

# Complaints and Disputes



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# Complaints and Disputes

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<b>Associated Documents</b> PRO_SA_ADM_Complaints Procedure Flowchart for Parents and Students PRO_SA_ADM_Child-Friendly Tips for Making a Complaint POL_SA_ADM_Anti-Bullying Policy POL_SA_ADM_Child Protection Policy		

## 1. RATIONALE

There are essentially four areas of complaints: parents (and guardians), students, the public and staff. This policy deals mainly with procedures for **parents and students**.

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

While parents will often wish to raise issues on behalf of their children, there are other issues which students may choose to raise on their own behalf and which are best raised by them.

Complaints from members of the public will be treated in a similar way to complaints from parents, although most complaints from the public would be referred directly to the Principal.

**This policy does not cover complaints from members of staff about aspects of their work.**

## 2. PROCEDURES

### 2.1. An Open Organisation: Climate and Culture

Problems are likely to arise if parents feel that a 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 should be encouraged to voice their concerns. All Staff and the Leadership Team at OneSchool Global SA is approachable and complaints are received in a positive manner.

- Our School is approachable, prepared and trained to listen to parents and students of all ages.
- Parents are made to feel comfortable in contacting the Regional Principal and other members of staff, however, parents should speak directly with teachers if their concerns relate to a particular class.
- Staff should not feel threatened by complaints.
- Students should be encouraged to make complaints themselves, however, parent or advocate involvement should also be encouraged.

Complaints can diffuse problems and can provide the School with helpful information; if they are treated as constructive suggestions they can be used to improve standards and may prevent cause for further complaint. Even an unjustified complaint may indicate an area that can be improved.

### **What constitutes a complaint?**

A complaint is an expression of dissatisfaction with a real or perceived problem. A response or resolution is expected and required.

A complaint may be made if a parent thinks that the school has, for example:

- done something wrong;
- failed to do something it should have done;
- acted unfairly or impolitely; or
- a concern was ignored

### **What constitutes as a concern?**

- An issue that has troubled or caused anxiety to a person and is considered to be a first level issue. The classroom teacher is often involved with a first level concern.

### **What constitutes as a dispute?**

- An unresolved complaint that has been escalated either internally and/or externally to the school.

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

A complaint may indicate an area that can be improved so a positive approach to concerns and complaints should be taken by the school.

All complaints need to be handled seriously, sensitively and confidentially. A gentle expression of concern, or a simple query, may grow into a painful matter if parents felt that they have been brushed aside. Equally, issues with the potential to become acutely difficult may dwindle and fade if they are handled well at the initial stage.

An unresolved problem may become a festering dispute or a confrontation. Procedures therefore are in place for appropriate action when a matter remains unresolved or cannot be resolved quickly.

These procedures are flexible enough to handle both formal complaints and the informal raising of issues. It does not seem helpful to attempt to differentiate between "formal" and "informal" complaints. One can easily become the other. Serious issues may be raised in an informal and friendly way and apparently trivial issues in an adversarial manner. **Complaints against members of staff need particularly sensitive handling.**

## **2.2. Lines of Approach/ Responsiveness:**

All members of staff are encouraged to deal with parental concerns that lie within their area of responsibility. In this case, staff should be trained in dealing with complaints.

If approached about a matter that lies outside their sphere of activity, staff should refer it to the appropriate person and inform the parents.

Matters incapable of resolution at a particular level should be referred to the next person as shown in the flowchart, with parents kept informed of the action being taken. When all steps have been followed and the matter is not resolved, an independent arbiter will be appointed.

Staff will generally recognise when issues need to go straight to the Regional Principal, with whom the responsibility for most complaints lie. The complaint should be acknowledged within 3 days.

Certain parents will wish to go straight to the Regional Principal with their concerns, and this should be respected. However, it should be explained that the Regional Principal might not be able to respond until he/she has consulted the staff that can help. The nature of the complaint should be confirmed. Parents & students are encouraged to speak directly with the teacher of the class they are experiencing an issue in.

Serious complaints will be shared by the Regional Principal with the Chair of the governing body. There may be certain circumstances, such as complaints about the Regional Principal, when the parents will need to write direct to the Chair, whose email address is readily available to all parents.

Staff are expected to respond promptly in writing after the matter is discussed with the Regional Principal, who may sign the response. Clear records must be kept of the complaint, the action taken and the outcome.

Depending on the nature and outcome of the complaint, the communication may be stored in our *Feedback and Complaints Register* on Smartsheet.

### 2.3. Reducing Anxiety

Because the person who complains may feel vulnerable, the School can reduce anxiety by taking the matter seriously and dispelling uncertainty about how the complaint will be handled.

- Information about the complaints procedure should be clear.
- Complaints should be acknowledged immediately or within 3 working days.
- Staff should inform parents what is happening to their concern or complaint and, if a more detailed response is needed, by what date it will be received.
- The issue should be dealt with as quickly as possible.
- Complainants should feel and know that their complaint is treated in a respectful and confidential manner.
- Complaints are handled promptly, objectively and fairly.
- The nature of the complaint and what is concerning the complainant should be clarified if it is not immediately obvious:
  - the parents may need more time to explain;
  - they will be asked to put their complaint in writing;
  - it may be helpful to discuss possible outcomes.

Parents need to feel that their views matter. The complainant will be informed as to what steps are being taken to ensure their complaint is being dealt with appropriately.

Paradoxically, in some circumstances, parents may prefer a response given after 24 hours to one given immediately, even if it is the same response.

### 2.4. Recording: Feedback and Complaints Register

All complaints and concerns, verbal and written, will be recorded in the school's *Feedback and Complaints Register* on Smartsheet, as follows

- Complaints made to any staff member, via email, will be sent to the Executive Assistant to the Principal for uploading to the Feedback and Complaints Register on Smartsheet
- Complaints made verbally to any staff member will be recorded electronically by the staff member and sent to the Executive Assistant to the Principal for uploading to the Feedback and Complaints Register on Smartsheet
- Complaints can be made directly to [admin.sa@au.oneschoolglobal.com](mailto:admin.sa@au.oneschoolglobal.com) or [OneSchool Global SA Feedback and Complaints](#)
- It may become the cause of legal action in the future;
- Patterns in the record may indicate a need for action;
- The Regional Principal will keep the governing body regularly updated each month with regard to serious complaints and any emerging patterns.

The *Feedback and Complaints Register* should contain the following information:

- Date when the issue was raised;
- Name of parent;
- Name of student;
- Brief statement of issue;
- Member of staff handling the issue; and
- Brief statement of outcome.

- Explanations
- Date of closure

In relation to concerns and complaints raised directly with teachers or non-teaching staff, a record should be kept of such concerns. There should be a clear statement of what is concerning the complainants in case a pattern emerges and/or the concerns escalate to a formal complaint or dispute. Staff should forward these records to the *Executive Assistant to the Regional Principal* for adding to the *Feedback & Complaints Register*. The Regional Principal will review the Register weekly.

## 2.5. 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.

It should be made clear to all concerned that it is the school's policy that complaints made by parents should not rebound adversely on their children and similarly that complaints raised by students should not rebound on them or on other students. This policy is communicated to parents and students in the Parent Handbook.

The question of confidentiality should be discussed sensitively and on an individual basis with the parents. Confidentiality applies with respect to both information relating to the person making the complaint, and, if relevant to a person against whom a complaint is made. OneSchool Global SA is committed to maintaining the confidentiality of information throughout the complaints process. Personally identifiable information about a complainant will only be made available for the purpose of addressing the complaint and (unless the complainant consents) will be actively protected from disclosure.

It may be possible to deal with a problem without naming individuals. However, even if no names are given, the source of the complaint may be clear. Depending on the nature of the complaint and on the circumstances, it may be impractical to investigate without identifying the member of staff or the child - it may also be in the interests of the child to do so.

Members of staff are rightly concerned that they should know about complaints that might be damaging to their reputation. Where this occurs such complaints will be known only to themselves and to those who have to be consulted.

The School provides training and professional development to help staff to deal not only with complaints that are made to them, but also to complaints that are made about them. Where appropriate, the School will provide support for staff against whom a complaint is made.

If there is a situation involving the Police the Regional Principal, or Head of Campus, must refer the matter immediately to the Chair of the School's governing body. The submission of a critical incident report to the Department of Education may be required.

## 2.6. Anonymous Complaints

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

Complaints from the public about the behaviour of a group of students could be dealt with on a general basis, with reminders to all about the School's expectations.

Parents and students should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, it is at the Regional Principal's discretion as to what action, if any, should be taken, depending on the nature of the complaint.

Anonymous complaints must be recorded in the *Feedback & Complaints Register*.

All anonymous allegations about child abuse should be dealt with urgently, fully explored and action taken when the veracity of the allegation is determined.

## 2.7. Resolution/Fair Process

Sometimes the very acknowledgement of an issue by the School brings relief to parents. 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
- An outcome which may be different from the one they sought, but which they perceive to be well-considered and handled within an appropriate amount of time
- An apology.
- A written record should also be reviewed

The following should be considered when handling the process in a fair and just way:

- Each party should be heard
- Facts should be investigated and free from bias
- Evidence and probabilities should be considered
- An outcome is reached and consistent within the school policy

If time has been needed to consider matters, parents should receive a letter which may acknowledge the following:

- The issues raised
- How the issues were considered
- The people consulted
- The action that is to be taken if an apology, if appropriate.

At OneSchool Global SA complaints are handled objectively, fairly and we aim to provide remedies and solutions when complaints are upheld.

## 2.8. Intractable Complaints

There may be a small minority of persistent or aggressive complainants who will never be satisfied, whatever the School does. The School may even discover on investigation that the complaint was without foundation or motivated by malice. Nevertheless, it is wise to treat all complaints seriously and to follow the procedures.

Most complaints can be resolved if approached positively. If a complaint becomes intractable, it may be due to its nature or to the way in which it was handled, or possibly because the parent perceives the school to have 'closed ranks' against him or her.

When managing these complaints, the following should be considered:

- Communication
- Rectification
- Mitigation
- Satisfaction
- Compensation
- Mediation
- Alternate dispute resolution approaches
- Consolation
- Arbitration

There are different stages of action to be taken with intractable complaints.

In most cases, the procedure will be that the Regional Principal refers the matter to the Chair and informs the parents that this stage has been reached. However, a situation may arise where the complaint seems to the parent to have been mishandled by the Regional Principal. In those circumstances, the parent may wish to write direct to the Chair or the independent arbiter.

The Chair will usually discuss the matter fully with the Regional 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 Regional Principal.

The Chair may respond to the parents, notifying them that the matter is being reviewed, asking them if they wish to add anything further and providing a date by which they may expect a response.

The Chair may be able to offer a new approach to the matter, and this may satisfy the parents. A response may be to offer a meeting if the parents remain troubled.

If a meeting is requested, the Chair may offer to meet the parents at a time convenient to them. Those involved are:

- the Chair
- the Regional Principal/Head of Campus and possible one staff member
- the Parents
- the Complainant

Parents should be permitted to bring with them a supportive friend who is not involved with the complaint. Legal representation is not appropriate at this stage.

The Chair, after questioning and listening to the parents and the Regional Principal, may be able to find a solution but, if not, the matter may be referred to an independent arbiter.

Neither the Minister for Education, Training and Skills nor the Department for Education has any power to directly intervene.

## **2.9. Training**

Given the diverse nature of complaints, the School will ensure, through training that all staff, including support staff, know how to carry out their responsibilities. Such training and professional development cover:

- The Complaints Policy and associated Flowchart
- Communication skills, such as listening, questioning and calming;
- Handling complaints, negotiation and mediation skills;
- Skills in observing, recording and reporting; and
- The benefits of handling complaints well and the consequences of handling them badly.
- When to raise potential wellbeing concerns and refer to authorities required
- Identify trends by reviewing the handling processes and make improvements when necessary. In some circumstances, training for child protection purposes may be appropriate.

## **2.10. Students' Complaints/Grievances**

The principles that apply to parental complaints should also be applied to complaints and concerns from students.

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 a teacher, a tutor or a member of the support staff.

Former students and their parents are also entitled to have their complaints received and processed in accordance with the policy.

In more complex situations, once the matter is resolved, the outcome should be discussed with the student by a member of staff. To make sure that it is fully understood, a written record may be shared.

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 painful, such as

bullying. Students should be encouraged to make complaints to a teacher or other staff member they feel comfortable with. An advocate for the child can also be suggested.

If the issue is a painful one, or if exploration of it is taking time, a student may need support from another student 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. Teachers should feel free to discuss the issues and procedures of making complaints; how they may support and act as mentors to others, but also in encouraging them to understand that their views matter. The school should decide if/when parents should be informed.

A child-friendly process is important so that students feel empowered to understand their rights and to report concerns. When dealing with staff, students should feel:

- they have been actively listened to
- they have been understood
- they have been treated with respect
- they have been assisted
- that action has been taken
- and they will be kept informed of the process

**Posters outlining child-friendly tips for making a complaint will be displayed around the school and will be covered periodically in Academic Care classes.**

**Common questions from parents/students with concerns or complaints:**

OneSchool Global SA welcomes suggestions and comments from parents and takes seriously complaints and concerns that may be raised. The following will show you how to go about making a complaint.

Complaints, suggestions or feedback can be made directly to any member of staff or emailed to [admin.sa@au.oneschoolglobal.com](mailto:admin.sa@au.oneschoolglobal.com) or [OneSchool Global SA Feedback and Complaints](#)

See below for further information on how to make a complaint verbally.

A complaint will be treated as an expression of genuine dissatisfaction that needs a response. We wish to ensure that:

- Parents or students 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;
- Parents or students realise that we listen and take complaints seriously; and
- We take action where appropriate.

**"How should I complain?"**

When you contact the School, ask to speak to the member of staff closely concerned with the issue as he or she may be able to sort things out quickly, with the minimum of fuss. Members of staff will be happy to help you be as clear as possible about what is troubling you. However, you may prefer to take the matter to the Head of Campus or the Regional Principal.

"I don't want to complain as such, but there is something bothering me"

The school is here for you and your child, and we want to hear your views in addition to your ideas. You can start by sharing your thinking with a staff member.

**"I am not sure whether to complain or not"**

If as parents or students you have concerns, you are entitled to raise them. If in doubt, you should contact any member of staff, as they are here, to help. We realise that there are many reasons why a student may not report concerns. These reasons could be; fear of being bullied, believed, or that there may be a lack of confidentiality.

**"What will happen next?"**



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

If you have made a complaint or suggestion in writing, you will be contacted within three working days, to respond to your concerns and explain how the matter will proceed.

In many circumstances, the person you contact will need to discuss the matter with a colleague and consider it further before responding. You will be given a date by which time you will receive a response.

If a detailed exploration of the issue is needed, a letter or report will be sent to you as quickly as possible. This will tell you of the outcome of your complaint. It will explain the conclusion, the reasons for it, and any action taken or proposed.

### **"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 the Regional Principal, Head of Campus and those directly involved. The Campus Administrator or Chair of the governing body may also need to be informed. It is the School's policy that complaints made by parents should not rebound adversely on their children.

On rare occasions there may be the need to make third parties outside the School 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. If this should occur you would be fully informed and the matter referred immediately to a Director of the school's governing body.

While information relating to specific complaints will be kept confidentially on file, we would point out that anonymous complaints might not be pursued.

Action, which needed to be taken under staff disciplinary procedures as a result of complaints, would be handled confidentially within the School.

### **"What if I am not satisfied with the outcome?"**

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

If you are not satisfied, the Regional Principal will offer to refer the matter to the Chair of the governing body. The Chair will call for a full report from the Regional Principal and will examine the matters thoroughly before responding. The Chair will make sure the complaint was dealt with in accordance with the school's policy and procedures and give the matter further consideration. You will then have the opportunity to meet with the Chair and you can be supported by a friend if you wish. Legal representation would not be appropriate at this stage.

If the meeting does not bring about a resolution, the matter may be referred to a process of dispute resolution, for example; mediation and it is their task to look at the issues in an impartial and confidential manner. You would be invited to a meeting with the additional support persons in which you should circulate any papers you would like reviewed beforehand. As with the Chair's meeting, you will be offered the opportunity to bring a friend with you.

As a final step in the disputes and complaints procedure, the school may agree to the engagement of an independent arbitrator to review the matter and facilitate a resolution. It is usual practice for the arbitrator to be:

- Agreed by both parties\*
- Remunerated by both parties (if appropriate)
- Assured both parties will accept the arbitrator's decision.

## **2.11. Further Action**

At all stages of a complaints' resolution process the complainant should be reminded that they can seek legal advice if they wish, especially at the point where the school has done all it can to reach a resolution.

### 3. VERSION CONTROL

Policy Code	Date	Version No.	Nature of Change
<b>POL_SA_ADM_Complaints and Disputes_v1.1</b>	30/10/2019	1.1	OSG Format
<b>Complaints and Disputes_0419</b>	April, 2019	0419	Various
<b>Complaints and Disputes_0219</b>	February, 2019	0219	Various
<b>Complaints and Disputes</b>	October, 2015	Released	Various