



ILLAWARRA
CHRISTIAN
EDUCATION



CEN
HUB
NSW & ACT

Complaints Framework: 1

Complaint Management

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Version History

Version	Date	Notes
1.0	October 2019	New Illawarra Christian Education Policy from CEN Hub Policy (Illawarra Christian School and Calderwood Christian School)
1.1		



Illawarra Christian Education (Illawarra Christian School and Calderwood Christian School)
Mission: In Christ's service to partner with parents in providing a quality Christian Education founded on the Word of God.

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Important related documents:

Complaints Framework:

1 Complaints Management
 2 Complaint Handling Procedure
 3 Staff Grievances
 4 Procedural Fairness Statement
 5 Investigation Procedure
 WHS Policy suite, incl. Anti-Discrimination policies
 Child Protection Policy
 Privacy Policy

Teaching & Learning Policy suite
 Financial Policy suite
 Enrolment Policy
 Discipline Policy
 Anti-Bullying Policy
 Staff Code of Conduct
 Student Code of Conduct
 Code of Conduct for Parents & Visitors

Relevant Legislation

Education Act (NSW) 1990
 BOSTES Act (NSW) 2013
 Anti-Discrimination (NSW & Cth)
 Child Protection Legislation (NSW & Cth)
 Ombudsman Act 1974
 Australian Consumer Law (Cth) 2011
 Privacy Act (Cth) 1988, + Amendment (2012)
 Corporations Law (Cth) 2001

Other References:

Registered & Accredited Individual Non-government Schools (NSW) Manual, January 2016 (incorporating changes from 2004-2016), *Latest version on BOSTES website*
 ISO 10002-2014 Complaints Management in Organisations
 AS/NZ 10002-2014 Quality Management - Customer Satisfaction – Guidelines for Complaints Handling
 Open Disclosure and Apology: time for a unified approach, Chris Wheeler NSW Ombudsman 2013
 Complaint Handling Policy Guidelines, NSW Govt Education & Communities, April 2011

Resources:

Attorney-General, resources for alternative dispute resolution

NSW Community Justice Centres

NSW Ombudsman

NSW Anti-Discrimination Board

Human Rights & Equal Opportunity Board

Fair Work Commission

Privacy Commission

Vocational Education & Training (VET) – www.training.gov.au

1 INTRODUCTION

References to Illawarra Christian Education below include reference to its schools Illawarra Christian School and Calderwood Christian School.

A proactive approach to all feedback has the capacity to: protect relationships within the school community; improve the school's services and performance; highlight key risks within the school; and enhance the decision-making capacity of the Board and Senior Executive. Complaints management is, therefore, a key governance tool.

Illawarra Christian Education seeks to encourage partnership in education with key stakeholders through open communication with opportunities to provide feedback and constructive suggestions to the school. It is committed to working together with members of the school community to facilitate the vision and mission of the school, and provide a quality educational experience for all students.

The school endeavours to respond to complaints in a professional, timely and appropriate way, facilitating positive discussion and building stakeholder confidence in the school.

2 CHRISTIAN RATIONALE

Godly complaint management seeks the redemption of what was harmful and the restoration of fractured relationships. Even where original decisions of the school are not reversed, the process is designed to honour each person, and extend mercy and justice.

*He has shown you, O mortal, what is good. And what does the Lord require of you?
To act justly and to love mercy and to walk humbly with your God. (Micah 6:8)*

The foundation of the process is to seek resolution with the first person concerned, according to Matthew 18:15-16. *"If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over. But if they will not listen, take one or two others along, so that 'every matter may be established by the testimony of two or three witnesses.'"*

This approach models to students, and the school community as a whole, about dealing with conflict as 'effective leaders of godly character', in line with the vision of the school. It stops destructive gossip or slander which undermines the whole community; and builds a culture that is respectful, can value differences, and which is open, transparent and trustworthy.

We live in a fallen world where mistakes and conflicts occur; but God can use even these occasions for good.

3 PURPOSE OF THIS DOCUMENT

This Framework, and associated documents, sets out the policies and procedures for receiving and handling complaints from key stakeholders of the school. See Complaints Handling Procedure; and 'How to Make a Complaint at Illawarra Christian Education'.

4 TABLE OF RESPONSIBILITIES

Responsibilities	Evidence of Compliance
Board	
Determine appeals of complaints decisions	Complaints & investigation records
Review Complaints Register	Principal's report
Analyse trends & ensure continuous improvement	Board minutes
Investigate complaints against the Principal	Complaints & investigation records
Principal	
Encourage environment where feedback is handled professionally	Staff PD Training Log; Information to stakeholders
Maintain effective complaints handling procedures	Complaints & investigation records
Investigation of serious complaints	Complaints & investigation records
Review of decisions (appeals)	Complaints & investigation records
Ensure appropriate action following decision	Complaints & investigation records; Reports
Report to Board on complaints, trends and responses	Board reports; Annual Report
Identify issues to ensure continual improvement	Board reports; Annual Report
Section Coordinators	
Ensure complaints management followed by staff	Complaints forms; Complaints Log; Complaints Register
Role in investigation & resolution of complaints	Investigation Plans
Role in continuous improvement	Reports; Procedural changes
Teachers	
Identifying & responding to complaints	Personal log
First level resolution of complaints	Complaints Forms; Complaints Log
Front Office	
Identifying & recording complaints	Complaints Forms
Direction of complaints to appropriate staff	Complaints Forms
Students	
Follow procedures for complaints	Complaints Form; Complaints Log
Parents and school community	
Follow procedures for complaints	Complaints Form; Complaints Log

5 DEFINITIONS

The following definitions apply to these terms for the purpose of these framework documents; and the complaints and grievances procedures followed within the school.

Feedback: opinions, comments, expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the school, its services, staff, or its handling of a complaint

Complaint: the school will treat a matter as a complaint where it:

- Is an expression of concern, dissatisfaction or frustration with the policies, procedures or quality of service provided by the school, or the conduct of an employee
- Is an expression of concern regarding an incident within the school, or a safety matter
- Alleges misconduct, a breach of policy, or corruption on the part of an employee
- Is an expression of offence or detriment as a result of a decision of the school
- Is an expression of dissatisfaction with a decision of the school, or how the decision was made

Complaints may be oral or written. Written complaints include those sent by letter, fax or email.

Allegation: a complaint alleging misconduct or corruption which may involve issues of integrity or other matters which have the potential to seriously compromise trust, and the school's professional reputation. Examples include:

- Theft or misuse of resources
- Corrupt behavior
- Behaviour which is in breach of legislative requirements or school policy, or which may otherwise be detrimental to the reputation of the school

Grievance: an actual or perceived wrong considered as grounds for a complaint – may relate to workplace issues between employees, issues of concern to parents, students or community members

Harassment: any form of ongoing behaviour that is not welcome, not asked for or returned, that offends, intimidates or humiliates a person

Complainant: any person making, or bringing, a complaint or allegation

Vexatious Complainant: unreasonably persistent; or because of the frequency or nature of the complaint, hinders consideration of their, or other people's, complaints

Respondent: person requested to respond to complaints made about them

Witness: person bringing evidence

Stakeholder: person or group having an interest in the performance or success of the school

Investigation: the process by which a situation is examined, facts are established and verified. Evidence is gathered, such as witness statements and documentary proof, to be able to make a decision.

Procedural Fairness: the principles of procedural fairness guide fair and reasonable decision-making procedures when a decision may adversely affect the rights, interests or legitimate expectations of an individual.

There are two basic common law rules:

- the 'hearing rule' - the right to be heard, which includes the right to:
 - Know the case against them, including specific allegations and any other information which will be taken in to account
 - Know the way in which the issues will be determined
 - Respond to the allegations
 - Know how to seek a review of the decision in response to the allegations

- the 'bias rule' - the right to an impartial decision, which includes the right to:
 - Impartiality in the investigation and decision making phases
 - An absence of bias in the decision maker

6 POLICY

6.1 General

The school is committed to an accessible, fair and equitable complaints handling process, working together with members of the school community to facilitate the vision of the school. It values its partnership with parents to provide the finest quality educational experience for all students.

- (a) The school shall be proactive in encouraging effective communication, including feedback, with all stakeholders.
- (b) The school seeks to develop a culture of continual improvement in partnership with stakeholders.
- (c) Complaints will be addressed based on principles of the Australian Standard AS/NZ 10002-2014 Quality Management:
 - professionally, competently and in a timely manner;
 - with objectivity and fairness, so that conflict of interests do not interfere with, or are perceived to interfere with, the management and resolution of complaints;
 - in an equitable manner and in accord with the school's complaint management policy.
- (d) Intimidating, harassing, threatening or offensive behaviour will not be tolerated from any parties.
- (e) The confidentiality and privacy of all parties to a complaint shall be respected; except in matters regulated by other legislative requirements. (Privacy Policy)
- (f) No person shall be disadvantaged in any way by bringing a complaint.

- (g) Any person against whom a complaint is made shall have a fair hearing. (Procedural Fairness Statement)
- (h) Complainants have the right to appeal decisions; including to external agencies.
- (i) The Principal, or his or her delegate, is the complaints officer.
- (j) Staff shall be trained in complaints management.
- (k) Records of complaints shall be maintained for seven (7) years after the last action: accepting additional legislative requirements; or as deemed advisable by the school according to the nature of the complaint.
- (l) Serious complaints shall be reported to the Board.
- (m) The school shall inform the relevant regulator or agency of any complaint, or issue arising from a complaint, which it is required to report, within the designated time period.
- (n) Complaints, and the resolution process, shall be reviewed on a regular basis.

6.2 Exceptions to the Policy

This Policy applies for all complaints and grievances except the following:

- Matters which fall under the procedures set out in the Child Protection Policy
- Matters relating to Criminal Law
- Performance and discipline of employees, which are managed by processes set out in the Staff Appraisal Policy and Employment Policy
- Staff grievances, which shall be conducted according to processes set out in the Staff Grievance Policy
- Decisions for which there is an established or formal right of review under other industrial and legal instruments
- Complaints about the Board which may involve provisions of the Corporations Act, or ASIC Guidelines; or other relevant legislation, or school policies

7 COMPLAINTS FRAMEWORK

7.1 Scope of the Framework

The Complaints Framework consists of:

- 1 Complaints Management (this document)
- 2 Complaints Handling Procedure
- 3 Staff Grievances
- 4 Procedural Fairness Statement
- 5 Investigation Procedure

6 Support Documents

7.2 Goals

The goals of the school's approach to handling complaints are to:

- (a) Strengthen the quality of its provision of educational service through its responsiveness to stakeholders.
- (b) Seek reconciliation of relationships in the resolution of the complaint.
- (c) Achieve an outcome acceptable to all parties; but the school recognizes that this is not always possible.
- (d) Provide for the rights and responsibilities of all parties, which must be protected and balanced within statutory requirements.

7.3 Expectation

The expectation of the school in complaints management is that all parties will act in good faith, seeking to achieve an amicable solution.

Each person in the process is expected to display a calm & courteous manner; demonstrate respect and understanding of the other's point of view; and value differences rather than judge or blame.

7.4 Overview of Complaint Management Process

Complaints shall be handled through the following mechanisms.

(a) Receipt

- The school's process for making a complaint is available on the school website and through the Front Office, and outlines alternative methods for making a complaint. ('How to Make a Complaint at Illawarra Christian Education')
- Stakeholders are directed through the website on how to make a complaint.
- Complaint Forms are available at the Front Office.
- Staff shall be trained in how to recognise a complaint; and how best to direct the complainant or refer to the complaint, if it cannot be resolved with that staff member.
- Staff making a complaint should refer to the Staff Grievance Policy (Resolution of Issues Policy).
- Students making a complaint should speak to their teacher, the section coordinator, or the Deputy Principal.

- (b) **Capture** – understanding the nature of the complaint
- The most senior staff member engaged in the complaint resolution shall take responsibility for overseeing each complaint to its outcome.
 - Staff members shall be trained in complaints handling.
 - Assistance will be given, if requested, to someone wishing to make a complaint.
- (c) **Appropriate process** – according to Level of complaint (Complaints Handling Procedure)
- Where possible, complaints shall be resolved informally, closest to the source of the complaint.
 - When a staff member is unable to resolve a complaint, they will know who to refer the matter to.
 - Staff shall receive annual training in complaints handling.
 - Complaints handling shall be reviewed periodically to ensure best practice.
- (d) **Acknowledgement** – verbal or written
- Receipt of the complaint shall be acknowledged promptly; and complainants given an outline of the process, including expected time for a response.
 - In serious matters, a member of staff shall contact the complainant within a week of the resolution to follow up.
- (e) **Responsiveness** – effective communication; clear timelines
- The complainant shall be informed of a delay in the process, and expected time of resolution.
 - An outcome appropriate to the Level of the complaint shall be determined. Where possible, this outcome shall be acceptable to the school and the complainant before proceeding with the solution.
- (f) **Objectivity** – each complaint shall be addressed in an equitable and unbiased manner
- Conflicts of interest shall be avoided or mitigated.
 - When an investigation is necessary, principles of procedural fairness shall be followed. (Procedural Fairness Statement)
 - Every reasonable effort shall be made to investigate relevant circumstances or information.
 - Decisions shall be made on evidence collected.
 - An appeal process shall be available and communicated to parties.
- (g) **Confidentiality** – information is restricted on a ‘need to know’ basis

- Personally identifiable information is made available only to those directly involved in the complaint process.
- Disclosure of information to another party shall only be made with permission, or as required by legislation. (Privacy Policy)

(h) **Tracking** – even informal/ less serious complaints (see Section 7.5; 13)

- Staff shall note or log complaints to ensure completion.
- The progress (status) of serious complaints shall be monitored by coordinators, and communicated to the senior executive.
- Complaints shall be reviewed to identify systemic issues.

(i) **Timeframes**

See Table below.

- The complaints handling procedure will commence within 5 working days of lodgement with the school, within the school term.
- The school undertakes to finalise complaints within 20 working days within a school term. Serious or more complex issues may take longer.
- The school will inform the parties to a complaint of the likely time frame; and notify them if there will be a delay in the proceedings.

Timeframe for Complaints Process			
STEP	SUMMARY	TIMEFRAME	RESPONSIBILITY
Receipt Acknowledgement	Acknowledge receipt of complaint – letter, email, phone; Log complaint	Within school term - 5 working days	Staff member Coordinators
Initial Assessment	Assess complaint – severity, safety, complexity, impact, need for immediate action; Refer if necessary	5 working days	Staff member Coordinators
Consideration & Investigation	Plan to address the issues; Notify parties including time frame	Within 5 w. d.	Investigator
	Obtain written reply from Respondent		Investigator
	Investigate circumstances & information Arrange interviews etc Consider all information	Up to 20 w.d. for complex complaints	Investigator
	Ongoing communication with all parties; Notification if > 20 working days to resolve		Investigator
Resolution & Response	Written response to complainant	Within 5 w.d. of reply of Respondent	Investigator

	Monitor progress till complainant satisfied/ all avenues exhausted; Negotiation/ decision if not resolved	Within 5 w.d. of breakdown of negotiation	Senior Executive
	Close complaint; ensure all records filed	Within 5 w.d of close	
Action	Immediate Remedy	Within 5 working days of decision	
Service Improvement	Identify improvements Analyse to ID systematic, recurring, single incidents & trends to eliminate causes	As required Action within 1 month of review	Senior Executive
Reporting & Evaluation	Complaints Log Complaints Register Report to Board Annual Report	As required Monthly March	Coordinators Principal Business Manager
Total Timeframe	From Complaint to Resolution	Within 7 weeks	
Appeal	Written request for appeal	Within 10 w.d. of notification of resolution	
	Plan to address the issues; Notify parties including time frame	Within 5 w. d.	Appeals Committee
	Review and consideration of investigation	Within 10 w.d.	Appeals Committee
	Result of appeal	Within 15 w.d of receipt by Principal	Principal
Resubmission	Only if relevant new information which may affect the outcome		

(j) Communication with Stakeholders

- The school shall make the complaints process accessible to stakeholders.
- Complainants shall be notified of the process to be followed by the school in dealing with their complaint, and the expected timeframe for resolution.
- The Respondent shall be notified of the basis of the complaint or allegation for them to respond and gather supporting evidence, if required.
- All parties to the complaint shall be informed of the finding of the complaint handling process, and the decision and/ or any action that the school will take in response.

(k) Reporting

- The Principal shall report to the Board monthly with respect to the status of existing complaints, summarizing complaints by key stakeholders, analyzing any particular trends or systemic issues, and any corrective actions that have been put in place.

- The school will report in general to stakeholders of the effectiveness of its complaints procedures, and improvements which have been made as a result.
- The Annual Report is to include data in the following categories, which may include changes made in response to complaints: priority areas for improvement; actions to promote respect; parent, student and staff satisfaction.
- Reporting to other agencies based on findings of the complaint process is made as set down by regulators.

7.5 Records

- (a) Staff shall maintain records appropriate to the Level of complaint, including:
- the description of the complaint;
 - supporting documents if any;
 - notes of informal discussions;
 - immediate action taken; and
 - outcomes.
- (b) Notes about complaints, and supporting evidence, shall be entered by staff into a Complaint File, on the school server. Entries should be made as soon as practicable.
- (c) Level 2 complaints are recorded by Coordinators on the Coordinator drive: Complaints/ Complaints Log. The status of the process is indicated, and the date of finalization inserted when complete.
- (d) Level 3 complaints are recorded by the Business Manager in the Complaints Register on a secure server location.
- (e) Documentation relating to the investigation of a complaint, and/or review of a decision, will be kept in a restricted access file. These records shall be kept for seven (7) years after the date of last action, or as required by legislation, or as determined advisable by the school.
- (f) Regular review of both the Complaints Log and the Complaints Register shall be made to identify systemic, recurring and single incident problems and trends in order to identify key risk areas, and help eliminate the underlying causes of complaints through corrective actions.

8 CLASSIFICATION OF COMPLAINTS

Complaints shall be assessed according to their level of complexity; and addressed in accordance with procedures.

8.1 Levels of Complaints

<p>Level 1 e.g minor breach or complaint; not pattern of conduct</p>	<p>Assessment</p>	<p>Simple; resolved at first point of contact</p>
	<p>Process</p>	<p>Generally conversation with the person directly concerned</p>
	<p>Resolution</p>	<p>As appropriate: Explanation; further enquiry to find answer; agreement reached; correction of error, etc</p>
	<p>Records</p>	<p>Personal staff files/ day books Student issues noted on School database Recorded in Complaints Log at the Coordinator’s discretion (Coordinator drive)</p>
	<p>Accountability</p>	<p>Report to the Coordinator regularly to identify any patterns of issues or problems occurring</p>
	<p>Escalation</p>	<p>Referred to coordinator Level 2</p>

<p>Level 2 - potential remedial action; or discipline</p>	<p>Assessment</p>	<p>More complex; requires consultation/ further inquiry; formal complaints management process</p>
	<p>Process</p>	<p>Negotiation; or create Investigation Plan to gather further information if needed</p>
	<p>Resolution</p>	<p>As appropriate</p>
	<p>Records</p>	<p>Records of complaint filed in Coordinators: <i>Complaints/Complaints Files</i> Summary logged by Coordinator at Coordinators: <i>Complaints/Complaints Log</i> – also reference to Complaints File Student issues noted on School database; cross reference to Complaints File & Complaints Log</p>
	<p>Accountability</p>	<p>Reported to the Coordinator as soon as practicable to facilitate rapid resolution.</p>
	<p>Escalation</p>	<p>Refer to Principal Level 3</p>

<p>Level 3</p> <p>- if proven could amount to serious charges/ disciplinary action/ consequences</p>	<p>Assessment</p>	<p>Serious matters; significant or legal implications</p>
	<p>Process</p>	<p>Investigation; create Investigation Plan to gather further information</p> <p>Follow Investigation Checklist</p>
	<p>Resolution</p>	<p>As appropriate</p>
	<p>Records</p>	<p>All documents kept in a restricted access file.</p> <p>Records of complaint filed in <i>secure drive/ Complaints File</i></p> <p>Student issues noted on School database; cross reference to Complaints File & Complaints Log</p> <p>Summary logged by Business Manager in <i>secure file/ Complaints Register</i></p>
	<p>Accountability</p>	<p>The Principal shall report to the school board with respect to:</p> <ul style="list-style-type: none"> • all Level 3 complaints • the status of other existing complaints • summarizing complaints by key stakeholders • analyzing any particular trends or systemic issues • corrective actions that have been put in place
	<p>Escalation</p>	<p>Appeals process</p> <p>Legal, other professional advice</p> <p>Other avenues of appeal</p>

8.2 Assessment of Complaints

- (a) Assessment of complaints is based on the seriousness of the matter. See table at 8.3.
 - Level 1 - less serious cases can be resolved informally at first point of contact; minor breach or complaint which is not part of a pattern of conduct leading to discipline or remedial action
 - Level 2 - complaints which cannot be resolved informally will be resolved by an appropriate degree of negotiation or further investigation
 - Level 3 - if proven could lead to serious consequences; investigation required
- (b) Special cases which are referred directly to the Principal: child protection matters; possible criminal activity; breach of policy; possible corruption or discrimination.
- (c) Staff shall be trained in identifying the nature of a complaint; the level of seriousness; and when to refer to the complaint.

8.3 Summary

Level	Description	Report to	Evidence	File
1	Simple, minor matters Generally dealt with at point of contact	Coordinator or Immediate Supervisor	Keep notes All student issues	Staff member's personal file School database
2	Unable to be resolved at point of contact and/ or require consultation Escalated issues More serious matters or potential consequences Legislative implications or potential e.g. WHS, anti-discrimination acts, Privacy May require investigation	Coordinator or Immediate Supervisor; Deputy Principal or Business Manager	Keep file of complaint, other evidence, discussions, investigation, actions taken Coordinator/ Exec maintain log	Coordinator server: Complaints/ Complaints Files Reference student matters in School database Coordinator server: Complaints/ Complaints Log
3	Escalated complaint without resolution Repeated complaints Major legislative implication e.g. anti-discrimination acts; WHS; Education Act; Privacy; crime Requires significant investigation Requires involvement of Principal Principal reports to Board May require external agency referral, investigation or review May require legal advice/ action	Coordinator or Immediate Supervisor; Senior Executive; Board	Keep file of complaint, other evidence, discussions, investigation, statements, proceedings, actions taken Business Manager maintains register	Secure server: Complaints/ Complaints Files Reference student matters in School database Secure server: Complaints/ Complaints Register

9 MAKING COMPLAINTS

9.1 Avenues for Making a Complaint

- (a) Complaints may be made verbally, in person or on the phone; or in writing by letter or email. Directions for stakeholders are provided in ‘How to Make a Complaint at Illawarra Christian Education’ document (CFDoc1).
- (b) Students should speak directly to their teacher, in the first instance, of any complaint about school work, assessments (Secondary Assessment Policy) or issues with other students.

If preferred, they can also speak to the section coordinator, Deputy Principal or chaplain, or another trusted staff member who can assist them.
- (c) Staff complaints are handled according to procedures set out in Complaints Framework 3 Staff Grievances.
- (d) Complainants shall be informed of the process and likely time frame for the resolution of their complaint.

9.2 Directing Complaints

- (a) Complaints shall generally be referred to the person closest to the source of the complaint. See Table below.
- (b) Where a complaint cannot be resolved informally staff members shall refer the matter to their coordinator, or to the appropriate staff member for resolution.
- (c) If the issue cannot be resolved to their satisfaction, the complainant may refer the matter to a more senior staff member.

Issues Concerning:	Level One	Level Two	Level Three	Appeal
Education	Class/ homeroom teacher	Section or Curriculum Coordinator	Principal	School Board
Student welfare or discipline	Class/ homeroom teacher	Section Coordinator +/-or Deputy Principal	Principal	School Board
School policies or decisions	Class/ homeroom teacher	Section Coordinator +/-or Deputy Principal	Principal	School Board
Incidents	Class/ homeroom teacher	Section Coordinator +/- or Deputy Principal	Business Manager/ Principal	School Board
General school business/ service	Admin staff or Business Manager	Business Manager or Principal	Senior Executive	School Board
Staff	Staff member	Coordinator, DP or Principal	Principal	School Board

Principal	Principal	Chair of the School Board	Board Chair	School Board
Employment	Business Manager (pay/ awards); or Principal	Principal	Principal	School Board
Accounts; fees	Business Manager	Principal	Finance Committee	School Board

10 RESOLUTION OF COMPLAINTS

The processes for the resolution of complaints is set out in the Complaints Handling Procedure.

10.1 First Point of Contact

- (a) Complainants are advised to address their concern with the person with whom they have a disagreement, according to the principle set out in Matthew 18:15. The school recognizes that this is not always preferred or advisable.
- (b) Where a complaint is made about a third party, the school shall inform the respondent of the details of the complaint made against them. The respondent shall have enough time to consider the matter and reply to the complaint.

10.2 Methods of Resolution of Complaints

Complaints may be resolved by a number of means:

- Self-resolution – handled between the parties involved
- Negotiation – seek to reach resolution with the help of a third party
- Intervention – appropriate boundaries set in place
- Investigation – further examination of the event
- System improvement – change to school processes

10.3 Support

If requested, the school shall make support available to the person making the complaint and the person against whom the complaint is made.

- (a) A person needing assistance to put their complaint into writing will be offered appropriate assistance.
- (b) Students under the age of 18 who are involved in a complaint, or called as witnesses in significant matters, shall be encouraged to have an adult support person, such as a parent, teacher, the chaplain or other significant person.
- (c) A person bringing information to an investigation, or answering an allegation made against them, is entitled to a support person at any meeting they attend.

- (d) The support person is invited to support and observe; but not interrupt the meeting. The support person may not contribute to the discussion, nor answer questions on behalf of the person they accompany. He or she must maintain confidentiality about all matters discussed at the meeting.
- (e) Staff handling complaints are supported by their immediate coordinator or supervisor. They will receive advice and training in handling difficult matters or dealing with unreasonable conduct. Staff will be offered support and appropriate follow up of distressful events.
- (f) The school chaplain is available to all stakeholders for pastoral care.

10.4 Negotiation

- (a) Notify parties re:
 - complaint & response
 - any outcome of negotiation discussions
 - all relevant information
 - relevant policy & procedures
- (b) Negotiation may decide not to provide the original complaint to the respondent if it is emotive and/ or possibly defamatory, as it may inflame the situation. It may be preferable to summarise the issues.
- (c) The Respondent's reply shall be provided to the complainant, unless the information may be a breach of privacy, inflammatory or offensive, in which case a summary shall be provided.
- (d) Negotiation is complete when parties resolve differences or agree on a future course of action, reach a compromise, or the complaint is withdrawn.
- (e) If a resolution is not agreed, further negotiation shall endeavour to reach a decision.
- (f) Parties are notified in writing within 5 work days of the decision being made.

10.5 Evidence

- (a) No decision shall be made by the school without consideration of the available evidence; apart from excepted matters, as indicated.
- (b) Evidence which is considered may include: statements from the complainant, the respondent, or witnesses; material or other evidence; other professional advice.
- (c) Copies or photos of evidence supplied to an investigation shall be maintained with the record of the complaint.

10.6 Resolution of Complaint

- (a) A complaint is said to be substantiated if the person investigating it believes that on the balance of probabilities the allegation did occur.
- (b) A complaint is considered resolved when the complainant and school agree on an appropriate response or remedy, which may be:
- Explanation
 - Acknowledgement of each perspective and agree to manage differences
 - Reaching an agreement with the other party
 - Apology – verbal or written
 - Change of decision; or change to policy and/ or procedure
 - Agreement on what constitutes acceptable behavior
 - Waiving of fees
 - Refund
 - Provision of counselling or other support

10.7 Complaint Upheld

Appropriate redress when a complaint is determined to be upheld may be:

- Apology
- Reversal of decision
- Explanation
- Expedited action
- Change to policy & procedures
- Compensation

10.8 Apology

A sincere apology is a significant act of reconciliation and remediation when a person has been moved to make a complaint. A full apology includes an explanation (not an excuse) or admission of the failure, and an expression of sorrow for the distress caused to the complainant.

The Civil Liability Act (NSW) 2002 allows that an apology does not constitute an admission of liability and will not be relevant to a determination of fault or liability in connection with civil liability of any kind. Evidence of such an apology is not admissible in court as evidence of fault or liability.

10.9 Complaint Dismissed

- (a) A complaint will be dismissed:
- Only after appropriate consideration or investigation

- If the investigation has determined that the complaint cannot be substantiated or upheld e.g. the evidence is insufficient on the balance of probabilities to make a determination
- (b) The complainant shall be informed when a complaint is dismissed, and the reasons for its dismissal.

10.10 Complaint Unresolved

A complaint is considered unresolved when:

- The complainant does not agree; or the remedy cannot be implemented
- Complex issues are involved which cannot be resolved at the school level
- The complainant is unable to be satisfied due to unrealistic expectations about the outcome
- All resources have been pursued, and the complainant is still dissatisfied with how the complaint has been handled

10.11 Vexatious Complaint

- (a) The school shall make every effort to respond to complaints.
- (b) The Principal may assess a complaint as being vexatious, or the action of an habitual complainant, or which requires unnecessary diversion of school resources. Examples include:
- Previous due process has been followed in dealing with the complaint
 - The complaints process has been exhausted, and no new meaningful information has been supplied
 - The complainant is consistently making changes to the substance of the complaint, or bringing new issues to prolong the resolution of the complaint
 - The complaint lacks substance, or focusses on trivial matters out of proportion to the demand of the complainant
 - The complainant repeatedly does not clearly identify issues, despite reasonable efforts by the school to identify them
 - The complainant refuses to cooperate with the complaints investigation process while still insisting the complaint to be resolved
- (c) The school shall give a written response advising its decision not to review or further investigate the complaint, giving reasons for the decision.

The letter shall advise the complainant of their right to appeal this decision of the school, and the requirement that they set out their reasons why the complaint has merit and should be investigated or re-investigated.

10.12 Action Following Complaint

- (a) Remedies or action will be implemented as soon as practicable; and parties shall be informed of the action to be taken. Suitable action may include:
- Review of policy or procedure
 - Targeted staff Professional Development
 - Dissemination of information
 - Directions about further interaction between parties
 - Referral to counselling
 - Disciplinary action
 - Student sanctions (Discipline Policy)
- (b) If a complaint is not upheld or not substantiated but some issue comes out of the investigation that is required to be addressed then, possible outcomes include:
- Relevant training for staff or students
 - Monitoring of behaviour of staff, students or parents
 - Counselling for the parties involved
 - Mediation at school level
 - Review of policy or procedures
- (c) Where a complaint is proved not to have happened at all, or if there is evidence that the complaint was made with the main purpose or intent of causing distress to the respondent, the following are possible outcomes:
- Letter from the school to the complainant
 - Apology from the complainant
 - Recommendation of counselling (if staff member)
 - Disciplinary action

10.13 Anonymous Complaints

Anonymous complaints will be considered according to the decision of the Senior Executive about: the nature and seriousness of the complaint; whether there is sufficient information for the matter to be addressed; or whether there is a statutory requirement for investigation.

10.14 Withdrawal of Complaint

- (a) A complaint may be withdrawn without any adverse action or decision.
- (b) The school may decide to pursue any issue arising from the original complaint which adversely impacts the school, its functioning, facilities or reputation, or

the safety of any person, with or without the active involvement of the complainant.

11 APPEAL OF DECISIONS

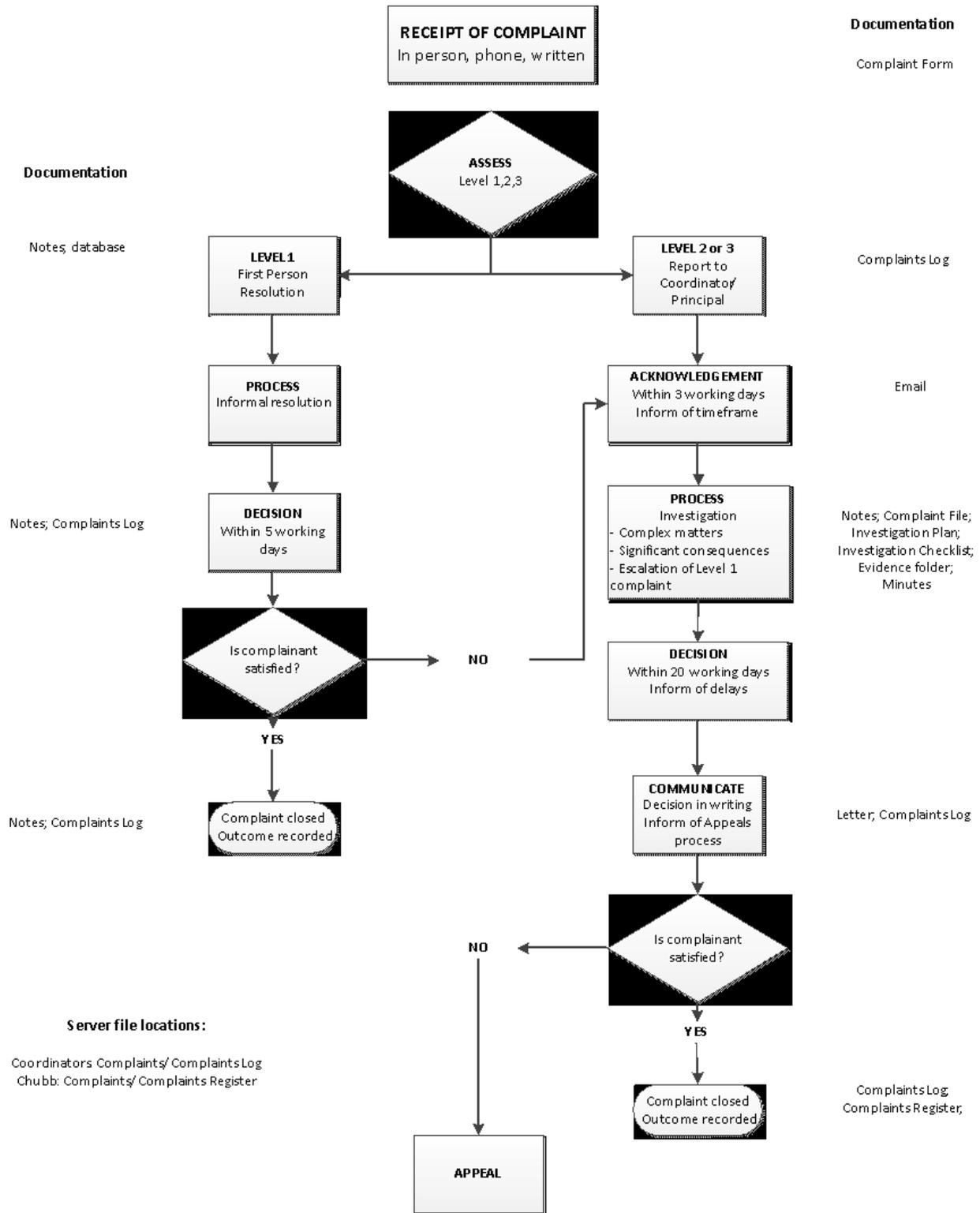
- (a) Either party to a complaint may request a review of proceedings where negotiations have been unsuccessful; but not if the matter has been resolved by agreement of the parties.
- (b) Either party to a complaint may appeal the decision of the school on the grounds of:
 - Incorrect use of the complaint procedure to the detriment of the party; and/ or
 - An outcome or decision which is unreasonable; inconsistent; made without obvious relationship to the facts or circumstances; or is irrational.
- (c) The request for a review must be lodged within 10 working days of the advice of the decision; and must include the grounds for the appeal.
- (d) The Principal will review the investigation and decide whether the procedures have been followed and the decision reasonably determined.

The review shall include:

- All the relevant material
 - Further inquiries if necessary
 - Meeting with the parties, including a support person, if required
- (e) The Principal shall decide whether or not the original decision will be put on hold until the review is completed.
 - (f) A determination shall be made, if possible, within 15 working days within a school term; or the party shall be notified of a delay.
 - (g) Parties shall be advised in writing of the decision, and the reasons.
 - (h) Further action shall be determined as necessary, depending on the decision.
 - (i) This process does not limit the right of any party to use other available agencies and processes, such as the Privacy Commissioner, the NSW Ombudsman or legal processes.
 - (j) The School Board is a point of appeal for parents and guardians of students, not for students directly. Parents may write to the school Board requesting further investigation if their child's matter remains unresolved.

12 COMPLAINTS HANDLING FLOWCHART

COMPLAINTS HANDLING FLOWCHART



13 RECORDS

- (a) Complaints are captured through staff notes; Complaint Form; and records of investigation or resolution process. Staff members should keep brief notes or summaries of all informal complaints or feedback from meetings and other communication.
- (b) Notes should be made of all meetings. An independent note-taker should be called for significant complaints.
- (c) All evidence, including emails, witness statements, and photos of material evidence, should be retained with the complaint file.
- (d) A Complaints File for each complaint is kept on school server/s according to the security access required.
- (e) A Complaints Log is maintained by the Section Coordinators.
- (f) A Complaints Register is maintained by the Business Manager for Level 3 complaints.
- (g) Review of complaints will be a standing item on Board meeting minutes.
- (h) All documentation relating to complaints and grievances, or other matters of concern, shall be maintained in a secure location accessible to senior staff only.
- (i) Records of complaints shall be retained for seven (7) years after date of last action; or as required by legislation; or as deemed advisable by the school.

14 UNREASONABLE CONDUCT

The complaint process may be severely hindered, or even dismissed, by conduct deemed unreasonable on the part of the complainant; or where the person remains dissatisfied after the complaint procedure has been properly implemented and fully exhausted, up to the process of appeal.

- (a) Unreasonable conduct includes conduct which:
 - Is clearly and significantly outside the expectations of confidentiality, cooperation, courtesy and respect
 - Places unreasonable demands on staff resources or time beyond the nature or significance of the complaint
 - Is vexatious (see Definitions)
 - Is orientated towards conflict, abuse or bullying; conduct which is rude, angry, harassing, aggressive to staff or others
- (b) The school may respond to such behaviour by:
 - Advising staff to suspend the conversation
 - Directing all communication or meetings to a senior staff member
 - Requesting all further communication on the subject be in writing only

- Reviewing and filing all further correspondence; only acknowledging or responding if there is significant new information; or new issues which warrant fresh action
- Writing to the person, advising that the behaviour, or continued request, is unreasonable

15 REVIEW OF COMPLAINTS HANDLING

The school reviews all feedback, comments and complaints to monitor its processes and performance.

15.1 Analysis

Analysis shall include:

- Number and type of complaints
- Complete documentation – witness statements, communications and notifications
- Timely resolution of complaint; completion of agreed action
- Logging of complaints in Complaints Log & Complaints Register
- Reporting of complaints: to Senior Executive; Principal's report to the Board
- Identification of issues and matters for action in the school
- Complainant satisfaction

15.2 Audit

The complaints process is audited re:

- Conformity of complaints handling practices
- Collection of evidence
- Evidence of procedural fairness in investigations
- Time for response
- Positive, effective outcomes
- Ability of existing procedures to achieve objectives
- Changes and improvements as a result

16 STAFF TRAINING

A regular process of staff training in complaints handling shall be programmed through the PD calendar and staff meetings.

Topics shall include:

- Complaints handling
- Principles of procedural fairness
- Investigation procedures

- Handling student discipline
- Conflict resolution
- Learning from the complaints handling process
- Understanding the perspective of the complainant

17 COMPLAINT MITIGATION

Continual improvement of processes across the school aims to reduce areas of common complaints.

(a) General Behaviour

The school's standards for acceptable behaviour within the community are set out in various codes and information made available:

- Staff Code of Conduct
- Volunteer Code of Conduct
- Student Code of Conduct; School Rules
- Code of Conduct for Parents and Visitors
- Meetings e.g. parent information evenings; training for volunteers for excursions

(b) Staff

Empowered staff are essential to reduce the causes for complaints, and also to handle complaints well. Strategies include:

- Appoint the right people in priority areas
- Review recruitment and selection procedures
- Ensure staff knowledge of their areas
- Ensure clear accountability for the operation of the complaint management system
- All staff trained in complaints procedures; including understanding their authority to resolve a matter, and when to refer a complaint
- Front Office staff are trained in complaints receipt and referral
- Encourage and support teamwork
- Staff appraisal/ review/ discipline

(c) Accuracy of Information

Clear and correct communication is a vital aspect of good service.

- Ensure printed information correct
- Review documentation procedure e.g. handover
- Ensure delivery on promises – tracking methods

(d) Procedures

Consistency of processes across the school will significantly eliminate error.

- Investigate areas of issues
- Review procedures – gap analysis
- Investigate compliance with procedures

18 SUPPORT DOCUMENTS

CFDoc 1 'How to Make a Complaint at Illawarra Christian Education'

CFDoc 2 'Complaint Management in 5 Minutes'

CFF1 Complaint Form

CFF2 Investigation Plan

CFF3 Investigation Checklist

CFF4 Complaints Log/ Register template