



CAPS KURRAWANG

Extending God's Grace

PARENT, STUDENT OR COMMUNITY CONCERNS AND COMPLAINTS POLICY

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1. POLICY STATEMENT

All Non-Government schools in Western Australia are legally required to have in place and implement a policy and procedures for complaints management. *(Please see section 2 'Legislation and other requirements' in this document for more information on the requirements).*

The [Guide to the Registration Standards and Other Requirements for Non-Government Schools January 2020](#) defines a **complaint** as an 'expression of dissatisfaction made to the school about its services, decisions, actions or those of its staff, or about the complaint management process itself.' *(The Guide p.31).*

Non-Government School Regulation (NGSR) considers that, in the spirit of the provision of a safe school environment, the expression of a concern or a complaint equates to an expression of dissatisfaction and both should be managed and recorded in the same manner.

It is recognised that very often people may not approach a topic from the perspective of 'I want to complain' but rather from the perspective of 'I am concerned ...' Advice from the Australian Human Rights Commission suggest that it is more commonplace for a student to express a concern rather than 'make a complaint'. Irrespective of the nature of the 'concern' raised, it should be treated with the same respect and attention as for a matter that is described as a 'complaint'. For this reason, throughout this guideline, the use of the terms concern and complaint are considered to be 'expressions of dissatisfaction' as required by NGSR.

The expression of a concern/complaint may be made about the school as a whole, about a specific department in the school, about a particular school activity, about an individual member of staff, about another person working in the school, or about one or more students. A school is required to enable and accept the expression of a concern / complaint in any form, e.g. in person, by telephone, in writing (in any form) and anonymously.

The schools' regulator – the Director General of the Department of Education (through NGSR) draws a very close connection between a school's complaint handling system and its provision of a child safe environment. In making this connection the regulator requires that a school's complaints handling system satisfies each of the key action areas of two of the ten [National Principles for Child Safe Organisations](#) – Principle 6 (*Processes to respond to complaints and concerns are child focused*) and Principle 9 (*Implementation of the national child safe principles is regularly reviewed and improved*). A school's complaints handling system is also closely linked to its Code of Conduct, including the obligation on staff to report breaches of the Code of Conduct.

Because of its consistency with the National Principles for Child Safe Organisations, the regulator recommends the use of the [Complaint Handling Guide: Upholding the rights of children and young people in the development of a school's complaint handling system](#).

A **dispute** is a pursued unresolved complaint that has been escalated, either internally and/or externally to the school. Please see section 7 of this document for information on the handling of a dispute.

This guideline does not cover complaints from members of staff about aspects of their work. Each school should develop a procedure for internal complaints that is agreed by the governing body, Principal and staff.

2. LEGISLATION AND OTHER REQUIREMENTS

2.1. SCHOOL REGISTRATION STANDARD – COMPLAINTS

The Western Australian *School Education Act (1999)* includes a Non-Government school registration standard that relates to 'the response to, and recording of, complaints and disputes at schools.' s.159(1)(k). The requirements of this standard are reflected in the [Guide to the Registration Standards and Other Requirements for Non-Government Schools January 2020](#), (*The Guide*) as described below:

Standard 9: Complaints

9.1 The school has and implements a complaint handling system which satisfies each of the **key action areas of Principles 6 and 9** of the National Child Safe Organisation Principles.

9.2 The school's complaint handling system conforms to the **rules of procedural fairness** and includes a system for review.

9.3 The school publishes information to the school community about the **role of the Director General** in monitoring the school's compliance with these standards including, but not limited to, standards 9.1 and 9.2, and her authority to respond to instances of non-compliance.
(*The Guide*, p.31)

Please see below for information on National Principles 6 and 9 and their respective key action areas:

Child Safe National Principle 6 – Processes to respond to complaints and concerns are child focused'. This Principle provides guidance on how human resource management policies and practices and effective complaints management processes should be accessible, responsive to and understood by children and young people, families, staff and volunteers. Complaint management processes will be linked to the Code of Conduct and provide details about where breaches of the Code have occurred (in the past). Training will help staff and volunteers to recognise and respond to neglect, grooming and other forms of harm, provide appropriate support to children and young people in these instances and meet legal requirements. This includes training to assist in responding to different types of complaints, the different ways children and young people may express a concern, distress or disclose harm, confidentiality and privacy considerations, listening skills, disclosures of harm and reporting obligations.'

National Principle 6 key action areas:

6.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.

6.2 Effective complaint handling processes are understood by children and young people, staff, families and volunteers, and are culturally safe.

6.3 Complaints are taken seriously, and responded to promptly and thoroughly.

6.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.

6.5 Reporting, record keeping, privacy and employment law obligations are met.

A **culturally safe** complaints handling process:

The Royal Commission into Institutional Response to Child Sexual Abuse adopted the following definition of a culturally safe environment:

'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].

The Royal Commission's reports and other papers indicate that a culturally safe complaint handling process will be one which overcomes 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.'

(The Guide, p.33)

While the above definition specifically refers to Aboriginal and Torres Strait Islander peoples, it should be noted that the *National Principles for Child Safe Organisations* highlight that organisations should consider the particular needs of children from diverse backgrounds and circumstances, including Aboriginal and Torres Strait Islander children, as required under *Principles 3, 4 and 7*.

Child Safe National Principle 9 – *Implementation of the national child safe principles is regularly reviewed and improved'*. This National Principle emphasises the need for organisations to regularly review their delivery of child safe services and their operations.

National Principle 9 key action areas:

- 9.1 The organisation regularly reviews, evaluates and improves child safe practices.
- 9.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
- 9.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

Rules of procedural fairness, as referenced in Standard 9.2, require:

- (a) a hearing appropriate to the circumstances;
- (b) lack of bias;
- (c) evidence to support a decision; and
- (d) inquiry into matters in dispute.

Role of the Director General:

Please see below for the recommended wording, that must be published to the school community, about the role of the Director General, as referenced in Registration standard 9.3:

'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. 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.'

3. POLICY STATEMENT

3.1. CAPS KURRAWANG will provide strong leadership and governance, to;

- prioritise child safety and wellbeing,
- have an easy-to-understand complaint- handling system that children and young people, staff, volunteers and families can use,
- have a clear and publicly available code of conduct,
- provide staff and volunteers with relevant information, training, mentoring and/or supervision to give them an understanding of what conduct must be reported and to whom, and what their responsibilities are under the complaints system,
- have an open culture that supports people to speak up about concerns,

3.2. CAPS KURRAWANG will ensure fair and respectable treatment by;

- having strategies in place to ensure that people who make complaints are treated respectfully, courteously and sensitively,
- upholding equity and diversity in handling complaints,
- Having a commitment to providing a fair and reasonable process for the complainant and the subject of complaint,

3.3. CAPS KURRAWANG will ensure accessibility by;

- making it easy to complain,
- enabling people who engage with Kurrawang CAPS know what they can complain about, who they can speak to within the organisation and what they can expect in response from the organisation,
- making information about how to complain easy to find and available to children and young people, staff, volunteers and the community in different age and culturally appropriate formats,
- making information publicly available via physical and online formats,
- advising students, parents, and community members that they are entitled to contact the Director General of the Department of Education with concerns about how the

school has dealt with a complaint. (Note: Information is available on the Department of Education website about contacting the Director General. 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.')

3.4. CAPS KURRAWANG will ensure flexibility by;

- making adjustments to complaint- handling process to suit the communication and support needs of children and young people and their parents or carers who take up concerns on their behalf,
- offer multiple ways to complain, including ones specifically informed by, and targeted to, the needs and wishes of children and young people.

3.5. CAPS KURRAWANG will ensure effective communication by;

- keeping people directly informed about the status of the complaint, and update other stakeholders when required,
- support people to make a complaint if they need it, such as engaging an interpreter, advocate or support person,
- provide ongoing feedback so people who complain and service users know what's working and what has changed as a result of complaints,

3.6. CAPS KURRAWANG will take ownership of the complaints by;

- ensuring its complaint-handling system is understood by those responsible for its administration?
- clearly articulating the policies and procedures and clearly outline the roles, responsibilities and commitments of volunteers, staff, managers and the CAPS Board in relation to complaint handling,
- having staff that are trained and equipped with relevant skills to deal effectively with complaints, including those from children and young people.

3.7. CAPS KURRAWANG will ensure the timeliness of the complaint by;

- dealing with complaints as soon as possible,
- ensuring complainants and other relevant stakeholders are aware of the organisation's timeframes for finalising their complaint.

3.8. CAPS KURRAWANG will ensure the transparency of the complaint by;

- having systems to document all complaints,
- have clear guidelines about this system documented in a clear, accessible complaint-handling policy,

- have a policy that covers what constitutes a complaint; roles and responsibilities; approaches to dealing with different types of complaints; obligations to act, report and record; timeframes; and advice on communication, referral and support for staff, volunteers, children and young people and their families,
- securely store complaint records.

3.9. CAPS KURRAWANG will ensure continuous improvement of the complaint by;

- collecting, analysing and reviewing complaints data and general feedback, identifying trends and systemic issues, detecting behaviour patterns, and gain insights into the demographics of the people making complaints,
- using data collected about complaints to improve services and enhance child safety. securely store complaint records

4. THE COMPLAINTS PROCESS

4.1. RECEIVING THE COMPLAINT

Complaints may be received in various ways, including in person, by phone, via an online complaint form, or by email. Unless the complaint is resolved at first point of contact, details of the complaint will be recorded in the complaints log, along with other relevant information.

4.2. ACKNOWLEDGING THE COMPLAINT

Complaints will be acknowledged at the time of receipt or as soon as possible afterwards. The complaint will be acknowledged using communication method used for the complaint and this will be noted in the complaints log. A contact person will be identified if the complaint is made by a student.

The person making the complaint will be provided with information about the complaint-handling process, the likely next steps and expected timeframe.

4.3. ASSESSING THE COMPLAINT

The process will identify and manage any immediate risks to the person making the complaint, and whether they need support.

The complaints process will also address;

- If evidence needs to be immediately secured/protected/kept confidential?
- How serious, complicated or otherwise urgent are the issues raised in the complaint (from both the perspective of the complainant, involved child or young person and the school)
- If the issue/s raised within the school's control?
If the outcomes sought by the complainant viable?
If more than one issue is raised, if needed to be separately addressed?

If other authorities or agencies (e.g., police, health services) need to know about the issues raised by the complaint or be involved in the response?

What type of information should the complainant be provided following your assessment?

Is further information needed from the complainant in order to properly assess and resolve the complaint?

Note: If the complaint is not about something the school can respond to, the complainant is told this and (wherever possible) referred to a person or organisation that can help as quickly as possible.

4.4. INVOLVING THE STUDENT

If the complaint involves a student, the school will develop a plan for involving the affected child or young person and their parent or carer at key stages of the complaint, including when and how information will be communicated to them throughout the process and how they will be supported.

The rationale for all decisions in this area will be recorded.

4.5. RESOLVING COMPLAINTS

After assessing the complaint, the school will plan the actions required to manage and resolve the complaint as promptly as possible, depending on the seriousness of the complaint. The complainant will be kept adequately informed about what is happening with their complaint and advised where there are delays.

The school will make inquiries with the person or team that is the subject of the complaint, and/or investigate the issues raised in the complaint, in cooperation with police/child protection authorities where relevant. The school will ensure procedural fairness to those being investigated.

The school will make findings about the allegations and explain them to the subject of complaint and the complainant. Throughout the process the school will keep the subject of complaint and the complainant informed as required.

4.6. PROVIDE THE FINAL COMPLAINT

The school will report final findings to the complainant, the subject of complaint and other stakeholders, considering privacy, confidentiality, and procedural fairness obligations.

The school will explain to the complainant and the subject of complaint, using the most appropriate communication processes and putting in place any necessary supports, the key steps taken to investigate the complaint, the outcome, and available avenues for review and/or appeal if they are dissatisfied with the outcome and/or the complaints process.

4.7. CLOSE THE COMPLAINT AND LOG

The complaint will be closed and comprehensive records retained in the complaints log including:

- how the complaint was managed,
- the outcome,
- any recommendations and/or outstanding actions and how they have been addressed.

As a part of this process the school will need to determine any ongoing support required for complainants or students.

The school will review the complaints log data annually to ensure that the complaints and concerns processes can effectively inform school continuous improvement.