



COMPLAINTS AND DISPUTES POLICY POL008

Document Approval

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Note: Policies are reviewed and updated on an annual basis 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.

- Student Safety and Wellbeing Policy
- Reporting Policy
- Record Retention Policy
- Welfare Policy
- Counselling Policy
- Critical Incident Management Policy
- Behaviour Management Policy
- Student Enrolment and Attendance Policy
- School Excursions, Camps and Tours Guidelines
- Duty of Care Policy
- Charter of Commitment
- Code of Conduct – Student, Staff and Parent

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 process recognises the rights of a child, prioritises the student and is available 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 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 our school community – students, staff, parents/guardians, volunteers and community partners. Our aim is to empower our students to 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 all parties involved. We manage all barriers, including cultural barriers, by creating and building positive and strong 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.

We want to make sure that:

- All community members who want to communicate a concern or complaint know what steps to take.
- We communicate and demonstrate that we take all concerns and complaints seriously, treat them with respect and sensitivity and respond to them quickly.
- All complaints and concerns are investigated in alignment with the school's policies and procedures.
- Results of the investigation are communicated, and outcomes and actions are consistent with school policies and procedures.

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

This policy provides information to make sure our school community understand their roles and responsibilities in safeguarding the safety and wellbeing of our students across all levels of the school.

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 staff including our Community Partners and School Council are expected to be familiar with the contents of the policy including their responsibilities.

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 may be undertaken 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; allegations about the conduct of its staff, volunteers, other individuals engaged by the organisation or another child or young person at an organisation; or the handling of a prior concern.
Child initiated complaint	A child or young person makes the complaint/brings the issue/ concern/allegation to the attention of an organisation.
Adult initiated complaint	A child or young person's parent, carer or guardian or other adult may make 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. 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 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, sexual abuse or 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

Term	Definition
	child with the hand or with an implement; it 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.
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 complain 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	<p>The rules of procedural fairness require:</p> <ul style="list-style-type: none"> • 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 Coordinator/Principal

The School Coordinator/Principal has a responsibility to:

- Support the Charter of Commitment and follow the staff Code of Conduct.
- Follow 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.
- Make sure the different ways that young people express concerns or distress and disclose harm are recognised and that staff and volunteers are trained to respond appropriately.
- Make sure appropriate and timely action is taken if the complaint 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 policies, philosophy and commitment to student safety.
- Make sure confidentiality is maintained, unless in the case of a student complaint where it is deemed appropriate to advise the parent.
- Maintain an up to date, accurate and detailed complaints register.
- Make sure all records are accurately maintained 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.
- Ensure reporting and privacy obligations are met.

2. All Staff

- Support and follow the staff Code of Conduct and Charter of Commitment.
- Understand the National Principles of Child Safe Organisations and uphold the rights of young people.
- Know the complaints process and understand your role and responsibilities.
- Encourage an open and respectful culture that allows school community members to 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 timely 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 a complaint process.
- Support the investigation process.
- 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.
- Attend training as required.

3. Volunteers/Community Partners

- Support and follow the Complaints and Disputes Policy.
- Follow the staff Code of Conduct and Charter of Commitment.
- Understand the Complaints and Disputes Policy and Process and know your role and responsibilities.
- Attend training as required.
- Know the National Principles of Child Safe Organisations and uphold the rights of children.
- Treat everyone with respect and provide support as required.
- Report any complaints received to your supervising staff member or 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.

4. School Council

- Support the school's Charter of Commitment and Code of Conduct.
- Know the National Principles for Child Safe Organisations and uphold the rights of children.
- Be familiar with the Complaints and Disputes Policy and know your role and responsibilities.
- Provide subject matter expertise and support as required.

5. Parents/Guardians

- 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.
- Know the rights of children (UN Convention of the Rights of a Child).

Process Overview

1. Our Management Principles

Our process is based on the following:

- Our school community is made aware of and understands the complaints process.
- 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.
- The complaints and disputes register allows us to identify areas for improvement.
- 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.
- We provide information or reports to relevant authorities or law enforcement as required.

Note:

We encourage school community members to raise concerns directly, rather than anonymously, by giving a 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 and should be taken, depending on the nature and circumstances of the complaint. Anonymous complaints will be recorded in the complaint register and reviewed.

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.
- The complaints process is communicated to all students across all levels of the school both formally and informally.
- Using the Protective Behaviours curriculum we provide students with information on the complaints process and who they can talk to if they are feeling unsafe. This information is taught across all levels of the curriculum using a variety of methods and scenarios including visual posters, whole school meeting reminders, individual counselling, one on one discussions.
- We promote inclusion and diversity through our Charter of Commitment, our Codes of Conduct and our school curriculum.
- Our staff are trained to understand the different ways that students will communicate their concerns or distress and how they will disclose harm.
- Our staff understand their roles and responsibilities in protecting the safety and wellbeing of 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 students becoming positive role models and good community members.
- We provide ongoing support to anyone who makes a complaint to the school.

6. Disputes

Wherever possible we are committed to resolving complaints in a positive and respectful way. 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 process 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, class areas and on the 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.

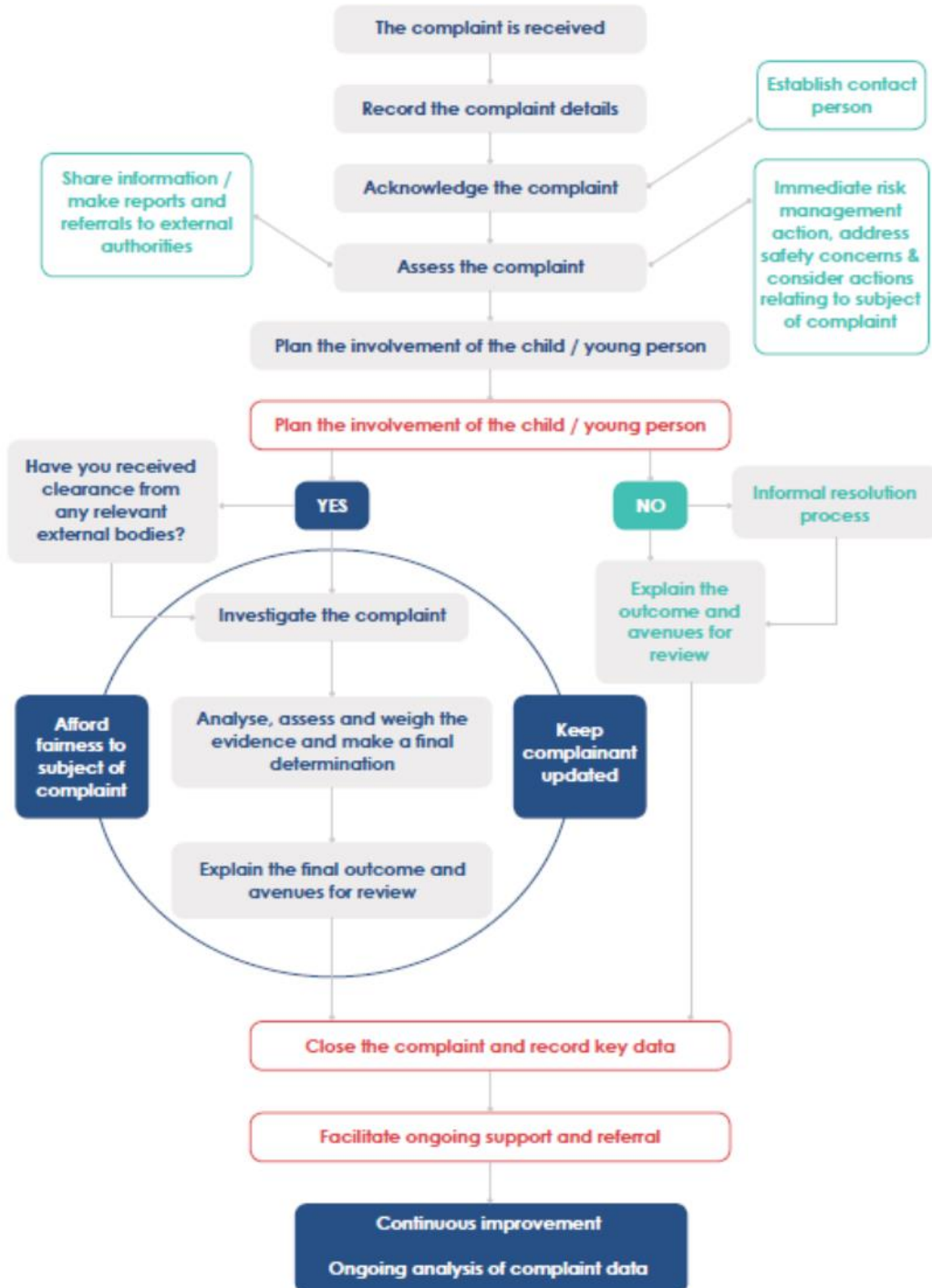
Step	Detail
Submit the complaint	Students can submit a complaint: <ul style="list-style-type: none"> • Verbally – speaking with staff member or School Coordinator/Principal • In writing (letter, email, SMS) • Via the student complaints box • Anonymously (via the student’s complaints box)
Complaint is received	The complaint will be received and is recorded on the Complaints Register.
Complaint is investigated	The complaint is investigated. The student is provided with ongoing support throughout the process. If the complaint is deemed major then it is escalated to the School Coordinator/Principal.
Outcome	The outcome of the investigation and resolution are discussed with the student. This includes: <ul style="list-style-type: none"> • Communicating with the parent if appropriate. • Sharing with relevant external agencies or law enforcement if required.

Step	Detail
Resolution is not reached	If the 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	<p>The School Council may</p> <ul style="list-style-type: none"> • Action and resolve the complaint • Refer it for mediation with an independent arbiter. <p>Note: the decision of the arbiter will be final and binding on all parties involved. (as far as allowed by law). The student will be provided with ongoing support throughout this process.</p>
Close the complaint	<p>When a resolution is reached – the complaint will be closed and all key information and data will be recorded on the complaints register.</p> <p>All records and information will be recorded, filed and stored as per the Privacy and Compliance Policy and Record Keeping Policy.</p>

4. Complaints Handling Process – Students

Complaint Handling:

Upholding the rights of children and young people (an overview)



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

Parents/Guardians and School Community Members can direct any minor complaint or concern to a staff member or directly to the School Coordinator/Principal.

They can do this the following methods:

Phone: 9390 1995

Email: admin@sowilo.wa.edu.au

Letter: Unit 1, 2 Gillam Drive Kelmscott 6111

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 Person/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 using the following methods:

Sowilo Community High School – School Board

Unit 1, 2 Gillam Street

Kelmscott 6111

The chair of the School Council will review the complaint and issues 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 the issues and 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 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 who has 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.

Note: Complaints about the Principal should be directed to the Chair of the school's governing body.

If a resolution cannot be reached, then go to Step 2.

Legal Advice

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



Step 2: Contact the Principal. Discuss the issue and attempt to reach a resolution.

After this step if the matter has not been dealt with to your satisfaction then contact the Chair of the School Council.



Step 3: Send to the Board Chair for review

Sowilo Community High School – School Board

Unit 1, 2 Gillam Street

Kelmscott 6111



Mediation / Conciliation

A process that may be entered into that involves a third party reviewing disputes in a fair manner with the aim of bringing about



Arbitration

If both parties agree, a mutually agreed Independent Arbitrator may be engaged to review and resolve the process.

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 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 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 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 either 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 of updating, reviewing and improving our policies, processes and procedures to ensure the safety, protection and wellbeing of our students.

This includes:

- Scheduled annual review session of all policies, procedures and guidelines.
- Welcoming feedback and suggestions 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 to make sure they understand the complaints handling system.

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.
- Parents can suggest feedback and ideas via phone, email, letters or face to face with school staff or the School Coordinator.