

COMPLAINTS

INTRODUCTION

As with any community, Tyndale Christian School is not immune to misunderstandings, disagreements and error or wrongdoing. As a Christian community, Tyndale recognises that community and relationship is central to the Biblical message. The School is committed to ensuring that relationships are restored in accordance with Biblical principles and the School's decisions are well-founded.

SCOPE OF APPLICATION

This policy is applicable to the following entities:

- Tyndale Christian School (Salisbury East)
- Tyndale Christian School – Strathalbyn
- Tyndale Christian School – Murray Bridge

This policy deals with complaints by parents, students, volunteers and other members of the school community or public in relation to the operations of the School. This policy also deals with a complaint that an employee has with a parent, student, volunteer or other member of the school community or public, in their capacity as an employee of the School.

Exclusions

This policy does not deal with:

- complaints or grievances of employees with the School, leadership of the school or another employee;
- a complaint of one parent regarding another parent, to the extent that it is unrelated to school operations or does not have an impact on school operations.

INTERPRETATION

Within this policy, unless specifically defined otherwise, the following terms shall have these meanings:

'Complaint'	is an expression of dissatisfaction with a real or perceived situation or outcome – the dissatisfaction may be based on the view that the School has done something wrong; failed to do something that it should have; or acted unfairly or inappropriately.
'Grievance'	in this policy means the same as 'complaint'.
'Parent'	shall also include caregiver, guardian
'School' or 'schools'	shall mean all or any one of the schools in the Tyndale group, and shall also mean an Early Learning Centre or day care centre of the School.

OBJECTIVES OF THIS POLICY

The objectives of this policy are to:

- provide the leadership and employees of the School with a guide on complaint management;
- ensure consistency of effective treatment;
- provide those who are making a complaint with access to an open and responsive process;
- enhance the school's ability to identify trends and eliminate causes of complaints, thereby

improving the effectiveness of the School's operations.

IMPORTANT NOTICE

Neither the Minister for Education and Child Development nor the Department for Education and Child Development has any power or authority to directly intervene in any complaints relating to the operations of a non-government school. The Education and Early Childhood Standards and Registration Board (the government body that has responsibility for registering schools or early learning centres) will refer any complaints made to it, back to the School to deal with.

Similarly, the Association of Independent Schools SA (AISSA) has no power or authority to deal with complaints regarding the School, and will also refer any complaints made to it, back to the school to deal with. The AISSA is a representative body for independent schools and an advocate for their member schools.

Matters of a criminal nature, or situations where there is significant risk to the safety or welfare of a student (e.g. mandatory notification) will require any school involvement to be at the discretion of and subordinate to the investigation of the relevant authority.

POLICY

The Board of Governors has delegated authority to the Head of Schools to deal with complaints arising from school operations. Except in cases of a complaint against the Head of Schools, the final decision in the case of complaints and grievances will rest with the Head of Schools.

The Head of Schools (and those who are delegated authority to deal with complaints) shall follow the principles and procedures contained in this policy when dealing with complaints.

PRINCIPLES

1. The School ethos encourages openness to hearing the concerns of parents, students and others in the school community, and actively promotes the development of positive and respectful relationships by seeking to minimise conflict that might otherwise give rise to a complaint.
2. The School values feedback from parents, students and others in the school community and complaints are received in a positive manner. This also means that complaints should not be lodged which are frivolous in nature; or intended purely for malice, frustration or annoyance.
3. This policy will be made available to those making complaints.
4. The School will use procedural fairness (sometimes known as 'natural justice') when dealing with a complaint. Procedural fairness entails the following principles:
 - a. Providing the person with the complaint an opportunity to be heard;
 - b. Ensuring that decision-maker(s) in the matter does not have a conflict of interest or bias, and does not appear to bring prejudice to the matter;
 - c. The matter will be decided based on legally probative evidence. i.e. evidence which is used to prove or disprove. This will mean that probative evidence is that evidence which a person has first-hand experience with – what they experienced with their own five senses. Second-hand experience is not useful as it is reliant on trust that another person experienced something.
5. The School will deal with genuine complaints raised with it and will work with a person or persons making a complaint in a professional manner to bring about fair and swift resolution of the complaint,

including updating the person on the progress of their complaint. Those making complaints will not be treated unfairly, victimised, coerced or intimidated.

6. Some complaints may be minor in nature, or readily resolved, and often arise from genuine misunderstandings and/or issues relation to communication. In the vast majority of cases, these can be satisfactorily resolved informally.
7. The School encourages and supports those making complaints, wherever possible and as soon as practicable after a matter becomes a concern, to seek to resolve the complaint in an informal and amicable manner. This is best done through direct communication/discussion by and between the parties themselves (e.g. a parent and teacher). Should a complaint not be effectively dealt with at that level, or the complaint is raised formally, the complaint shall be escalated to the appropriate sub-school principal, or in the case of business or administrative matter, to the Business Manager, and be dealt with according to the procedures listed in this policy.
8. Complaints will be treated with respect and sensitivity. However, a person making a complaint should not assume that communications with the School, or any documents supplied to the School, will necessarily be kept confidential. Although the School will endeavour to deal with complaints with appropriate discretion, the School reserves the right to disclose details of the matter to other persons who in the School's opinion need to know them, in order to facilitate the resolution of the complaint. Similarly, information gathered from witnesses during investigation will be treated sensitively, but confidentiality cannot be assured. It may be impractical to conduct an investigation without disclosing the identity of the person making the complaint or others.
9. Records of complaints and complaint investigations will be kept.
10. Employees will be provided training in communication skills and complaints handling processes.
11. Employees involved in an investigation will be asked to not disclose the investigation details to any other person.
12. The making of a complaint will not result in adverse treatment of the person making a complaint, and in the case of a parent, their child.
13. Legal opinion or advice, including that provided by the AISSA Legal Consultant is privileged and will not be provided to a person making a complaint or others, and may not be disclosed in legal proceedings.

PROCEDURE

Informal complaints

1. In the first instance, any complaint regarding the actions or decision of an employee shall be raised directly by the person making the complaint with the employee, with the aim of resolving the matter amicably. If the matter cannot be resolved, the employee and the person making the complaint will take the matter to a senior employee.
2. If the complaint is by a parent about a student, the complaint shall be raised with a teacher, or in serious cases, with a senior employee such as Coordinator, Deputy or Principal.

Formal complaints, significant complaints

3. Significant matters, such as assault or threats of assault, drug use or supply, sexual exploitation, distribution or access to child pornography, child abuse or neglect, shall be reported to a Principal or Deputy Principal. In these significant matters of potential criminal nature, the relevant principal will involve the police and other relevant government authorities, and will coordinate any school investigation in consultation with the authority.
4. Before conducting an investigation or responding, the parties will ensure that the person making a complaint has been given an opportunity to be heard.
5. If an investigation into a complaint is required, the person conducting the investigation shall ensure that they are authorised to do so, and are able to undertake the investigation without conflict of interest.
6. The investigator shall gather the facts. This may involve requesting the person making the complaint to put the complaint in writing. A form A4.04A is available to assist this process, if required.
7. If the complaint is in relation to an employee, make a time to contact the employee concerned. Provide the employee with an outline of the concerns and complaint. If the complaint is of a serious nature (is likely to impact the employee's ongoing employment), the employee shall be encouraged to bring a support person to a meeting. However, the employee is still expected to answer any questions put to them.
8. If the employee is likely to interfere with the facts, and the allegation or complaint is serious, the Principal or Head of Schools shall consider suspension on full pay until the investigation is completed.
9. Give the employee an opportunity to respond to the complaint. This may include providing some time for the employee to consider their position and gather any facts.
10. Update the person making the complaint on progress being made. This doesn't necessarily mean providing them with details of any facts or comments arising during the investigation.
11. The person conducting the investigation shall keep all records on the investigation and communication of the outcome of the investigation.
12. The outcome of the investigation shall be finalised and appropriate actions taken:
 - a. Communication of the findings and the decision, in writing, and preferably in person, to the person(s) making the complaint and any other people impacted by the complaint.
 - b. If required:
 - i. A formal apology
 - ii. A reconciliation meeting or mediation
 - iii. Counselling for any people affected

- iv. Disciplinary action for employees
 - v. Disciplinary action for students
 - vi. Request or expectation of any other person
 - vii. An action plan
 - viii. Changes to process or policy
 - ix. Notification of police or other authorities
13. If the person making the complaint disagrees with the outcome or finding, due to factual inaccuracies or omissions, or where they believe the decision has not adequately considered the facts, the person may write to the Head of Schools, who may choose (or not) to review the investigation or conduct another investigation.

Anonymous and persistent complaints

From time to time, anonymous complaints may be received. Similarly, persistent complaints may be made by the same person(s). The following points provide a range of responses, depending on the nature and history of the complaint:

1. Take note of anonymous complaints and investigate or treat as vexatious, depending on the nature of the complaint.
2. Notifying the Chairperson of the Board of Governors of any significant risk and identify additional strategies which are consistent with the risk management strategies of the School.
3. Instructing staff that the person making the complaint shall only communicate with the Head of Schools or delegate.
4. Indicating to the person making the complaint that no further discussion will be held on the particular issue.
5. Seeking advice from AISSA or CSA, or another body.
6. Seeking legal advice on how to handle the complaint, including the preparation of a letter by a lawyer to the person making the complaint.
7. Seeking an intervention order.
8. Seeking involvement of an external mediator.
9. In the case of an unresolved complaint, the media may become involved at the request of the person making the complaint or a supporter. The School shall involve AISSA or CSA in cases where support is required to avoid unfair publicity or damage to the School's image or reputation.
10. Seeking support for affected staff (including the Head of Schools) through the School's employee assistance program, or similar counselling support.

REFERENCES

- 'Handling complaints – natural justice in dealing with staff, parents and students.' Presentation by Sonia Albertini, AISSA, 15 September 2015.
- A4.02 Privacy
- A4.03 Access to personal information
- A4.04A Complaints form
- A4.10 Conflict of interest
- H5.10 Conflict resolution
- S1.10 Media
- S1.16 Information
- T1.02 Parent/teacher conflict resolution

REVIEW

The policy will be reviewed every two years. Review will be conducted by the responsible officer, drawing upon input and feedback from:

- Employees
- Parents/families
- Interested parties
- External changes, such as changes to legislation, good practice

POLICY INFORMATION

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