



Concerns, Complaints and Disputes Policy

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1. Purpose

Port School welcomes comments and feedback from the School community, including students, parents, external agencies and staff. All concerns and complaints are taken seriously. Most issues can be resolved easily by discussing them with the relevant people. However, if the matter is not resolved, members of the school community are encouraged to contact a staff member, or the Principal, to raise the matter.

The procedure for raising a concern or a complaint is published in the Port School Handbook. It is also available on the Port School website (www.portschool.wa.edu.au). A copy may also be requested from the main office.

2. Policy Statement

Port School implements the National Principles of Child Safe Organisations and is committed to providing a child-friendly complaints process, which is child-focused and upholds the rights of young people. The School endeavours to overcome cultural barriers by fostering strong and safe partnerships with students, parents and the greater school community. These partnerships are based on inclusiveness, mutual respect and understanding. Any member of the school community, or the community at-large, who lodges a concern or complaint will be treated with respect, courtesy and sensitivity. Our aim is to ensure that:

- Port School community members wishing to express a concern or complaint know how to do so.
- Complainants know that we listen and take complaints seriously.
- We respond to complaints promptly and in a courteous, respectful and sensitive way.
- Matters raised are investigated according to the School's policy and procedure.
- Outcomes are consistent with relevant school policies.
- Action is taken where appropriate.

3. Scope

This policy applies to:

- Current and former students of Port School.
- Parents of current and former Port School students.
- External agencies.
- Members of the Port School community.

The Port School Staff Handbook informs staff and volunteers of the procedure for internal complaints.

4. Definitions

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

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' (*Source: Guide to Registration Standards for Non-Government Schools January 2020*). This may be made about the School as a whole, about a specific department in the School, about a particular school activity, about an individual member of staff, or about one or more students.

For the purpose of this policy, the term 'complaint' also refers to a 'concern', as in the spirit of the provision of a safe school environment, the Non-Government School Regulation (NGSR) considers that a concern and a complaint are the same, and therefore should be managed and recorded in the same manner.



Complainant

A person who lodges a complaint.

Conciliation

A process whereby a third party assists the parties to a dispute to communicate their concerns to each other with the aim of finding resolutions.

Child abuse

Physical abuse occurs when a child is severely and/or persistently hurt or injured by an adult or a caregiver.

Sexual abuse occurs when a child is exposed to, or involved in sexual activity that is inappropriate to the child's age and development level, and includes sexual behaviour in circumstances where:

- The child is the subject of bribery, coercion, threat, violence or exploitation.
- The child has less power than another person involved in the behaviour.
- There is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour.

Emotional abuse includes:

- Psychological abuse.
- Being exposed to an act of family and domestic violence.

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.

- Adequate care for the child.
- Effective medical, therapeutic or remedial treatment for the child.

Corporal Punishment

Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; 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 non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

Dispute

A pursued unresolved complaint that has been escalated either internally and/or externally to the School.

Culturally safe complaint handling process

One which overcomes cultural barriers and taboos to disclosure, provides culturally appropriate means of making complaints, is managed by people who are aware of and sensitive to potential complainant's culture and cultural attitudes, including those arising from historical trauma and mistrust of authorities, and which facilitates access to culturally-appropriate therapeutic and other services as required.' (Source: *The Royal Commission into Institutional Response to Child Sexual Abuse*)

Mediation

A process where the parties, assisted by a third person, listen to each other, define the dispute, find points of agreement, investigate what is important to each party with the goal of reaching a workable agreement through the development of satisfactory options for resolution for each party.

Parent

For the purpose of this policy, refers to parents, guardians and carers.



Procedural fairness

The rules of procedural fairness require:

- A hearing appropriate to the circumstances.
- Lack of bias.
- Evidence to support a decision.
- An enquiry into matters in dispute.

5. Principles

The following principles apply to all processing of all complaints received by Port School:

- Complaints can be lodged either:
 - In person.
 - By telephone.
 - In any form of writing (eg: letter, email, SMS)
 - Anonymously.
- All complaints will be listened to and taken seriously.
- All complaints will be responded to promptly and in a courteous, respectful and sensitive way.
- Matters raised will be investigated according to the school's policy and procedure.
- Action will be taken where appropriate.
- Confidentiality will be maintained by all parties, unless in the case of a student complaint where it may be appropriate for the parent to be advised. Students will be made aware of any limits of confidentiality.
- Where required, reports will be made to relevant authorities and/or law enforcement agencies.
- Procedural fairness will apply.
- Records will be maintained in accordance with the School's Privacy Policy and Records Management Policy.
- Complaints will be analysed to identify causes and to inform continuous improvement.
- Complaints will be reviewed and evaluated in order to continually improve child-safe practices.
- Relevant review findings will be reported to parents, students, staff and school community members.

6. Anonymous Complaints

The School encourages school community members to raise concerns directly, rather than anonymously, by giving a reassurance of confidentiality. In the event of an anonymous complaint it will be at the 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.

7. Complaints Relating to Grooming and Child Abuse

The procedure for handling a complaint received 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 Port School Child Protection Policy and Guidelines. The allegation may result in a mandatory or non-mandatory report. As defined in the Critical and Emergency Incident Management Policy, it is to be reported to the Director General as soon as practicable, and in any event within 48 hours of the incident. This also applies in the case of a formal warning being issued to a staff member for breach of the Port School Code of Conduct in respect to grooming behaviour.

Port School explicitly forbids any form of child abuse, corporal punishment or other degrading punishment as defined in this policy.

The Child Protection Policy and Guidelines and the Critical and Emergency Incident Management Policy are available on the School website (www.portschool.wa.edu.au). Copies may also be requested from the main office.

8. Disputes

A matter may be escalated to a dispute for a variety of reasons, including the nature of the original complaint, the way in which it was handled, or due to ongoing unreasonable expectations and/or lack of satisfaction with the proposed resolution. It may be escalated either internally or externally to:

- The Chair of the governing body (internal).
- An independent Arbiter (external).

The decision of the Independent Arbiter, as far as allowed by law, will be final and binding on all parties.

9. Responsibilities

9.1 Principal

The Principal has a responsibility to:

- Comply with the Port School Code of Conduct.
- Adhere to the Principles of Child Safe Organisations and uphold the rights of young people.
- Consult, develop and implement a child-friendly Concerns, Complaints and Disputes Policy and procedure, which is child-focused and culturally safe.
- Foster an open culture that encourages school community members to speak up about their concerns.
- Ensure the school community members know how to express a complaint and understand that these will be taken seriously.
- Ensure staff and volunteers are conversant with the School's complaint handling processes and well informed about their role and responsibilities.
- Ensure all complaints are taken seriously.
- Ensure the different ways that young people express concerns or distress and disclose harm are recognised and that staff and volunteers are adequately trained to respond appropriately.
- Ensure appropriate and timely action is taken if the complaint raises any immediate risks to the safety of the complainant or to a student.
- Ensure students are offered ongoing support throughout the complaint handling process.
- Ensure investigations of complaints are thorough and free from bias and as per policy and procedure.
- Ensure all parties are adequately informed and timeframes are clarified.
- Ensure confidentiality is maintained, unless in the case of a student complaint where it is deemed appropriate to advise the parent.
- Maintain a detailed complaint register.
- Ensure records are maintained in accordance with relevant School policies.
- Report complaints to relevant authorities and co-operate with law enforcement.
- Practice procedural fairness.
- Ensure outcomes are consistent with relevant school policies.
- Regularly evaluate and review complaint handling procedures.
- Ensure reporting, privacy and employment law obligations are met.

9.2 Staff

Staff have a responsibility to:

- Comply with the Port School Code of Conduct.
- Adhere to the Principles of Child Safe Organisations and uphold the rights of young people.
- Understand the School's complaint handling process and be well informed about their role and responsibilities.
- Encourage an open culture that encourages school community members to speak up about their concerns.
- Take all complaints seriously.

- Recognise the different ways young people express concerns or distress and disclose harm.
- Ensure appropriate and timely action is taken if the complaint raises any immediate risks to the safety of the complainant or to a student.
- Ensure the student receives ongoing support throughout a complaint process.
- Ensure investigations of complaints are thorough, free from bias and as per policy and procedure.
- Keep all parties adequately informed and clarify timeframes.
- Maintain confidentiality, unless in the case of a student complaint, where it is deemed appropriate to advise the parent.
- Maintain records of any complaints in accordance with the relevant school policies.
- Report complaints to relevant authorities and co-operate with law enforcement.
- Practice procedural fairness.
- Ensure outcomes are consistent with relevant school policies.
- Regularly evaluate and review complaint handling procedures.
- Ensure reporting and privacy obligations are met.

9.3 Volunteers

Volunteers at Port School have a responsibility to:

- Comply with the Port School Code of Conduct.
- Adhere to the Principles of Child Safe Organisations and uphold the rights of young people.
- Understand the School's complaint handling process.
- Report any complaint received to their supervising staff member, or if appropriate, to the Principal. If the complaint is about the Principal, it is to be referred to the Chair of the School Board. In this event, volunteers should speak with a member of the school leadership team who will support them through this process. The leadership team member will be bound by confidentiality.

10. Role of the Director General

The Director General of the Department of Education is responsible for ensuring that the School observes registration standards, including the standard about its complaint 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 (www.education.wa.edu.au/non-government-schools-complaints). While the Director General may consider whether the School has breached the registration standards, she does not have the power to intervene in a complaint or override the School's decision.

11. Continuous Improvement

Port School seeks continuous improvement by:

- Welcoming feedback and suggestions from students, parents, staff, volunteers and external agencies.
- Analysing complaints to identify causes to inform continuous improvement.
- Reviewing and evaluating complaints in order to continually improve child-safe practices.
- Reviewing the complaint handling process

Suggestions and feedback may be:

- Conveyed to any member of staff, either by phone or in person.
- Emailed to admin@portschool.wa.edu.au.
- Posted to Port School, Attn: The Principal, PO Box 368, Hamilton Hill 6963
- Students may also submit feedback using the student comment box, situated by the student reception in the main school building.



12. Lodging a Complaint – Students

- Students can speak to the Principal, or any member of school staff with whom they feel safe and comfortable, about anything that may make them feel unsafe, unhappy or worried.
- Complaints can be submitted verbally, or in writing by letter or email or via the student comment box.
- Students may choose to remain anonymous when giving feedback via the student comment box. Although it may not be possible to obtain sufficient details when a complaint is lodged anonymously, it will still be accepted, recorded, evaluated and actioned to the extent possible, in respect to the information that it contains.
- The complaint will be investigated, and students will be offered ongoing support throughout the process. If the issue is deemed to be major, it may be escalated to the Principal.
- The outcome of the investigation and a resolution will be discussed with the student. If appropriate, the parent may be advised. Depending on the complaint, information may also need to be shared with other organisations, such as the police.
- If a resolution is not reached, or if the Principal is the subject of the complaint, it may be escalated to the Chair of the Port School Board.
- The School Board may resolve the matter or refer it for mediation by an Independent Arbiter. The decision of the Independent Arbiter, as far as allowed by law, will be final and binding on all parties.
- The student will be offered support throughout this process.

13. Lodging a Complaint - Parents and School Community Members

Parents and school community members can direct minor concerns or complaints to any staff member or to the Principal, either by phone or in person. An appointment can be made by calling the School on 9335 6323. If the matter has not been resolved informally, or if the complainant wishes to make a formal complaint, they may do so by writing to the Principal.

Letters are to be addressed to: Port School
Attn: The Principal
PO Box 368
Hamilton Hill 6963

Emails are to be addressed to: admin@portschool.wa.edu.au

Written complaints will be acknowledged within 3 working days of receipt. The Principal will investigate the matter and will set up a meeting with the complainant to discuss the issues and to seek a resolution.

If a resolution is not reached, or if the Principal is the subject of the complaint, it may be escalated to the Chair of the School Board. Letters are to be addressed to:

Port School Board
Attn: Chairperson
PO Box 368
Hamilton Hill 6963

The Chair of the Board will examine matters and notify the complainant of the outcome of their review within 7 days.

A meeting with the Principal and the Chairperson of the Board may be arranged in order to discuss the matter further and to look at alternative resolutions.

In the event that the School Board is unable to successfully resolve the matter, 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 Port School Board.

It is Port School's policy to ensure that complaints made by parents do not adversely impact their children. The School will not tolerate victimisation or adverse consequences shown towards a person who raises a complaint.



Do you have a Problem, a Complaint or a Suggestion? (extract from Port School Handbook)

Appendix 1

Every student at Port School has the right to feel speak up about how they feel about something that is affecting them. Everyone has the right to tell someone if they feel worried, afraid or if they do not feel safe. The School will take what you have to say seriously and wants to help.

How do I make a complaint?

- By talking about it – or by writing it down if that’s easier. You can speak to any staff member with whom you feel safe and comfortable, including the Principal.
- You can do it by yourself, with a friend, as part of a group, or through your parents or another adult that you trust and or feel safe with.

Who can I talk to?

- To anyone on staff, to anyone in the school that you feel safe and comfortable with, or you can talk to a family member who you trust and feel safe with.

Does it matter what the issue is?

- No, it can be a big problem, or a small one. Talking things over can often help to find solutions.

What will happen next?

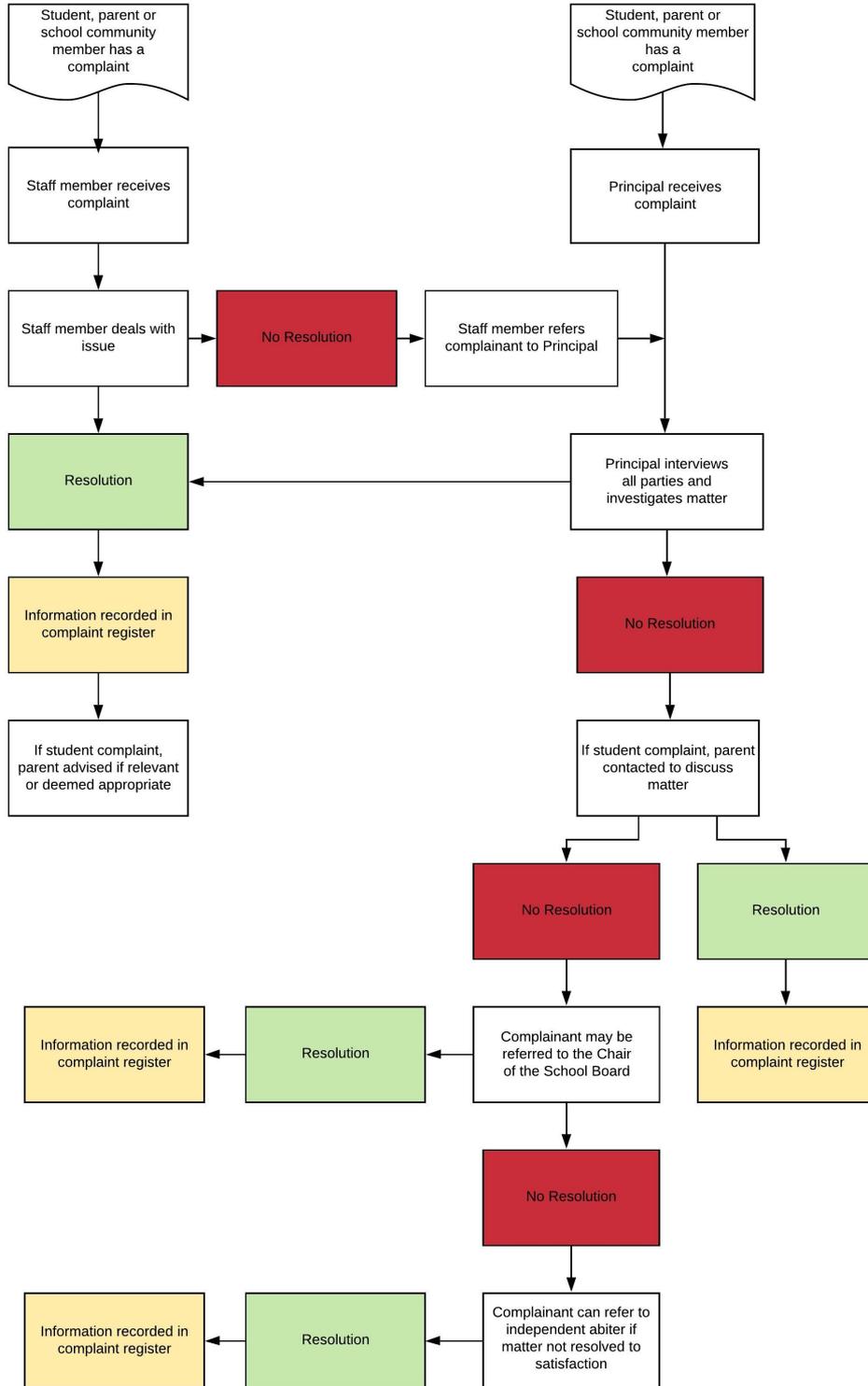
- If possible, the staff member will deal with it in person. If not, he or she will explain who it needs to go to and why.
- We will ask you how you would like us to keep you updated on what is happening with your concern or complaint. We will support you in managing whatever is troubling you.

Do others have to know?

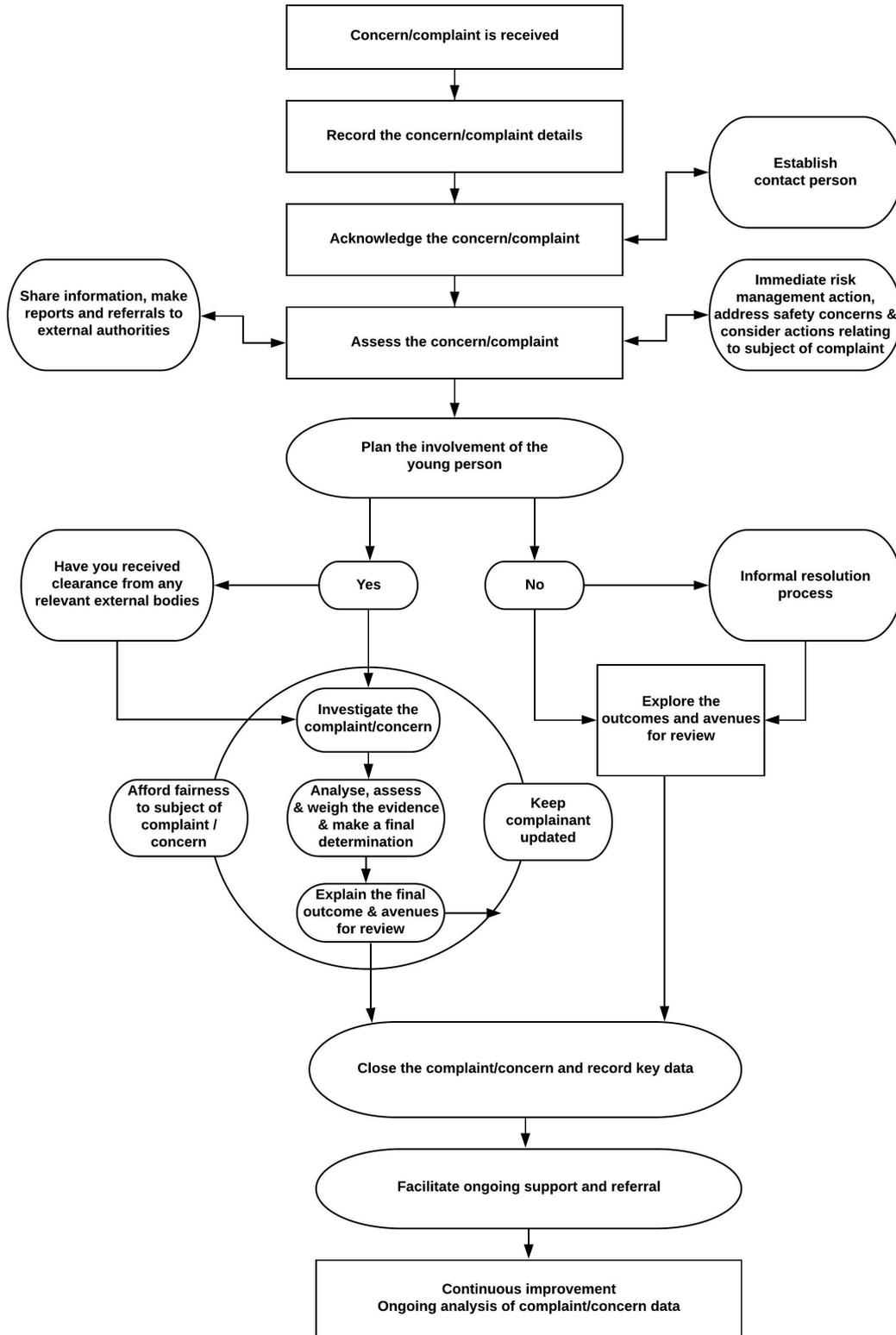
- The teacher or the person you talk to will not talk to anyone else about your issue, unless they have to for your safety and wellbeing. If this is the case, we will discuss this with you.

Even if you find the issue hurtful or embarrassing, we encourage you to talk to us, as we want to make sure you feel safe and happy at our school.

How Complaints are Processed



Procedure for Handling Complaints/Concerns Received from Students



Source: National Office for Child Safety: Complaint Handling Guide: Upholding the rights of children and young people