



G006	Complaints Policy
Purpose	To outline the process for resolving complaints and grievances
Authority	FRSA Constitution Art 2.2 & General Provisions Bylaw Clause 1.4
Policy	The FRSA is responsible for investigating and resolving complaints and disputes that arise as a result of services provided, decisions made, or actions taken by the FRSA or its staff, or about the complaints management process itself. Complaints will be addressed fairly and with appropriate attention to privacy and confidentiality.
Scripture References	<p>'Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God' (Romans 13:1)</p> <p>'You shall love your neighbour as yourself' (Matt 22:39)</p> <p>'...bearing with one another, and forgiving one another, if anyone has a complaint against another; even as Christ forgave you, so you also must do.' (Colossians 3:13)</p> <p>'You shall not bear false witness against your neighbour' (Exodus 20:16)</p>
National Principles for Child Safe Organisations	<p>Principles:</p> <ol style="list-style-type: none"> 1. Child safety and wellbeing is embedded in organisational leadership, governance and culture. 2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously. 3. Families and communities are informed and involved in promoting child safety and wellbeing. 4. Equity is upheld and diverse needs respected in policy and practice. 5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. 6. Processes to respond to complaints and concerns are child focused. 7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training. 8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. 9. Implementation of the national child safe principles is regularly reviewed and improved. 10. Policies and procedures document how the organisation is safe for children and young people.
Delegation	Principal and CEO; FRSA Board

Related Policies	CP001 Child Protection G007 Records Management HR007 Prevention and Management of Sexual Harassment R001 Prevention and management of Bullying CP007 Code of Conduct Prof001 Staff Performance and Development
Date approved	Mar 2010; Oct 2012, April 2015, June 2018, June 2020
Next Review Due	June 2023
Review Authority	Governance
Keywords	Disputes; complaints; conflict; resolution; grievances;

Authorised by:	
Board Chairman	H Dykstra
Date:	June 2020



SCOPE

This policy applies to all schools and departments operated by the Free Reformed School Association (FRSA). It applies to all staff, students, parents, volunteers, members of the association and the wider community. The policy sets out the process to have complaints, concerns and grievances appropriately investigated and responded to by the leadership of the Association. The policy's express purpose is to ensure a safe and positive environment for the children in the organisation's care in accordance with the National Child Safe Principles. Complaint investigation and resolution will be carried out in conjunction with the "Complaint Handling Guide: Upholding the Rights of Children and Young People."

As the Association is founded on biblical principles, everyone involved in the complaints process must observe the biblical imperative to deal with one another in love (Matt 22:39).

WHAT CONSTITUTES A COMPLAINT?

A complaint is 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.

WHO CAN COMPLAIN?

All past and present stakeholders, including school students, are entitled to express disagreement and/or dissatisfaction with decisions made or provisions enacted.

All stakeholders involved in the complaints procedure will be treated fairly, confidentially (within the limits of current legislation) and with respect.

CODE OF CONDUCT BREACHES

All suspected and alleged breaches of the FRSA Code of Conduct must be reported to the Principal, CEO, or Board Chairman. The formal complaints process will be followed to resolve the matter. Please refer to the Prof007 FRSA Code of Conduct for more detailed information.

STUDENT COMPLAINTS PROCEDURES

Each school will implement a consistent child focussed complaints procedure which is age appropriate. Where a complaint is raised or an issue identified by a student, the school will deal with the complaint in line with its established procedure. Where a matter is unable to be resolved in line with the school procedure, the formal complaints process will apply.

Complaints recorded in the individual school complaints registers will be added to the organisation's complaints register on a regular basis.

COMPLAINTS PROCESS

1. INFORMAL COMPLAINTS

Most concerns or issues of a simple or minor nature can be resolved directly at the first point of contact. This can be done in an informal, Christian manner with the relevant staff member, bearing in mind Colossians 3:13 *"...bearing with one another, and forgiving one another, if anyone has a complaint against another; even as Christ forgave you, so you also must do."*

Where the complainant feels that the matter will not be able to be resolved informally and directly or the matter is serious and a formal response is warranted, the formal complaints process should be followed.

Complaints that are raised with a teacher or another member of staff in an informal way may still be included in the complaints register in order to maintain a focus on continuous improvement, identify patterns and trends and to allow the organisation to put risk mitigation strategies in place to prevent further occurrences.

2. FORMAL COMPLAINTS

Formal complaints are complaints which warrant an investigation, resolution and formal response. Formal complaints will include alleged breaches of the FRSA Code of Conduct (Prof007).

The formal complaints process follows the below process:

Step One

A formal complaint may be submitted in various ways, including by (but not limited to) email, phone or in person by using the following details:

- In person to the Principal, Complaints Manager or another member of staff
- Email: complaints@frsa.asn.au
- Phone: 08 9497 0000 and asking to speak with the Complaints Manager.

A complaint does not have to be submitted in writing. Students in particular are free to raise concerns with whomever they trust and feel most comfortable with. Procedures are in place at individual schools to educate students on the complaints process. These complaints and concerns will always be taken seriously. It is then the responsibility of that person to ensure the complaint is recorded in the complaints register and work towards a resolution to the matter using the below steps. Where a student makes a complaint to the organisation, parents of the child will, as a general rule, be informed of the complaint and the process which will be used to investigate and resolve the complaint.

The FRSA must accept anonymous complaints in accordance with the Australian Privacy Principles. There are however limitations to the extent to which an anonymous complaint can be investigated and resolved. The FRSA is unable to provide support to anonymous complainants or notify them of any resolution. Under the National Principals For Child Safe Organisations a complainant may remain anonymous if the complaint concerns a general issue about how the FRSA delivers its services. In other circumstances it may not be possible to act on a complaint if it is submitted anonymously, especially if the complaint concerns the conduct of an individual. The senior leader responsible for investigating the anonymous complaint will determine the extent to which the complaint shall be investigated.

Step Two

The complaint will be entered into the school complaints register and will be acknowledged within two (2) school days. The complainant will receive advice of the planned next steps as part of the acknowledgement.

The complaint register will allow for key details of the complaint and resolution to be recorded. The information contained in the register will be regularly reported to senior management and will allow the organisation to focus on continuous improvement. A report will be submitted to the Board on a biannual basis providing an overview of complaints received and providing information on any trends that have been identified. This will be the responsibility of the Complaints Manager.

Step Three

The complaint will initially be assessed to determine the validity of the complaint and whether to proceed with a formal or informal resolution. A complaint may be suitable for informal resolution if:

- The complaint seems to have arisen from a misunderstanding or miscommunication
- The complaint refers to an issue with or gap in provision of a service which can be easily resolved without an investigation
- The complainant is willing to sit down and discuss the matter informally.

Where a formal resolution and investigation is required, the investigator or Complaints Manager will commence the investigation into the complaint. The investigation conducted will be proportionate to the seriousness of the complaint. It will allow for procedural fairness and will respect complainant confidentiality and relevant privacy laws at all times. Where appropriate, the FRSA will engage external assistance in relation to an investigation.

The purpose of the investigation is to ascertain the circumstances and facts that have caused the complaint to arise and to determine if the complaint can be upheld. The outcome of the investigation will be advised to the complainant within ten (10) school days. This will occur prior to a resolution being formulated. In cases where the complaint is complex, additional time may be required to complete the investigation. This will be communicated to the complainant. The complainant (and family or guardian if applicable) will be kept regularly informed throughout the investigation.

The following leaders will be responsible for the investigation of the complaint in conjunction with the Complaints Manager:

Complaints against	Responsible Investigator
Student or parent	School Principal
Teacher or volunteer	School Principal/Complaints Manager
School Principal/Senior Leader	CEO
Administration team member	Complaints Manager/CEO
CEO	Board Chairman
Board chairman	Deputy Chairman and Board Member with advice from CEO
Board member	Board Chairman and Board Member with advice from CEO

When a child is involved in the complaint, a plan will be put in place outlining how child safety and wellbeing will be prioritised. This plan will be developed with the input of external experts (e.g. AISWA consultants) and will include records of any decisions made and the rationale for those decisions. This will include planning the involvement of the child in the complaints process along with their parents or carer. The plan will also include determining how and when information will be communicated throughout the process and what support will be offered.

Where required, interim measures may be taken prior to a determination or resolution being reached to ensure the ongoing safety and support of any student or child involved in the complaint. This may include providing alternative class arrangements, alternative staff arrangements, extra supervision and the like.

Step Four

Once the determination has been communicated to the complainant, the responsible investigator or Complaints Manager will begin to formulate a resolution. This resolution will be communicated to the complainant within ten (10) days of the determination (step three). If extra time is needed to formulate the resolution, this will be communicated to the complainant. If the complainant agrees with the resolution, the complaint will be considered finalised and no further action will be pursued.

Step Five

If the complainant is not satisfied with the resolution provided in step four, the matter will be reviewed internally by the CEO provided that the CEO was not the primary investigator of the complaint (in this case, proceed to Step Six). The CEO may request further submissions from the parties involved. A further response to the resolution will be provided to the complainant by the CEO generally within ten (10) days of the review being requested.

If the complainant is satisfied with the response of the CEO the matter will be considered finalised and no further action will be pursued.

Where the CEO is the subject of the complaint, and the complainant is not satisfied with the resolution provided in Step Four (above), the complainant may escalate the matter to the Board.

Step Six

If the complainant is not satisfied with the resolution provided by the CEO in step five, the matter will be submitted to the Board for review. The Board may request further submissions from the parties involved. Once the Board has reviewed the complaint, it will decide whether to uphold the resolution made by the investigator or CEO or whether to provide an alternative resolution.

The Board's decision on the matter will be considered final and binding by all parties.

Additional information regarding the formal complaints process:

- Vexatious or otherwise trivial complaints will not be pursued or investigated.
- Previously finalised complaints where an agreed outcome was achieved will not be pursued.
- Investigations which are warranted or required by law will be pursued regardless of the active involvement of the complainant.
- Reasonable adjustments to the above complaints process may be made to ensure that any barriers to full participation in the process are removed
- Time frames given in the steps above are to be used as a guide only. Depending on the nature of the complaint, the time taken to deal with the complaint may be shorter or significantly longer.
- The rules of procedural fairness require:
 - a. a hearing appropriate to the circumstances
 - b. lack of bias
 - c. evidence to support a decision
 - d. inquiry into matters in dispute.

ESCALATION PROCESS

Where a staff member or volunteer believes a complaint is not being dealt with in line with the above process the matter may be escalated directly to the CEO or the Complaints Manager.

CHILD PROTECTION MATTERS

When a complaint is received concerning matters of child protection, the organisation will investigate and resolve the complaint in accordance with CP001 Child Protection Policy & Procedure.

REPORTING OF COMPLAINTS

In some instances, there are complaints which must be reported to external authorities. These include complaints regarding child abuse (see section above) or where an allegation regarding criminal conduct has been received. Certain breaches of the Code of Conduct as it relates to grooming behaviour must also be reported to the Department of Education and/or the Teachers Registration Board of Western Australia.

The FRSA will make these reports where it is obliged by law and may do so without consultation with the complainant or their parent/guardian.

The FRSA will work collaboratively with police and child protection authorities in the investigation of the matter and will ensure that the procedure for investigating complaints internally will not jeopardise an external investigation.

CONFIDENTIALITY

Those involved with the complaint including the complainant and the subject of the complaint will be afforded privacy and confidentiality in accordance with applicable legislation including the Australian Privacy Principles. Children and young people have the same right to privacy, anonymity and confidentiality as adults. Any decision to share information will be clearly recorded along with the legal basis for the decision.

Confidentiality and privacy are subject to reporting obligations and where this is necessary, the required information will be provided to the reporting body. Information may also be disclosed where there is a legal requirement or grounds to do so.

Those involved in the process, including children and young people may waive their right to privacy and confidentiality if they choose to involve someone else in the process.

Anonymous complaints are assessed and investigated as completely as possible using the information provided. In many cases there are practical limitations as to how far anonymous complaints are able to be investigated and resolved due to limited options for clarification and soliciting further information.

CONFLICT OF INTEREST

Any person involved in the investigation or resolution of a complaint will excuse themselves from involvement where there is a conflict of interest or where there is likely to be a perceived lack of impartiality. A conflict of interest includes having a direct family or close social relationship or business relationship with either the complainant or subject of the complaint. Where a person excuses themselves from involvement due to a conflict of interest, a person in an equal or more senior position will take their place.

ROLE OF THE DIRECTOR GENERAL

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, the Director General does not have power to intervene in a complaint or override the school's decision.



Appendix 1

Complaints Process Flowchart

