



Endorsed 18th August 2021

Complaints Policy

1. Purpose

To provide information about complaints and the complaint management process used by SMYL Community College, (the College) when complaints, issues and concerns are raised with them.

This policy is applicable to all members of the 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 SMYL Community College, including its staff, programs, activities, or resources.

The College is committed to handling complaints and concerns in keeping with Principles 6 and 9 of the [National Principles for Child Safe Organisations](#) and is designed to comply with all relevant external standards and regulations.

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

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. The College 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. The College makes 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 SMYL Code of Conduct.

The College prioritises young people's rights, safety, and wellbeing and acknowledges it is more common for children and young people to express a concern rather than 'make a complaint'. The College will support young people by ensuring that no matter how the concern is raised, it will be treated with the same respect and attention as a complaint would be.

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

2. Related Documents

Complaints Register
Complaints Forms
Student Complaints Form and Process

3. Definitions

Complaint: 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: is the person who is 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: 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]. In addition, the College will seek to ensure a culturally safe environment for all people wishing to make a complaint.

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)].

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)/Carers: 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: [rules](#) requiring a hearing appropriate to the circumstances, a lack of bias, evidence to support a decision, and an inquiry into matters in dispute.

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 Board.

4. Principles

4.1. Overarching statement

The College is committed to creating and maintaining a cohesive and collaborative 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.

The College 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, 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. The College 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 that the College is not open to hearing their concerns.

The College 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 and 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 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.

The College acknowledges young people may test the complaints procedures on relatively minor issues before finding the confidence to raise something more seriously, such as bullying. Therefore, the College will be responsive, and promptly

acknowledge any complaint or concern and treat the student with understanding and helpfulness.

We encourage parents/carers to initially approach the College to discuss a concern or grievance, and if the issue is not handled satisfactorily to lodge a formal complaint.

The College 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 promptly and in a courteous and efficient way;
- we give 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;
- action taken is evaluated and the procedures are reviewed.

4.2 Concerns or complaints – Informal Process

The College encourages anyone with a complaint to raise their concerns directly with the person involved as the first step in the complaint process. Often issues or concerns can be handled directly and resolved quickly and effectively in an informal discussion with the appropriate person. This is recommended for internal concerns or complaints especially for staff complaints regarding another staff member.

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

The College 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.

4.3 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 submitting via the SMYL Complaints Form, sending a letter or email or by a staff member receiving the complaint verbally in a face-to-face meeting with the person making the complaint with any supporting information provided.

Verbal complaints received by staff should be recorded in writing 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' – determine what steps have been taken to resolve the matter;
- any risks managed and the outcomes.

All written complaints will receive a written acknowledgment within 5 working days of receipt and will outline what steps will be undertaken to resolve the complaint. An investigation may follow which will be finalised in a timely manner.

Formal complaints will be investigated by a 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 if it is considered the complaint to be unsubstantiated, vexatious, trivial or a previously resolved matter.

Following the investigation, a discussion will be held with the complainant, followed by a written response. If the outcome is agreed, this will be recorded as a successful resolution and entered in the Complaints Register.

4.4 Student Concerns or complaints – information for students

If you feel unsafe or at risk and need help urgently, call the Police on 000 or Crisis Care on 1800 199 008.

If you have a concern or complaint, we would like to hear about it so it can be resolved.

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.

The College 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 young people 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 in doing so.

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.

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

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?

The College has many people available and willing to listen or talk to students about their worries or concerns, and to help support them. Students can choose anyone to talk to and help them to resolve their worry or concern and are encouraged to pick the person they feel safe and comfortable with. The student 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 the College. This is not an exhaustive list

- Education Assistant;
- Youth Worker;
- Trainer;
- Campus Coordinator;
- Youth Worker;
- Psychologists;
- Principal;
- Associate Principal;
- Deputy Principal.
- Others, identified and requested by a student.

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/>

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

Staff at the College 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.

4.5 Understanding procedural fairness and natural justice

The College is 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 outweigh that of a student. Conflicts of interest will be identified and managed to ensure the process and outcome is fair. The College will ensure the process is sensitive to all cultural, linguistic, religious and gender differences. An effective complaints process will be:

- Fair – This means that both the person complaining (the complainant), and the person being complained about (the respondent) will 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 prejudge 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 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.

4.6 Anonymous Concerns or complaints

A person can remain anonymous when raising 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.

It is preferable for the College to know who is making a complaint as it can help in any investigation that may occur and provide resolution to the dissatisfied party.

4.7 Complaints Register

To assist the College 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 the College 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;
- 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 College will conduct regular reviews of all complaints in the Complaints Register. This allows the College to review matter 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. This will assist the College to gauge both the quality of education and services provided and also the complaints management system.

4.8 Confidentiality

The College 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.

Confidentiality of the students complaint or concern will be maintained at all times where possible. The College 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.

An exception to confidentiality may be required when the safety and welfare of a student is concerned, a duty of care is involved; or where mandatory reporting is required under law. 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.

This will be discussed with the person if it becomes apparent that the matter needs to be referred to an external authority, unless this is prevented by legal obligation.

4.9 Role of the Director General

The Director General of the Department of Education is responsible for ensuring that the College 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.

4.10 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.

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

5. Responsibilities

Policy Manager:

- The Principal/Director

Responsible:

- College Principal;
- All College staff and Human Resources Manager are required to comply and be familiar with this policy.

6. Contact SMYL Community College

Any person wishing to make a complaint about the College or about a staff member, student, client or anyone in the College community should contact the College in person or by phone, email, letter on the details below.

Complaints can be lodged through anyone at the College and the relevant staff member can assist you in navigating and progressing with the process as outlined within this policy.

If the complaint is about the Principal, please direct the complaint to the Director of the College.

Website <http://smyl.com.au>

E-mail: Feedback@smyl.com.au

Phone: 9430 4921

Address: 46 Mews Road, Fremantle WA 6160

FLOWCHART OF HANDLING OF CONCERNS AND COMPLAINTS

