



# COMPLAINTS MANAGEMENT - POLICY AND PROCEDURE

## CMMS-CM-POL 0-01

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2019			
2022	23102022	Restructure of policy and procedure, addition of Director General role. Updated in line with registration standards (Jul22)	Samantha Leyton

## 1 Overview

The Education Act 1999 has, as a condition of registration and re-registration, a requirement that a school has a dispute/complaint resolution procedure.

A complaint is an expression of dissatisfaction with a real or perceived problem.

A complaint may be made about the school as a whole, a specific department in the school, an individual member of staff, or another member of the school community.

The word complaint and dispute will be used interchangeably throughout this policy, but refer to the definition of a complaint.

All complaints need to be handled seriously.

## 2 Purpose

Problems are likely to arise if parents feel that the school is not open to their concerns. It is better to have a direct complaint to a member of staff than to have parents sharing their dissatisfaction with others. Parents like to feel valued and involved with the school and they are encouraged to voice their concerns.

An effective complaint procedure can diffuse problems and provide the management of the school with helpful information. Even an unjustified complaint may indicate an area that can be improved.

## 3 Scope

The principles surrounding this policy:

- the school is open to the concerns of parents and students
- complaints are received in a positive manner
- parents and students can expect to be taken seriously and can approach any member of staff about their concerns
- concerns are dealt with as speedily as possible and those who have raised them are kept informed about progress
- it is not acceptable for students to receive adverse treatment because they or their parents have raised a complaint
- confidentiality is respected and maintained so far as is possible
- clear confidential files and a record are kept
- resolution of the matter is sought
- communication from the school is clear and unambiguous
- staff are trained in the handling of complaints

## 4 Policy Statement

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

The School recognizes 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 Governing Body remains the final adjudicator of complaints, confidentiality, and clear and prompt communication of decisions.

## 5 Responsibilities

### Levels of Responsibility

#### 5.1 The Governing Body is responsible for:

- Ensuring that all measures in the policy have been adopted by the Principal, staff and Governing Body
- 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

#### 5.2 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 Governing Body where appropriate within 5 days of the complaint being received.
- Ensuring there is no conflict of interest and if so, handing the issue to Governing Body Chair
- 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.

#### 5.3 The Staff are responsible for:

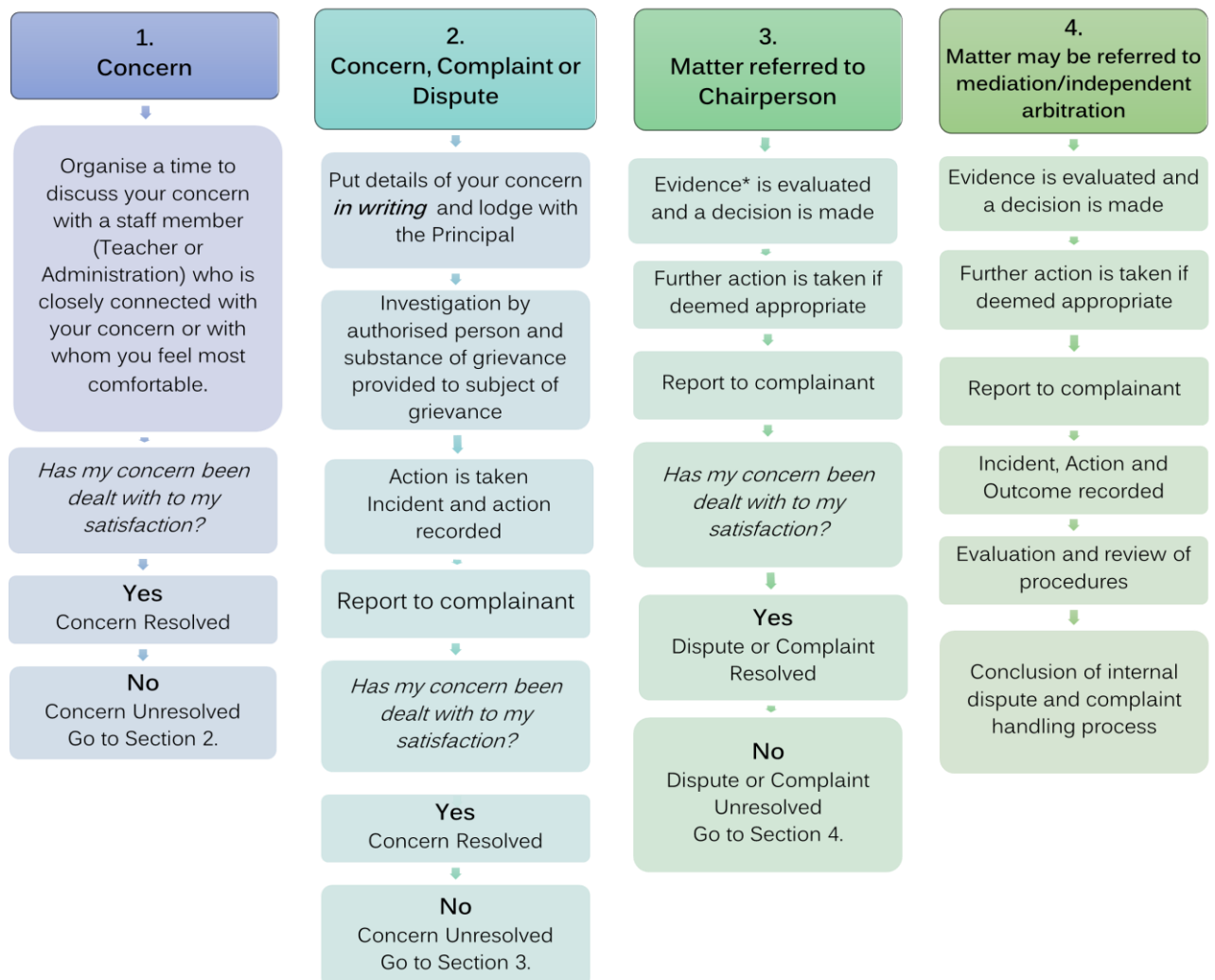
- Identifying whether a communication from a stakeholder is a complaint or merely provision of information.
- Referring complaints to the Principal.
- Fairness and impartiality if investigating any query or dispute
- Ensuring all information is handled confidentially and sensitively.
- Encouraging all 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

**5.4 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 Governing Body, in writing if still dissatisfied
- Attend a Governing Body meeting as required
- Maintaining confidentiality

**6 Complaint Management Flow Chart**



**7 Procedure**

- 7.1 Casa Mia has a clear protocol for dealing with a complaint.
- 7.2 All members of staff are encouraged to deal with parental concerns that lie within their area of responsibility and parents are encouraged to direct their initial concerns to the staff member involved.

- 7.3 If approached about a matter that lies outside their area, staff should refer it to the Principal.
- 7.4 Matters incapable of resolution at a particular level are referred to the Principal with parents kept informed of the action being taken.
- 7.5 If parents wish to go straight to the Principal with their concerns, this should be respected. However, it should be explained that the Principal might not be able to respond until she has consulted appropriate staff.
- 7.6 Written responses to complaints should always be discussed with and approved by the Principal.
- 7.7 Serious complaints are shared with the Chairman of the School Board by the Principal. There may be certain circumstances, such as complaints about the Principal, when the parents need to direct their complaint in writing to the Chairman. This should be marked 'confidential' and addressed to: The Chairperson, Board of Governance, Casa Mia Montessori School, P.O. Box 419, Bassendean WA 6934.
- 7.8 Should there be any complaint about a Board member, this must be addressed in writing and directed to the Chairman of the Board of Governance, marked 'confidential' and posted as above to the school address.
- 7.9 Complaints about the Chairperson may be addressed to The Secretary and addressed as above.

## **8 Record of complaints**

The school keeps an effective register of complaints and other significant parental concerns because:

- it may become the cause of future legal action
- patterns in the record may indicate a need for action
- the Principal should be able to check the record if necessary

### **The record should contain 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 was upheld;
- resolution agreed with or offered to the 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 the complainant.

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.

## 9 Confidentiality

Confidentiality is an important issue for students, parents and staff. It is essential that any complaint is treated in a confidential manner and with respect.

- 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.
- The school's policy requires that complaints made by parents will not rebound adversely on their children and similarly that complaints raised by students will not rebound on them or on other students.
- The question of confidentiality should be discussed sensitively and on an individual basis with the parents and the school's policy should be carefully explained.
- If there is a situation involving the police, the Principal or next most senior staff member (if the Principal is unavailable), will take responsibility for action in the school and the Chairman of the school Board will be informed as soon as possible. If this is a Critical Incident, the Principal will also advise the DES.

## 10 Anonymous Complaints

Anonymous complaints may be where there is no indication of either name or address, or where the complainant says that they do not wish to be identified. Anonymous complaints may come from members of the public, parents or from students.

- Complaints from the public about the behaviour of a group of students will be dealt with on a general basis, with reminders to all students about the school's expectations.
- Parents and students are encouraged to give their names and are 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, will be taken, depending on the nature of the complaint.

## 11 Resolutions

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.*

## **12 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 Governing Body**

In most cases, the Principal will refer the matter to the Chairperson of the Governing Body 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 Governing Body**

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 Governing Body*
- *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 whether they feel it necessary to procure an independent arbitrator or mediator as the next port of call in the process. If both parties agree a mutually agreed Independent Arbitrator / Mediator may be engaged to review the process.

### **13 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.

### **14 Student 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 will be offered for use if a student raises an issue and it is decided that it is more than a concern. Students will be able to use alternative formats to submit a complaint and are not required to use the form or submit their complaints/concerns in writing.

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.

### **15 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. 16 While the Director General may consider whether the school has breached the registration standards, she does not have power to intervene in a complaint or override the school's decision."

### **16 Related documents**

- 12.1** Concerns and complaints parent handout
- 12.2** Acknowledgment of complaint letter
- 12.3** Complaints register form
- 12.4** Complaints management flow chart



