

# MANAGING COMPLAINTS



Redeemer  
Lutheran  
School

*Grow up to Christ*



## **RATIONALE**

Positive, clear and effective processes for resolving concerns between the school and community members assists in the building of strong relationships, dispels anxiety, and ultimately provides students with an enhanced learning environment.

## **DEFINITION**

- To provide clear, positive and fair processes that allow concerns to be aired and resolved in a timely and effective manner.
- Redeemer Lutheran School prides itself on clear, consultative and open communication. Staff will attempt to resolve all issues using positive communication strategies.
- While we accept our responsibility to consult, and to communicate both clearly and effectively with the community, members of the community also have an obligation to read all electronic and written communication including notices, newsletters, Parent Handbook, attend briefings, and to seek clarification when required.

## **PURPOSE**

1. It is recognised that, from time to time, complaints may be received by the School from parents (including guardians and any person with whom a student normally or regularly resides) in our community. This policy sets out guidelines and processes by which such matters can be addressed respectfully, fairly, in a non-adversarial manner, expeditiously and with sensitivity to all concerned.
2. This policy does not address complaints relating to staff employment matters or grievances. These are managed through appropriate statutory provisions and internal grievance procedures.
3. The policy and procedures which follow seek to provide a resolution for complaints made by parents. For the purposes of this policy a 'complaint' can arise if a parent believes, in good faith and with supporting information, that the School has, for example:
  - 3.1. Done something wrong
  - 3.2. Failed to do something that it should have done
  - 3.3. Acted unfairly, unreasonably, inappropriately or unprofessionally

## POLICY AND PROCEDURE DETAIL

### 4. Redeemer Lutheran School (ELC – Year 6) is committed to:

- 4.1. In partnership with parents, delivering education and care of the highest quality.
- 4.2. Ensuring that the School is a safe and fair place in which to work and learn.
- 4.3. Actively promoting the development of positive and respectful relationships and seeking to minimise the incidence of conflict that might otherwise give rise to a complaint.
- 4.4. Encouraging, wherever possible, the resolution of complaints, if and when they arise, at the school level.
- 4.5. Supporting the right of parents to have their complaints listened to, taken seriously, in good faith and to be addressed and resolved fairly, reasonably and expeditiously.
- 4.6. Complying with all relevant statutory and legal requirements. These include for example, but are not limited to: anti-discrimination and vilification laws, child protection laws and Family Court orders.

### 5. Guiding Principles

- 5.1. Parents are entitled to lodge a bona fide complaint with the School. This means that complaints should be lodged in good faith and without frivolous, malicious or vexatious intent.
- 5.2. Every reasonable effort will be made by the School and its representatives to ensure that a parent who lodges a complaint or anyone dealing with or involved in the complaint will not be treated unfairly, victimised, coerced or intimidated.
- 5.3. Communication and resolution processes should always be based on the parties acting in good faith, exercising good judgement, being honest and open, and focusing on the issue and not the person(s).
- 5.4. Each complaint is to be dealt with on its particular circumstances and merits and any settlements reached or determinations made through the resolution process will not necessarily constitute any binding precedent for future or similar cases.
- 5.5. In responding to a complaint, informally or formally, every reasonable effort shall be made to ensure that natural justice and procedural fairness are afforded to all parties. This means, in practical terms, that:
  - 5.5.1. All parties are entitled to be treated with respect and to be heard.
  - 5.5.2. All parties should participate fully in the resolution process to achieve an outcome that is realistic and reasonable.
  - 5.5.3. A person who is the subject of a complaint should be informed of the substance thereof and given a full opportunity to present their perspective.
  - 5.5.4. All parties have a right to seek advice and support.
  - 5.5.5. Investigations and proceedings must be conducted fairly, thoroughly and without bias or undue delay.
  - 5.5.6. Parties should provide all relevant, material, complete and factual information, documents or other evidence relating to the complaint.

## 6. Informal resolution of complaints wherever possible

- 6.1. Many complaints may be minor in nature, or readily resolved, and often arise from genuine misunderstandings and/or issues relating to communication. In the vast majority of cases, these can be satisfactorily resolved informally.
- 6.2. The School encourages and supports complainants, wherever possible and as soon as practicable after a matter becomes of concern, to seek to resolve a complaint in an informal and amicable manner. This is best done through direct communication/discussion by and between the parties themselves (e.g. a parent and teacher).
- 6.3. It is important to note that in almost all incidences, the class teacher is the first point of contact for issues relating to your child and their learning.

1. Complaint / issue identified

2. Complaint directed to most appropriate person e.g.: classroom teacher for all classroom or learning matters; Principal for staff matters

3. If not resolved, meet with Principal or Deputy Principals

4. If not resolved, lodge a formal complaint

- 6.4. Formal procedures for the resolution of complaints should only be invoked when a matter is of a very serious nature and/or cannot be resolved by the parties themselves through informal means.

## 7. Formal and serious complaints

- 7.1. Complaints that cannot otherwise be resolved pursuant to 6.1 and 6.2 above or are of a serious nature may be referred to or should be lodged formally and in writing to the Principal.
- 7.2. In such instances, a parent may also seek advice or clarification from the School to whom the concern or complaint might best be directed.
- 7.3. As soon as practicable after a formal written complaint has been lodged, a process will be put in place by the School to investigate the complaint.
- 7.4. The investigative process in relation to a formal complaint will include but not necessarily be limited to: gathering relevant and material information relating to the complaint, meetings convened of the parties to discuss the complaint and to seek a resolution. If a resolution can't be found, a determination will be made by the School, based on thorough investigation, as to whether or not to uphold the complaint.
- 7.5. If the complaint is substantiated, the evidence is inconclusive or if the complaint is found to not be substantiated, all parties will be formally advised accordingly, along with any follow

up counselling or other actions as the parties agree and/or the School deems appropriate and necessary in all the circumstances.

## 8. Referral of a complaint to School Council

- 8.1. Generally, the Chair of School Council and members of the School Council are not directly involved in the first instance with the receipt, investigation or resolution of complaints other than complaints arising within or about the School Council itself.
- 8.2. In instances where a complaint is about the Principal, a person may, if they feel the matter cannot otherwise be resolved or feels it is appropriate to do so, lodge a formal complaint with the Chair of School Council. In turn, and in consultation with the Complainant, the Chair of School Council will expeditiously take all reasonable steps to have the complaint fully investigated and to facilitate a resolution.
- 8.3. In other exceptional and special circumstances, a parent may make a direct approach to the Chair of School Council to bring his/her attention to a matter of concern, to formally lodge a complaint or refer a complaint where the resolution processes within the School have failed or are otherwise inappropriate. In such instances, the Chair of Council will take advice from appropriate persons and make a determination as to how the complaint should thereafter be effectively dealt with.

## 9. Referral of a complaint to an external authority

- 9.1. When a complaint is not or cannot be resolved within the School, the parties may seek the assistance of external professional agencies or other relevant judicial or quasi-judicial bodies in order that a further attempt can be made to resolve the matter. This is subject to the following important provisions.
- 9.2. The Association of Independent Schools of South Australia (AISSA) will not act as a mediator between parents and schools but if a matter remains unresolved, or parents feel that the school has failed to take their complaint seriously, AISSA may be able to provide general assistance to help parents understand the School's position.
- 9.3. It is important to note that neither the South Australian Minister for Education and Child Development nor the Department for Education and Child Development has any power to directly intervene in any complaints relating to the operations of independent schools and therefore will not receive or consider any referral of a complaint regarding Redeemer Lutheran School.

## 10. Confidentiality, Discretion, and the School's duty or obligation to notify or report

- 10.1. If a parent chooses to make a complaint without disclosing their identity, this will limit the options for proper and thorough investigation and resolution. It also raises issues in relation to procedural fairness for those who have a complaint made about them as they have a right to know the particulars of the complaint and to respond. The School therefore cannot guarantee that anonymous complaints can or will be dealt with. Complainants are always encouraged to identify themselves.

- 10.2. As far as possible and appropriate, due discretion will be respected and maintained by all parties throughout the resolution process, save where persons are required to be informed on a 'need to know' basis or where investigative, statutory or legal requirements stipulate that matters be disclosed, reported or discussed. Therefore, there can be no overriding legal obligation or right with respect to confidentiality.
- 10.3. Where complaints are made in circumstances where an alleged crime may have been committed or the matter falls under the Reporting Abuse and Neglect provisions, the Police or similar outside agencies (e.g. Child Abuse Report Line) will be contacted and formally advised.

## 11. Withdrawal of a complaint

- 11.1. A parent may withdraw a complaint at any stage of the resolution process. If a complaint is withdrawn, the matter will be deemed to be closed, unless the School, at its discretion and in all the circumstances, wishes to continue to address a matter raised.

## 12. Record keeping by the School

- 12.1. Accurate, appropriate and secure records will be kept at the School on its Complaints Register by the person(s) responsible for overseeing or managing the resolution process for a particular complaint. The Complaints Register will be managed by the school.

## 13. Distribution of this Policy

- 13.1. This Policy, and any changes or updates thereto, is made available to all staff and parents of the School.

## Definitions:

### **Complaint** means:

- any action taken by a person to escalate an *informal complaint* (see definition under *informal complaint*) that is ignored or the outcome is considered to be unsatisfactory by the complainant where a response is explicitly or implicitly expected. The complainant should be encouraged to submit the escalation of the informal complaint in writing.
- a serious matter or expression of dissatisfaction that a person (the complainant) wants investigated and explicitly or implicitly requires a formal response or resolution. any expression of dissatisfaction that is not resolved at initial point of contact and requires a response.<sup>1</sup>
- a complaint may be:
  - verbal either by telephone or in person
  - in writing by letter, email or facsimile

The complainant is encouraged to commit the complaint to writing.

Committing the complaint to writing will ensure that all details as perceived by the complainant are recorded correctly.

### **Informal Complaint** means:

- Any matter, report, comment, recommendation or issue of an obviously minor nature that is raised by a person with an employee.
- A matter that can be dealt with immediately and to the satisfaction of the complainant and no further investigation or action is required, beyond the complainant and the employee.

### **Anonymous complaint** means:

- a complaint
- the author of the complaint is unknown

### **Dispute** means:

- a complaint that involves an employee that has not been resolved and is considered an industrial matter
- a matter that will be resolved by the 'Dispute Resolution Process' as provided in Schedule 12 of this agreement

### **Complainant** means:

- for a complaint lodged by an agent—the person (or each person) on whose behalf the complaint is lodged; and
- for an investigation for which there are two (or more) complainants — each complainant.

### **Respondent** means:

- for a complaint — the person who is alleged to have done the act or acts to which the complaint relates; and

- for an investigation of a complaint for which there are two (or more) respondents — each respondent.

**Receiver** means:

- for a complaint — the employee of the school with whom the complainant lodges a complaint;
- the receiver may be the respondent.

**Authorised Person** means:

- for a complaint — the person who has been authorised by the school to deal with a complaint;
- the authorised person may be the respondent.

**Complaints Register** means:

- an ongoing listing of all complaints received by the school. An example of a complaints register can be found in **Error! Reference source not found..**

**Director** means:

- In the context of this schedule Director means the Executive Director of the LSA.

**Representative** means a

- union official from the Union; or
- workplace union delegate;
- support person

**Support Person** means a person of the employee's choice who may be:

- colleague; or
- trusted friend.

**School community** means:

- Any person connected or associated with the school who is not a student, parent or an employee
- Such persons may be part of a groups, businesses and institution that contribute or participate in the welfare and life of the school. This may include: former students; volunteers; suppliers of goods and services; or neighbours of the school