



PERTH
MONTESSORI
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CONCERNS, COMPLAINTS AND DISPUTES POLICY

Related policies:

- Child Protection Policy and procedures.
- Child Safe Code of Conduct
- Disability Discrimination Policy and procedures
- Inclusive Education Policy and procedures
- Racial Discrimination Policy
- Sexual Harassment Policy
- Staff Code of Conduct

BOARD APPROVAL

Date: 29 Jul 2022

Signed by Board Chair:

Name of Board Chair: Dr. Andrew Marsh

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1. PURPOSE

1.1. Perth Montessori recognises that there is a close connection between the school's complaint handling system and its provision of a child safe and inclusive environment. All members of the school community, particularly the students, need to believe that they can express their dissatisfaction with any aspect of their experience of the relationships, systems and processes at the school. They also need to believe that their concerns will be dealt with fairly and promptly and that the school will always seek to work with them to resolve the issues.

2. DEFINITIONS

2.1. The following are the definitions key to this policy:

2.1.1. **Complaint**

A complaint is an expression of dissatisfaction made to the school about its services, decisions, actions or those of its Board, staff or students, or about the complaint management process itself.

2.1.2. **Concern**

A concern is an expression of dissatisfaction that should be treated with the same level of seriousness and in the same way as a complaint.

2.1.3. **Dispute**

A dispute is a pursued, unresolved complaint that has been escalated, either internally and/or externally to the school.

2.1.4. **Rules of Procedural Fairness**

The rules of procedural fairness require:

2.1.4.1. a hearing appropriate to the circumstances;

2.1.4.2. lack of bias;

2.1.4.3. evidence to support a decision; and

2.1.4.4. inquiry into matters in dispute.

3. LEGISLATIVE REQUIREMENTS

3.1. See Appendix 1

4. SCOPE

- 4.1. This policy applies to all members of the Perth Montessori community and all who have dealings with the school.

5. POLICY STATEMENT

- 5.1. Perth Montessori welcomes feedback and seriously addresses all expressions of dissatisfaction as part of providing a safe, inclusive school environment and ongoing school improvement.
- 5.2. The complaints procedures at Perth Montessori are clear with the roles and responsibilities of the board, principal and staff clearly outlined.
- 5.3. The procedures satisfy the rules of procedural fairness and include processes for recording, investigating and resolving complaints.
- 5.4. The policy and associated procedures are published on the school's website and around the school.
- 5.5. Students are empowered to understand their rights and to report problems, and the complaints procedure is made accessible and responsive to their needs.
- 5.6. Complaints may be written or verbal and can be made to any member of staff.
- 5.7. Whilst it may not be possible to respond to them, anonymous complaints will be recorded and considered.
- 5.8. Complaints will be analysed on a regular basis to identify causes and to inform continuous school improvement.

6. APPENDIX 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)

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.’

(The Guide, p33)

2.2 Complaints Register:

The regulator expects schools to maintain a detailed complaints register with capacity to record:

- 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 upheld;
- resolution agreed with or offered to 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 complainant.

(The Guide, p.32)

REVISION HISTORY

#	Date	Owner	Change
v1.0	26 Jul 2022	Sally Alderton	Ratified by the Board