Our staff understand their roles and responsibilities in protecting the safety and wellbeing of all our students.
- We actively encourage our students to provide feedback on school related matters and empower them to have a voice.
- We promote respect, honesty and openness as well as encouraging students becoming positive role models and good community members.
- We provide ongoing support to anyone who makes a complaint or raises a concern to the school.

6. Disputes

Wherever possible we are committed to resolving complaints, concerns and disputes in a positive and respectful manner. Sometimes, a matter can escalate to a dispute for several reasons.

This includes:

- The nature of the original complaint.
- The manner/way in which the original complaint was managed.
- Lack of satisfaction with the proposed resolution.
- Unreasonable expectations from one of both parties involved.

Escalation can be internal or external either to the chair of the School Council or external to an independent Arbiter. The decision of the independent Arbiter is final and binding to all parties involved as far as allowed by law.

3. Making a complaint – Students

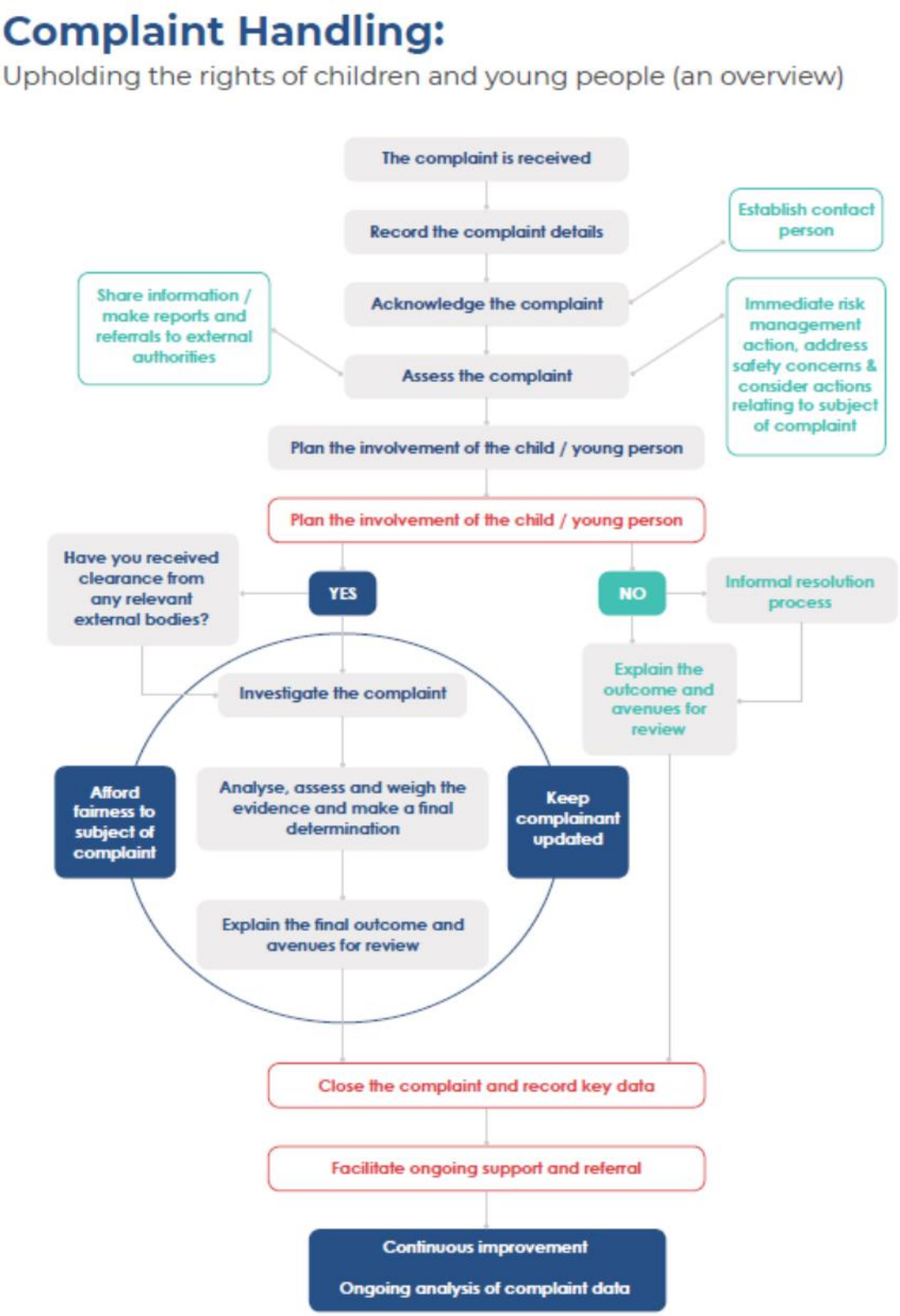
This processed is outlined to all students at the start of each school year with follow up and reminder sessions during Protective Behaviour classes and the weekly whole school meeting. A visual poster of the complaints process is put up in the administration area and on the school notice board.

All complaints are treated with sensitivity and respect. The school does not tolerate any victimisation or negative behaviour towards anyone who has made a complaint.

Step	Detail
Submit the complaint	Students can submit a complaint: • Verbally: speaking with a staff member or directly with the School Coordinator/Principal. • In writing: via email, letter or SMS. • Via the student complaints box. • Anonymously (via the student's complaints box).
Complaint is received	The complaint will be received and is recorded on the Complaints Register.

Step	Detail
Complaint is investigated	The complaint is investigated. The student/s who made the complaint are provided with ongoing support throughout the process. If the complaint is deemed serious/major then it is escalated directly to the School Coordinator/Principal.
Outcome	The outcome of the investigation and resolution are discussed with the student/s or parties involved. This includes: • Communicating with the parent/guardian if appropriate and safe. • Sharing with relevant external agencies or law enforcement if required.
Resolution is not reached	If a resolution is not reached or if the School Coordinator/Principal is subject of the complaint then it will be escalated to the School Council.
School Council	The School Council may: • Action and resolve the complain or • Refer it for mediation with an independent arbiter. **Note** The decision of the arbiter will be final and binding on all parties involved. (as far as allowed by law). The student/s will be provided with ongoing support throughout this process.
Close the complaint	When a resolution is reached the complaint is closed and all key information and documentation will be recorded on the complaints register and saved on file as per the Privacy and Compliance and Record Keeping and Retention Policy.

4. Complaints Handling Process – Students



5. Making a complaint – Parents/Guardians, Community Members

Parents/Guardians and School Community Members can direct any minor complaints or concerns to a staff member or directly to the School Coordinator/Principal. They can do this using the following methods:

Phone: 9390 1995

Email: admin@sowilo.wa.edu.au

Letter: PO Box 549, KELMSCOTT, WA 6991

Face to Face Meeting: An appointment can be made by calling 9390 1995.

Please address all correspondence to the School Coordinator/Principal.

The complaint or concern will be investigated according to the information provided. The School Coordinator/Principal will organise a meeting with the individual/s making the complaint to discuss the issues and work out a resolution. If a resolution is unable to be reached or the School Coordinator/Principal is the subject of the complaint, then the complaint will be escalated to the School Council via a written letter. Address all letters to:

Sowilo Community High School – School Board

PO Box 549

Kelmscott 6991

The chair of the School Council will review the complaint and communicate the outcome of their review within 7 days. A meeting between the School Coordinator/Principal and the Chair of the School Council will be organised so that a resolution can be discussed. If a resolution cannot be reached, then mediation by an Independent Arbiter is the next option. The decision of the Independent Arbiter, as far as allowed by law, will be final and binding on all parties.

All complaints are treated in a confidential manner and with respect. Knowledge of the matter will be limited to the School Coordinator/Principal, those directly involved and if relevant, the Chair of the Sowilo School Council.

The School will not tolerate victimisation or any negative behaviour towards a person/s who have made a complaint.

6. Complaints Handling Process – Parents/Guardians or School Community Members

Step 1

Contact the School Coordinator/Principal or a staff member with whom you feel most comfortable and/or is closely connected with the issue.

Communicate the issues and come up with a resolution.

If a resolution cannot be reached then move to Step 2.

Note:

Complaints about the School Coordinator/Principal are directed to the School Council Chair.

Legal Advice

Please note, you may seek legal advice at any time you wish. However, it would not be appropriate in the early stages of the resolution process.

Step 2

Contact the School Coordinator/Principal, discuss the issue and attempt to reach a resolution.

If the matter is not resolved or managed to your satisfaction then contact the Chair of the School Council. (Step 3)

Step 3

Send to the Board Chair for review

Sowilo Community High School – School Board

PO Box 549, KELMSCOTT 6991

Mediation/Conciliation

A process that involves a third-party reviewing disputes in a fair manner with the aim of bringing about a resolution.

Arbitration

If both parties agree, an independent Arbiter may be engaged to review and resolve the process and issue.

7. The Role of the Director General

The Director General of the Department of Education is responsible for making sure that the school observes registration standards, including the standard about its complaint handling system. Any student, parent or community member can contact the Director General with concerns about how the School has dealt with a complaint.

Information is available on the Department of Education website (www.education.wa.edu.au/non-governmentschools-complaints). While the Director General may consider whether the school has breached the registration standards, they do not have the power to intervene in a complaint or override the School's decision.

8. Confidentiality and Privacy

All staff, students, parents and community members are provided with information to understand the confidentiality and privacy requirements around the complaint process. We maintain up to date knowledge of and comply with our legislative requirements to maintain confidentiality and protect personal information and privacy.

Those making the complaint are aware of when information must be shared (i.e. with police) and what information that remains confidential. We have a risk management process in place in the event of information be accessed without authorisation or rumours circulating around a complaint.

9. Record Keeping

We comply with all our Record Keeping and Privacy obligations in accordance with our school policies and legislative requirements. We implement effective record keeping management practices to collect and record information, manage and investigate complaints, resolutions and outcomes.

All people involved in the process are made aware of the status, storage and access of these records and any related information.

Complaints Relating to Grooming and Child Abuse

The procedure for handling a complaint relating to grooming and child abuse of a current or former student by a current or former school staff member or by another person during a school-arranged activity is described in the Child Protection Policy and Guidelines.

The allegation may result in a mandatory or non-mandatory report. The process for submitting reports is clearly outlined in the Child Protection Policy. As a school we forbid any forms of child abuse, harm or neglect, corporal or degrading punishment.

Quality Assurance

As a school, we recognise the importance of constantly reviewing, updating and improving our policies and procedures to ensure the safety, protection and wellbeing of our students.

This includes:

- Scheduled annual review session of all policies, procedures and guidelines.
- Requesting feedback, suggestions and ideas from students, parents/guardians, volunteers and community members.
- Analysing, reviewing and evaluating complaints data to identify areas for improvement in our child protection and safety practices.
- Reviewing the complaints handling process.
- Making sure we equip our staff with the appropriate training and support efficiently manage the complaints handling process.

We encourage feedback and suggestions by:

- Students can communicate feedback to staff, at whole school meetings, using the suggestions box, via email, SMS, letter or by talking to the School Coordinator/Principal directly.
- Parents can suggest feedback and ideas via phone, email, letters or face to face with school staff or the School Coordinator/Principal.