



LANGFORD ISLAMIC COLLEGE

COMPLAINTS AND DISPUTES RESOLUTION POLICY

PURPOSE:

Langford Islamic College (LIC) is committed to providing a safe and supportive environment for all members of the school community.

This policy is intended to ensure that all disclosures, complaints or grievances are handled appropriately by the school and in accordance with relevant legislation (please refer to Annexe A for definitions and relevant legislation).

Confidentiality will be maintained and respected by all parties to the extent consistent with legislative requirements. However, principles of natural justice will be followed, for procedural fairness or for the opportunity for an accused person to be heard and to ensure a fair decision is reached by an objective and impartial decision maker. Maintaining procedural fairness protects individuals' rights and develops confidence in the complaint or dispute resolution process.

SCOPE:

This policy applies to all parents, students, staff, volunteers and community members of LIC.

POLICY:

- In all matters of dispute, the wellbeing of students is priority at LIC.
- Processes regarding complaints will be kept as straightforward as possible and made publicly available on the LIC website www.islamiccollege.com.au.
- This policy will be provided to students, parents or guardians at the time of enrolment.
- This policy will be provided to all staff members at the time of new staff induction.
- This policy will be kept updated and reminders of changes will be provided to all parents and staff via the school newsletter.
- All complaint processes will be conducted in a transparent and accountable manner (refer to the LIC Complaints Lodgment and Resolution Process – Annexure B).
- All complaints, disputes and the outcomes of attempted resolution, will be recorded in the Register of Complaints held by the Principal.
- Complaints and disputes will be monitored and their management and/or resolution of said will be evaluated to reduce the occurrence of systemic or recurring problems.

- Resolution of complaints will prioritise balancing the principles of justice with compassion, and will be guided by the principles of participation and fairness.
- Information about an allegation, complaint or disclosure will only be disclosed to a third party as required by law or on a reasonable 'need to know' basis in finalising a formal report or for carrying out a recommendation made regarding a disclosure.
- Vexatious, trivial or previously finalised issues will not be pursued.
- Anonymous complaints will be only considered if the matter relates to illegal or improper conduct, for example criminal, corrupt or fraudulent activity, by any staff, contractor or employee of the school. Anonymous complaints will, however, be recorded in the Register of Complaints.
- No action will be taken against individuals who make a disclosure allegation in good faith, that is later shown to be unfounded,
- In the first instance, before making a formal complaint, the aggrieved person will be encouraged to resolve the issue directly by raising the complaint with the person involved.
- Respect, appropriate confidentiality and sensitivity must be applied to all complaints and disputes.
- If attempts to resolve the complaint face-to-face are not successful, then the complaint should be brought to the attention of the Principal (refer to the LIC Complaints Lodgement and Resolution Process).
- In the first instance the Principal takes responsibility in attempting to resolve a complaint or dispute with the parties directly involved.
- Any issue that is not resolved by the Principal will be referred to the Chair of the LIC Board.
- Any complaint or dispute that involves the Principal, or significant matter involving senior management staff, will be referred to the Chairman of the LIC Board.
- If a resolution is not achieved, the College will source an external independent arbiter as a last resort in the final stage of the complaints and disputes process.
- Resolution to a dispute or complaint must exhaust all reasonable attempts at conciliation prior to an imposed arbitrated result occurring.
- Any complaint involving the police, or any other statutory authorities must be immediately reported to the Chairman of the LIC Board.

OPERATIONAL PROCEDURES:

Please refer to the *LIC's Complaints and Disputes Resolution Procedures (Annexure B)* for complaint forms and further operational details.

DEFINITIONS

Grievance: A grievance may exist when a member of the school community has a complaint against a person or the school or a group of persons within the school concerning an action taken, a policy, a process, structures, etc., which for whatever reason has not been resolved.

Conflict: A conflict can be said to exist where two parties are in opposition to each other over an issue and are unable to resolve it by themselves.

Concern: Is the expression of a worry, something that has made a person troubled or anxious about an issue and is expressed at a 'first level' i.e. to a class teacher at the classroom door or by telephone or email directly to the relevant staff member. Depending on the nature of the concern, it can often be resolved at this 'first level' in a more informal manner. NB: It would be prudent nonetheless for the teacher or staff member concerned to make and file a brief note regarding the issue and interaction in case of future escalation.

Dispute: A disagreement or argument. It means a conflict regarding a right, claim, or demand on one side, met by contrary claims or allegations on the other. A dispute exists where all normal channels of complaint or conflict resolution have been exhausted.

Mediation: Mediation is a process whereby the listening and speaking between parties in a grievance or conflict situation is facilitated by an independent, skilled person or panel.

Resolution: Resolution is a stage reached between two parties who, though once in conflict, have now agreed on a course of action that is perceived by both parties to be best for themselves and for the community of the school.

Procedural Fairness: refers to the procedure used by a decision-maker rather than the actual outcome reached. It requires that fair and proper procedure be used when making a decision

RELEVANT LEGISLATION

The School Education Act 1999, s. 159 (l) (j)

Non-Government School Registration Standards (Standards 11- *Complaints Management*)

School Education Regulations 2000, regulations 54, 55, 56, 57

Department of Education – Duties and Complaints (version 1.2 FINAL)

Scheme for Dealing with Disputes and Complaints published in the Government Gazette

Public Sector Management Act 1994 Equal

OPERATIONAL PROCEDURES FOR MANAGING COMPLAINTS AND DISPUTES

PROCEDURE

- Langford Islamic College's policies/procedures that address specific matters shall be followed (for example):
 - Harassment, Discrimination and Bullying
 - Dealing with Bullying and Harassment (Students)
 - Termination of a Staff Member
 - Incompetency or Misconduct
 - Child Abuse
 - Student Enrolment
 - Exclusion of Students for Disciplinary Reasons
 - Selection of Appropriate Texts in Langford Islamic College.
- If the dispute involves an employment issue, the prescribed process in the relevant Enterprise Bargaining Agreement or Award shall be followed.
- Each dispute or complaint resolution procedure followed by the College shall ensure that all relevant parties:
 - are informed of the dispute or complaint
 - have the opportunity to place their version on record
 - have the opportunity to be represented if they so wish
- The resolution of a dispute or complaint, in the first instance, should be undertaken between the immediate parties involved. Only after attempts at this level are exhausted should the matter be referred to the next level.
- It is the responsibility of the Principal to attempt to reach a resolution between the parties where possible.
- Should the immediate parties involved fail to reach a resolution, then the Principal is responsible for undertaking a procedure to resolve any dispute or complaint within the school.
- The Principal will delegate the handling of the dispute/complaint to the respective management staff.
- Where a dispute involves the Principal, the matter may be referred to the Chairman of the College Governing Body.
- The Principal shall maintain records of the procedure and resolution to any formal dispute or complaint. These will include any statements made by the parties involved.
- Records of any dispute or complaint shall be maintained in a Register of Complaints.

- The Principal may call on the Assistant Principal/s or outside mediation to assist in the resolution of a complaint.

AN OPEN APPROACH – CLIMATE AND CULTURE

Problems can arise if it is believed that the school is not open to the receipt of concerns. It is better to direct a complaint to a member of staff than to have parents sharing their dissatisfaction with others. Parents need to feel valued and involved with the school and should be encouraged to voice their concerns. Subsequently, Langford Islamic College:

- is open to listening to expressions of concerns and complaint; and
- ensures this is communicated through a well-publicised policy, procedure and flowchart (on the school's website and in the Parents' Handbook).
- encourages all to follow the school's dedicated process.
- trains staff to appropriately and adequately deal with concerns and complaints.

Our procedures are flexible enough to handle both formal complaints and the informal raising of issues, bearing in mind that sometimes serious issues may be raised in an informal and friendly way and apparently-trivial issues in an adversarial manner. Complaints against members of staff are handled sensitively. Procedures are also in place for appropriate action when a matter remains unresolved or cannot be resolved quickly. The school will determine and communicate what it believes to constitute formal and informal matters.

REDUCING ANXIETY

The school takes every step to reduce the anxiety of a complainant by:

- acknowledging complaints immediately or at most within the timeframe stated in the school's policy document (usually within five (5) days);
- confirming the nature of the complaint and what is concerning the complainant;
- providing an assurance that the school takes the matter seriously; and
- keeping the complainant informed on what is happening in relation to the concern or complaint and, if a more detailed response is needed, the date by which it will be received. The issue should be dealt with as quickly as possible.

RESPONSE TIME

- In the case of a verbal complaint, where the complainant does not want to be specifically identified, staff will endeavour to work directly with the complainant to resolve the matter as quickly as possible.
- The School will acknowledge written complaints within five school days. The School will seek to resolve complaints within 10 days. In all cases, the complainant will be kept informed of the progress of complaint.

CONFIDENTIALITY

All complaints are treated in a respectful and confidential manner.

Parents often seek an assurance of confidentiality before expressing their concerns. If, for example, they wish to discuss a member of staff they may fear that their child will suffer in some way because they have complained. It will be made clear to all concerned that it is the school's policy that complaints made by parents will not rebound adversely on their children and similarly that complaints raised by students will not rebound on them or on other students. The question of confidentiality shall be discussed sensitively and on an individual basis with the parents and the school's policy shall be carefully explained.

Members of staff will be informed of complaints that might be damaging to their reputation. Training will help staff to deal not only with complaints that are made to them, but also complaints that are made about them. Langford Islamic College is prepared to provide support for staff against whom a complaint is made. This may involve a colleague who is not involved in the complaint.

If there is a situation involving the Police and the Principal is not available, the next most senior staff member must take responsibility for action to be taken within the school, and the governing body Chair should be informed as soon as possible. At this stage, depending on the circumstances, it would also be important to fulfil the school's requirement by submitting a Critical Incident Report to the Department of Education Services.

ANONYMOUS COMPLAINTS

Anonymous complaints may be where there is no name or address supplied, or where the complainants do not wish to be identified.

Complainants should be encouraged to give their names and should be given reassurance regarding confidentiality. If they persist in wishing to remain anonymous, it is at the Principal's discretion as to what action, if any, should be taken, depending on the nature of the complaint. An anonymous complaint must be submitted as an INDIVIDUAL complaint and not on behalf of a group. Anonymous complaints on behalf of a group will NOT be accepted.

Anonymous complaints should be recorded in the complaints log as, over time, they may contribute to an identifiable pattern.

UNSUBSTANTIATED OR VEXATIOUS COMPLAINTS

If the complaint is unsubstantiated - (did not occur or not proven) - the complaint handler will communicate this outcome to the parties concerned and determine further action if necessary. If the complaint is found to be vexatious/malicious, the Principal will determine the course of action, which could include a written apology, or disciplinary action in the case of an employee.

CONCERNS AND COMPLAINTS' HANDLING

The Non-Government Schools' Registration Standards and Requirements suggest that a school's policy and procedure should be clear, open and accessible and include the following requirements:

- Confidentiality
- Prompt written acknowledgement of the complaint
- Action taken within stated timeline
- Procedural fairness for all parties
- Formal examination and investigation of the complaint and/or areas of disputation by an authorised person
- Substance of the complaint provided to the subject of the complaint
- Chairperson of the governing body informed, where appropriate
- Action being taken communicated to the complainant
- Clear record kept of the complaint, the action taken and the outcome
- Involvement where necessary of a third party within the school community or an independent arbiter

- Referral, where required, to an external authority such as the CPFS or the Western Australian Police Service for advice or immediate action
- Written report given to the complainant
- Action monitored and evaluated, and procedures reviewed.

The Registration Standards go on to say that:

'Staff should be trained in handling complaints according to the school's documented procedures, especially regarding child protection matters.'

TRAINING

Given the diverse nature of complaints, LIC will ensure that through training, all staff, including support staff, know how to carry out their responsibility to support and implement the school's policy. Training will cover:

- the complaints' procedure;
- communication skills, such as listening, questioning and keeping calm;
- handling complaints, negotiation and mediation skills;
- skills in observing, recording and reporting; and
- the benefits of handling complaints well and the consequences of handling them badly.

LINES OF APPROACH

There is a clear procedure, communicated to all and adherence is encouraged/required. It may be appropriate that all members of staff are encouraged to deal with parental concerns that lie within their area of responsibility.

If approached about a matter that lies outside their responsibility, staff should refer the person to the policy and advise them of the next step.

At Langford Islamic College all concerns and complaints are directed to the Principal, who will then nominate a staff/s to handle the complaint.

Serious complaints should be shared with the Chair of the school governing body by the Principal. There may be certain circumstances, such as complaints about the

Principal, where it will be necessary for the complainant to write directly to the Chair, whose email should be readily available.

PROCEDURAL FAIRNESS

Procedural fairness is concerned with the procedures used by a decisionmaker rather than the actual outcome reached. It requires fair and proper procedure when making a decision.

The rules of procedural fairness require:

- a hearing appropriate to the circumstances;
- lack of bias;
- evidence to support a decision;
- inquiry into matters of dispute.

(Reference: Ombudsman Western Australia – Guidelines on Complaints Handling – Revised 2016:

<http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Effective-handling-of-complaints-made-to-your-organisation.pdf>).

The duty to act fairly requires that:

- the decision maker must have an open mind (free from bias) when reading/listening to what is said by both parties; and
- people whose interests will be affected by the decision must have the chance to respond before the decision is made, but only after all important information has been gathered.

RESOLUTION

Satisfaction for a complainant may come from any of the following:

- knowing that changes have been made and that matters will be different in future;
- knowing that the school is now alert to a possible problem;
- feeling that their concern has been considered seriously;
- an outcome which may be different from the one they sought, but which they perceive to be well-considered;

- a considered letter;
- an apology.

If time is needed to investigate/consider the complaint then the complainant should be kept informed of its progress, giving the assurance that the issue has been understood and the matter is being dealt with.

Following an appropriate investigation, the school will offer a response, for example to correct the problem and prevent it happening in the future. *However, LIC is aware that it is not obliged to give complainants explicit information on what action has been taken, but rather provide an assurance that action has been taken.* This is especially important when the matter involves a staff member. Outlining the resolution, to the degree considered appropriate by the school and in the interests of satisfying the complainant, should help prevent misinformation being circulated in the school community.

RECORDING

It is important to maintain an effective **register of complaints** to log in concerns:

- as it provides information should there be legal action in the future;
- as patterns may be identified that indicate a need for action;
- as it provides information for reporting, by the Principal, to the School governing body as required.

The register/log should contain the following information:

- date when the issue was raised and to whom it was raised;
- name of complainant and relevant parties involved;
- brief statement of issue;
- member of staff handling the issue;
- name of the person/member of staff responsible for reviewing any decision made;
- brief statement of outcome including date of resolution/outcome; and
- location of detailed file (if applicable).

Confidential files on all complaints should be maintained and kept together and cross-referenced with other files as necessary. The files should contain simple but clear notes of all communication with the complainant. This includes friendly chats and telephone

conversations, as misunderstandings easily arise. There should be a clear statement of what is concerning the complainant. The notes can be agreed to with the complainant.

Records concerning students need to be kept for seven (7) years after the student reaches 18 years of age.

DISPUTES

Most complaints can be resolved if approached positively. However, a pursued unresolved complaint may become the subject of a dispute for a variety of reasons including the nature of the original complaint, the way in which it was handled, or possibly because the parent perceives the school to have 'closed ranks' against him or her.

Pursued, unresolved complaints/disputes are usually taken to the school's governing body Chair, or as a last resort and if both parties agree, an independent arbiter.

STUDENT COMPLAINTS

It is well recognised that 'empowering children and young people to understand their rights, to report problems and concerns and effectively support them to address the issue raised is critical. Taking children and young people seriously if they raise a matter of concern and ensuring that staff and volunteers have appropriate training and processes to ensure that such matters are dealt with effectively, is of paramount importance.

Any student can raise concerns with any member of staff with whom they feel comfortable, whether it is the form teacher, a member of the support staff, or the School Counsellor.

Complaints that appear trivial still need to be handled seriously. Young people may test the complaints procedures on relatively minor issues before finding the confidence to raise something painful, such as bullying. If the issue is a painful one, or if exploration of it is taking time, a student may need support from another student or from an adult. LIC recognises this and therefore Students are encouraged to choose a person with whom they feel comfortable to provide support.

All such complaints are handled sensitively and in a supportive manner in line with the school's policy and applicable legal obligations.

LIC strives to educate students to the fact that the school is receptive to complaints. To this end, a positive and open culture for disclosure of all concerns (personal, social and educational), is embedded in the school's Protective Behaviours curriculum

STEPS TO FOLLOW

Step 1: Complaints from Parents, Students, Staff and Community to be addressed to the Principal in writing (or verbally if permitted)

Any complaint (including anonymous or unsubstantiated) from a parent, student, staff or community member must be lodged (in writing, by email or verbally) to the Principal in the first instance. The complaint should be written on the **COMPLAINT LODGEMENT FORM (Annexure A)**. The Principal will then delegate the handling of the said complaint to a Management staff. A complaint can be submitted anonymously if the complainant feels that disclosing his/her name may jeopardise the situation further. An anonymous complaint must be submitted as an INDIVIDUAL complaint and not on behalf of a group. Anonymous complaints on behalf of a group will NOT be accepted. (Any complaints about the Principal should be addressed to the Chairman of the Governing Body)

Sep 2: Principal delegates the handling/resolution of the complaint to respective management staff

The Principal will formally delegate the handling of the complaint to the relevant Management staff, who will then deal with it with the respective parties to find a resolution.

Step 3: Management Staff to inform the Complainee of concerns / issues raised (in writing on behalf of Principal)

The respective Management will, verbally or in writing, inform the Complainee of the complaint and the Complainee will be given a timeframe to respond.

Step 4: The Complainee will be given time to Respond

The Management Staff will inform the Complainee that he/she has seven days within which to prepare a response.

Step 5: Management Staff to arrange for resolution meeting

The respective management staff will arrange for a resolution meeting with the Complainant and Complainee. The concern / issue / dispute / complaint will be discussed, and a solution / resolution will be agreed upon. This will involve (the Complainee and the Complainant) together to discuss the issue and find a suitable resolution. Once resolved, the respective Management Staff will write a report of the process that he / she was involved in. This report will be given to the Principal. If there is still no resolution at this stage, then move to Step 6.

Step 6 (if no resolution): Principal to Resolve

If no resolution is reached, then the principal will intervene and resolve the situation. If the principal fails to resolve the issue, the matter is referred to the Chairman of the Board to resolve. If the Chairman cannot resolve the matter, then the Principal will refer said to an external arbiter.

Step 7: If the Principal fails to resolve the issue, the Chairman of the Board of Governors will be notified to resolve the issue.

The Principal will ensure that a written record is kept of the proceedings and provide a detailed Report at the end of the process highlighting what steps were taken to resolve the situation. The parties will be notified of the outcome of the process. A file containing the course of the dispute and resolution shall be maintained by the school.

Complainant – Person who make the complaint.

Complainee – Person the complaint is against.

The **CONFLICT RESOLUTION OUTCOME FORM** will be used to used when a conflict is finally resolved. (ANNEXURE C)

ANNEXURE A

**LANGFORD ISLAMIC COLLEGE
COMPLAINT LODGEMENT FORM**

STRICTLY CONFIDENTIAL

Date: _____

Person making the complaint: _____

Contact details: _____

Nature of the matter/complaint:

Persons concerned in the matter:

Your proposal for resolution (if any):

Other relevant information or evidence to support your complaint

*For help with lodging a complaint, please contact the school office on
94585206.*

OFFICE USE ONLY

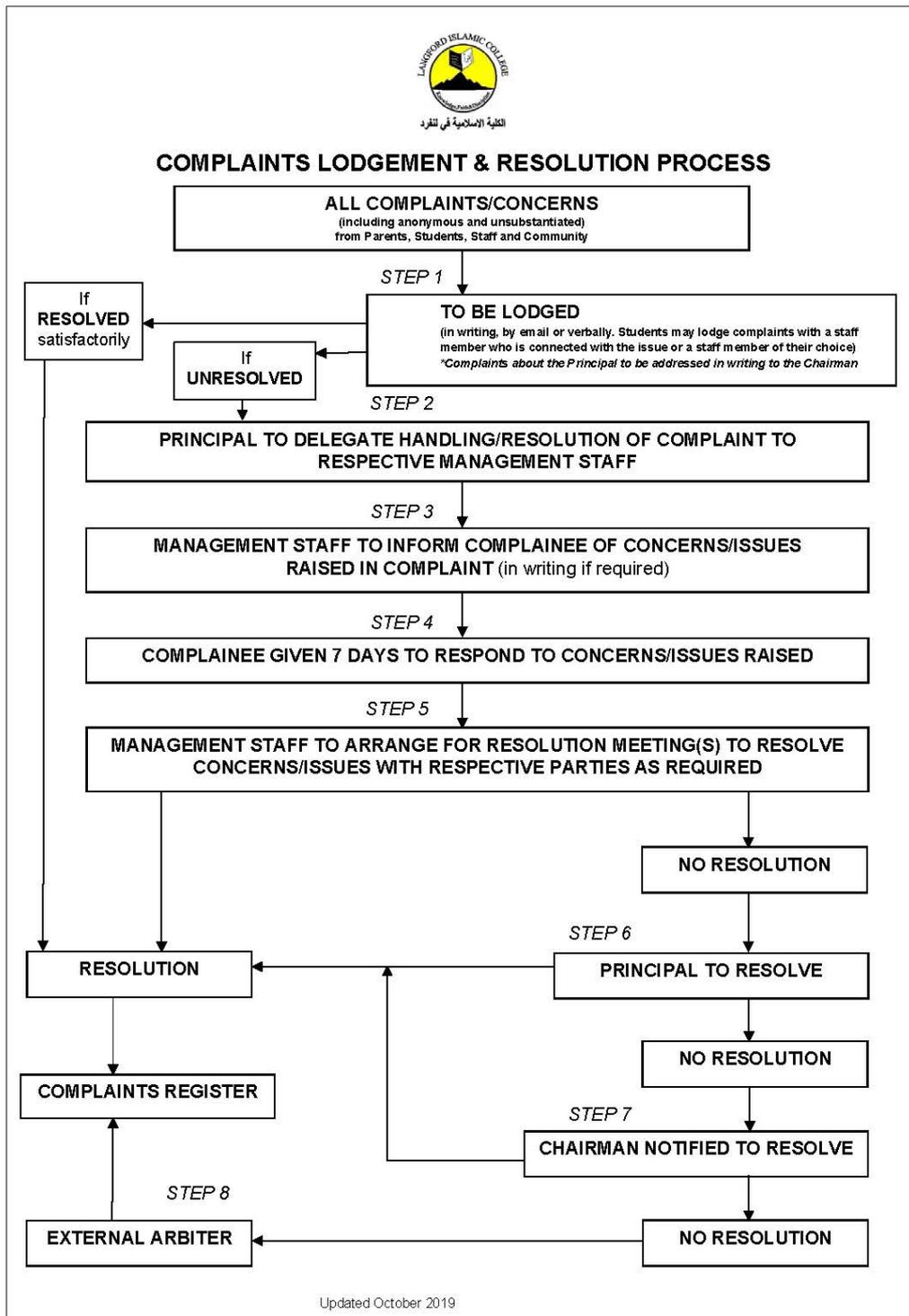
*This section is to be completed by Administrative Staff and returned to the person making the complaint to
retain as **Lodgement Receipt**.*

Received on (dd/mm/yyyy): _____

Received by (full name): _____

Signature: _____

ANNEXURE B



If a parent or student just has concern, contact a staff member with whom you feel comfortable with and/or is closely connected with the issue.

ANNEXURE C

LANGFORD ISLAMIC COLLEGE CONFLICT RESOLUTION OUTCOME FORM

1	Was the complaint received in accordance with Langford Islamic College's Dispute & Complaints Resolution policy?	YES	NO
2	Was the complaint lodged to the Principal and was it delegated to the respective Management Staff?	YES	NO
3	Has the respective Management Staff investigated the complaint according to the process as outlined in the Dispute & Complaints Policy?	YES	NO
4	Was the Complainee informed of the issues and concerns raised in the complaint?	YES	NO
5	Did the Management Staff arrange for a resolution meeting with the Complainant and Complainee	YES	NO
6	Was the Complainee given sufficient time to respond to the concerns and issues raised?	YES	NO
7	Did the delegated Management Staff address the issues pertaining to the complaint with the Complainee, in a way that was understood fully and in a free, fair and impartial manner?	YES	NO
8	Was a resolution reached?	YES	NO
9	Was there a need for an external arbitrator in this case?	YES	NO
10	Were both parties accepting and willing to adhere to the solutions/resolutions put into place?	YES	NO
11	Is the delegated Management Staff satisfied with the procedure, outcome and resolution of the case?	YES	NO
12	Is this case pending?	YES	NO
13	If pending, is a follow-up required?	YES	NO
14	Is the case closed?	YES	NO
15	Are both parties agreeable to the recommendations made by the delegated Management Staff?	YES	NO
16	Has the Complainant agreed to abide by the solutions/recommendations?	YES	NO
17	Has the Complainee agreed to abide by solutions/recommendations?	YES	NO
18	Was due process followed?	YES	NO

**THIS IS TO CONFIRM THAT BOTH THE COMPLAINANT Mr /Mrs _____ AND
COMPLAINEE Mr/Mrs _____ HAVE ACCEPTED THE TERMS OF THE
RESOLUTION AND THIS COMPLAINT IS NOW OFFICIALLY CLOSED.**

Delegated Management / Staff

Accepted by Complainee: _____

Accepted Complainant: _____

Review History

Year of Review	Reviewed By	Amendments/Review
2011	YI	Originally Released
2013	PR	Revised
2017	NM	New Policy written
2017 (December)	NM	Policy updated to include anonymous complaints
2019		<ul style="list-style-type: none">• Amendment to:<ul style="list-style-type: none">○ 'Procedure'○ 'An Open Approach – Climate and Culture.○ Student Complaints• Updated Appendix A