



WAYS Secondary Complaints Policy

NESA Manual Section: B8.2 Complaints

Policy

The WAYS Secondary (WAYS) Complaints policy and the procedures implemented is relevant only to how the school responds to and manages complaints raised by stakeholders (students, parents/caregivers or members of the wider school community).

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 staff (employees, contractors, students on placement and volunteers), including misconduct or reportable conduct.

At WAYS, it is always kept in mind when managing complaints, that regardless of how important or unimportant the issue might appear on the surface, for the persons involved, it is a source of unhappiness. Anyone who raises a complaint therefore will be treated with respect.

The prompt, respectful and just manner by which complaints are handled, has a two-fold benefit for our school. It makes us aware of areas that need to be improved and to and help the school build positive relationships with students, staff, parents/caregivers and members of the wider school community.

All complaints and grievances will be addressed confidentially using procedural fairness, objective assessment and support for all people involved, in order to seek a speedy resolution. It is a policy of the school that anonymous complaints will not be acted upon. Vexatious and malicious complaints may result in disciplinary action.

This document includes in Section 1 the school's procedures for managing general complaints or grievances. Section 2 provides the procedure for raising matters relating to staff misconduct or reportable conduct and should be read in conjunction with the *WAYS Child Protection Policy*.

This policy does not extend to complaints relating to whistleblowing disclosures. The procedure for processing whistleblowing complaints is dealt with in accordance with the *WAYS Whistleblowing Policy*.

Key principles for handling complaints

WAYS has responsibility to act wisely and justly in relation to issues of conflict that have the potential to cause a breakdown in relationships between members of our school community.

Procedural fairness is a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The 'hearing rule' includes the right of the person against whom an allegation has been made to:

- know the allegations related to a specific matter and any other information which will be taken into account in considering the matter;
- know the process by which the matter will be considered ;
- respond to the allegations;
- know how to seek a review of the decision made in response to the allegations.

The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making;
- an absence of bias by a decision-maker.

Keeping records of complaints or grievances

It is important that accurate records of complaints or grievances, are kept for the purposes of:

- locating subsequent enquiries and/or concerns within their proper context (i.e. in the 'big picture');
- tracking through the stages of action related to handling the matter;
- improving our policies, processes and practices in relation to managing complaints or grievances;
- maintaining available accurate information for those directly involved in investigating the issues and exploring solutions.

What should be recorded?

Notes of meetings, interviews, telephone calls, written documents such as letters, faxes, emails should be signed and dated by the staff member overseeing the complaint. All information and documentation relating to a complaint or grievance should be provided to the Principal/delegate for filing as soon as they are completed.

All records relating to the matter will to be entered on recording sheet and dated and signed by the principal/delegate in the secure complaints hard and/or electronic file(s), which are only able to be accessed by the Principal/delegate. The complaints or grievances register and records is saved maintained in the secure Senior management team folder in SharePoint.

Confidentiality

Complaints must only be discussed by those responsible for handling them. Any ~~oral~~ verbal or written communications/documentation gathered in any meetings related to the complaint or grievance are strictly confidential to the parties involved. This information should not be made available to any other person without the specific permission of those parties. This confidentiality guarantee does not apply where there are threats of physical violence or where child abuse is suspected or reported.

Procedure

Section 1: Procedure for general complaints or grievances

Informing of stakeholders about school procedures

It is a condition of enrolment at WAYS that all students are required to attend an initial interview with the Principal and/or School Student Administration and Support Coordinator.

At the initial interview, the student and their parents/caregivers are informed of their rights, responsibilities and of the procedure for raising complaints or grievances.

On the student's first day at the school, after enrolment, they receive orientation sessions with the School Student Administration and Support Coordinator. During their orientation, the complaints and grievances procedures are explained verbally to the student and they are provided with a written copy for themselves and their parents/caregivers.

At the commencement of their employment/engagement the Principal/delegate provides all staff with a copy of the school *Complaints Policy*. The Principal/delegate discusses the policy and processes by which student, parents/caregivers and members of the school community are required to raise complaints and grievances with the school and how these will be responded to by WAYS.

The WAYS Secondary *Complaints Policy* can be accessed by students and their parents/caregivers on the WAYS School website. It may also be obtained on request to the Principal or President of the WAYS Secondary School Board.

Raising complaints or grievances

If a student, parents/caregivers or member of the school community raises a complaint or grievance with any staff member, the staff member must immediately direct the complainant to lodge their complaint in writing with the Principal.

All complaints or grievances should be made in writing to the Principal's secure, private school email terri@ways.org.au or by letter in a sealed envelope marked Private and Confidential, Attention Principal, WAYS Secondary and posted to the school address or delivered in person to Reception

If the complaint relates to the Principal, it should be referred in writing to the President of the WAYS Secondary School Board via the secure school email address leowassercug@ways.org.au or by a letter in a sealed envelope marked Private and Confidential, Attention President of WAYS Secondary Board and posted to the school address or delivered in person to Reception.

When a written complaint is received, the Principal/delegate will record and lodge the complaint in the secure Complaints Register in SharePoint which can only be accessed by the Principal/delegate.

Responding to Complaints or grievances

The Principal (WAYS President when complaint concerns Principal) will make an assessment about the nature-of the complaint to determine the appropriate course of action, including:

- whether the complaint is one to be addressed under this policy or is a staff grievance or reportable conduct matter which are dealt with by the relevant policies; and
- the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised; and
- whether the school may be required to report the matter to the Police, Department of Communities and Justice (DCJ) or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters; and
- the most appropriate person to investigate (the investigator) the complaint or grievance.

In cases where complaints relate to criminal matters or child protection, they will be referred initially to the Principal who will then directly report to the police and/or the mandatory reporting line and if it relates to the Principal it must be made to the President of the WAYS Secondary School Board.

When responding to a complaint the Principal/ President/delegate will apply the following process:

- at the first instance, to encourage the complainant to express their concerns to the person against whom the allegation is made, this can be done with the support of the principal or if it involves the principal a WAYS Secondary staff member or psychologist/case manager can be approached to assist
- obtain the complaint in writing before taking it further
- advise the person against whom the allegation is made of the allegation or complaint; and
- the person against whom the allegation is made will be given an opportunity to respond;
- may conduct mediation if appropriate to achieve a resolution;
- if the complainant is not satisfied with the end result, they will be informed of the pathways for appeal.

In the event the complaint is in writing, once received, the Principal/ President/delegate will contact the complainant in writing within **10 working days** of receiving their written complaint to inform them that the complaint was received and any relevant information in relation to the handling of the complaint.

The complainant will be advised by the Principal/ President/delegate that they may have an advocate/support person that is agreed upon by both parties at any stage of the complaint process and that may be present at any meeting about the complaint with representatives of the school. The Principal maintains the right to determine whether the person's preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the School to be inappropriate.

Managing the complaint

The Principal/President/delegate will in general manage **a written** complaint by:

- advising the complainant of the likely steps that will be undertaken by the school in relation to the complaint;
- advising the relevant parties of the complaint at the relevant time and providing them with an opportunity to respond, if appropriate;
- collecting any additional information the School considers necessary to assess the complaint;
- making a decision about how the complaint will be resolved ("resolution decision"); and
- advising the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the Principal/Delegate and if appropriate, any proposed action to be taken.
- determine the most appropriate investigator in the event that it is not the principal and ensure they receive all relevant information regarding the complaint

There may be circumstances where some of the steps outlined above are not appropriate and the Principal/ President/delegate will determine, on a case by case basis the most appropriate method of managing the complaint.

When interviewing the complainant and or the person about whom the complaint concerns and other relevant parties, the interviewer should:

- make sure that they are given a copy of the school's *Complaints Policy* and discuss the steps that can and should be taken;
- discuss the issues with the complainant in a calm and reasonable way;
- provide the opportunity for all parties to give their story;
- keep an open mind;
- clarify with complainant what they perceive as an appropriate/reasonable outcome;
- clearly explain the actions that will be taken to follow up on the complaint.

The investigator (if it is not the Principal) will provide the Principal/ President/delegate with regular updates on the progress of the investigation and the Principal will inform all parties on the progress and the process undertaken. Once all the relevant information has been obtained by the investigator, it will be provided to the Principal. The Principal/President/delegate will:

- enter into the recording sheet in the file(s) the dated and signed written complaint; and
- maintain all the information and documentation relating to the matter in the secure complaints hard and/or electronic file(s).

Principal/President/delegate will contact the complainant verbally and/or in writing to arrange a meeting to:

- discuss the findings of the investigation;
- seek to find a satisfactory/acceptable resolution to the complaint;
- record the outcome of the complaint in the School secure Complaints Register.

If a complaint is unable to be resolved satisfactorily, it will be referred by the Principal to the President of the WAYS Secondary Board.

If any complainant is dissatisfied with the final decision, they will be informed by the Principal that they have the right to appeal to the President of WAYS Secondary School Board.

Following the resolution of a complaint, the Principal/President/delegate will seek assurance from the complainant that they are comfortable accessing the school and advise them that they will not be intimidated or victimised in any way within the school. The Principal/President/delegate will deal with any intimidation or victimisation immediately in accordance with the relevant WAYS policies and procedures.

Section 2: Procedure for complaints about staff misconduct or reportable conduct

This procedure is to be followed by student, parents/caregivers and members of the wider community (stakeholders) to raise a complaint or allegations of staff misconduct or reportable conduct. For all other complaints Section 1: *Procedures for General Complaints or Grievances* in this document is to be followed.

Misconduct and/or Reportable Conduct are clearly defined in WAYS *Child Protection Policy* and stakeholders are encouraged to refer to this to clarify these terms.

Notification of a staff misconduct or reportable conduct complaint

All complaints or allegations relating to staff misconduct or reportable conduct should be made in writing to the Principal's secure, private school email terri@ways.org.au or by letter in a sealed envelope marked Private and Confidential, Attention Principal, WAYS Secondary and posted to the school address or delivered in person to Reception.

If the complaint relates to the Principal, it should be referred in writing to the President of the WAYS Secondary School Board via the secure school email address; leowassercug@ways.org.au or by a letter in a sealed envelope marked Private and Confidential, Attention President of the WAYS Secondary School Board and posted to the school address or delivered in person to Reception.

When a written staff misconduct and reportable conduct complaint or allegation is received, the Principal or person authorised by the Principal/ President/delegate will record and lodge the complaint in the in the secure Child Protection folder. This folder can only be accessed by the Principal or persons with the Principals specific authorisation.

All complaints or allegation of staff misconduct and reportable conduct that are received will be handled with confidentiality by the school and the same will be requested of all parties involved.

Managing a staff misconduct or reportable conduct complaint

The school will manage any complaint or allegation of staff misconduct or reportable conduct from students, parents/caregivers or other members of the school's community in accordance with WAYS *Child Protection* and *Complaints* policies and procedures.

The Principal delegate or President of the WAYS Secondary School Board will consider the complaint to determine how the it will be responded to and will seek advice from the appropriate authorised organisation (e.g. ISNSW).

The Principal/ delegate or President of the WAYS Secondary School Board will provide the complainant as soon as possible with an acknowledgment in writing (email) of receipt of the complaint or allegation of staff misconduct or reportable conduct. They will advise the complainant that the School's *Child Protection* and *Complaints* policies and procedures will be followed in relation to the matter. In this particular case no time specific frame can be given as all cases are treated individually, however these matters will be addressed in a timely fashion.

In the event that Principal/ delegate or President of the WAYS Secondary School Board receive complaints or allegations of serious sexual or physical assault, these will immediately be referred to the Police and Department of Communities and Justice (DCJ). Further investigations by the school will not occur until the police and DJC advise the school it is safe to continue investigations.

If the complaint is investigated, the Principal/ delegate or President of the WAYS Secondary School Board may periodically update the complainant of the school's progress, only if it is deemed appropriate to do so. No details will be given to the complainant or anyone other than legal authorities.

Resolution of a staff misconduct or reportable conduct complaint

The Principal/delegate or President of the WAYS Secondary School Board will inform the complainant by email that a complaint has been finalised in line with the Ombudsman's Act and privacy legislation regarding disclosure of information about an investigation and the outcome of an investigation.

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