



**MACKILLOP EDUCATION
WARANARA**
So much more than a school

NSW_EDU_WAR_08 MacKillop Education Waranara School Complaints, Grievance and Dispute Resolution Policy and Procedures

NSW Education Standards Authority

NSW Registered and Accredited Individual Non-government Schools Manual

B8 Safe and Supportive Environment

B8.1 Schools must meet child protection requirements *Child Protection (Working with Children) Act 2012*, *Children and Young Persons (Care and Protection) Act 1998*, *Children's Guardian Act 2019* and Section 47(1)(g)(ii) and 47(1)(g)(iii) of the *Education Act*

Definitions

MacKillop Family Services (MacKillop Education Waranara School) will be referred to, forthwith, as MacKillop Education Waranara.

Parent(s)/carer(s) or stakeholder(s) - parent(s), carer(s), guardian(s) and/or persons who have an interest in the School.

The School – *MacKillop Education Waranara School*

MEWSMC - *Mackillop Education Waranara School Management Committee*

Complaint - is defined as anything that a student(s), parent(s)/carer(s) and/or stakeholder(s) think is procedurally unfair, or that leaves them dissatisfied with school staff or processes.

Minor Complaint - An expression of concern about general day-to-day operational processes or activities within Waranara School. In general, staff can resolve these matters through effective communication and problem-solving techniques. These matters do not relate to critical incidents, formal student appeals, complaints against staff members, or serious safety concerns.

Major Complaint - A concern regarding critical incidents, formal student appeals, complaints against school staff members or serious safety concerns are deemed major complaints. Further, where a complainant's level of distress or emotionality in discussing minor complaints has escalated such that positive staff communication strategies prove ineffective in minimising distress, these concerns may also be deemed a major complaint. Incidents/issues that require external referral for resolution may also constitute a major complaint. Where a staff member is unsure, these matters should be discussed with the School Principal, who will determine an appropriate classification for and response to concerns raised.

Statement

The School is committed to providing a respectful, safe and supportive learning environment for its students. The school is a Special Assistance school that caters to student who are disengaged, or, at risk of disengaging, from learning. The school takes bullying as a serious issue and all incidents addressed. This policy will be applied with a deep understanding of our students. Student behaviours are complex and may be a result of trauma re-enactment. A sensitive and discerning response will be applied.

Our values of respect, hope, justice, compassion and collaboration inform the quality of relationships we establish and all that we do to ensure our learning community is a place of welcome and safety. We celebrate diversity, and we are committed to inclusion, so that every student, regardless of race, religion, culture gender identity or person circumstance, including barriers to learning, can access education and experience success.

Scope

This policy applies to all staff, parent(s), carer(s) guardian(s), students and stakeholder(s).

Purpose

The policy will inform the process to make complaints, lodge appeals, and provide other feedback about school activities, processes and decisions. This policy does not apply to workplace place complaints by staff.

It provides an official pathway to communicate concerns about school activities, processes or decisions. The policy also provides information for staff about formal responses and documentation required in circumstances when complaints or grievances are raised by students or other parties outside the school community. Responses are outlined for both minor and more serious complaints.

All students are encouraged to voice their grievances with staff, who have been instructed to actively listen to complaints raised. All students are to be made aware that information given to staff members will be treated with the utmost confidentiality. This means that the name or identity of the person complaining, and any other private information, will only be disclosed to people who need to know about the concerns in order to effectively resolve the matter.

To comply with *Section 47(1)(g)(I) of the Education Act 1990 School policies and procedures that make provision for student welfare enable a safe and supportive environment for students.*

Context

The School students enter the school community from a range of diverse backgrounds, with various unique expectations and goals. In line with this diversity, there may be occasions where students or their parents/carers wish to express concerns or provide feedback about their experiences or operational processes within the school environment.

Principles

- Students have a right to articulate concerns about school decisions/activities that impact them and be aware of the processes associated with registering complaints.
- The School is committed to working collaboratively with students to facilitate a mutually agreeable solution when complaints or concerns are raised.
- Confidentiality is a prime consideration during complaints' processes, for both students, parents/carers/stakeholders and staff members.
- Where parties are unable to reach agreement about a preferred solution, Waranara School will seek to integrate the principles of restorative justice, procedural fairness and respect in any dispute resolution processes implemented.

Procedures for Complaints

Interactions Between Students and the School

1. Where a staff member receives complaints or critical feedback about the School from students or parent(s)/carer(s) or stakeholder(s), they are to first offer to address the complaint through informal discussion with the student about possible resolution options.
2. Where a satisfactory solution is not identified after this initial discussion, and a student or parent(s)/carer(s) or stakeholder(s) wishes to pursue their complaint further, staff should:
 - a. Advise students, parents/carers/stakeholders that they can submit their complaint or concerns in writing, on *MacKillop Education Waranara School Feedback Form* (see Appendix 1). Staff should provide students with a sealed school envelope to ensure confidentiality is maintained throughout this process. Students can elect to leave their completed feedback form with a school staff member, or form(s) can be submitted to the School via post. Students are to be advised the details of their complaint will be kept confidential, except where discussion of details is required with a specific school staff relevant to the resolution of the concern.

OR

 - b. Ask the student, parent(s)/carer(s) or stakeholder(s) if they wish to discuss unresolved concerns directly with the Principal.
3. Where a student does not wish to speak directly with the Principal, or they are unavailable, employees should then document student, parent/carer/stakeholder concerns in writing to the Principal and in Case Notes, if a student. Staff should inform complainants that this document is required as an additional means of accurately documenting their concerns, wherever possible writing the complaint in collaboration with the student, parent/carer/stakeholder. This form should then be submitted for the immediate attention of the Principal.
4. Students, parents/carers/stakeholders should also be informed that the complaint will be forwarded to the Principal, who will take further action as required. (see *Complaints/Grievance Process: Flow Charts 1 and 2*)
5. Upon receipt of a written complaint, the Principal will discuss the situation with the staff member involved, and verify solutions explored with the student, parent/carer/stakeholder.

Where students have requested further contact, they will then contact the student to explore further solutions.

6. Where a student(s), parent(s)/carer(s) and or stakeholder(s) nominates their preference to speak directly with the Principal through a verbal referral of student complaint from a staff member, the Principal should follow the process as per *Complaints Flow Chart 2*.

Response to Student(s) and/or Parent(s)/carer(s) or stakeholder(s) Complaints and Feedback from the Principal

1. The Principal should ensure that all employees are familiar with the format and location of the *MacKillop Education Waranara School Feedback Form*.
2. Where the Principal receives a verbal request to speak with a student, parent(s)/carer(s) or stakeholder(s) regarding a complaint or concern, they are to:
 - a. Confirm the employee has offered the student/stakeholder opportunity to complete a *MacKillop Education Waranara School Feedback Form*.
 - b. Verify the details of the situation, in consultation with the staff member previously assisting the student. Where appropriate, the Principal will support staff members to continue to respond to student concerns directly, offering additional strategies for resolving the matter. (This option should be used only in situations where it is not deemed likely to escalate a complainant's adverse reactions or distress).
 - c. Where it is not appropriate for school staff members to continue to engage with students regarding their concerns, they will be advised that the Principal will seek to make contact with them within the next 24 hours (unless immediate contact is required due to a critical incident or crisis scenario).
 - d. In following up the complaint, the Principal will seek to speak with the student, parent(s)/carer(s) or stakeholder(s) privately, to assist with the resolution of their complaint. Complainants will also be advised they may invite a support person to be present for this meeting.
 - e. For Minor Complaints, after the Principal has spoken with a student, they will then assess the course of action.
 - f. For Major Complaints, the Principal will mandatorily report the matter to the *MacKillop Education Waranara School Management Committee Complaints Flow Chart 2*.
3. Where the Principal receives complaints directly from students, parent(s)/carer(s) or stakeholder(s) (without referral from the School's staff), they are to follow processes as outlined in the abovementioned procedures, from Point (2).
4. In the case of a **Minor** Complaint that staff have referred to the Principal:
 - The Principal will seek to resolve the issue in consultation with the student, parent(s)/carer(s) or stakeholder(s). If an agreeable solution is identified, no further action is required, unless the Principal deems it necessary to refer information about the concern to the MEWSMC. However, details of the conversation should be recorded in a student's personal file.
5. In the Case of a **Major** Complaint:

- The details of the student's, parent(s)/carer(s) or stakeholder(s) concern should be immediately referred to the Chair of the *MEWSMC* who will contact the student, parent(s)/carer(s) or stakeholder(s) to seek resolution of the complaint or contact external authorities if required.

Additional Procedural Responsibilities of the Principal

1. The Principal will ensure that all school staff are familiar with the processes associated with the *MacKillop Education Waranara School Feedback Form*, to ensure students, parent(s)/carer(s) or stakeholder(s) are able to accurately and independently articulate relevant concerns.
2. The Principal will arrange for the display of blank *MacKillop Education Waranara School Feedback Forms* at the School reception area, the School's website, to ensure students, parent(s)/carer(s) or stakeholder(s) have access to documents that will assist them to articulate concerns independently if required.
3. The Principal is to respond to all complaints received within two days, unless otherwise agreed with student(s), parent(s)/carer(s) or stakeholder(s).
4. Where a **major** complaint is received must report to *MEWSMC*.
5. Where a **major** complaint that is related to possible criminal activities, the Principal **must** report the incident to the *NSW Police*.
6. Where a complaint is unable to be resolved after referral to the *MEWSMC* should offer a student(s), parent(s)/carer(s) and/or stakeholder(s) the opportunity to pursue the matter further through an external review process.
7. Where a complaint relates to the conduct or activities of the School Principal, the complaint will be referred to the *MEWSMC* for further action.

Responsibilities of MacKillop Education

1. Where concerns are referred to the *MEWSMC* will work with the Principal to develop additional strategies for resolution of a student(s) or parent(s)/carer(s) or stakeholder(s)' complaint.
2. Where the *MEWSMC*, they will seek to develop a resolution of concerns with the collaboration the Principal and student(s). Where this is not possible, the matter will be referred to an external party for independent review.

Access to the School's Feedback/Complaints Forms

The School's Feedback Form will be accessible to student(s), parent(s)/carer(s) and other stakeholders in a visible location within the school reception area, on the School's website.

Additional Procedural Information

All students that are enrolled at the School are to be informed of their right to complain if they feel that their education program or school operational processes/personnel are not satisfactory.

Documents used in the process of resolving complaints are to be distributed on a need-to-know basis only, along with the final outcome of the investigation. Complainants (and other people who provide information during the course of an investigation) are to be protected from any repercussions, reprisals or victimisation which may occur as a result of making a complaint.

Informal level (for Minor Complaints)

All staff have the ability and authority to discuss and resolve the matter directly with the student as quickly as possible. Staff will record their decisions and actions in the student's Case Notes. If the complaint is not resolved, staff should refer the matter to the school Principal, who will provide information about the next level of action or other external options.

Formal level (for Major Complaints)

The complaint is reported to the Principal who is the person designated to respond formally to **major** complaints. The Principal will explain fully to the student what is involved at this level, the people, time frames, records, agreements (written/oral) and how complaints can be conciliated.

Where a staff member is the subject of a complaint, they will be informed as soon as possible and asked for their response to the allegations.

A time limit will be set for a response to be given to the student, parent(s)/carer(s)/stakeholder(s), who will be kept informed of all developments.

Records will be kept of meetings and agreements which will be signed by the people involved in the process.

Major Complaints and External Referral

Complaints which involve criminal allegations, assault, serious misconduct, fraud and corrupt behaviour must be directed to the NSW Police.

External Review of Complaint Options

When complaints cannot be resolved internally to a student(s), parent(s)/carer(s) and/or stakeholder(s)' satisfaction, the School will offer external options to the student. These include:

- An independent external review e.g. a review panel comprising a majority of people outside the service or
- A mediation service arranged with a body such as the Community Justice Centre.
- All major complaints received will be reviewed by the *MEWSMC* in order to ensure that the school is providing the best service possible and to monitor if changes need to be put in place to ensure that no further complaints are received.

Additional External Review Options Available

Should a student(s), parent(s)/carer(s) and/or stakeholder(s) be dissatisfied with the final complaint review decision reached by the School, they should be informed of external options to pursue resolution of their complaint. These include:

- NSW Community Legal Centres:
Phone: 1300 888 529
Website: www.clcnsw.org.au

- NSW Anti-Discrimination Board:
Website: antidiscrimination.nsw.gov.au
Phone: 1800 670 812 (free call)
- NSW Ombudsman:
Level 24, 580 George Street
SYDNEY NSW 2000

Phone: 9286 1000
Toll Free: 1800 451 524
Email: nswombo@ombo.nsw.gov.au
Website: www.nswombudsman.nsw.gov.au

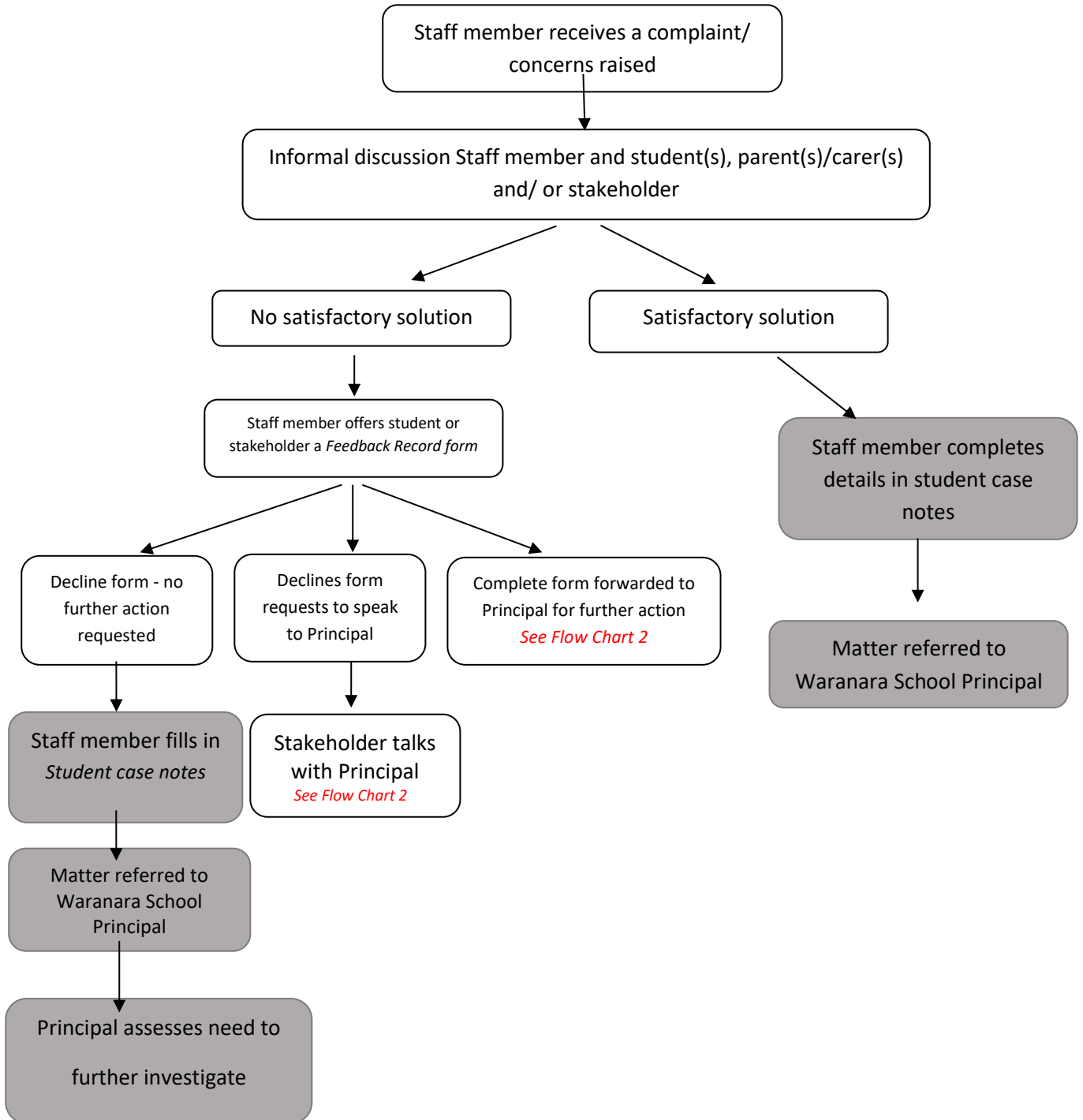
Legislation and Resources

- *NSW Community Services (Complaints, Reviews and Monitoring) Act 1993*
- *NSW Crimes Act 1900*
- *NSW Education Act 1990 No 8*
- *Australian Education Act 1990*
- *NSW Department of Family and Community Services Youth Program Guidelines (June 2004, section 3.14.2)*
- *NSW Government Education website – Making a complaint about other education services (non-government schools)*
- *NSW Education Standards Authority (NESAs) – Complaint Handling Policy and Process*
- *The Education Act 1990*

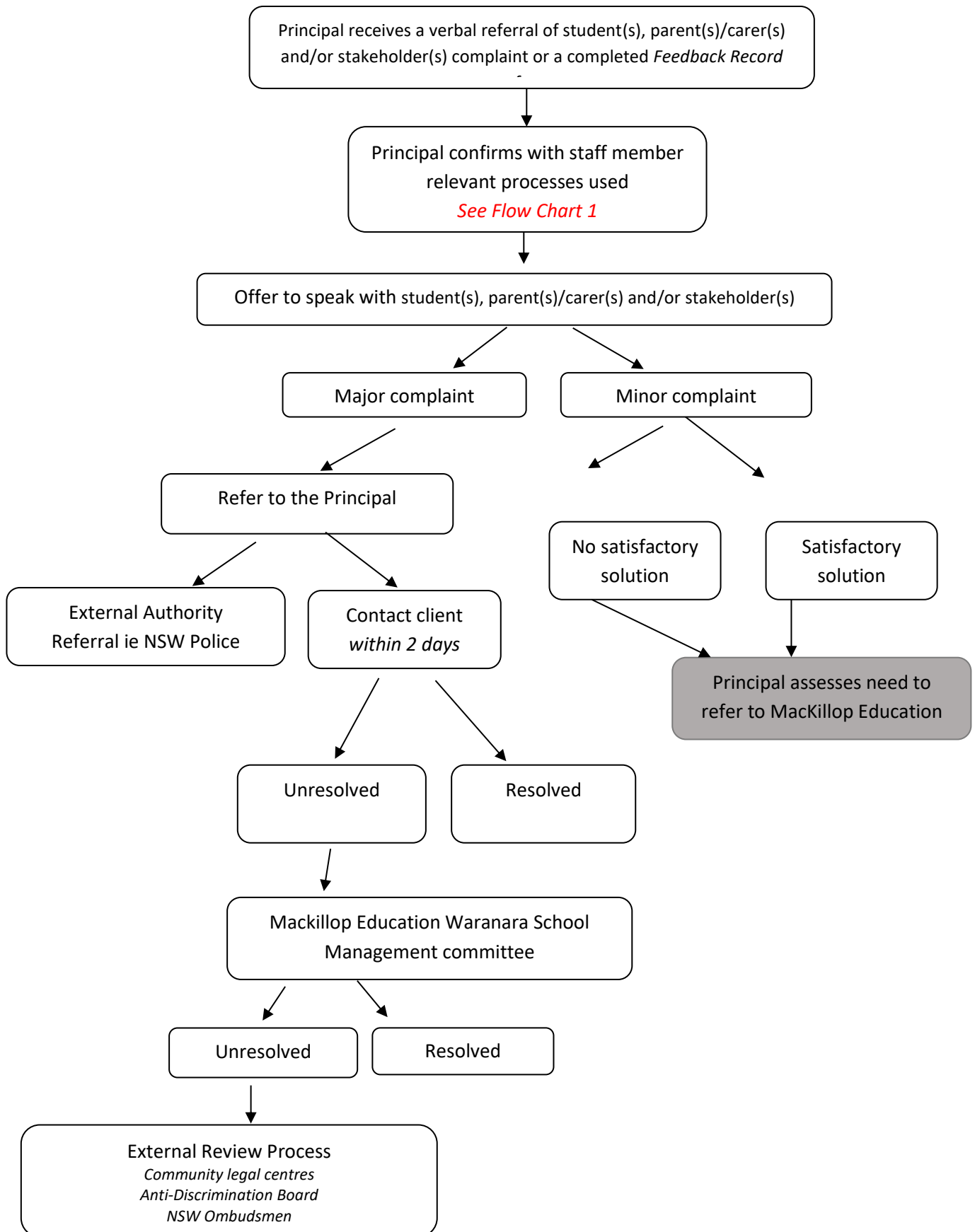
Approval and Review	Details
Approval Authority	Group Director, The MacKillop Institute and MacKillop Education
Approval Date	01/05/2024
Recommended to Approval Authority by	Mackillop Education Waranara School Principal MacKillop Education Waranara Leadership Team
Next Review Date	01/08/2026
Version	1

Flow Chart 1

Mackillop Education Waranara School Complaints and Grievance Process for Student(s), Parent(s)/Carer(s) and/or Stakeholder(s)



Flow Chart 2: MacKillop Education Waranara School Principal/MacKillop Education Response to Complaints





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MacKillop Education Waranara School – Feedback Form

To give MacKillop Education Waranara School feedback or make a complaint, fill in this form and:

- hand it to any staff member
- email the Principal: Rachael.Peet@mackillop.org.au
- post:

The Principal
MacKillop Education Waranara School
11 Mathieson Street, Annandale NSW 2038

My feedback or complaint is:

Please suggest how your feedback or complaint should be addressed:

Optional information: (you don't have to fill this in to have your feedback or complaint acted upon):

Name: _____

Phone: Email: _____ State you're from: _____