



BUNBURY REGIONAL COMMUNITY COLLEGE

Complaints Management Policy



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1. Purpose

This policy provides information about how Bunbury Regional Community College (“BRCC” or “the College”) manages any complaints or concerns received from a student, parent/carer, volunteer, or any other member of the BRCC school community.

The College is committed to handling complaints and concerns properly, and in keeping with Principles 6 and 9 of the [National Principles for Child Safe Organisations](#).

This policy is designed to facilitate the appropriate, fair and prompt handling of concerns, complaints, disputes or grievances that may arise in the course of the College’s operations and activities. BRCC is dedicated to delivering a fair and culturally appropriate process when managing complaints.

All concerns and complaints are taken seriously by the College and will be responded to promptly, thoroughly, and following the rules of procedural fairness. BRCC make a commitment to ensuring that no one will be penalised or suffer adverse consequences for making a complaint, raising a concern, or reporting a breach of the BRCC Code of Conduct.

BRCC prioritises its students’ rights, safety, and wellbeing and acknowledges it is more common for a student to express a concern rather than ‘make a complaint’. The College will support students by making sure that no matter how the concern is raised, it will be treated with the same respect and attention as a complaint would be.

BRCC explicitly prohibits the use of any type of child abuse, corporal punishment or any other degrading punishment. It is expected that members the College community will raise any concerns they may have straight away in relation to this occurring at the College.

2. Scope

This policy is applicable to all members of the Bunbury Regional Community College community and covers any matter raised by a student, parent/carer, member of staff, or volunteer, that might be seen to be a complaint, dispute, grievance, concern, or sense of injustice arising from any aspect of the College, including its staff, programmes, activities, or resources.

Former students and their parents/carers are entitled to have their complaints received and processed in accordance with this policy.

This complaints procedure may be adapted by the Principal to deal with complaints received from members of the public or people and agencies providing services to the College.

3. Definitions

College community the college community is made up of the people participating in the College including students, parents, staff, volunteers, and members of the College Council.

Complaint is a statement made verbally, or in writing, expressing dissatisfaction about a particular situation, education service, decision, action, or person at the College, including the complaints process itself.



Complainant a complainant is the person who making the complaint.

Corporal punishment is punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light; typically involving hitting the child with the hand or with an implement; it can also include, for example, forcing the child to stay in an uncomfortable position. It does not include the use of reasonable physical restraint to protect the child or others from harm. [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].

Culturally safe environment is 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. [Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, Volume 1, page 322]

Degrading punishment is punishment which is incompatible with respect for human dignity, including corporal punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares, or ridicules the child. [UN Committee on the Rights of the Child, General Comment No. 8 (2006)].

Director General is the chief executive officer appointed in accordance with s.151 of the *School Education Act 1999*; currently the Director General, Department of Education.

Dispute a dispute is where an issue arises that results in a disagreement or argument and may involve two or more parties with opposing views and which, if continued unresolved, may be disruptive to the College community.

Grievance a grievance arises when a real or perceived injustice has been committed by one person against another, or by the College against an individual or a group within the College community and which leads to a formal complaint being made.

National Child Safe Organisation Principles incorporate the ten standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse in December 2017. These [Principles](#) were developed by the Australian Human Rights Commission and endorsed by the Council of Australian Governments in February 2019.

Parent(s)/Carer(s) – A person who is the mother, father, stepfather, stepmother of the child; or at law has responsibility for the care, welfare and development of the child or is specified as the child's adoptive parent under the *Adoption Act 1994*.

Respondent a respondent is the person against whom the complaint is being made.

Rule of Procedural Fairness – Are [rules](#) requiring: a hearing appropriate to the circumstances; a lack of bias; evidence to support a decision; and an inquiry into matters in dispute.



4. Policy

Policy statement

BRCC is committed to creating and maintaining a cohesive and collaborative College community where each person is treated with respect, dignity and consideration; where they are able to learn and work without interference in an orderly and safe environment; and where they feel pride in their contribution to the College community.

BRCC seeks to foster a culture of openness where suggestions, concerns, and complaints are received in a positive manner; and where disputes and grievances are resolved fairly and according to the principles of natural justice and the rules of procedural fairness.

Students, parents, staff, and volunteers are valued members of the College community and are encouraged to raise any concerns. BRCC will always give priority to any complaints involving the safety, welfare and wellbeing of students.

A complaint, concern, dispute, or grievance will be dealt with wherever possible by discussion and mediation or, where required, by independent arbitration. It is acknowledged that problems are more likely to arise if members of the College community feel the College is not open to hearing their concerns.

The BRCC operates on the basis that it is better to receive and resolve a complaint, concern, dispute, or grievance, than to leave it unresolved and become the basis for dissatisfaction. Receiving and resolving complaints or concerns enables the College to undertake continuous improvement by reflecting on and acting on matters raised through the complaints process.

A concern or complaint may be made about the College as a whole, or about a member of the College community. Concerns and complaints will be treated as constructive suggestions to improve standards and prevent cause for further complaint. A complaint is an expression of dissatisfaction with a real or perceived problem. A complaint may be made where a student, parent or staff member is concerned that the College or a member of the College community has:

- *done something wrong;*
- *failed to do something it should have done; or*
- *acted unfairly or impolitely.*

All complaints, concerns, disputes or grievances will be treated seriously, even if the matter raised may be viewed as a relatively minor issue or concern.

The College acknowledges young people may test the complaints procedures on relatively minor issues before finding the confidence to raise something painful, such as bullying. Therefore BRCC will be responsive, and promptly acknowledge any complaint or concern and treat the student with understanding and helpfulness.

We encourage parents/carers to first treat their complaint or grievance as a concern when approaching the College, and then lodge a complaint if this is not handled to your satisfaction.

BRCC seeks to ensure that:

- any parent/carer or student wishing to raise a concern or lodge a complaint knows how to do so;



- the complaint or concern will be treated in a confidential, culturally safe manner and with respect;
- we respond to concerns within a reasonable time and in a courteous and efficient way;
- BRCC gives prompt written acknowledgment of complaints;
- required action is taken within a stated timeline;
- the procedure is fair and reasonable for all parties;
- complaints are examined and investigated by an authorised person;
- the subject of the complaint is provided with the substance of the complaint;
- a clear record of the complaint is kept including the action taken and the outcome;
- if required, the matter will be referred to an external authority such as the Department for Child Protection or the Western Australian Police Service (WAPOL) for advice or immediate action;
- if necessary, a mediator or independent arbiter may be used;
- any action taken is evaluated and the procedures are reviewed as required.

Concerns or complaints – Informal Process

BRCC encourages anyone wishing to raise a concern or make a complaint to raise their concerns directly with the person involved as the first step in the complaints process. Often any issues or concerns can be handled and resolved quickly and effectively in an informal discussion with the appropriate person.

If the concern or complaint is in relation to a matter where a student's or students' wellbeing or safety is at risk, the formal complaints process should be used instead.

All BRCC staff and volunteers are required to record any issues or concerns raised in the Complaints Register. This allows the College to review matters raised and identify whether there are any systemic issues or patterns of behaviour that need to be addressed and to take appropriate corrective action where necessary.

Concerns or complaints – Formal Process

Unresolved concerns or grievances may lead to a formal complaint being lodged. When the informal process is not successful, a formal complaint may be made.

Complaints should be made in writing, with any supporting information included either through sending a letter or email; or by a staff member receiving the complaint verbally in a face-to-face meeting and writing it down so it can be signed by the person making the complaint with any supporting information included.

Verbal complaints should be recorded in writing using the *BRCC Verbal Concerns or Complaints form* with the inclusion of the following details:

- date of concern/complaint
- name of person receiving concern/complaint
- the subject of the concern/complaint
- the details of the concern/complaint
- additional support required
- any relevant issues
- If the matter is a 'concern' - what steps have been taken to resolve the matter
- any risks managed and the outcomes.

If the complaint relates to a member of staff or volunteer, please contact or write to the Principal. If the complaint is about the Principal, then the complaint should be directed to the Director of the College.



All written complaints will receive a written acknowledgment within 5 working days of receipt that will outline what steps will be undertaken to resolve the complaint. An investigation may follow which will be finalised as fast as possible.

Formal complaints will be investigated by a senior member of staff, the Board or an independent arbiter depending on the circumstances. In order to follow procedural fairness rules, if the complaint is about a person, the substance of the complaint will be provided to the subject of the complaint.

The Principal or Director may consider a complaint and determine that the College will not proceed further with the complaint procedure when it is considered the complaint to be not substantiated, vexatious, trivial or regarding previously finalised issues.

Following the investigation, a discussion followed by a written response will be provided to the person who has made the complaint. If the outcome is agreed, this will be recorded as a successful resolution and entered into the Complaints Register.

Student Concerns or complaints – information for students

Any concerns or complaints? If so, the College would like to hear about it so it can be resolved.

BRCC prioritises the rights, safety and wellbeing of its students and supports each student to feel free to speak up if they are concerned or feel unsafe. The College will make every effort to resolve your concern or complaint in an open and fair manner. Students views are taken seriously by the College.

The College understands that a student may feel nervous about raising an issue and may need a person to raise concerns or complain on their behalf. The College supports this and will give the student the option of participating directly or to the extent they want to, or feel comfortable, doing.

BRCC students should always be able to raise concerns with any member of staff with whom they feel comfortable. Students may prefer to have someone provide them with support and are encouraged to choose a person with whom they feel comfortable to do this.

Any students raising a concern or complaint will be asked if they need any support before proceeding in the process, and the student will be given a choice on how they wish to be kept updated on the progress of their complaint. Any investigations undertaken will be conducted in a confidential, fair and prompt manner with findings supported by available evidence. Any student making a complaint will have the final outcome discussed with them, and the reasons for any decisions explained to them, along with any options to have the decision reviewed.

Confidentiality of the student's complaint or concern will be maintained at all times where possible. An exception to confidentiality may be required when the safety and welfare of a student is concerned, and a duty of care is involved; or where mandatory reporting is required under law. This will be discussed with the student if it becomes apparent that the matter needs to be referred to an external authority.

If a student is worried about something, has concerns, or wants to complain about something, then the following advice may be able to provide guidance to achieve this.



Who can help?

BRCC has many people available and willing to listen or talk to students about their worries or concerns, and to help support them. The student can choose anyone to talk to and help them to resolve their worry or concern and is encouraged to pick the person they feel safe and comfortable with. Students can take another student along with them if they wish.

The list below are suggestions of who a student could turn to for help at BRCC:

- Advisory Teacher
- Education Assistant
- Social Worker
- Youth Worker
- School Psychologist
- Principal

Other support information

<https://www.ccyp.wa.gov.au/info-for-children-and-young-people/tips-for-children-and-young-people-on-how-to-make-a-complaint/>

<https://www.ccyp.wa.gov.au/media/4576/child-friendly-complaints-leaflet-national-office-of-child-safety-2020.pdf>

<https://www.wapha.org.au/wot-na-wot-kine/>

When should you raise your concerns or complain?

- If you are unhappy about the way you have been treated.
- Someone made a mistake and won't fix it.
- You may be feeling unsafe, and people won't listen.
- You might have had a disagreement that is causing you stress.

If a student chooses to express a concern or make a complaint themselves, the student may still need or want support from another student or from an adult. BRCC encourages the student to choose a person with whom they feel comfortable to provide them with support.

Once the matter is resolved, the outcome will be explained and discussed with the student, and BRCC will monitor any steps that are put in place to ensure they are working.

What should happen if you raise a concern or make a complaint?

The people at BRCC who are responsible for receiving complaints from students should:

- listen and be respectful when you are telling them about your concerns
- be understanding and encourage you to explain your situation in your own time
- believe what you are saying, take it seriously and note it down
- be helpful and offer advice and information about the complaints process, what their next steps will be and what you can expect to happen
- take action, do what they said they would do and act on your complaint
- keep you informed by contacting you when they say they will and let you know of progress.

It's okay to tell an adult politely if you don't think they are doing these things well. Tell them how you feel. **If you feel unsafe or at risk and need help urgently, call the Police on 000 or Crisis Care on 1800 199 008.**



Understanding procedural fairness and natural justice

BRCC are committed to providing a process that is safe and fair to all parties, and that all parties are listened to. Decisions will be based on the evidence provided and the views of an adult will not be weighted over that of a student, just because they are an adult. Conflicts of interest will be identified and managed to ensure the process and outcome is fair. BRCC will ensure the process is sensitive to all cultural, linguistic, religious and gender differences.

A good complaints process will be:

Fair – This means that both the person complaining (the complainant), and the person being complained about (the respondent) should have the opportunity to present their version of events, provide supporting information, and respond to any potential negative decisions.

Impartial - the person investigating and/or making decisions about the complaint should be impartial; that is, they should not favour the complainant or the respondent, or prejudice the complaint in any way. These are the rules of procedural fairness and provide natural justice to the parties. For more information refer to the State [Ombudsman Procedural Fairness Guidelines](#)

Confidential – This means that information about a complaint is only provided to those people who need to know about it, in order for the complaint to be actioned properly.

Transparent – The complaint process and the possible outcomes of the complaint should be clearly explained and those involved should be kept informed of the progress of the complaint and the reasons for any decisions.

Accessible – The complaint process should be easy to access and understand, and everyone should be able to participate equally.

Efficient – The complaint process should be conducted within a reasonable time. The longer it takes, information important to the complaint may deteriorate or be lost, which will impact on the fairness of the process. In addition, unresolved complaints can have a negative and ongoing impact on a everyone involved.

A good complaints process will also:

- protect people from being victimised because they have made a complaint
- protect people from vexatious and malicious complaints
- ensure appropriate confidential records are kept about complaints and that this information is stored and managed appropriately.

Anonymous Concerns or complaints

You can remain anonymous when you raise a concern or complaint. Anonymous complaints will be accepted, evaluated, and actioned as far as the information provided allows. Anonymous complaints will also be recorded in the Complaints Register.

BRCC would prefer to know who is making a complaint as it can help in any investigation that may occur and provide resolution to the dissatisfied party, however it is not essential.



Complaints register

To assist BRCC complaints handling system, the College maintains a Complaints Register.

The register records:

- the date of complaint
- name of the complainant and relationship to the College
- nature of the complaint, including the name of any person who is the subject of the complaint and their relationship to the College
- name and position or role at BRCC of the person investigating the complaint
- date when investigation is completed
- whether the complaint was upheld
- resolution offered or agreed to with the complainant
- date of referral for review, if required, and to whom, if not the Head of School
- date review was finalised
- review resolution agreed with or offered to the complainant
- date of referral for review, if required, to the Chair of the Board
- date review was finalised
- review resolution agreed with or offered to the complainant
- If relevant, the date and details of a report made to an external agency e.g. Police

Any communications related to a complaint, concern, dispute or grievance will kept in a file designated for Complaints and will be noted in the Complaints Register. A copy of the communication may also be kept in a student's or staff member's file where applicable.

The Principal will conduct a review of all complaints in the Complaints Register, at least twice a year, to help gauge both the quality of the education services BRCC delivers and the College's complaints management system. This review will assist in identifying any recurring causes or systemic issues and will inform BRCCs continuous improvement processes. Where required the Principal will implement corrective action.

The Principal will undertake regular reporting to the Board with an analysis of the complaints received, and detailing the actions taken.

Confidentiality

BRCC respects and upholds the right to confidentiality of all parties involved in a complaint.

Complaints or concerns will be treated in a confidential manner and with respect. Knowledge of the issue will be limited to the Principal, the Director, and those directly involved. The Chair of the Governing Body may also need to be informed.

BRCC cannot completely rule out the need to make third parties outside the College aware of the complaint and possibly also the identity of those involved. This may happen when a student's safety is at risk, and it becomes necessary to refer matters to the Police or other external authority. Matters of this nature would include an allegation/complaint of grooming, child abuse and/or there was a breach of the Code of Conduct/student code of conduct.

If information is passed to a third party, the complainant will be informed, unless this is prevented by legal obligation.

Please refer to the BRCC *Child Protection and Child Safe Policy* for further information.



Role of the Director General

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.

Reporting on Complaints and concerns

The Principal will report all complaints received to the College Director.

As part of the BRCC's commitment to continuous improvement, the Principal will also report relevant findings and improvements undertaken through reviews of the Complaints Register to the College Board. The College community will be advised on any relevant findings and improvements through newsletters or notices on the College website.

National Child Safe Organisation Principles

The National Principles for Child Safe Organisations incorporate the ten standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse in December 2017 but cover all forms of child abuse. They were developed by the Australian Human Rights Commission and endorsed by all members of the Council of Australian Governments (COAG) in February 2019.

BRCC is committed to the Child Safe Principles and ensuring they are embedded into the College's ethos and practices.

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 the law requires reporting, and co-operates with law enforcement.

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

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.

5. Applicable Legislation and Policies

Children and Community Services Act 2004

Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008

School Education Act 1999

School Education Regulations 2000

The Privacy (Enhancing Privacy Protections) Act 2012

The Privacy Act 1988

Registration Standards for Non-Government Schools

Standard 9 – Complaints

Standard 7 - Critical and Emergency Incidents

Standard 10 – Child Abuse Prevention

Relevant BRCC policies and documents

Child Protection and Child Safe Policy

Code of Conduct

Duty of Care Policy

Pastoral Care and Behaviour Management

Other

National Principles for Child Safe Organisations WA Guidelines (Nov 2019)

<https://childsafety.pmc.gov.au/resources/complaint-handling-guide-upholding-rights-children-and-young-people>

6. Policy Review Date

This policy was submitted to the Governing Council for endorsement and is due for review annually.

7. Contact BRCC

If you wish to make a complaint about BRCC or about a staff member or a student at the College, please contact the principal or any other member of the College staff, in person or by phone, text or email. If the complaint is about the Principal, please contact the Chair of the College Governing Council.

Web <http://www.brcc.org.au/contact/>

Email principal@brcc.org.au

Phone 6724 6971

Bunbury Campus: Level 1/16 Victoria Street, Bunbury

Busselton Campus: 50 Albert Street, Busselton WA 6280



| Approval Process | New Policy or Amendment | Minor Amendment or review |
|-------------------------------------|--------------------------------|----------------------------------|
| First approved by Governing Council | December 2016 | November 2017 |
| Reviewed | August 2021 | |
| Approved by Governing Council | August 2021 | |
| Next Review | June 2022 | |



BRCC Verbal Concerns or Complaints form

Interview Details

Complainant: Enter Name: Date: Enter date Time: Enter time
Interviewer Name: Enter Interviewer Name
Interviewer Title: Enter interviewer title Concern or complaint?
Subject of discussion: Enter Subject of Discussion
Advocate or support person: Name of Advocate or support person
Contact details: Enter email and contact number for complainant

Issue #1: Enter issue #1

Notes: Enter notes

Issue #2: Enter question

Notes: Enter notes

Additional support: Enter any additional support requested:

Additional Notes

Notes: Enter notes

Enter Additional Notes.

If the matter is a 'concern' - what steps have been taken to resolve the matter

Interviewers Name:

SIGNATURE: _____ DATE: _____

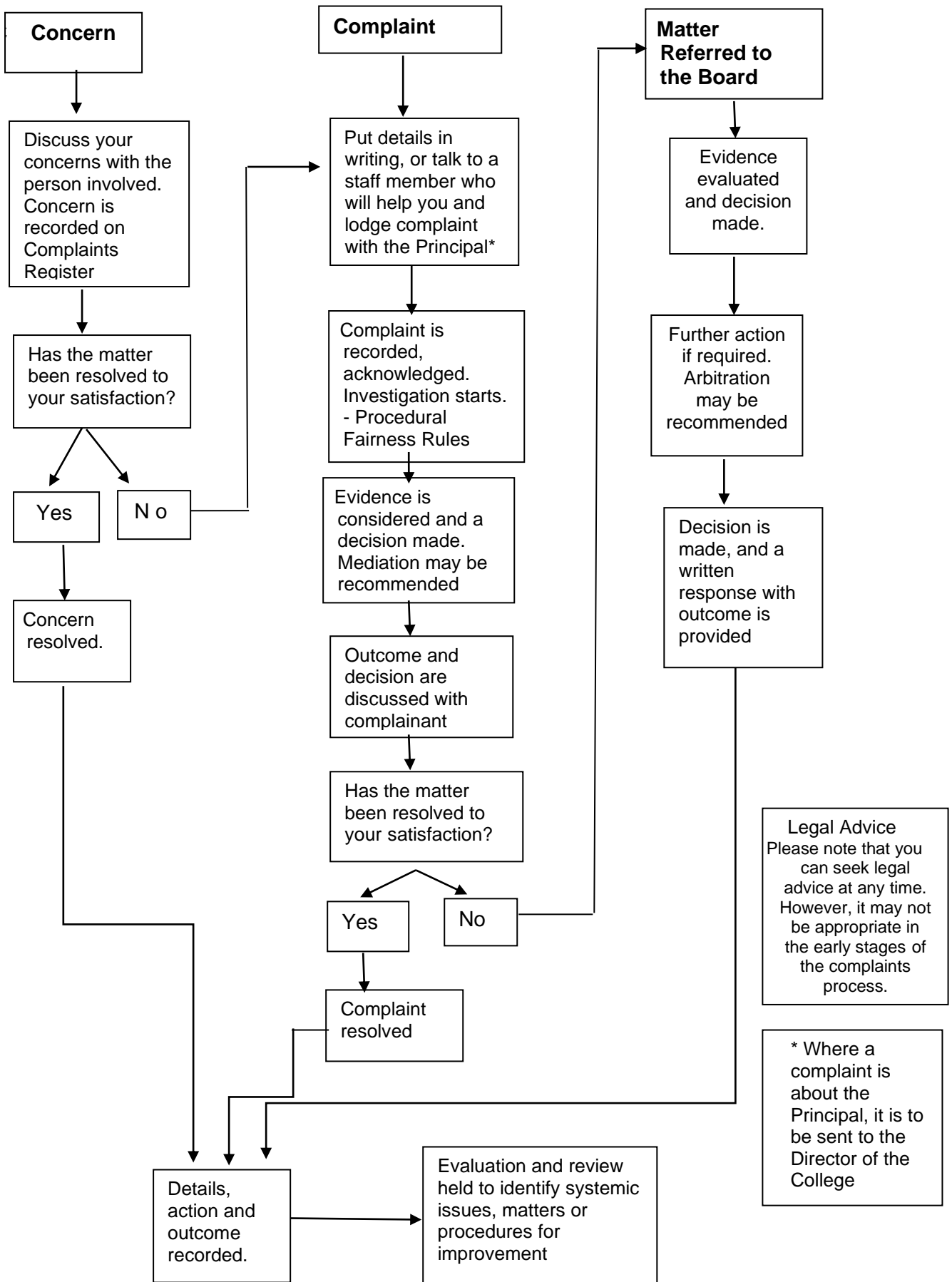
Complainant's signature confirming this is an accurate record of the discussion held:

NAME:

SIGNATURE: _____ DATE: _____



FLOWCHART OF HANDLING OF CONCERNS AND COMPLAINTS



Legal Advice
Please note that you can seek legal advice at any time. However, it may not be appropriate in the early stages of the complaints process.

* Where a complaint is about the Principal, it is to be sent to the Director of the College

