



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

SECTION	Operations
NUMBER	60
VERSION	11
PAGE	1 of 15
APPROVED	Board
DATE APPROVED	December 2024
NEXT REVIEW DATE	December 2025

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Executive Summary:

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

Key Actions:

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

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

1. Purpose

- 1.1. AngliSchools are committed to ensure that a complaint lodged by a member of the community (past and present) will be resolved in an appropriate, prompt, professional manner and prioritises the safety and wellbeing of students.
- 1.2. We seek to be a caring Christian community, where people are in harmony with each other. Therefore, this Policy is designed to assist staff, parents, guardians, and students enrolled in our schools (and others where appropriate) to resolve conflict in an appropriate and satisfactory way.
- 1.3. This Policy is written with the understanding and experience that, in most cases, matters are best resolved at the local school level.
- 1.4. This Policy does not apply to complaints from staff members about matters under their employment contract. The prescribed process in the relevant Enterprise Agreement, Award or contract of employment shall be followed.

2. Scope

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

3. Definition

Child Abuse

Four forms of child abuse are covered by WA law:

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

Complaint

An expression of dissatisfaction made to the school about its services, decisions, actions or those of its staff, or about the complaint management process itself.

Corporal Punishment

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

Culturally Safe Complaints Management

The Royal Commission *into Institutional Responses to Child Sexual Abuse* did not define this concept in the context of complaint handling. The following definition of a culturally safe environment was adopted:

an environment 'where there is no assault, challenge or denial of [a person's] identity, of who they are and what they need' and refers specifically to Aboriginal and Torres Strait Islander peoples. This encompasses Aboriginal and Torres Strait Islander individuals' own assessment of their safety and capacity to engage meaningfully, on their own terms with a non-Indigenous person or institution. This requires action from the non-Indigenous person or institution to listen, enable and support these environments, with accountability to Aboriginal and Torres Strait Islander colleagues or service users.

[Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report 2012, Volume 1, page 322].

Degrading Punishment

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

National Child Safe Organisation Principles

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

- Principle 6 - Processes to respond to complaints and concerns are child focused.
- Principle 9 - Implementation of the national child safe principles is regularly reviewed and improved.

Rules of Procedural Fairness

These rules require:

- a. A hearing appropriate to the circumstances;
- b. lack of bias;
- c. evidence to support a decision; and
- d. inquiry into matters in dispute.

School Community

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

4. Principles

This Policy is based on a number of fundamental principles:

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

- 4.15. Parties may appeal to the decision of the Principal to the Chair of the School Council.
- 4.16. Parties may appeal to the decision of the Chair of the School Council to the Chief Executive Officer (CEO).
- 4.17. Reporting, privacy and employment law obligations will be met.
- 4.18. Mandatory reporting obligations must be adhered to when receiving, responding to and investigating complaints of child harm or abuse. For more information, refer to the Mandatory Reporting of Child Sexual Abuse Policy and Procedures (WA).
- 4.19. Schools will engage children, young people, families, communities, staff and volunteers in the review process and provide feedback on review outcomes.
- 4.20. Complaints recorded will be regularly analysed in order to identify causes or systemic weaknesses and implement improvements.
- 4.21. AngliSchools will ensure that information about the role of the Director General is published on the website, namely:

“The Director General of the Department of Education is responsible for ensuring that the school observes the registration standards, including the standard about its complaints handling system. Any student, parent or community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint. Information is available on the Department of Education website. While the Director General may consider whether the school has breached the registration standards, they do not have power to intervene in a complaint or override the school’s decision.”
- 4.22. A school Dispute and Complaint Resolution Policy which aligns with this Policy, will be provided by Head Office and must be published on the school website.
- 4.23. Each school will review school-based processes annually, or after an event and will seek participation of children and young people in this review.

5. Procedures

The following procedures will apply in relation to this Policy:

Communication

- 5.1. Principals shall advise parents, staff and students of the dispute and complaint resolution process and ensure it is understood, is child friendly and is culturally safe.
- 5.2. The Dispute and Complaint Resolution Policy, provided by Head Office, must be published on the school website.

School-based Process

- 5.3. Principals shall ensure that a school-based Dispute and Complaint Resolution process is developed and communicated, and aligns with this Policy. The school-based process must clearly outline:
 - e. the roles and responsibilities of leadership, staff and volunteers, including who within the school is permitted to have access to information about the matter;

- f. approaches to dealing with different types of complaints, such as local, informal and formal complaints;
 - g. detailed records required for each complaint raised, the secure storage of those records, noting that they must not be destroyed without the Director General's approval; and
 - h. obligation to act and report breaches of relevant policies or the Code of Conduct.
- 5.4. Principals shall ensure that the dispute and complaint process is child-focused and child-friendly. The six-key elements of a child-friendly complaints system are:
- a. *Focus on children and young people* – acknowledge children and young people.
 - b. *Visibility* – publicise complaints system to invite comments; advise young people of their right to complain; ensure it is age-appropriate and culturally safe; and use relevant technology (use of SMS, in person, email, online, telephone).
 - c. *Accessibility* – ensuring children and young people know to whom to make a complaint and how (face-to-face, child-friendly publication etc.), easy to find, and create opportunities for children to discuss their experience.
 - d. *Responsiveness* – ensure the complaint system is responsive to children and young people once they have complained, and staff are trained to respond quickly.
 - e. *Confidentiality* – complaint systems should treat complainant's information as confidential.
 - f. *Accountability and continuous improvement* – specific needs of children and young people are recognised in accountability and continuous improvement processes.
- 5.5. Principals will ensure complaints are taken seriously, responded to promptly and thoroughly and follow the rules of procedural fairness.
- 5.6. The resolution of a dispute or complaint, in the first instance, should be undertaken between the immediate parties involved.
- 5.7. It is the responsibility of the Principal to attempt to reach a resolution between the parties where possible.
- 5.8. Failing to reach a resolution by agreement, the Principal shall make a decision based on the merits of the case and appropriately balance the principles of justice and compassion. When this occurs, the Principal shall inform each party of the decision.
- 5.9. Principals will ensure that training is provided to all staff, including support staff and volunteers on the school dispute and complaint resolution process.
- 5.10. Principals must maintain an appropriate Complaints Register recording all formal complaints and how they have been resolved.
- A template Register will be provided by Head Office.
- 5.11. When receiving, responding to and investigating complaints of child harm or abuse:
- a. the complainant must be informed about the services, including advocacy and support services, which may be available; and
 - b. mandatory reporting obligations must be followed in accordance with the Mandatory Reporting of Child Sexual Abuse Policy and Procedures (WA).

- 5.12. If the complaint involves a student enrolment matter, the Enrolment and Attendance Policy and Procedures (WA) must be followed.

Employment Issues

- 5.13. If the complaint involves an employment issue, the prescribed process in the relevant Enterprise Agreement, Award or contract of employment shall be followed.

Anonymous complaints

- 5.14. Anonymous complaints may be where there is no name or address supplied, or where the complainants say they do not wish to be identified. Parents and students are encouraged to give their names and given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, the complaint will be accepted, recorded and evaluated. It is at the Principal's discretion as to what action, if any, will be taken, depending on the nature of the complaint and the information it may contain. Matters will be handled with appropriate confidentiality.

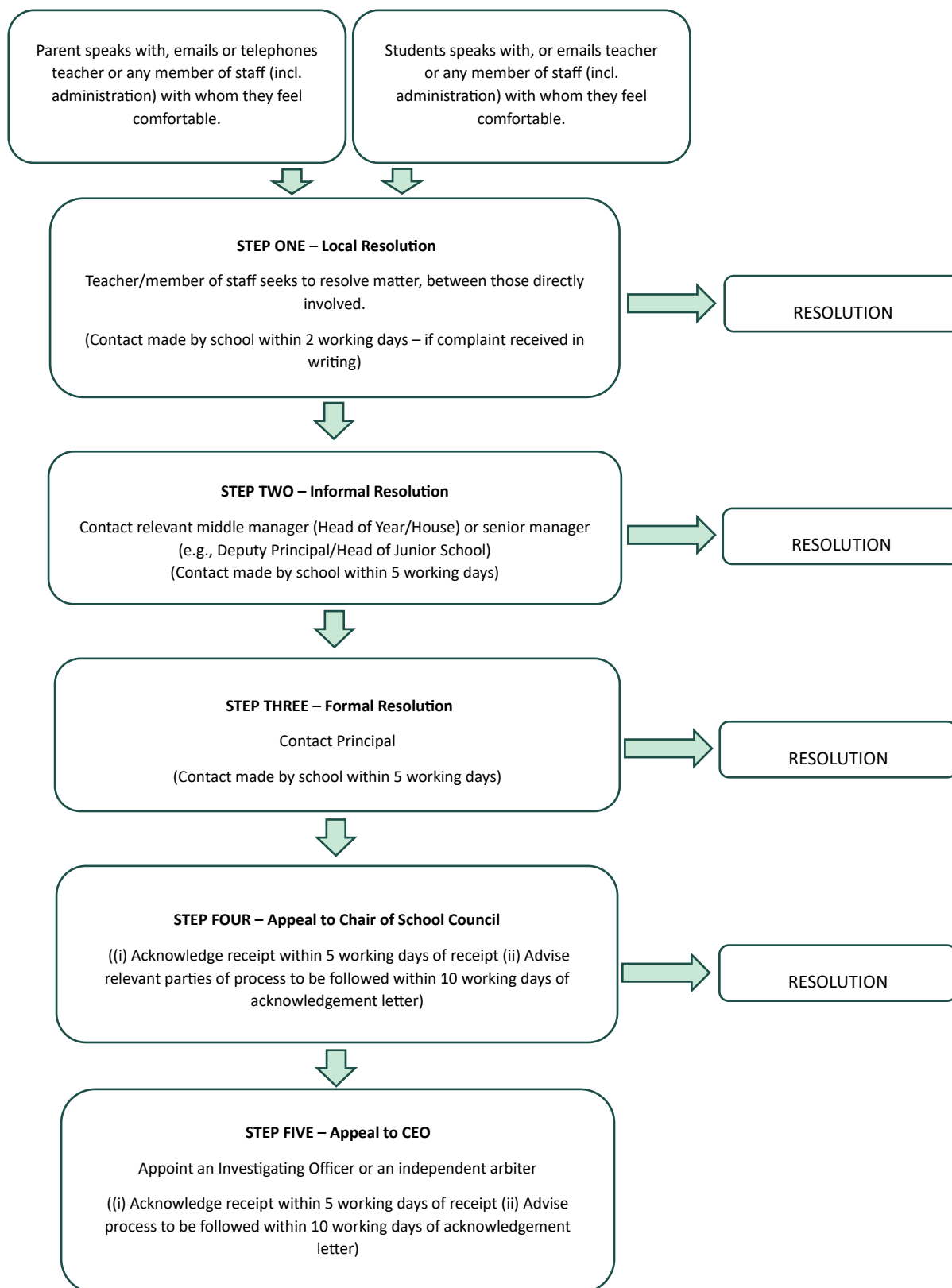
Records Management

- 5.15. The Principal shall maintain records of the procedure and resolution to any formal dispute or complaint. These will include a clear statement of the complaint, notes of all communications with the complainant, including informal conversations, telephone conversations and any statements made by the parties involved. NB: recording informal complaints will also assist in the detection of patterns over time.
- 5.16. To ensure records, which relate to child safety and wellbeing, meet the minimum compliance requirements of Recommendations 8.4 and 8.5 of the Royal Commission into Institutional Responses to Child Sexual Abuse, refer to the Privacy Policy and the Records Management Policy (WA).
- 5.17. Records of any dispute or complaint shall be maintained in accordance with the Privacy Policy and the Records Management Policy (WA).

Continuous Improvement

- 5.18. At the end of any dispute or complaint, actions taken shall be evaluated and reviewed.
- 5.19. All complaints must be analysed regularly to identify systemic, recurring and single incident problems and trends, and to help eliminate the underlying cause of complaints.

**DISPUTE AND COMPLAINT RESOLUTION FLOWCHART
STUDENTS, PARENTS AND SCHOOL COMMUNITY**



NB: The complainant will be advised if the Principal decides to omit STEP TWO due to the serious nature of the complaint. Complaints raised with a volunteer will be referred to the relevant class teacher, middle manager, or senior manager (as appropriate).

APPENDIX 1

PROCEDURES FOR IMPLEMENTATION

(for School Council Chairs and Principals)

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

STEP 1: Local Resolution Process Between the Parties Directly Involved

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

STEP 2: Informal Resolution Process

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

1. Where the parties directly involved cannot reach a resolution, the Head of House/Year or senior staff member should be approached to assist in the resolution of the matter. The complainant will be contacted in writing, within five (5) working days, to explain how the school proposes to proceed.
2. The Principal must be made aware of the dispute/complaint.
3. The Head of House/Year or senior staff member, as determined by the school, shall initially deal with the parties by:
 - providing all parties with the opportunity to state their position on the matter to allow them to gain a thorough understanding of each party's position,and then deal with the specifics of the matter by:

- asking the necessary questions to obtain a detailed response
 - asking what resolution would resolve the matter
 - agreeing on a resolution between the parties where possible
 - setting a timeline when actions to reach the resolution shall be taken
 - reporting to the parties when the resolution actions have been taken.
4. There are no formal written records required for such a resolution. A file note of the meeting will be made.
 5. For purposes of identifying patterns, a record of the complaint must be included in the school Complaints Register.

STEP 3: Formal Resolution Process - Principal

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

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

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

1. Where an appeal to the Chair of the School Council is lodged by a complainant against the decision of the Principal, or where the dispute or complaint involves the Principal, the following information must be provided to the Chair of School Council in writing for purposes of that appeal:
 - the notification of the appeal;
 - the nature and details of the dispute or complaint;
 - facts and/or documents that support or substantiate the dispute or complaint;
 - the decision made by the Principal (unless the complaint is against the Principal);
 - the complainant's proposed resolution to the matter.
2. On receipt of the written information, the Chair of School Council will acknowledge the receipt of the appeal in writing, within five (5) working days, and contact the Principal in writing outlining the dispute/complaint with the documentation provided by the complainant and discuss the most appropriate way to proceed.
3. The Chair of School Council will advise the Principal and any other relevant parties involved within ten (10) working days, as to the investigating procedure to be adopted regarding the appeal.
4. Once the Chair of School Council is satisfied that the investigation has been completed, the Chair shall make a decision based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.
5. The parties shall be notified in writing of the outcome of the appeal. A copy of all documentation will be placed on file by the Chair of School Council.
6. Where a party to the dispute or complaint does not accept the Chair of School Council's decision, that party may appeal the decision to the CEO. The CEO will notify the Chair of the Board.
7. The Principal will update the Complaints Register with the outcome of the review undertaken by the Chair of the School Council.

STEP 5: Appeal Process to the CEO

1. Where an appeal to the CEO is lodged by a complainant against the decision of the Chair of School Council, the following information must be provided in writing to the CEO for purposes of the appeal:
 - the notification of the appeal;
 - the nature and details of the complaint or dispute;
 - the person/school against whom the complaint is made or with whom there is a dispute;
 - facts and/or documents that support or substantiate the dispute or complaint the decision made by the Chair of School Council;
 - the complainant's proposed resolution to the matter.

2. The Visitor (as defined in the Constitutions of AngliSchools and the Charter of the individual schools) may play a role in this process, once all avenues of appeal have been exhausted, in accordance with the powers bestowed on the Visitor by the relevant Constitution.
3. On receipt of the written information, the CEO will acknowledge receipt within five (5) working days, and determine if Steps 1, 2, 3 and 4 have been undertaken by the complainant. Where these steps have not been undertaken, the matter will be referred back to the school and the complainant advised accordingly.
4. Where Steps 1, 2, 3 and 4 have been undertaken, the CEO will appoint an Independent External Investigator (Investigator) (who is not a Board Member, School Councillor or staff member). The Investigator will contact the Chair of School Council and Principal in writing outlining the dispute or complaint with the documentation provided by the complainant and seeking a response from the school to the complaint.
5. The Investigator will advise the complainant, the Chair of School Council and Principal and any other relevant parties involved, within ten (10) working days of the acknowledgement letter, as to the investigating procedure to be adopted by the Investigator regarding the complaint.
6. Once the Investigator has completed the investigation, the Investigator shall make a recommendation to the CEO based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.
7. Within five (5) working days of receiving the Investigator's recommendation, the CEO shall notify the parties, and the Chair of the Board, of the outcome of the appeal. A copy of all documentation will be placed on file at the Head Office of AngliSchools and a copy provided to the school.
8. The Principal will update the Complaints Register with the outcome of the review undertaken by the Investigator.

The Director of Risk and Compliance will update the Complaints Register with the outcome of the review undertaken by the Investigator.

Version Control

Version	Date	Summary of Changes
1	May 08	New Policy
2	Apr 09	Minor change to wording - title change, page 7
2a	Aug 09	3 yearly review
3	Dec 13	3 yearly review
4	Feb 16	Updated to reflect DES requirements
5	Oct 16	Updated to reflect the use of an Independent External Investigator in Step 5.
6	Aug 19	Annual Policy review
7	Dec 19	To divide policy for WA, NSW and VIC Update to reflect amendments to Registration Standards – definitions, child-friendly process, complaints register. Include flowcharts for parents and students.
8	Dec 20	Update/include definitions Clarify guidelines Include timeframes
9	Jan 23	Include record keeping requirements and principles (Appendix 3) Align with Child Safe Policy (8b)
9a	Nov 23	Annual review
10	Dec 23	Include the role of volunteers in relation to handling a complaint.
11	Dec-24	Annual review Remove Appendix 2 – website process (provided by the ASC) Remove Appendix 3 – covered in other policies.
-	Feb-25	Updated ASC to AngliSchools