COMPLAINTS POLICY

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1. INTRODUCTION

1.1 Purpose and Scope

This procedure applies to Kinma in handling complaints made in respect of services provided by the school or against staff members, which includes employees, contractors and volunteers.

This procedure does not extend to personal grievances between parents, guardians or other members of the school community.

1.2 Whistleblowing Complaints

This procedure does not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints are dealt with in the school's whistleblowing policy.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a board member, staff member, a person who supplies goods or services to the school, including a volunteer, an employer of a supplier or a relative of any of these people;
- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity, and
- is made to a senior staff member, or officer of the school, the school's auditor or a person who the school has authorised to collect such disclosures.

1.3 Related Policies

Complaints about reportable conduct will be addressed in accordance with the school's Child Protection Policy.

Complaints regarding a grievance between staff members about work matters, including work relationships and decision made by other staff members which impact on their work, will be addressed in accordance with the school's Staff Grievance Policy.

Complaints regarding unlawful discrimination, harassment or bullying between staff are generally addressed in accordance with the school's Discrimination, Harassment and Bullying Statement.

1.4 Confidentiality

All parties involved in complaints handling are required to maintain appropriate confidentiality, including in relation to handling and storing records.

2. OVERALL POLICY

This policy is to guide members of the school community on how they can give feedback and raise concerns about the operations of Kinma, and to guide volunteers, staff and Board members on how to manage and respond to complaints.

Kinma is committed to fair and efficient resolution of complaints. Members of the Kinma community have a right to raise concerns and have them handled well in an orderly, objective and timely manner. Kinma is committed to use every opportunity to improve services. Feedback from the Kinma community, including the feedback in complaints, will always be used to monitor and improve Kinma's performance.

This policy applies to the full school community, both staff and complainants, including all staff, volunteers and families of Kinma students.

2.1 Exceptions

- This policy does not cover the management of grievances and disputes by members of staff (see Grievance Policy).
- This policy does not cover the management of child protection concerns (see Child Protection Policy); however, section 5.1 supports families and caregivers understanding of steps to be taken.
- This policy does not cover the management of issues or conflict between members of the Kinma community outside of school activities.

3. KINMA CONTEXT

Members of the Kinma community interact and communicate with each other all the time, at drop off and collection, at school events and activities and in their private lives outside the school. Naturally these interactions will involve sharing our Kinma experience or particular Kinma activities. Sharing in community is a valued strength of Kinma.

Where a member of the Kinma community has a concern, it is important to raise the issue with a staff member who is in a position to resolve it. Kinma warmly encourages parents to raise any concerns so that problems are addressed early and do not fester, causing stress for all parties.

The best strategy for avoiding problems at Kinma is regular communication between parents/carers and teachers. Kinma teachers encourage parents and carers to drop in for a few minutes now and again to exchange information about how things are going at home and at school. Home issues can impact on a student at school. When teachers are aware of home issues, they can support the student better at school. These issues can be large or small – not sleeping well, a serious illness, a parent travelling for work, a new pet and so on. At Kinma we call this "prepare and pre-empt".

Most parents/carers drop-off or collect at least a few times a week. It is very desirable to use these times for keeping teachers up to date. Parents who do this may avoid problems through building valuable relationships with the teacher. These relationships reduce the likelihood of concerns arising, and can make it easier to resolve any that do arise.

Many concerns are resolved by early informal discussion with the teacher. Where that is not possible, more formal steps can be taken.

4. TYPES OF COMPLAINTS

4.1 Student Learning and welfare

Examples of student learning and welfare concerns include:

- students needing more teacher support
- students in conflict with each other
- dangerous items used in play or class
- student welfare including sexualized behaviours with children (also refer to Kinma's Child Protection Policy)

4.2 Staff Conduct

Examples of staff conduct concerns include:

- concerns about teacher style or capacity
- concerns about teacher management of learning program

4.3 Community Issues

Examples of community issue concerns include:

- concerns about conduct or behaviour of other parents/carers at school or at Kinma activities

5. INFORMAL COMPLAINTS

5.1 Student Learning and Welfare

The classroom teacher (for primary students) or Preschool supervisor (for preschool) is the first person to talk to about any student learning or welfare concerns. Kinma encourages face-to-face discussion for this. Where face to face discussion is not possible, telephone discussions are preferred. The process is:

- parent/carer arranges to meet with the teacher to discuss the issue
- teacher documents the issue and the outcome in a file note.

Meetings with classroom staff should be completed before 8:55 am or started after 3:05 pm. Teachers are not available at other times as they are in class with their students.

5.2 Staff Conduct and Community Issues

These concerns should be raised with the Head of School.

5.3 Management of Complaints Against Staff and Volunteers

Inappropriate conduct towards students is unacceptable and will have serious consequences at Kinma.

6. HANDLING ALLEGATIONS

Where any member of the Kinma community makes an allegation of inappropriate conduct towards a student, it must be reported immediately to the Head of School. The Head of School notifies the Board Chair immediately of significant allegations. If the Head of School is the subject of the allegation it must be reported direct to the chair of Kinma Board.

The first action taken in relation to any such allegation is to ensure that the student or students in question are currently safe and remain safe. This is done through a risk assessment to establish whether there are any risks to the alleged victim, other students, members of the Kinma community or the alleged perpetrator. Considerations will include the nature of the allegation, the vulnerability of the child/children, the type of contact the staff member has with the child/children, the staff member's history and attitude. The Head of School will take steps to protect those at risk – actions may include the temporary separation of the staff member subject of allegations from the child/children involved. While such a step may need to be taken rapidly, the Head of School should always consult the Association of Independent Schools in these situations, to ensure the protective steps are appropriate. It is important that there is no assumption of wrong-doing against any person before the investigation has been completed. The Head of School is also responsible for protecting the privacy of all parties to the allegation.

When all necessary action has been taken to ensure that the student(s) are currently safe and that ongoing risks have been managed, the Head of School assesses the allegation to determine the appropriate further actions in relation to the allegation. These may include:

- Reporting the allegation to the Police
- Reporting a child at risk (as a Mandatory Reporter) to Department of Communities and Justice
- Disclosing a reportable allegation against staff to the Office of Children's Guardian
- Seeking advice on the best way forward from experts (for example the Association of Independent Schools).
- Parent/carer arranges to meet with the Head of School to discuss the issue
- Head of School documents the issue and the outcome in a file note.
- Parents/caregiver are notified when the allegation has been dealt with and the complaint has been finalised. Depending on the nature of the investigation it may not be possible to share details.

More detailed information on reportable conduct can be found in the Child Protection Policy.

7. FORMAL COMPLAINTS

7.1 Nature of Formal Complaints

Some concerns are not appropriately or effectively managed informally. Examples of concerns that are best dealt with in a formal complaints framework are:

- serious issues about staff performance or behaviour
- complaints that have not been successfully resolved through discussions
- complaints about governance of the school or preschool

7.2 Making a Formal Complaint

A formal complaint should be made in writing. It should explain the problem and what has been done to date in response to it. It should be identified as a formal complaint.

7.3 How a Formal Complaint is Managed

The Head of School of Kinma is responsible for managing formal complaints. All complaints except those about student learning are directly managed by the Head of School or Kinma. Complaints about student learning are delegated by the Head of School to the Education Coordinator. Complaints about the Head of School are managed by the Chair of the Board.

A formal complaint made to any other staff member or any Board member will be re-directed to the Head of School for action. The only exception is where a formal complaint relates to the performance of the Head of School. The Chair of the Board is responsible for responding to formal complaints about the Head of School. Any other staff member or Board member who receives a formal complaint relating to the Head of School will re-direct that complaint to the Chair of the Board for action.

7.4 Setting up the investigation process

In most complaints, Kinma's standard investigation process will be appropriate, but the person responsible for managing a complaint may have a good reason to propose an alternative approach. The staff member responsible for managing a formal complaint will take the following steps to confirm the appropriate process before a complaint is investigated:

	Action	By whom	Timing
1	Acknowledge receipt of the complaint, and advise the complainant of the proposed investigation process	Head of School/ delegate	Two working days
2	Respond to proposed process, agreeing or suggesting changes	Complainant	Two working days
3	Determine process if changes suggested. Note, the Head of School's decision on process at this point is final.	Head of School/ delegate	Two working days

If the complainant proposes an alternative process at Step 2, the responsible person responsible must give due consideration to the suggested approach and should give reasons for a decision not to accept it. The staff member's decision on process, whether that decision is to accept or reject alternatives, is the final decision.

7.4.1 Investigation Process

The investigation process must commence within two weeks of the complaint's being made. The standard investigation process is:

	Action	By whom	Timing
1	Meet with complainant(s) and person(s) complained about to find out more about the issues and perspectives.	Head of School/ delegate	Within two weeks of complaint being received
2	Further individual or joint meetings to arrive at agreed definition of issues of concern, and options for resolving the complaint	Manger/ delegate	Within two weeks of the first meeting
3	Document the identified issues and proposed actions for resolving the complaint, including timetable for implementation and process for monitoring implementation	Head of School/delegate	Within one week of last meeting
4	Obtain formal response to proposed resolution	All parties	Within one week of the documented solution.
5	Implement the agreed resolution	Named parties	In agreed timeframe
6	Report back on success of the implementation	Named parties	In agreed timeframe

In proposing a resolution to any complaint, Kinma staff must take into account the advice and comments of all involved parties, and the obligations set out in the Kinma constitution and policies. A template is available for documenting the proposed solution to a complaint. The document must provide for all parties to sign it.

Usually the Head of School is responsible for monitoring agreed implementation steps and outcomes. Where the Head of School has delegated the complaint, or where the Chair is responsible for it, the delegate or Chair is responsible for monitoring implementation and outcomes.

If no agreement can be reached through the investigation process, the complaint is escalated to the review process at Section 5.5 of this policy.

7.4.2 Supporting Parties to a Complaint

A family member making a complaint may bring a support person to a meeting about the complaint. That person may be a friend or a family member. Kinma staff may not be the support person for a family member.

A member of staff who is subject to a complaint may bring a support person to a meting about the complaint. For a member of the classroom staff, the support person will normally be the Education Coordinator. For a member of the pre-school staff, the support person will normally be the pre-school supervisor.

Support persons are not participants in the complaint. Their role is to be a friend to and provide advice to the party they are supporting.

7.5 Review Process

Where a party to a complaint is not satisfied with the options for resolving it, or with the actions taken after an agreement has been reached, the complaint is escalated to the formal review process.

The person responsible for complaints review is the Chair of the Board. The Chair may delegate the review role to another member of the Board.

When a complaint is escalated to the review process, the Chair will convene a panel consisting of the Chair, and two other Board members. The panel must be convened within ten working days of receiving the escalated complaint. The panel is to determine the complaint in a timely manner. As complaints at this level may be complex, an absolute timeline is not set, but as a guide, it is desirable that complaints are resolved within four weeks.

The panel will obtain from the Head of School all the documentation of the complaint from informal and formal processes taken to date. The panel will then invite the parties to the complaint to put their positions through written submissions or hearings. Unless the Head of School of Kinma is a party to the complaint, the Head of School provides guidance and support to the panel and attends all hearings and panel meetings.

The panel may ask the Head of School to obtain advice from the Association of Independent Schools about the management of the complaint and options for resolving it. The AIS will provide advice only to the Manger or the Chair. Unless the Head of School is the subject of a complaint, the Chair will not approach the AIS direct. The panel must also take into account the constitution of Kinma and Kinma policies in proposing a resolution to the complaint.

The panel is able to:

- call both parties together for guided discussions
- suggest strategies to be taken to manage issues while the complaint remains open
- make a binding resolution.

The panel's resolution of the complaint must be documented and provided to all parties. Reasons for any decision must be given in the document. The panel's resolution of the complaint, including actions for parties to take and follow up steps, is the final determination of the complaint.

7.6 Learning From Experience

Documentation from formal complaints is collated twice a year for review by the Board. complaints analysis, using the attached template, makes up part of the Head of School's six-monthly risk management reporting.

Collated documentation of complaints involving student learning are also reviewed by the Education Committee before they are referred to the Board. Trends and unresolved issues must be identified by the Head of School/delegate for review by the Education Committee and the Board. The Education Committee may propose policy changes as a result of concerns raised at any time. It does not need to wait for an annual report of concerns.

The names of complainants, and any other identifying information about complainants, are not provided in reports to either the Education Committee or the Board.

In addition, all members of the Kinma community who have raised concerns or complaints will be invited by the officer handling the concern or complaint to complete a feedback form about the complaints process. These forms will be collated by the Head of School for annual feedback to the Board.

8. APPENDIX

8.1 Supporting Documents

- Privacy Policy
- Child Protection Policy
- Staff Grievance Policy
- Whistle Blowing Policy

8.2 Regulatory Legislation and Considerations

- ACECQA – Guide to National Quality Framework Quality Area 6.1.2, Quality Area 7 1.1.2
- NSW Registered and Accredited Individual Non-government Schools Manual, NSW Education Standards Authority, September 2023
- Education Act 1990
- Children (Education and Care Services) National Law (NSW) No 104a of 2010
- Education and Care Services National Regulations (2011 SI 653)
- Kinma strategy Plan 2024

8.3 Planning control

- Review by Management / Board
- Distribute newsletter for feedback
- Publish on website

8.4 Next Scheduled Review:

- 2025

8.5 Version Control

Version	Date Approved	Approved By	Brief Description
2.0	18 July 2014	Ginny Neighbour, Director	Full review of existing policy to refine policy settings, processes and roles.
2.1	30 July 2014	Ginny Neighbour Director	Adjustments following Head of School's advice on existing practices.
2.2	10 Sept, 2014	Pam Webster, Chair	Added expectations for confidentiality to the overview.
3	June 2017	Manager	Update format

3.1	September 2019	Manager	Correction 5.4
3.2	August 2020	Manager /Chair	Update 5.5
3.3	February 2024	Head of school/Chair	Addition of 1.1-1.4, Formatting
3.4	Aug 2024	Head of School	Addition of sexualized behaviour in line with EC regulation 168