



# IMMACULATE HEART COLLEGE

*Through Mary to Jesus: "The Way, the Truth and the Life"*

*John 14:6*

## Community Dispute and Complaint Resolution Procedure

<b>PROCEDURE</b>	<b>Community Dispute and Complaint Resolution</b>	
Date for Review:	September 25	
Document No	HR01	Version 4.0



## 1. Objective

To ensure that Immaculate Heart College:

- has an accessible, child focused complaint handling policy.
- that complaints lodged at Immaculate Heart College (IHC or the College) are taken seriously and resolved in a prompt and thorough manner.
- promotes the highest standard of professionalism in dealing with our Community Dispute and Complaint Handling processes, and that these processes are understood by children and young people, staff, families and volunteers, and are culturally safe.
- ensures the National Child Safe Organisation Principles are a key component of the process.
- has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement; and that
- reporting, record keeping, privacy and employment law obligations are met.

## 2. Scope

The College expects that all disputes and complaints are dealt with fairly, objectively, thoroughly and in a timely manner. In the event of a dispute or complaint, this procedure applies to all students, IHC employees, contractors and visitors to the College.

In relation to allegations of sexual abuse, an independent investigation by the appropriate government agencies must be conducted before any attempt by the College to do so.

This College manages disputes and complaints in compliance with the registration standards as expected by the Director General.

## 3. Responsibilities

**College employees**, contractors and visitors of Immaculate Heart College will make every effort to promptly resolve enquiries, concerns and complaints preferably at the local level where appropriate, in accordance with the principles of procedural fairness.

**Pastoral Coordinators** are responsible for establishing and maintaining processes for managing and reviewing enquiries, concerns and complaints in accordance with this policy and related procedures.

**Deputy Principal** assists to resolve concerns and complaints relating to staff members or complex student issues, quickly, while providing support to staff members.

**Principal** is to facilitate the process when the concerns and/or complaint relates to school policy, school management, staff members or complex student issues.



The **Principal** is responsible for ensuring staff who manage complaints are those 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.

The **Principal** is to facilitate the routine review of the management and outcomes of specific complaints where appropriate.

The **IHC Board of Directors** is the final arbiter, internally, of any complaints should they not be resolved through the processes outlined below.

#### 4. Principles

- a) The College regularly reviews, evaluates and improves child safe practices.
- b) Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
- c) The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

**Procedural fairness** includes:

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

**Complaint format:**

A complaint does not have to be submitted in writing. Students, in particular, should:

- be able to make use of alternative formats;
- know that their complaints can be made to anyone in the school they trust or feel safe to speak to; and
- understand that their complaints will be taken seriously.

Although it may not be possible to obtain sufficient details when a complaint is made anonymously, such complaints must still be accepted, recorded, evaluated and actioned to the extent possible for any information they may contain.

Registering of complaints

The complaints register must have the capacity to record:

This document is UNCONTROLLED in hard copy unless signed and specified



- date of complaint
- name of complainant and relationship to the College
- subject matter of the complaint, including the name of any person complained about and his or her relationship to the school
- complaint investigator and position or role at the school
- date investigation completed
- whether complaint upheld
- resolution agreed with or offered to complainant
- date of referral for review (for example by the governing body)
- complaint reviewer and relationship to the College
- date review finalised; and
- review resolution agreed with or offered to complainant

## 5. Procedure

### 5.1 Receiving a complaint

- Complaints are to be received and recorded as outlined in this policy.
- All complaints are treated equally regardless of the manner in which they are lodged. Where necessary the complainant is to be given help in the framing, writing and lodgement of a complaint.
- In all cases complainants are to be treated with cultural respect, courtesy and the contact is to be conducted and ended in a positive way.

### 5.2 Verbal Complaints

- Be courteous and positive to the caller at all times.
- Assure the caller that their call will be taken seriously.
- Listen to the caller at all times and without admitting any liability, display empathy with what they are saying.
- Repeat the substance of their complaint to check your understanding of their position.
- Explain the course of action that will now follow.
- Identify yourself as the caller's contact person with regard to this matter.
- Record information on an Incident Report form, under the Category of "Community Complaint"

### 5.3 Written Complaints

- Record the complaint on an incident reporting form, noting that it is a written complaint.
- Write an acknowledgement letter/email to the complainant, ensuring that the complainant will receive this within the school's identified timeframe.



- In the letter, explain the course of action that will now follow and identify yourself/relevant person as the complainant's contact person with regard to this matter.

#### 5.4 Recording and registering a complaint

- It is the responsibility of the person who is the complaint contact person to record the complaint and file it in the incident reporting system, under the category "community complaint".
- The outcome of completed complaints must be recorded. The Register / Database is used to track and analyse complaints.
- Where the complaint is found to be vexatious or based on misinformation etc, any record pertaining to the complaint or handling of the complaint should be kept in a file separate from the teacher or staff member concerned and the student.
- Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint must be given to the teacher or staff member concerned. Teachers and staff members must have access to the files kept on them by the school.

#### 5.5 Complaints concerning the Principal

- Where a complaint is against the Principal, first seek to resolve the matter by a discussion with the Principal. If the matter is still not resolved, the complainant may seek to refer it to the Chair of the Immaculate Heart College Board of Directors.
- An external arbiter/mediator may be arranged by mutual agreement, between the Board and complainant if required.

#### 5.6 Complaints Process

The following process identifies the procedure for handling a complaint.



**Step 1**  
**Meet with**  
**Complainant**

- Direct the complainant back to the teacher or staff member who receives the complaint.
- Both parties are to discuss the concern amicably.
- Ensure an outcome or agreement has been reached to rectify the concern.
- Record meeting minutes, and file.

**Step 2**  
**Further Action**  
**Required**

- If the complainant does not feel the matter was resolved, he/she raises the complaint with the Principal.
- This complaint must be recorded as an incident under "Community Complaint".
- The Principal meets with the complainant (within the timeframe) and:
  - (a) assesses the matter as a concern based on misinformation, misunderstanding, or is vexatious or misconceived. In this case the Principal will clarify and address the matter with the complainant.
  - (b) forms the view that the concern is justified and not based on any of the above indicators (listed under (a)). The Principal will discuss the concern with the staff member concerned.
- Any discussions with staff of Immaculate Heart College or complainants, must be carried out in accordance with the Community Dispute and Complaint Resolution Policy (HR-01).

**Step 3**  
**Grievances**

- If a staff member or complainant believes that the handling of the complaint and/or the outcome of the complaint have been unfair and/or inappropriate, they have a right to pursue Grievance Procedures.
- Complainants are to refer their complaint with the Immaculate Heart College Board in writing. IHC Reception can provide these details as required.
- In this case, all parties may have access to all file notes, the matter is escalated to the Immaculate Heart College Board. Both parties may be supported by another member of staff.
- The decision of the Immaculate Heart College Board is final.



## Resolving a complaint

### 5.6.1 Timing and process

Local complaints should be resolved within **14 school days** where practical (e.g. school holidays may affect this). This should be seen as the maximum time and should be less wherever possible.

Where outside support is required or it is judged that the complaint needs to be handled by Senior Immaculate Heart Staff (Deputy Principal or Principal) this determination will be made as soon as possible and all relevant material is to be forwarded promptly.

Where there are likely to be unavoidable delays, the complainant should be contacted and kept informed of the status of their complaint. This contact may be made by telephone.

For verbal complaints lodged by complainants who do not wish to be formally identified and who do not wish to lodge the complaint in writing, resolution can only be attempted directly with the caller. A written record of the nature of the complaint and the attempts for its resolution should still be recorded in the Incident report recording system under the category of "Community Complaint".

Where the Principal makes a judgement that a complaint is vexatious, trivial, without substance or does not warrant further action then the complaint is not investigated and the complainant is informed of this decision in writing.

Possible remedies for resolving complaints may include:

- Providing options for the resolution of a complaint;
- Acknowledgement when a complaint has substance;
- Providing a complainant with evidence that a complaint has been addressed in an open and transparent manner;
- Apprising the complainant of changes in practices as a result of the complaint;
- Provision of a written apology where necessary; and
- Offering remedies to others who may have been affected in the same way, but who did not make a formal complaint.

## 5.7 Escalation

In the first instance the diagram provided in Section 0, identifies the process for dealing with disputes or complaints.



Should a complainant be clearly unsatisfied with the College's contact's attempts to resolve a complaint, the following process applies:

The complainant may take the matter further to the staff in the specified order:

- IHC staff immediately responsible for, or at the centre of, the complaint or dispute for initial resolution.
- Pastoral Care Teacher/ Class Teacher as applicable.
- Year Group Pastoral Care Co-Ordinator
- Deputy Principal
- Principal
- The Immaculate Heart College Board of Directors.

## 5.8 Outcomes

The College is to communicate the outcomes of concerns and complaints to all parties involved, taking into account any relevant privacy requirements.

### **Complaint resolved**

A complaint is considered to be resolved when the complainant and the College agree on an appropriate response or remedy. Possible responses and remedies include:

- an explanation
- an acknowledgement of each other's perspective and agreement on ways to manage differences
- an apology or expression of regret
- an admission of fault
- a change of decision
- a change of policy, procedure or practice
- agreement on what constitutes acceptable behaviour
- an undertaking that unacceptable behaviour will change





- the waiving of debt related to school fees and payments
- a refund of parent payments
- the provision of counselling or other support.

Remedies should be implemented as soon as possible.

### **Complaint dismissed**

A complaint can only be dismissed:

- after it has been investigated
- if an investigation has determined that the complaint cannot be substantiated.

### **Complaint unresolved**

A complaint is considered to be unresolved if the complainant does not agree on a course of action and/or a remedy, or if the remedy cannot be implemented. In such cases, the Principal must involve the IHC Board of Directors to assist in resolving the complaint.

This could happen if the complainant has unrealistic expectations about the outcome of their complaint, or if the College policies and procedures are contrary to their views. If the complaint remains unresolved at the completion of all stages of the complaint process, or if the complainant is dissatisfied with the manner in which the complaint was handled by the College, the complainant may seek guidance from Association of Independent Schools of Western Australia (AISWA).

## **6. Monitoring**

Complaints received, and their outcomes are to be recorded within the Incident recording system. Data about complaints lodged with our school is collected and stored.

Complaints are reviewed annually by the Senior Leadership Team to:

- identify causes and systemic failures;
- deter continuous and repeatable issues or concerns; and
- inform continuous improvement.

## **7. Definitions**

*Concern* - an expression of grievance or resentment where the complainant is seeking redress or justice. For example: My daughter has been left out of the school's netball team for the third time in a row. She is



an accomplished netballer and deserves to be part of the team. It is not fair that she is left out and I want you to do something about it!

*Complaint* - An expression of dissatisfaction with College policies, procedures, decisions, omissions, quality of service, staff or student behaviour.

*Complainant* – The person(s) making a complaint or having a dispute.

*Culturally safe environment* - an environment 'where there is no assault, challenge or denial of [a person's] identity, of who they are and what they need' specifically in regard 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. Immaculate Heart College commits to listen, enable and support these environments, with accountability to Aboriginal and Torres Strait Islander colleagues or service users (Modified definition from Royal Commission Final Report, Volume 1, page 322).

*Dispute* – is a conflicting view regarding right/s, claim or allegations; a demand from one complainant and considered contrary by another.

*Procedural Fairness* - A process that demonstrates procedural fairness is one in which:

- decision makers act fairly and provide reasons for decisions;
- the person affected is given a fair hearing;
- all parties to a matter have an opportunity to put their case where an adverse decision or finding is made; and
- all relevant arguments are considered, and irrelevant arguments are excluded.

*Vexatious* - denoting an action which is brought solely to harass or subdue an adversary, without sufficient grounds for winning, purely to cause annoyance to the defendant.

## 8. Supporting Documents

*School Education Act 1999*

## 9. Related Documents

Type	Document	Doc #
Policy	Community Dispute and Complaint Resolution Policy	P-HR-01
Form	Meeting record	F-01



## 10. Review

Rev No.	Date	Prepared by:	Reviewed by:	Reason for amendments or review
0.1	2020	K. Knight	M. Gough	Draft Community Dispute and Complaint Resolution Policy
1.0	March 2021	M. Gough		Principal endorsement
2.0	September 2021	K. Knight	S. Shaw	Updated satisfy each of the key action areas of Principles 6 and 9 of the National Child Safe Organisation Principles, and to meet the requirements of Standard 9 of the <i>Guide to the Registration Standards and Other Requirements for Non-Government Schools</i> .
3.0	November 2021	S. Shaw	K. Knight	Updated to satisfy regulators request that information on making a complaint about the Principal be included. See new section 5.5
4.0	September 2023	T. Carpenter	S. Da Luz	Change of wording to differentiate special treatment in relation to allegations of sexual abuse and clarification regarding the appointment of an independent arbiter from AISWA.

This procedure will be reviewed at least every three (3) years, or when there are changes to IHC's activities or operating conditions.