

COMPLAINTS HANDLING POLICY and PROCEDURE

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1 PURPOSE

The purpose of this Policy is to outline the principles, expectations and requirements for Biala School dealing with complaints; and to outline the processes involved in managing those complaints. Adherence with this policy is designed to ensure best practice occurs for reporting, investigating, recording, finalising, reviewing and monitoring complaints and their outcomes.

2 BACKGROUND

Biala School recognises that from time to time there may be instances where individuals or organisations disagree with the way Biala has managed its operations and may wish to lodge a complaint. Such individuals may include parents/guardians, students and the general public.

Biala School encourages honest and constructive feedback and takes complaints and concerns that are raised seriously. Biala School acknowledges that complaints present an opportunity to improve service delivery and it is committed to resolving complaints in an efficient, fair and timely manner.

Biala School recognises that its complaints handling procedures must be fair, transparent and equitable to the complainant as well as the person about whom the complaint is made.

Minimum Standards for School Registration in New South Wales require all schools to have evidence of their local policy and procedure in relation to complaints management.

3 SCOPE

- This policy applies to any person who has a complaint or grievance made in respect of services provided by the school or against staff members, which includes employees, contractors and volunteers.
- This policy does not extend to personal grievances between parents, guardians or other members of the school community
- This policy does not extend to complaints regarding a grievance between staff members about work matters, including work relationships and decisions made by other staff members which impact their work. These will be addressed in accordance with the school's Staff Grievance Policy.
- This policy does not extend to complaints regarding unlawful discrimination, harassment or bullying between staff. These will be addressed in accordance with the school's Discrimination, Harassment and Bullying Statement
- This policy does not extend to complaints which are **whistleblowing disclosures**. The procedure for processing whistleblowing complaints is dealt with in the school's Whistleblower Protection Policy, a copy of which is available from the School upon request.

4 POLICY STATEMENT

Biala School considers that complaints provide an important mechanism through which it can be accountable to all who are involved in services provided by the school. In addition, complaints provide valuable prompts to review organisational performance, processes and the conduct of people that work within its system.

Biala School will use reasonable endeavors to respond to complaints received by it in a just and timely manner with regard to principles of natural justice, fair process and respect for the rights of the parties involved in a valid complaint.

Biala School will ensure that all complaints are handled fairly, efficiently and effectively; and where possible to the complainant's satisfaction.

5 DEFINITIONS

The following definitions apply for the purpose of this Policy:

School Board	means the group of Directors who have been elected to work with the school community to achieve the best outcomes for students. The functions of boards are covered by legislation and include both approval and advisory roles.
Advocate	means a person who is suitably appropriate and authorised to represent another person
CEO	means the Chief Executive Officer
Complaint	a complaint or grievance is an expression of dissatisfaction made to the school about an educational and/or operational matter relating to services provided by the school or the behaviour or decisions of a staff member, contractor or volunteer, including misconduct.
Complaints Officer	means the person within the School delegated to this position
Complainant	means the person who is making the complaint
Contractor	means someone engaged by the School to perform specific tasks. Contractors are not employees of the School.
Delegate	means an authorised representative
Informal complaint	may be raised by a complainant directly with the person involved, or with the Head of Education
Formal complaint	may be raised if the matter is not resolved through the informal complaints processes
Head Of Education	means the Head of Education of Biala School
OCG	means the Office of The Children's Guardian, an independent statutory authority in NSW
Reportable Conduct	means the listed definition in the Children's Guardian Act 2019 (NSW). These include a sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, an offence under S43B (failure to protect) or S316A (failure to report) of the Crimes Act 1900; and behaviour that causes significant emotional or psychological harm to a child.
Principal	means the primary person responsible for the executive decision-making in the organisation.
Staff Member	means any person employed through an employment contract by Biala School
Volunteer	means a person associated with the School who does unpaid work for the School by agreement with the School.

Principles of complaint management

In receiving and responding to complaints, the following guiding principles will inform and direct Biala School's actions;

- Complaints of a School-based nature are best received and managed at the School level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties. Complaints that are unable to be resolved at School level will be escalated to the Principal.
- Complaints are received and managed seriously, dealt with in a way that is culturally respectful, and responded to in a confidential, thorough and timely manner.
- Staff members and volunteers will be informed of all complaints that are made about them, where permitted.
- Confidentiality, protection of privacy, respect, access, dignity and impartiality will form the basis of the complaints raising, reviewing and resolution process.
- The complaints resolution process will seek to achieve the restoration of good and respectful relationships.
- The best interests of the school community together with the interests of the complainant and the subject of the complaint will be taken into account.
- Recordkeeping, reporting, privacy and employment law obligations will be complied with when receiving and handling complaints.

6 PROCEDURES

6.1 RAISING A COMPLAINT

Complaints may be raised by any member of the school or community. Students making a complaint may choose to be represented by a parent, carer or appropriate advocate.

Where possible, the school seeks to resolve complaints informally and directly with the person involved or with the Head of Education. However, should the matter not be resolved through informal processes, the complainant may raise the matter formally with the school's Principal.

A formal complaint can be made in writing to the Head of Education. Any complaint against the Head of Education must be directed to the Principal. Complaints against the Principal may be raised with the Chair of Biala.

Complaints can be made via the following channels:

- in person – either to the Class teacher or Head of Education
- by phone on (02) 6686 4763 - either to the Class teacher or Head of Education
- via email info@biala.org.au

6.2 NATURE OF THE COMPLAINT

6.2.1 Complaints against staff and volunteers

Any complaint about the conduct of a staff member must be raised directly with the Head of Education .

6.2.2 Complaint against the Head of Education

Any complaint against the Head of Education must be directed to the Principal.

6.2.3 Child Abuse and other harm (including sexual offences)

Biala School takes all allegations concerning children at risk of significant harm seriously. 'At risk of significant harm' is defined by the Children and Young Persons (Care and Protection) Act 1998 NSW (the Care Act) and includes any instance or allegation of physical or sexual abuse (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child.

Biala School is subject to the Reportable Conduct Scheme and requires workers to report any concern they may have about the safety, welfare or wellbeing of a child or young person to the School Principal.

Failure to disclose a child abuse offence is a criminal offence under section 316A of the Crimes Act 1900 (NSW) (Crimes Act) and applies to all adults (18 years of age and over) in NSW. All allegations of child abuse and other harm are investigated as per the Biala Child Protection Policy & Procedures and the Child Safe Policy and Procedures.

6.2.4 Anonymous Complaint

Biala School will endeavour to address and respond to all complaints. In some situations, it may not be able to fully address complaints that are made anonymously or without sufficient detail being provided to enable an investigation or resolution of the matter. To ensure procedural fairness, respondents have a right to know the particulars of the allegations being made against them and be given an opportunity to respond to them. In some circumstances, it may be most appropriate for the Head of Education or Principal to direct the complainant to make their complaint as a Whistleblower, as detailed in the Biala Whistleblower Protection Policy.

6.2.5 Allegations of Reportable Conduct

Allegations of Reportable Conduct which meet the threshold pursuant to the Children's Guardian Act 2019 (NSW), and which involve a Biala School Employee, Volunteer or Contractor, must be reported as described in The Biala School Child Protection Policy Procedures. Allegations of Reportable Conduct in relation to an employee must be reported to the Principal. Complaints of Reportable Conduct involving the Principal must be reported to the Biala School Board.

6.3 THE SCHOOL

6.3.1 Biala School is responsible for responding to complaints when:

- a complainant is not satisfied that a matter has been addressed in accordance with the School's complaints-handling policies and processes
- a complainant is not satisfied that an acceptable resolution has been reached
- the subject of the complaint relates to policy outside the responsibility or management of the School
- the School requests assistance to resolve a complaint
- the subject of the complaint is the Head of Education.

6.3.2 Biala School Board will generally not become involved when:

- The complaint has not been first raised with the School
- the School is continuing to address the issues in the complaint
- the complaint raised is the responsibility of the School (e.g. school uniform, school parking)
- the complaint raised is within the responsibility and capability of the School to resolve.

- 6.3.3 All formal complaints will be logged into the Biala School Complaints Register and managed in accordance with these Procedures.
- 6.3.4 The Principal will monitor complaints made about the School for any patterns of behaviour or management that may need to be addressed and work actively with the Head of Education to address these.
- 6.3.5 The Principal will report to the Board, compliance with this policy and procedures, insights gleaned from the actions taken and escalate any School matters that remain unresolved after these procedures have been followed and any patterns of behaviour in School management or practice that have been identified and remain unaddressed.
- 6.3.6 Biala School will publish the procedures for making school level complaints.

6.4 STEPS IN COMPLAINT HANDLING

In the first instance, the school will seek to resolve complaints informally where possible. However, should the matter not be resolved through informal processes, the complainant may raise the matter formally with the school.

Step 1: The complaint will be assessed to determine;

- whether it is one to be addressed under this policy or is a Staff Grievance or Reportable Conduct matter which are dealt with in other policies (Staff Grievance Policy, Child Protection Policy Procedures respectively) the urgency and/or seriousness of the matter raised; and
- whether the school may be required to report the matter to the Office of the Children’s Guardian, Police, Department of Communities and Justice or other relevant authorities.

Formal complaints are logged in the complaints management register. All complaints that have been confirmed as valid will be acknowledged in writing as soon as practicable.

Step 2: The complaint will be investigated following principles of procedural fairness. The investigation will establish the circumstances of alleged events and explore options for resolution. Investigations may consist of interviews with involved parties or subject matter experts and/or documentation to determine the full circumstances leading to the complaint. Following completion of the investigation, a determination and recommendation will be made.

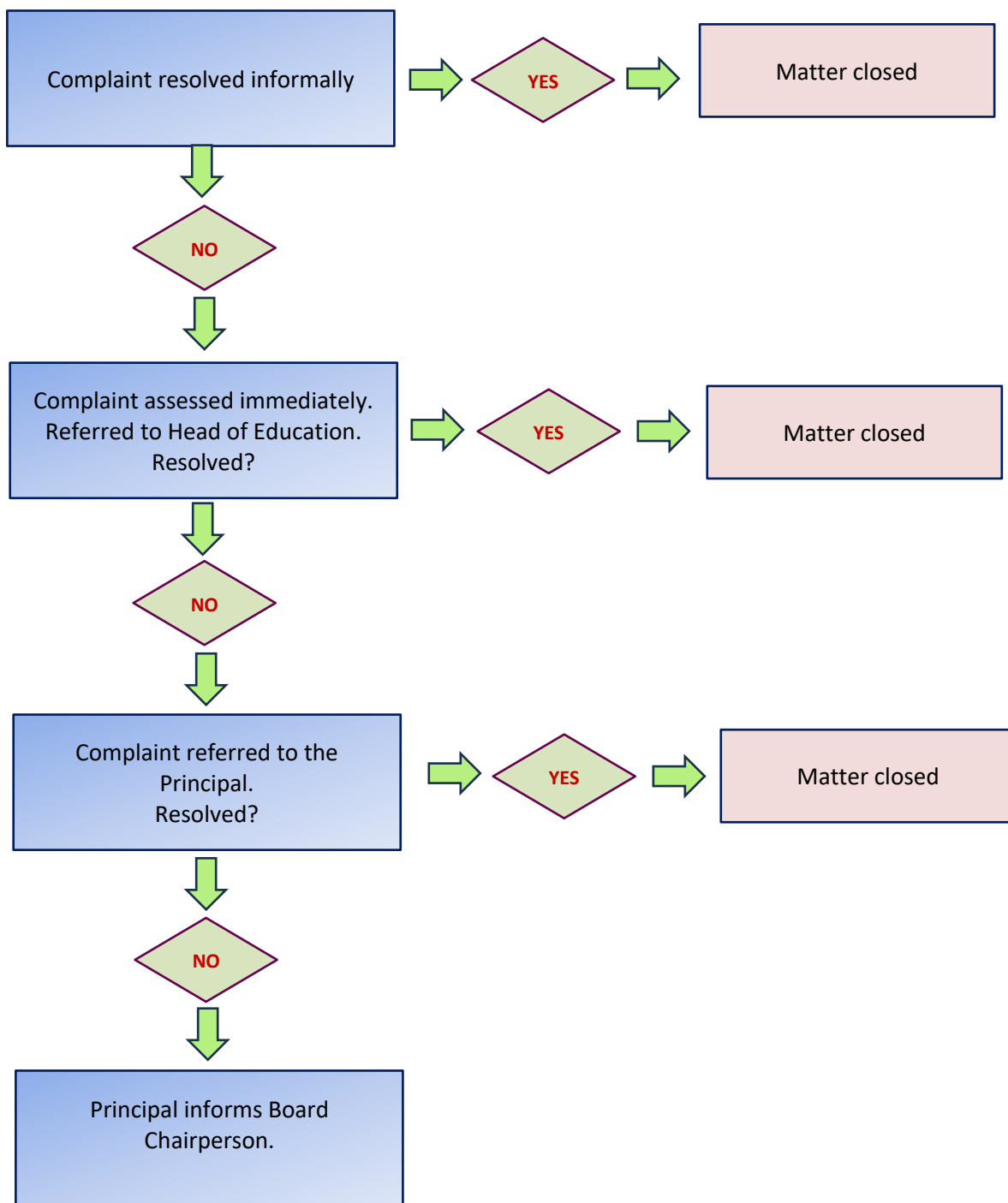
Step 3: Following the agreement of the recommendation by the Head of Education or Principal a resolution will be formulated and a written response will be provided to the Complainant. The matter will be closed if this response is accepted (Principal assumes this responsibility where the Complaint relates to the Head of Education).

Step 4: Where the initial response is not acceptable to the Complainant, the matter will first be escalated to the Principal and then the Biala School Board Chair, should the Principal’s resolution not be acceptable to the Complainant. The Chair may seek additional information or submissions from the relevant parties. The matter will be closed if the response of the Chair is accepted.

Step 5: Any corrective action taken will be recorded in the Complaints Register.

Step 6: If the matter remains unresolved, the Complainant may pursue external resolution alternatives.

COMPLAINT HANDLING Flow Chart



6.5. POSSIBLE OUTCOMES OF A COMPLAINT

The assessment by the Head of Education/Principal/Board may result in advice provided to the School for action. The suggested actions may include providing the complainant with:

- an apology or expression of regret
- formal communication of a change of decision, policy, procedure or practice
- the provision of counselling or other support
- an explanation of:
 - how the decision is consistent with school policy
 - how the decision is supported by an external agency that specialises in the area under consideration
 - how Biala School policies and guidelines are reflected in and supportive of the decision.

6.6 IMPLEMENTATION

It is the responsibility of the School to ensure that its Staff, Volunteers and Contractors are trained in the appropriate handling of complaints in accordance with this policy. This policy is made available to the School staff at the time of their initial induction, on the School website and within the School's electronic filing system.

6.7. RECORDKEEPING OBLIGATIONS

When handling all complaints, Biala School will keep and maintain any records as required in accordance with the State Archives and Records Authority of NSW Recordkeeping Standards. The following information is recorded in relation to all complaints:

- The date the complaint was made and received
- The nature of the complaint
- The action taken to resolve the complaint
- The action taken to lessen or prevent the issue from recurring
- The time taken to resolve the complaint
- Further action taken if the complaint was not resolved.

7 RECORDS

All complaints are recorded in the Complaints Register which are held securely by the Principal in the School's electronic filing system.

8 UNRESOLVED COMPLAINTS

EXTERNAL BODIES – for the referral of Unresolved/Disputed complaints

The NSW Education Standards Authority (NESA)

PO Box 5300

Sydney NSW 2001

Call: (02) 9367 8111 or 1300 088 111

9 KEY RELATED DOCUMENTS and LEGISLATION

Biala's Complaints Form
Biala's Complaints Register

Biala's Child Protection Policy and Procedures
Biala's Child Safe Policy and Procedure
Biala Support Services Employee Handbook (covers code of conduct)
Biala's Whistleblower Protection Policy

Care and Protection Act
Children's Guardian Act

10 NOTES

10.1	Contact Officer	Business Manager
10.2	Implementation Officer	Head of Education
10.3	Approval Authority / Authorities	Principal
10.4	Date Approved	12 th January 2024
10.5	Date of Commencement	29 th January 2024
10.6	Date for Review	12 th January 2027
10.7	Documents Superseded by this Policy	<i>Biala Special School Complaints, Conflict Resolution and Prevention Policy - 18th of March 2019</i>
10.8	Amendment History	The Policy Unit will complete this section as required.