



| Last Review Date | Next Review Date |
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| Aug 2021 | 2024 |

COMPLAINTS POLICY and PROCEDURE

Policy and Definitions

There are essentially four relevant parties that complaints refer to: parents (and guardians), students, the public and staff. For Staff Complaints please see Staff Complaints Policy. This document deals with procedures for parents (and guardians), staff and students, but can apply to members of the public and other stakeholders also.

It is a requirement of the Western Australian *Education Act 1999* that a school has a complaints handling procedure.

While parents will often wish to raise issues on behalf of their children, there are other issues which pupils may choose to raise on their own behalf and which are best raised by them.

Complaints from members of the public will be treated in a similar way to complaints from parents, although most complaints from the public would be referred directly to the Principal.

Complaints from former students and/or their parents or guardians are accepted by MRMS even after the enrolment of the student has ceased.

A **concern** is the expression of a worry, something that has made a person troubled or anxious about an issue and is expressed at a 'first level' ie. to a class teacher at the classroom door. The teacher or staff member will make and file a brief note about the issue and interaction and inform the Principal.

A **complaint** is an expression of genuine dissatisfaction made to an organisation related to its products or the complaints handling process itself that requires following a formal process outlined below.

A **dispute** is an argument or disagreement and may be the result of a pursued unresolved complaint.

Vexatious Complaints: It is a serious matter for any party to make a malicious, frivolous or vexatious complaint and further action may be taken by MRMS should this be found to have occurred.

Policy Rationale and Objectives

The School strongly encourages constructive feedback from stakeholders (i.e. parents (and guardians), students) and staff which may assist in improving the School.

The School recognises that some stakeholders may disagree with actions, priorities, procedures and environments of the School. Appropriate mechanisms should be in place to provide a forum for expression of complaints and feedback, and where possible, mutually acceptable resolution. The School Council remains the final adjudicator of complaints, confidentiality, and clear and prompt communication of decisions.

All complaints will be dealt with by the School in a reasonable, logical manner; and such reasoning remains fundamental to the policy.

The School commits to:

- the creation of an environment that welcomes feedback from stakeholders
- a clear pathway for dealing with complaints

- an agreement both the complainant and the School are satisfied with whereby the School will attempt to resolve conflicts to the mutual satisfaction of the School and the complainant; and
- where possible, to demonstrate that a fair and equitable complaints handling process has been followed for each complaint.

Levels of Responsibility

The School Council is responsible for:

- Ensuring that all measures in the policy have been adopted by the Principal, staff and School Council
- Investigating independently and respectfully any instance where a dispute is tabled,
- Ensuring there is no conflict of interest
- Conducting an annual review of the Complaints Register
- Developing and adopting the complaints policy and ensuring it is in place

The Principal is responsible for:

- Fairness, impartiality and respect in investigating any dispute
- Strict confidentiality
- Early intervention and setting a timeline to ensure prompt investigating and response.
- Informing the chairperson of the School Council, where appropriate within 5 days of the complaint being received.
- Ensuring there is no conflict of interest and if so, handing the issue to School Council
- Arranging meetings between principal, director, parents/guardian and child as necessary.
- Careful assessment of the dispute, and recording of all details in the Complaints Register.
- Ensuring the person who is the subject of the complaint has been informed.
- Careful assessment of the resolution and communication of the resolution to the complainant.
- Maintaining thorough written records of all meetings relating to the complaint
- Notation of all interactions relating to the complaint (including, but not limited to) those between Principal, teacher, child and parents/guardian.
- Ensuring all information is handled confidentially and sensitively.
- Ensuring that administration of all documentation is handled confidentially and included in the complaints register.
- The decision to involve, where necessary, a third party, and/or an independent arbiter/mediator, and/or an external authority such as the Department of Child Protection and Family Support or Police in relation to a complaint.

The Staff are responsible for:

- Identifying whether a communication from a stakeholder is a complaint or merely provision of information.
- Referring complaints to the Principal.
- Fairness and impartiality if investigating any query or dispute
- Ensuring all information is handled confidentially and sensitively.
- Encouraging all children to behave respectfully
- Application of conflict resolution techniques if required
- Early intervention in all conflict
- Meeting with Principal and complainants if required
- Maintaining thorough written records relevant to a complaint
- Ensuring that documentation is included in the child's file where appropriate
- Ensuring students are aware of the Student Complaints process and hearing and addressing all student concerns

Complainants are responsible for:

- Following the policy and complaints process as appropriate
- Accurate reporting of any query or dispute
- Assistance in investigating any query or dispute
- Reporting to School Council, in writing if still dissatisfied
- Attend a School Council meeting as required
- Maintaining confidentiality

Implementation and Record Keeping

Complaints may be made in person by telephone, by letter, or email in which case the initial point of contact at the school (whether it be office staff, teacher etc) should:

- 1) Identify that this is a complaint (rather than merely a provision of information)
- 2) Not attempt to resolve the complaint
- 3) Refer the complaint to the Principal
- 4) If there is a complaint against the Council, the procedures in the Constitution applies (refer to the Constitution on the School website).
- 5) The Principal will record the complaint in the Complaints Register and a written acknowledgement of receipt of the complaint will be issued to the complainant within 48 hours.

- The School will keep written details of complaints and other parental concerns in the Complaints Register
- Information in the record may indicate a need for action;
- The Principal should be able to check the records and report on it regularly to the School Council.

The records in the Complaints Register should contain the following information:

- *date when the issue was raised;*
- *name of complainant;*
- *name of subject of complaint;*
- *brief statement of issue;*
- *member of staff handling the issue; and*
- *brief statement of outcome*

Confidential files on all complaints will be maintained and kept together, cross-referenced with other files as necessary. The files should contain simple but clear notes of all conversations with parents about any source of dissatisfaction

Notes may include:

- informal conversations (including friendly chats)
- telephone conversations
- a clear statement of the concern of the complainant

All notes should be shown to and agreed to by parties involved.

Parents' Complaints

The Complaints Procedure flow chart (attached in appendix) is made available to parents, carers and students to inform them about how to go about having their concerns heard. It is distributed through newsletters, the School website, displayed around the School and is included in the Parent Information Handbook for new parents.

Students' Complaints

The principles that apply to parental complaints are also applied to complaints and concerns from pupils.

There are, however, differences in approaches. One important difference from the handling of parental complaints is that students should be able to raise concerns with any member of staff with whom they feel comfortable, whether it is the teacher, a member of the support staff, or the Principal.

The School has a student friendly Student Complaints Process and Students' Complaints Form which should be used if a student raises an issue and it is decided that it is more than a concern.

Complaints that appear trivial still need to be handled seriously. Young people may test the complaints procedures on relatively minor issues before finding the confidence to raise something they find difficult to disclose such as bullying.

If the issue is complex or difficult to expose, or if exploration of it is taking time, a student may need support from another pupil or from an adult. Students should be encouraged to choose a person with whom they feel comfortable, to provide support.

Complaints, and ways of dealing with them, also need to be explained to students. This is achieved by Personal and Social Education programs provided by the School which teach students how they may support and act as mentors to others, but also in encouraging them to understand that their views matter.

Staff Complaints

Margaret River Montessori School is committed to the provision of a work environment that is safe and free from all forms of conflict, harassment and discrimination.

This policy and related procedures are to be used to diffuse problems that may arise from time to time. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaint. Even an unjustified complaint may indicate an area that can be improved.

It is paramount that all complaints are dealt with expediently and fairly.

Principles

- 1) It is advised that an employee's rights at law to seek to redress complaints through an external agency (for example, their Union) will be respected.
- 2) Complaints will be addressed within a general framework of co-operation that emphasises the prevention of future complaints as well as seeking a resolution to the immediate issue.
- 3) The resolution of all employee complaints at School level are preferred wherever the nature of the complaint is such that it is appropriate to do so.
- 4) It is recommended that all parties involved in a complaint resolution process have a right to:
 - a. lodge complaints against other employees and to have their complaint addressed in an expedient manner to avoid the negative effects of ongoing problems in the workplace;
 - b. procedural fairness;
 - c. confidentiality;
 - d. respect and courtesy;
 - e. freedom from prejudice, intimidation and harassment or any other detriment because of their involvement; and
 - f. be informed at the conclusion of the process of their right to lodge a claim of a breach of the school's Grievance Policy.

Scope

The following processes are to be used by all employees to address their complaints against other employees. In essence, complaints by employees against other employees that are appropriately addressed at the school level should be addressed:

- i. informally, or through formal grievance procedures as outlined in the school's Dispute Resolution Using Non Violent Communication (NVC) guidelines and process.
- ii. by mediation, or

- iii. by line management in situations where a complaint falls outside the scope of the formal grievance procedures.
- iv. In the latter situation, mediation may also be utilised where the parties agree.

Some examples of complaints could include but are not exclusive to:

- i. Decisions taken at the workplace by another employee.
- ii. Real or perceived inequities in the behaviour of one employee towards another in the workplace.
- iii. Interpersonal interaction that has resulted in an employee perceiving that he or she has not been treated in a fair, courteous and sensitive manner by another employee.
- iv. Actions that may constitute unlawful discrimination in the workplace. (For example, allegations of sexual harassment or racial vilification of one employee by another).

Procedure

Step 1: Complainant identifies their concern as a formal complaint (see definitions above) and completes Complaint Form (see appendix). If a concern is not identified as formal the complainant may make alternative plans for resolution like requesting a meeting. Parent/Carer Communication Chart (see appendix) should be referred to when parents are seeking advice on who to speak to about various issues.

Step 2: Lodging a complaint

The informal complaint resolution process (NVC Tool- see appendix) is usually the preferred option and generally offers the best outcome. However, an employee with a complaint regarding another employee that cannot be resolved informally or one that the complainant wishes to resolve through formal processes, should be submitted in writing to the Principal (see Complaints Form in appendix; see also Student Complaints Form in Student Complaints Policy). Complaints should be lodged as soon as is practicable (within three weeks) following the circumstances occurring from which the complaint arose.

Step 3: Principal receives complaint, records details in Complaints Register and proceeds to address complaint. The subject of a complaint must be informed of the substance of the complaint and given a reasonable period of time to prepare their response (3-5 working days) and/or to meet with the Principal and/or any parties authorised to manage the complaints process.

Generally, the text of the complaint will not be provided to them. Complaints should be sufficiently detailed so as to enable the subject of the complaint to respond to the allegations against them. A detailed description of the incident/s, the alleged time and place when the incident/s allegedly occurred and the names of any possible witnesses to the incident/s are to be provided, wherever possible.

Appropriate confidentiality is to be observed by all parties in any discussion of complaints. These matters should remain confidential between the employees concerned and any other parties who have a legitimate interest in the process. Such parties may include support persons, unions or professional associations and the Principal. All documentation relating to the complaint should be kept on a confidential file and should not be placed on either complainants or respondents personal files if other staff are named within the documents.

Step 3: Withdrawing a complaint

A complainant who wishes to withdraw a complaint should do so in writing. Upon receipt of the letter of withdrawal the Principal will give notice to any parties affected by the complaint that it has been withdrawn. Regardless of a complainant's wish to withdraw a complaint, complaints that have disciplinary implications for an employee may still be followed up by the Principal.

Step 4: Review Rights

It is recommended that a complainant who is dissatisfied with the process used by the School to redress their complaint is offered the right to request a review of the process in writing to the Principal and /or School Council.

Step 5: Role of the Principal

Any member of staff who is involved in addressing employee complaints needs to be empathetic, impartial and demonstrate a respect for others.

Upon receipt of a complaint the Principal/or School Council (where applicable) is responsible for:

- ensuring that all parties are aware of their options in respect of having complaints addressed;
- managing the complaint process, where it is appropriate for them to do so, in a timely manner;
- ensuring that the process adopted reflects procedural fairness requirements;
- taking all complaints seriously and maintaining neutrality;
- acknowledging the concerns and interests of all parties involved and assisting them to achieve a positive and fair outcome. This also involves active listening and impartial discussion;
- observing confidentiality requirements;
- fulfilling any stated responsibilities with respect to facilitating the complaint resolution process including arranging for employees involved in the process to be released from duties at various times to enable their participation in the process. This is a line management responsibility to effect in good faith in consultation with the parties.
- ensuring the documentation of the process and the storage of documentation reflects confidentiality requirements;
- initiating any necessary changes to prevent or reduce the incidence of complaints.

Step 6: Role of the Complainant

A complainant will be directed to follow the procedures as outlined in this policy. Alternatively, they may meet directly with the Principal if the matter relates to potentially unlawful discrimination or bullying, to discuss their options. The action taken by each complainant is their decision. Points that they may wish to consider include:

- what outcomes they wish to achieve;
- what evidence exists to support their claim, particularly where they are making allegations against another employee; and
- what method of complaints resolution will they prefer to adopt in the circumstances such as the use of NVC, formal complaints processes or mediation.

Step 7: Mediation

Where it has been determined to be feasible and where both parties concur, a mediated solution to the dispute should be attempted. A person within the School who has mediation skills and is acceptable to the complainant and the respondent should mediate the dispute. If it is not possible to use a mediator from within the School in a timely manner, or at all, a mediator from outside the school should be hired. Both parties should have the right to have another person accompany them to the mediation. Mediation should be attempted at any point in the process of dealing with a complaint where it is considered to be appropriate and have a reasonable chance of solving the complaint.

Confidentiality

It is essential that any complaint is treated in a confidential manner with sensitivity and with respect and this shall be clearly stipulated to every complainant upon them initiating a complaint

Parents often seek an assurance of confidentiality before expressing their concerns. If, for example, they wish to discuss a particular member of staff, they may fear that their child will suffer in some way because they have complained.

It will be made clear upon a complaint being made, to all concerned with the complaint that it is the school's policy that complaints made by parents will not adversely affect their children in any way and similarly that complaints raised by pupils will not affect them or on other pupils adversely in any way.

The question of confidentiality will be discussed sensitively and on an individual basis with the parents and the School's policy will be carefully explained.

Confidentiality shall not apply in the following circumstances:

If there is a situation involving the police, the Principal, (or next most senior staff member if the Principal is unavailable), must take responsibility for action to be taken in regards to the complaint in the School and the School Council Chairperson shall be informed as soon as possible after the police have become involved. Depending on the circumstances (seriousness and impact) a Critical Incident Report will need to be completed by the Principal (or next most senior staff member if the Principal is unavailable), and submitted to the Department of Education Services.

Anonymous Complaints

Anonymous complaints occur where there is no indication of either name or address, or where the complainants say that they do not wish to be identified.

They may come from:

- members of the public;
- from parents; or
- from pupils

Complaints from the public about the behaviour of a group of pupils in public will be dealt with as follows:

- the report shall be passed onto the Principal (or next most senior staff member if the Principal is unavailable);
- any disciplinary action shall be taken by the Principal (or next most senior staff member if Principal unavailable);
- a reminder to all students about the School's expectations from the Principal and teachers shall be made as soon as possible

Parents and students should be encouraged to supply their personal details (i.e. provide their names).

All anonymous complainants should be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, it is at the Principal's discretion as to what action, if any, should be taken, depending on the nature of the complaint.

Anonymous complaints should be recorded in the Complaints Register.

Resolution

The School will endeavour to seek a resolution of all complaints where possible within 14 days from the complaint being received.

A complaint will be considered resolved by the School when:

- The complainant acknowledges that a positive change has been made in response to their complaint
- The complainant knows that the School is aware of the issue raised; and
- The complainant feels their complaint has been taken seriously

The School considers and acknowledges that satisfaction for a complainant may come from any of the following:

- *knowing that changes have been made, and that matters will be different in future*

- *knowing that the School is now alert to a possible problem*
- *feeling that their concern has been considered seriously and acknowledged*
- *an outcome which may be different from the one they sought, but which they perceive to be well-considered*
- *a considered letter*
- *an apology.*

If time has been needed to consider matters, complainants should receive a written letter from the School

This should cover:

- *the issues raised*
- *how the issues were considered*
- *the people consulted*
- *the action that is to be taken*
- *an apology, if appropriate.*

Unresolved Complaints or Disputes

There may be a small minority of complainants who do not find resolution to their complaints, even after all possible responses have been made. The School may even discover on investigation that the complaint was without foundation or motivated by malice. Nevertheless, all complaints will be treated seriously and the procedures in this policy followed.

There are different stages of action to be taken with unresolved complaints or disputes:

- **Referral to the Chairperson of the School Council**

In most cases, the Principal will refer the matter to the Chairperson of the School Council and will inform the complainant that this stage has been reached. However, a situation may arise where the complaint seems to the complainant to have been mishandled by the Principal. In those circumstances, the complainant can write directly to the Chairperson.

The Chairperson should discuss the matter fully with the Principal and be provided with relevant documentation. If a briefing is required from a member of staff, this should occur in the presence of the Principal.

The Chairperson should respond to the complainant notifying them that he/she is reviewing the matter, asking them if they wish to add anything further and providing a date by which they may expect a response.

The Chairperson may be able to offer a new approach to the matter, and this may satisfy the complainant. The Chairperson's response should be clear and detailed, and should offer a meeting if the complainant remains troubled.

- **Meeting with the Chairperson of the School Council**

If a meeting is requested, the Chairperson will offer to meet the complainant at a time convenient to them. Those attending such a meeting shall include, wherever possible:

- *the Chairperson of the School Council*
- *the Principal and, at the most, one other member of staff*
- *the complainant*

It is noted that legal representation is not appropriate or necessary for the complainant to have at this meeting.

The Chairperson, after questioning and listening to the complainant and the Principal, may be able to find a solution. If this is not possible, and the complainant wishes to take the matter further, the Chairperson will advise the complainant that an independent arbitrator or mediator is the next port of call in the process.

If both parties agree a mutually agreed Independent Arbiter/ Mediator may be engaged to review the process.

Training

Given the diverse nature of complaints, the School will attempt to ensure, through training, that all staff, including support staff, know how to carry out their responsibilities. Training should cover:

- *the complaints procedure*
- *communication skills, such as active listening, questioning and defusing conflict in a calm manner*
- *handling complaints, negotiation and mediation skills*
- *skills in observing, recording and reporting*
- *the benefits of handling complaints well and the consequences of handling them badly.*

In some circumstances, the training for child protection purposes may be appropriate.

Complaints Flow Chart



Our School welcomes suggestions and comments from parents and students and takes seriously complaints and concerns that may be raised. This flow chart will show you how to use our complaints system.

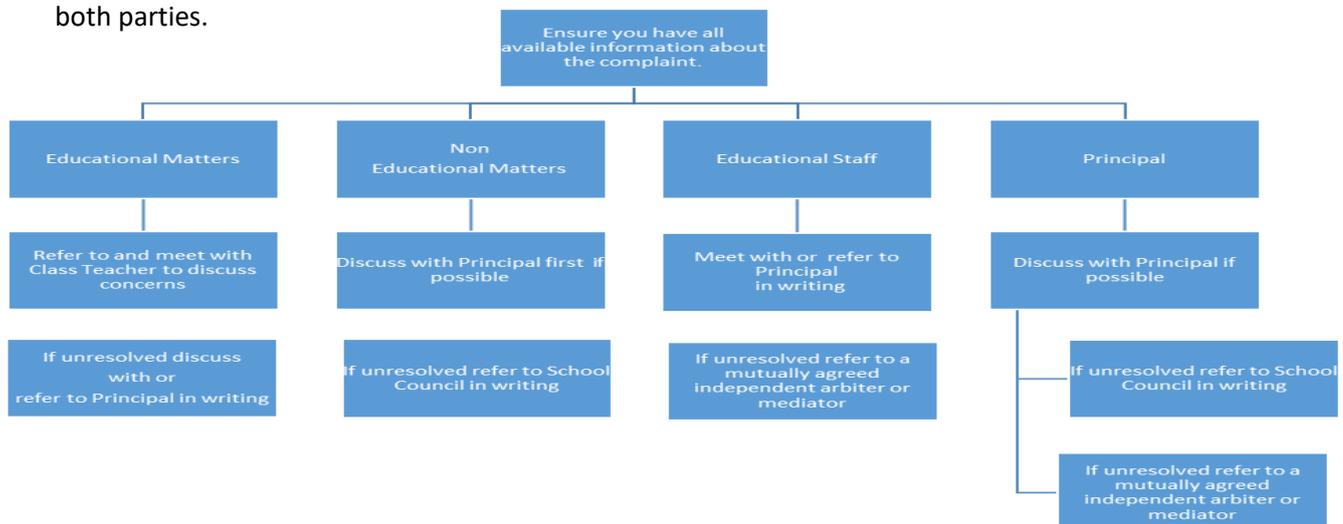
A complaint will be treated with confidentiality, and as an expression of genuine dissatisfaction that needs a response.

We wish to ensure that:

- the issue as established as a complaint (rather than a concern) before proceeding
- parents and students wishing to make a complaint know how to do so
- we respond to complaints within a reasonable time and in a courteous and efficient way
- parents and students realise that we listen and take complaints seriously
- we take action where appropriate.

Even if you find the issue hurtful or embarrassing, don't worry – it will only be discussed by staff who can help you.

The school recognises and acknowledges your entitlement to complain and we hope to work with you in the best interests of the children and young people in our care. As per the complaints policy, if the matter cannot be resolved the School may seek the advice of an independent arbiter or mediator agreed to by both parties.



Parents are asked to use the following form when needing to put their complaint in writing to either the Principal or School Council.

Appendix 2

COMPLAINT FORM

To ensure confidentiality – if posting the completed form please place in an envelope marked PRIVATE AND CONFIDENTIAL.

1. Details

Your Name: _____

Your role in the school: _____

Date(s) & time(s) of incident: _____

Location of incident: _____

The relevant School Policies or procedures that have been breached:

Name of person against whom the allegation is made: _____

Their role in the school: _____

Description of complaint – what happened:

Additional information may be attached.

2. Witnesses (if any)

Witness 1 Name and Contact Details:

Witness 2 Name and Contact Details:

NB. Please do not contact any witnesses before contacting the Principal.

3. Outcome Sought

Please detail what outcome(s) you are seeking in order to resolve this complaint.

4. Resolution Process

Have you attempted to resolve the complaint with the individual? **YES / NO**

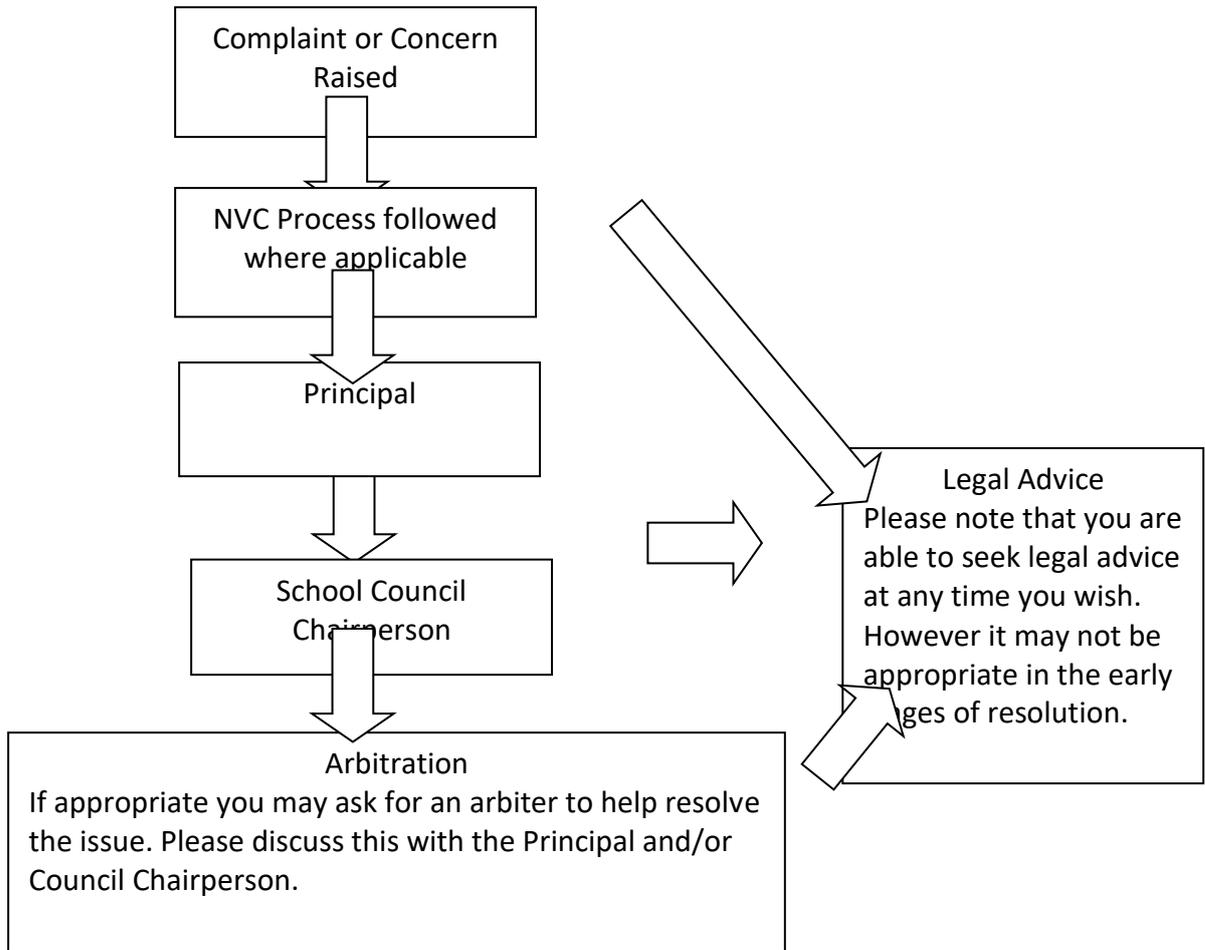
If 'Yes', what attempts have been made and have they been successful?

I confirm that this is an accurate recollection of an event that I wish to be made known as a formal complaint

Signature: _____ Date: _____

If you require further information please refer to the Concerns and Complaints Policy or contact the Principal.

Staff Complaints Flow Chart



Appendix 4

Dispute Resolution using Non Violent Communication for Montessori Staff.

1. Stop. Think. Reflect on the issue (follow NVC process).
2. Go to the other person and discuss the issue.
3. If unable to approach the person can you discuss it with a colleague?
4. If still unresolved go to the Principal to request mediation. The Principal will require both parties to complete the "Expressing yourself using NVC" tool. If the conflict is with the Principal, the NVC process must be followed.
5. Mediation session between both parties. Written outcomes to be given to those involved. Admin staff to take minutes. All parties to sign and record kept by Principal.
6. Resolution.
7. Follow up time period is agreed upon.
8. If problem is not resolved grievance procedure ensues as per policy.

Expressing yourself using NVC tools

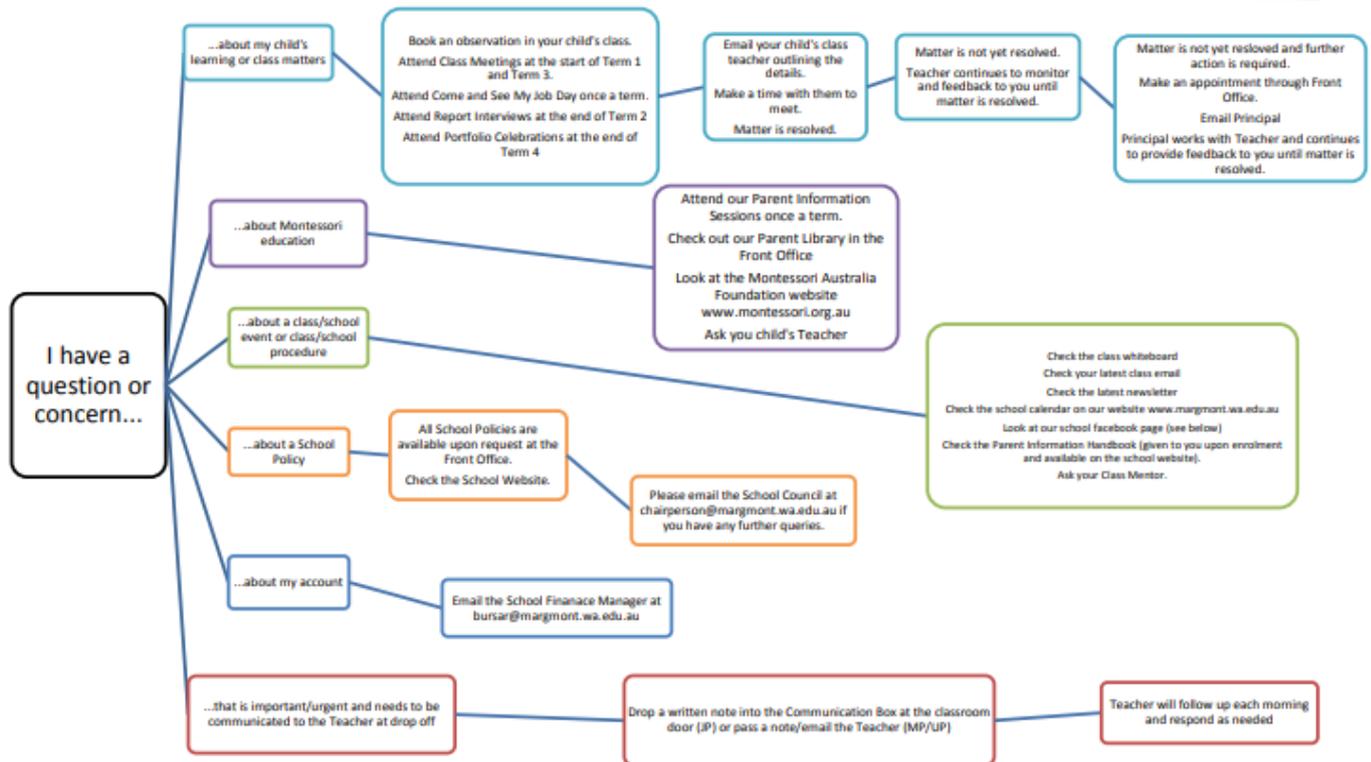
When I see / hear /remember/imagine.....

I feel.....

Because I need / value.....

So would you be willing to.....

PARENT/CARER COMMUNICATION FLOW CHART



*** If you are not receiving the fortnightly School Newsletter, Class Mentor Emails or School Emails please let the Front Office know.
 School website www.margmont.wa.edu.au School email montessori@margmont.wa.edu.au School Facebook page www.facebook.com/margaretivemontessori