

FAIRBRIDGE COLLEGE

Disputes and Complaints Policy

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PP2000_16_P20	1.0	New document	June 2017	Council
	2.0	Revised to meet Registration Standards 2018 Adjusted format of student handout to make more child-friendly	June 2018	Council
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Supporting Documents (external)	AS/NZS 10002:2014 Guidelines for complaint management in organisations Are you listening – Complaints Guidelines (WA CCYP) Child-safe Organisations WA – Top tips for making a complaint Complaint Handling Guide: Upholding the rights of children and young people(2019). National Principles for Child Safe Organisations <i>Guide to the Registration Standards and other Requirements for Non-Government Schools 2020</i>
Forms	
Legislative Requirements	Children and Community Services Act 2004 Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008 <i>School Education Act (1999)</i> <i>School Education Regulations (2000)</i>
Work Instructions	
Other References that may be applicable to this Policy	

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1 Principles

The following principles apply to the management of all complaints at Fairbridge WA, Inc., including Fairbridge College:

- The process is accessible, responsive to and understood by young people, families, staff and volunteers.
- Warranted investigation will be pursued with or without the active involvement of the complainant.
- Confidentiality is maintained, to the extent that it is consistent with legislative requirements.
- Complaints are monitored and their management evaluated so as to reduce the occurrence of systemic and recurring problems and inform continuous improvement.
- In all matters, the educational wellbeing of students is the first priority.
- All persons have a right to be treated with cultural sensitivity, respect and courtesy.
- Complaints are taken seriously and responded to promptly and thoroughly.

2 Roles and Responsibilities

2.1 Volunteers

- observe the requirements of procedural fairness and cultural safety;
- maintain confidentiality in dealing with each matter; and,
- refer parent enquiries, concerns and complaints to the relevant manager¹.

2.2 Staff

All Fairbridge WA, Inc. staff must:

- maintain confidentiality in dealing with each matter;
- observe the requirements of procedural fairness and cultural safety;
- resolve concerns and complaints where possible;
- communicate outcomes of concerns and complaints to the relevant manager²; and,
- refer parent enquiries, unresolved concerns and complaints to the relevant manager³.

¹ In the case of Fairbridge College, this would be the Campus Principal.

² Same as above.

³ Same as above.

2.3 Managers⁴

Managers must:

- maintain confidentiality and impartiality in dealing with each matter;
- observe the requirements of procedural fairness and cultural safety;
- ensure, wherever appropriate, that concerns and complaints are resolved;
- develop and implement a process for registering, responding to and managing enquiries, concerns and complaints;
- ensure that the process for managing complaints includes recording and monitoring of complaints and their outcomes to enable improvements to be identified and implemented;
- ensure that enquiries, concerns and complaint procedures are communicated clearly;
- ensure that policies and procedures are continuously reviewed and modified, where necessary, to address areas of concern;
- ensure that processes are consistent with all relevant policies;
- ensure that complainants and respondents are aware that they can have a friend or adviser present during any discussion; and,
- refer the complaint, where appropriate, to the Board of Governors via the CEO for either further clarification, investigation and resolution.

2.4 CEO/Board of Governors

The Board of Governors, via the CEO, must:

- observe the requirements of procedural fairness and cultural safety;
- ensure wherever appropriate that concerns and complaints are resolved at the local level;
- maintain confidentiality and impartiality in dealing with each matter;
- ensure that procedures adopted in addressing complaints are in accordance with the relevant policies;
- refer the complaint, where appropriate, to an independent arbiter if not resolution has been made; and,
- ensure that complaints are recorded and monitored to enable improvements to be identified and implemented.

2.5 Director General (pertains to Fairbridge College ONLY)

The Director General of the Department of Education is responsible for ensuring that Fairbridge College observes the registration standards, including the standard about its complaints handling system. Any student, parent or

⁴ Same as above

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 Fairbridge College's decision

3 Procedure

3.1 Who may complain?

Students (including former students), parents, members of the community, and employees of Fairbridge WA, Inc. in their private capacity are entitled to have their complaints addressed by the manager, CEO or their respective delegates, as appropriate.

3.2 What may be complained about?

A complaint is:

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

A complaint may be made if a complainant thinks that Fairbridge WA, Inc. or its representatives have, for example:

- done something wrong;
- failed to do something it/they should have done;
- acted unfairly or impolitely; or.
- ignored their concern.

A complaint may be made about Fairbridge WA, Inc. as a whole, about a specific department, about a particular activity, about an individual member of staff or about one or more Fairbridge College students.

3.3 How will the complaint be handled?

3.3.1 Procedural Fairness

Complaints will be handled promptly, confidentially and in accordance with procedural fairness. The rules of procedural fairness are defined as:

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

3.3.2 Cultural Safety

Complaints will be handled in a culturally safe manner. The *Guide to Registration Standards and Other Requirements for Non-Government Schools (2020)* refers to the Royal Commission when it defines a 'culturally safe environment:

The Royal Commission 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 [Final Report, Volume 1, page 322].

In this disputes and complaints policy, this notion of cultural safety has a broader reach and encompasses other cultures that may be represented at Fairbridge WA, Inc. beyond those of Aboriginal and Torres Strait Islander people.

In this regard, Fairbridge WA, Inc.'s culturally safe complaint handling process is one which endeavours to overcome 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.

Persons who are the subject of a complaint, who make a complaint or provide information in the course of an investigation into a complaint shall not be subject to prejudice, intimidation, and harassment or be subject to any detriment because of their involvement.

3.3.3 Employment Law Obligations

Where disciplinary processes are commenced against an employee as a consequence of a complaint being received complainants will be informed whether the allegation was substantiated or not substantiated. Complainants

are not informed of the nature of any disciplinary action taken against an employee in respect to disciplinary matters due to confidentiality requirements.

3.3.4 Confidentiality

Fairbridge WA, Inc. cannot entirely rule out the need to make third parties outside the aware of the complaint and possibly also the identity of those involved. This would only be likely to happen where, for example, a child's safety was at risk or it became necessary to refer matters to the Police, Mandatory Reporting Service (in the case of sexual abuse) or other external authority. If information is passed to a third party, you will be informed, unless this is prevented by legal obligation.

Appropriate confidentiality is to be observed in any discussion of complaints. This means that at the workplace these matters are to remain confidential between the employee and his or her line manager and any other parties who have a legitimate interest in the process.

The HR department shall maintain records of the procedure and resolution to any formal complaint. These will include any statements made by the parties involved.

Records of any dispute or complaint shall be maintained in accordance with the *Privacy Policy*

3.4 Lodging a complaint

Fairbridge WA, Inc. provides multiple avenues for individuals, especially young people, to make a complaint. For example, a complainant is not required to make a complaint face-to-face or to one specific person. A person is able to complain verbally or in writing to a staff member, the relevant manager or in writing to the Board of Governors via the CEO.

If a verbal complaint is complex or very serious the complainant may be required to restate the complaint in writing or sign a written summary prepared by the relevant manager or delegate.

If any grievance⁵ is made regarding a manager⁵, then the complaint should be directed to the Chairperson of the Board via the CEO.

3.5 Recording the complaint

All complaints relating to current Fairbridge College student will be recorded on the Fairbridge College student database. All other complaints across Fairbridge WA, Inc, including anonymous complaints, will be recorded on the

⁵ In the case of Fairbridge College, this would be the Principal.

password protected complaint's register. In both cases, complaint records will include the following information:

- date of complaint;
- name of complainant and relationship to the school;
- 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 school;
- date review finalised; and,
- review resolution agreed with or offered to complainant.

3.6 Acknowledgement of the complaint

Complaints will be acknowledged at the time of receipt or as soon as possible afterwards using the preferred method of communication. At this time, the complainant will be provided with information about the process, the next steps and the expected timeframe.

3.7 Management of the complaint

The complaint will be initially assessed to address any immediate risks, especially in relation to the safety and wellbeing of young persons.

If the complaint is not about something the organisation can respond to, the complainant will be informed of this and wherever possible referred to a person or other organisation that can help as quickly as possible.

Depending on the severity of the complaint, the Chairperson of the Board via the CEO will be formally advised in writing with the attached complaint.

Depending on the nature of the complaint, the relevant manager will engage stakeholders using the most appropriate level of communication and intervention for the complainant and stakeholder's situation.

A thorough investigation of the complaint will be undertaken, and every endeavour will be made to resolve it within 14 days. If the circumstances warrant a longer timeframe for the management of the complaint the complainant will be informed of the reasons for the delay in address the matter and the likely timeframe required to conclude the matter

Failure to reach a satisfactory outcome with the parties involved will result in escalation of the complaint to the Chairperson of the Board via the CEO for further clarification, investigation and determination.

Should there be no resolution to the complaint, dispute or grievance at this level, an external, independent arbiter will be appointed. The arbiter sought will be agreed upon by all parties, so that each member has an unbiased mediator and each view is represented.

Final findings will be provided to the complainant, the subject of the complaint and other stakeholders considering privacy, confidentiality and procedural fairness obligations.

As part of the process for finalising complaints, consideration will be made as to whether those involved in the complaint are likely to need or want ongoing support. Referrals to other organisations (i.e. counselling) may be required.

4 Student Complaints

Fairbridge WA, Inc. values the input and feedback of Fairbridge College students and for this reason, we actively encourage and empower students to have their voices heard. As a result, the principles that apply to the complaints system outlined in this policy are also applied to the complaints and concerns from students. Please see the FAQ on pg. 15 that is available to student regarding the process of handing student complaints. This is also displayed around the College and reviewed several times throughout the school year.

5 Anonymous Complaints

Anonymous complaints may be where there is no name or address supplied, or where the complainants say that they do not wish to be identified.

Complainants are encouraged to give their names and are given reassurance on the issue of confidentiality. If a complainant persists in wishing to remain anonymous, Fairbridge WA, Inc. will attempt to collect evidence to support the complaint and deal with the complaint accordingly. All complaints, even anonymous ones will be recorded in the complaints log.

6 Induction

All staff will be given an overview of the disputes and complaints process at their formal employment induction. All staff will then review this process prior to the start of each year during staff development days.

7 Continuous Improvement

In addition to making adjustments to any systems or practice weaknesses identified by a specific complaint or general feedback there is a regular review of complaints data to identify any broader trends with the aim of improving service delivery/performance.

Review of this policy also occurs using the quick reference table in the *Are you listening? – Complaints Guidelines*.

VISUAL AID

Upholding the rights of children and young people (an overview)

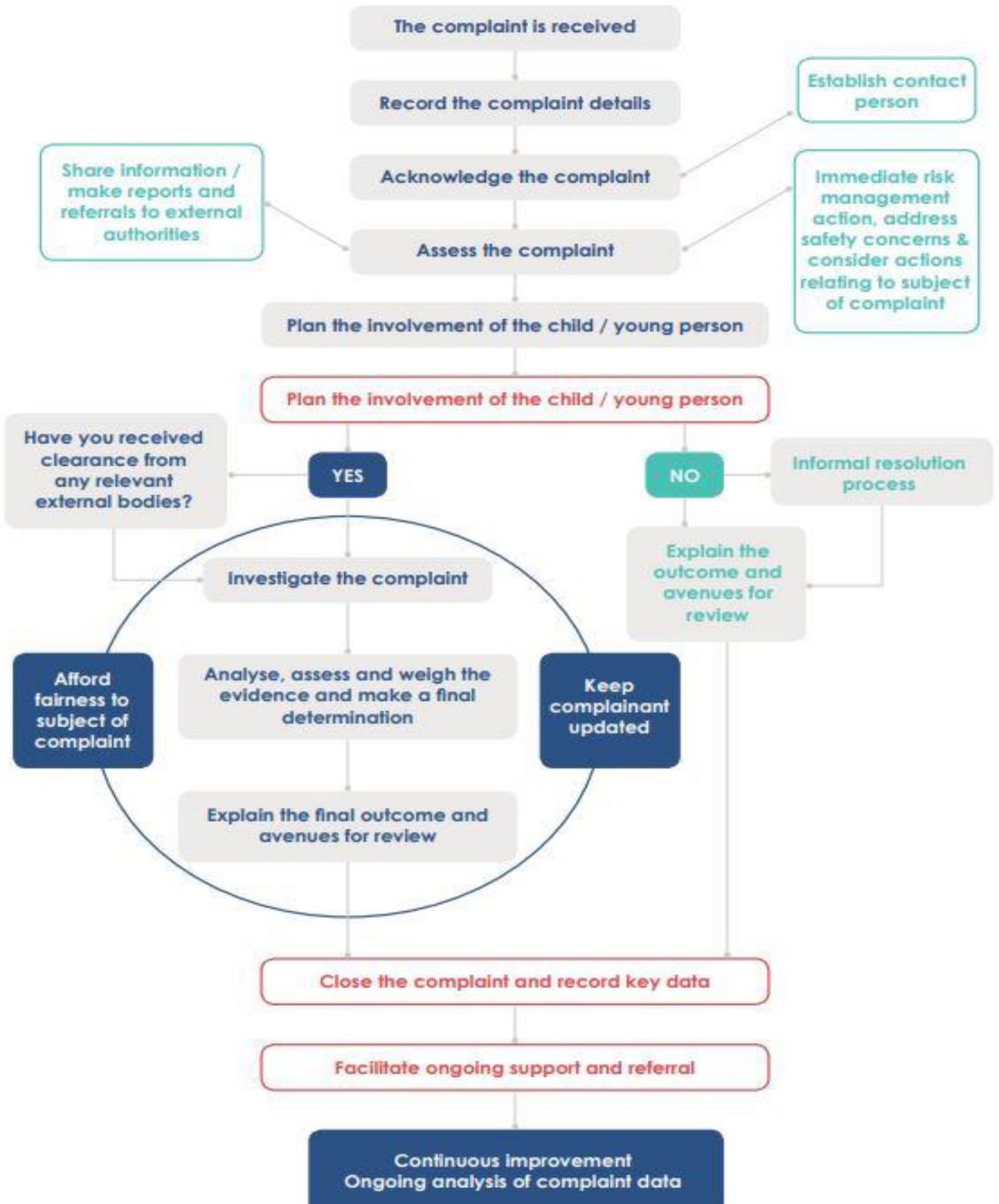


Figure 1: Department of the Prime Minister and Cabinet. (2019). Complaint Handling Guide: Upholding the rights of children and young people. Commonwealth of Australia. pp. x

Information on the Disputes and Complaints Process

Fairbridge WA, Inc. welcomes suggestions and comments and takes seriously complaints and concerns that may be raised. This will show you how to use our complaints system and is also available on our website.

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

We wish to ensure that:

- those 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; and,
- we take action where appropriate.

“How should I complain?”

You can contact Fairbridge in person, by telephone, by email or in writing.

Members of staff will also be happy to help. It may be best to start with the person most closely concerned with the issue. They may be able to sort things out quickly, with the minimum of fuss. However, you may prefer to take the matter to a more senior member of staff.

“I am not sure whether to complain or not”

If you have concerns, you are entitled to raise them. If in doubt, you should contact Fairbridge, as we are here to help.

“What will happen next?”

If you raise something face-to-face or by telephone, it may be possible to resolve the matter immediately and to your satisfaction.

If you have made a complaint or suggestion in writing, we will contact you at the time of receipt or as soon as possible afterwards, to respond to your concerns and explain how we propose to proceed.

In many circumstances, the person you contact will need to investigate the matter before responding. This will be done as quickly as possible and you will be given a timeline to expect a response. Once the investigation is complete, we will report back to you and explain the outcome of your complaint, the reasons for it, and any action taken or proposed.

You need to be aware that in some cases Fairbridge will not be able to discuss the details of action taken as it would be inappropriate. For example, if the action involved staff discipline.

As part of the process for finalising complaints, Fairbridge will consider if anyone involved in the complaint may require additional support such as referrals to other organisations. If you feel this might be something you require, please let us know so that the appropriate support can be arranged.

“What happens about confidentiality?”

Your complaint or concern will be treated in a confidential manner and with respect. Knowledge of it will be limited to those directly involved. The Chairperson of the Board may also need to be informed. It is policy that complaints made by parents/carers of Fairbridge College students will not rebound adversely on their children.

We cannot entirely rule out the need to make third parties outside Fairbridge aware of the complaint and possibly also the identity of those involved. This would only be likely to happen where, for example, a child's safety was at risk or it became necessary to refer matters to the Police or other external authority. If information is passed to a third party, you will be informed, unless this is prevented by legal obligation.

“Can I remain anonymous?”

We would prefer to know the identity of a person making a complain as it can help in investigation and resolution. Anonymous complaints will be noted and dealt with in accordance with circumstances, available information and action required.

“What if I am not satisfied with the outcome?”

We hope that you will feel satisfied with the outcome, or at least your concerns have been fully and fairly considered.

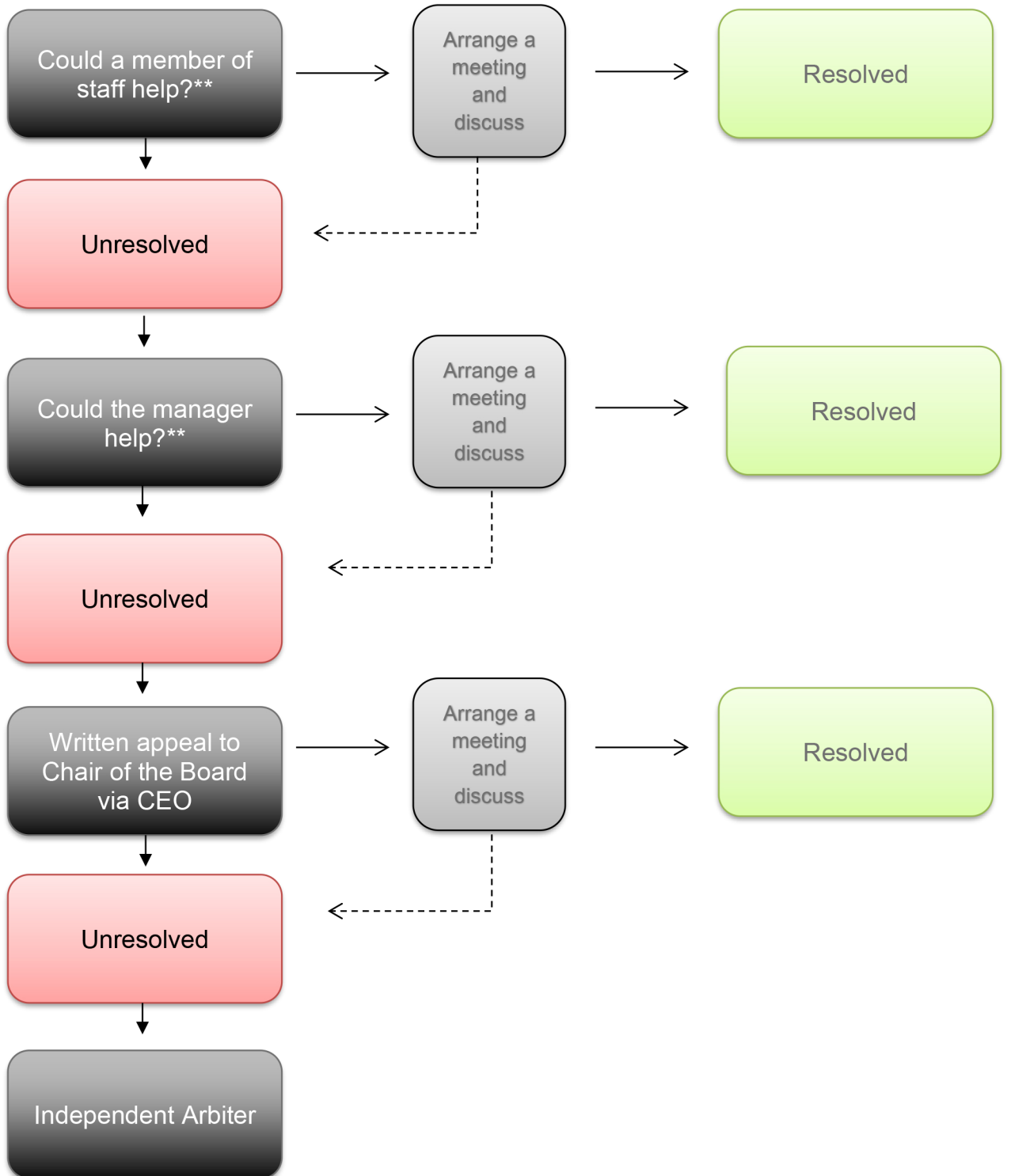
If you are not satisfied, the matter will be referred to the CEO as a delegate for the Chairperson of the Board. The CEO will call for a full report and will examine matters thoroughly before responding to ensure that the complaint has been handled in accordance with policy and procedure. When notified of the outcome of the CEO's review and consideration, the opportunity for a meeting with the CEO will be offered if you remain concerned. You may wish to be supported by a friend, but legal representation would not be appropriate at this stage.

If the meeting does not bring about a resolution, the matter would be referred to, following mutual agreement, an independent arbiter. It is their task to look at the issues in an impartial and confidential manner. The independent arbiter will invite you to a meeting. You will be asked if there any papers you would like to have circulated beforehand. As with the CEO's meeting, you will be invited to bring a friend with you.

FINAL NOTE – Fairbridge College Complaints

The Director General of the Department of Education is responsible for ensuring that Fairbridge College 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 Fairbridge College's decision

Complaints Flow Chart



****If the complaint or dispute directly involves the Principal, the complaint is to be referred directly in writing to the Chair of Board via the CEO.**

Any Problems, Complaints, or Suggestions?

Even if you find the issue hurtful or embarrassing, we want you to talk to us! It's our job to make sure you feel safe and happy.

How do I make a complaint?

You can make a complaint by talking about it – or by writing it down if you find that easier.

You can do it by yourself, or as part of a group, through your parents/carers or someone else you trust

Who do I talk to?

You can talk to anyone on staff. If the problem is REALLY serious, it's a good idea to talk to the person in charge.

Does it matter what the issue is?

Not at all. It can be a BIG problem or a small one. By discussing it, you may come up with a solution!

What happens next?

If possible, the staff member will deal with it in person. If not, he or she will go on your behalf to someone else who can help. Someone will also explain any actions or decisions that come about because of your complaint.

Do others have to know?

The person you talk to will not tell anyone else about your issue unless they have to, for your safety and well-being or if it's required by law.