

EREA Flexible Schools Ltd Complaints Handling Policy

Background

EREA Flexible Schools Ltd recognises that from time to time there may be instances where individuals or organisations disagree with the way EREA or one of its Schools has managed its operations and may wish to lodge a complaint. Such individuals may include parents/guardians, students and the general public.

EREA Flexible Schools Ltd encourages honest and constructive feedback and takes complaints and concerns that are raised seriously. EREA Flexible Schools Ltd acknowledges that complaints present an opportunity to improve service delivery and it is committed to resolving complaints in an efficient, fair and timely manner. EREA Flexible Schools Ltd recognises that its complaints handling procedures must be fair, transparent and equitable to the complainant as well as the person about whom the complaint is made.

To manage complaints effectively, EREA Flexible Schools Ltd has established a Complaints Handling Program in line with both the international complaints handling standard (ISO 10002:2014 Quality management – Customer satisfaction – Guidelines for complaints handling in organizations), and the Australian/New Zealand complaints handling standard (AS/NZS 10002:2014 Guidelines for complaint management in organizations).

Our complaints program includes an online complaints management system which allows effective capture, management, and reporting of complaints. EREA Flexible Schools Ltd is committed to the regular analysis of complaints received and the implementation of rectification action, where deficiencies are identified.

Principles

EREA Flexible Schools Ltd is committed to handling complaints in a manner consistent with our values and The Charter for Catholic Schools in the Edmund Rice Tradition, modelling the Gospel practices of forgiveness, reconciliation, and the dignity of all, by the manner in which conflict is resolved. In responding to complaints, we adopt processes that are timely, fair, restorative, and respectful. EREA Flexible Schools Ltd seeks to be transparent in responding to and resolving complaints.

In receiving and responding to complaints, the following guiding principles will inform and direct EREA Flexible Schools Ltd's actions:

- Complaints of a School-based nature are best received and managed at the School level, with the parties involved expected to act in good faith and work together with respect and openness to achieve an outcome acceptable to all parties. Complaints that are unable to be resolved at School level must be escalated to the EREA Flexible Schools Ltd CEO.
- Complaints are received and managed in a way that is private, culturally safe and sensitive to the diverse circumstances of children and students, as well as providing support to vulnerable children and students.
- Complainants can expect their concern or complaint to be taken seriously, to be dealt with in a way that is culturally respectful, and to be responded to in a confidential, thorough and timely manner.
- Schools, staff members and volunteers will be informed of all complaints that are made about them, where permitted.

- Complainants and the person(s) against whom the complaint is made have the right to be heard and to expect that procedural fairness will be observed.
- Confidentiality, protection of privacy, respect, access, dignity and impartiality will form the basis of the complaints raising, reviewing and resolution process.
- The complaints resolution process will seek to achieve the restoration of good and respectful relationships.
- The best interests of the school community together with the interests of the complainant and the subject of the complaint will be taken into account.
- Recordkeeping, reporting, privacy and employment law obligations will be complied with when receiving and handling complaints.

Purpose

The purpose of this Policy is to outline the principles, expectations and requirements for EREA Flexible Schools Ltd dealing with complaints expressed by parents/guardians/students and the general public and to outline the processes involved in managing those complaints. Adherence with this policy is designed to ensure that best practice occurs for reporting, recording, investigating, finalising, reviewing and monitoring complaints and their outcomes. Minimum Standards for School Registration in New South Wales require all schools to have evidence of their local policy and procedure in relation to complaints management.

Scope

This policy applies to EREA Flexible Schools Ltd and its Employees each of its schools as listed in schedule 1 of this Policy.

This policy sets out the EREA Flexible Schools Ltd Board's expectations with respect to management of complaints related to our services or operations, the complaints handling process itself and parent/guardian/student/third party complaints relating to the Minimum Standards for school registration.

If the matter relates to allegations of child abuse, EREA Flexible Schools Ltd and its Schools will follow the procedures for responding to allegations of child abuse under reporting obligations outlined in the School's Child Safeguarding Policies and Procedures.

This policy does not relate to critical incidents, emergency management, criminal offences, the imposition of School Community Safety Orders or the conduct of the clergy or other persons involved in religious ministry. This policy is not for use by staff or volunteers in relation to grievances regarding workplace or employment conditions. (For details on management of these matters, see **EREA Related Policies, Procedures and Legislation** at end of this policy).

Definitions

Term	Definition
Assurance	means the EREA software and digital storage system used to record, store and report on compliance related matters in the organisation.
Board	means all of the subsidiary company Boards of EREA Ltd as well as the Board of EREA Ltd (Parent Entity) itself.
CEO	means the Chief Executive Officer. (Also referred to as Director of Schools)
Complaints	means a reasonable expression of dissatisfaction made to EREA Flexible Schools Limited, or one or more of its Schools, related to our services or operations, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.
Complaints Officer	means the School or EREA Flexible Schools Ltd office appointed receiver of complaints. The Complaints Officer directs formal complaints to the appropriate Senior Leader (Complaints

	Manager) for management and resolution.
Contractor	means someone engaged by the School to perform specific tasks. Contractors are not employees of the School.
Employee	means any person employed through an employment contract by Edmund Rice Education Australia or any of its entities governed under the Parent or Subsidiary Boards.
EREA Ltd	means Edmund Rice Education Australia Ltd. The Company established as the Parent entity and Sole Member to each of the five Subsidiary Entities (see below) established to govern EREA Schools in Australia.
Principles	means Principles section of this policy.
Principal	means the appointed authority of an EREA School.
Procedures	means Procedures section of this policy.
Purpose	means Purpose section of this policy.
Register	means a formal record of Complaints, identifying complainant, date, nature of complaints and outcome of complaint handling.
Reportable Conduct	means the listed definition in the <i>Children's Guardian Act 2019</i> (NSW). These include a sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, an offence under s 43B (failure to protect) or s 316A (failure to report) of the <i>Crimes Act 1900</i> ; and behaviour that causes significant emotional or psychological harm to a child.
School	means any School or entity conducted by EREA Flexible Schools Ltd, including its Early Learning Centres.
Staff	means person(s) employed by a School.
Subsidiary	means the one of the four Subsidiary Entities are: EREA Colleges Ltd, EREA NSW Colleges Ltd, EREA Flexible Schools Ltd, and EREA Flexible Schools Ltd.
Teacher	means a person employed in a School who is qualified in that jurisdiction to practice as a teacher of children and young people of school age.
Volunteer	means a person associated with a School who does unpaid work for that School by agreement with the School.

Roles and Responsibilities

Role	Responsibilities
EREA Flexible Schools Ltd Board	Approves the Complaints Handling Policy and is obliged to monitor complaints trends, methods of rectification and compliance with this policy (reports from the CEO).
Director of Schools (CEO)	Oversees the development, implementation, and assurance of procedures to ensure compliance with this policy. Manages complaints that are escalated above School level.
Principals	Develop, implement and publish Complaints Handling processes in their schools in accord with this policy and any regulatory requirements of state and territory authorities.
Employees	Adherence to this policy
Complaints Officer	Manages the confidential and complete response to complaints raised at the school level. A Complaints Officer is also appointed in the EREA Flexible Schools Ltd Management team with the same responsibilities for complaints made at the Subsidiary level.

Policy

1. Schools must implement their own complaints handling procedure by adopting this Policy, adapting the Complaints Handling Policy template for schools (Schedule 2) and utilizing the EREA Flexible School Ltd online complaints management platform (Assurance).
2. The School's complaints handling procedures must:
 - 2.1 align with the Purpose, Principles and Procedures as outlined in this policy
 - 2.2 ensure procedural fairness
 - 2.3 include information on how to escalate a complaint that is unresolved at the school level to EREA Flexible Schools Ltd CEO
 - 2.4 be accessible to the school community
 - 2.5 be approved by the Principal and the EREA Flexible Schools Ltd CEO
3. Schools are required to develop and maintain a fair, effective, and efficient complaints handling process so that complaints about events or decisions at the school can be addressed.
4. Schools are required to maintain a Register of all Complaints in Assurance.

Procedures

1. Complaints against Staff and Volunteers

1.1 Misconduct or serious misconduct

Serious misconduct is defined in the EREA Flexible Schools Ltd's Code of Conduct. All complaints of alleged misconduct or serious misconduct by an employees, volunteers or contractor must be reported to the Principal of the School. Where there is potential for the complaint to involve unlawful action/activity, the Principal will determine the need to report the matter to the Police.

A complaint of alleged or serious misconduct by the Principal must be directed to the EREA Flexible Schools Ltd CEO.

1.2 Child Abuse and other harm (including sexual offences)

EREA Flexible Schools Ltd takes all allegations of children at risk of significant harm seriously. 'At risk of significant harm' is defined by the *Children and Young Persons (Care and Protection) Act 1998* NSW (the Care Act) and includes any instance or allegation of physical or sexual abuse (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child.

There are prescriptive legal and regulatory requirements under several laws for people delivering educational services, including those in management within those services, to report suspected child abuse and neglect to government authorities. In NSW, compliance with the NSW Child Safe Standards is mandatory and EREA Flexible Schools Ltd are subject to the Reportable Conduct Scheme. Child Safeguarding Programs in schools are based on the legal and regulatory Child Safe Organisations and Child Protection framework in NSW.

EREA Flexible Schools Ltd requires workers to report any concern they may have about the safety, welfare or wellbeing of a child or young person to the Principal.

Failure to disclose a child abuse offence is a criminal offence under section 316A of the Crimes Act 1900 (NSW) (Crimes Act) and applies to all adults (18 years of age and over) in NSW. All allegations of child abuse and other harm are investigated as per the EREA Flexible Schools Ltd Child Safeguarding Complaints Handling Policy and Procedures and the Child Safeguarding (Safety & Wellbeing) Policy and Procedures.

Communication with children under 16 years of age by employees, volunteers and contractors to prepare or groom a child for future sexual activity is a criminal offence under sections 66EB(2), 66EB(2A), 66EB(3) and 66EC(2) of the Crimes Act and must be reported to the police. The offence of grooming applies to any person aged 18 years or over and does not apply to communication between people who are both under 18 years of age.

The school Principal or the CEO must notify the Office of Children's Guardian (OCG) if they become aware of any allegations of a School employee engaging in Reportable Conduct (conduct by an employee with respect to a child, aged under 18, that is reportable under the Children's Guardian Act 2019 (NSW)) within seven days of learning about the allegation, unless they have a reasonable excuse for not doing so.

A complaint of Child Abuse or other harm by the Principal must be directed to the EREA Flexible Schools Ltd CEO.

1.3 Complaint against the Principal

Any complaint against the Principal must be directed to the EREA Flexible Schools Ltd CEO.

1.4 Complaint against a Christian Brother

Any complaint against a Christian Brother should be directed to the Christian Brothers Professional Standards Office: +61 3 8359 0134; psa@edmundrice.org.

1.5 Anonymous Complaint

EREA Flexible Schools Ltd endeavours to address and respond to all complaints. In some situations, it may not be able to fully address complaints that are made anonymously or without sufficient detail being provided to enable an investigation or resolution of the matter. To ensure procedural fairness, respondents have a right to know the particulars of the allegations being made against them and be given an opportunity to respond to them. In some circumstances, it may be most appropriate for the Complaints Officer to direct the complainant to make their complaint as a Whistleblower, as detailed in the EREA Ltd Whistleblower Protection Policy.

1.6 Allegations of Reportable Conduct

Allegations of Reportable Conduct which meet the threshold pursuant to the *Children's Guardian Act 2019* (NSW), and which involve an EREA Flexible Schools Employee, Volunteer or Contractor, must be reported as described in the EREA Child Safeguarding (Responding & Reporting Obligations) Policy and the EREA Incident Notification Framework.

Allegations of Reportable Conduct in relation to an employee (other than a Principal) at a School must be reported to the Principal of the School. Complaints of Reportable Conduct involving a Principal of a School must be reported to the EREA Flexible Schools Ltd CEO and the EREA Flexible Schools Director of Safeguarding.

2. Complaints against a School in relation to Information Sharing Schemes

EREA Flexible Schools Ltd schools are prescribed Information Sharing Entities (ISE) that may share information under the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).

Schools, as ISEs, may receive complaints from:

- Individuals in relation to privacy breaches. For example, if the ISE has shared information that is not relevant to the purpose for which it was shared.
- Other ISEs in relation to how the ISE is sharing information under the Scheme. For example, an ISE may make a complaint about:
 - Another ISE refusing to share relevant information that should be shared
 - The timeliness of responses.

The following information must be recorded by the Complaints Officer if a complaint is received under the CISS or FVISS:

- The date the complaint was made and received
- The nature of the complaint
- The action taken to resolve the complaint
- The action taken to lessen or prevent the issue from recurring
- The time taken to resolve the complaint
- Further action taken if the complaint was not resolved.

3. Escalation of a complaint

3.1 If a complaint is unresolved at the school level or is about the Principal, or should a complainant simply wish to make a formal complaint directly to EREA Flexible Schools Ltd or to EREA Ltd, it can be done by any of the

following means:

- Sending an email to complaints@erea.edu.au
- Writing a letter to EREA Flexible Schools Ltd addressed to “The Complaints Manager”
- Telephoning Edmund Rice Education Australia (03 9426 3200) to register the complaint

3.2 EREA Flexible Schools Ltd is responsible for responding to complaints when:

- a complainant is not satisfied that a matter has been addressed in accordance with the School's complaints-handling policies and processes
- a complainant is not satisfied that an acceptable resolution has been reached
- the subject of the complaint relates to policy outside the responsibility or management of the School
- a School requests assistance to resolve a complaint
- the subject of the complaint is the Principal of a School.

3.3 EREA Flexible Schools Ltd Management will generally not become involved when:

- The complaint has not been first raised with the School
- the School is continuing to address the issues in the complaint
- the complaint raised is the responsibility of the School (e.g. school uniform, tuck shop duty, school parking)
- the complaint raised is within the responsibility and capability of the School to resolve.

3.3 All formal complaints will be logged into our online complaints management system (in Assurance) and managed in accordance with these Procedures.

3.4 EREA Flexible Schools Ltd will accept anonymous complaints and will carry out an investigation of the issues raised, using a consistent approach applied for all complaints received, where there is sufficient information provided.

3.5 The EREA Flexible Schools Ltd CEO will monitor complaints made about Schools for any patterns of behaviour or management that may need to be addressed and work actively with the Principal to address these.

3.6 The EREA Flexible Schools Ltd CEO will report to the Board, compliance with this policy and procedures, insights gleaned from the actions taken under 3.6 and escalate any School matters that remain unresolved after these procedures have been followed and any patterns of behaviour in School management or practice that have been identified and remain unaddressed.

3.7 Schools will publish the procedures for making school level complaints.

4. Steps in Complaint Handling

4.1 Step 1: Formal complaints are logged through our online complaints management register where they are screened by the officer appointed to act as Complaints Officer. Complaints are forwarded to:

- EREA Flexible Schools Ltd Director of Safeguarding in the case of child safety related complaints and Reportable Conduct;

- EREA Flexible Schools Ltd CEO in the case of a complaint directly related to conduct by the Principal, Deputy Principal or Member of the School Advisory Council:
 - EREA Flexible Schools Ltd CEO in the case of a complaint related to conduct by an employee of the EREA Flexible Schools Ltd office;
 - Chair of EREA Flexible Schools Ltd in the case of a complaint related to conduct by the CEO
- 4.2** Step 2: All complaints that have been confirmed as valid by the Complaints Officer will be acknowledged in writing as soon as practicable, and always within 10 business days. They will be allocated a status, priority and target resolution date.
- 4.3** Step 3: The Complaints Officer will conduct an investigation into the issues raised, following principles of procedural fairness, and make a determination. The investigation will establish the circumstances of alleged events and explore options for resolution. Investigations may consist of interviews with involved parties or subject matter experts and/or documentation to determine the full circumstances leading to the complaint. Following completion of the investigation the Complaints Officer will make a determination and recommendation to the Principal and/or Child Safeguarding Officer/Director of Safeguarding/CEO.

The following people are required to accept the recommendation to resolve and close the Complaint:

- School operations related with no exposure to child safety – Principal or delegate
- School related with child safety implications – Principal or delegate and Child Safeguarding Officer
- Child safety related where the matter requires disclosure to external third parties – Principal, CEO and Director of Safeguarding.
- Complaint related to the Principal - CEO

The Principal and CEO (or their delegate) will work jointly to ensure all Complaints, where possible, are resolved within 20 business days of the acknowledgement of the Complaint.

- 4.4** Step 4: Following the agreement of the recommendation by the Principal and/or Child Safeguarding Officer/Director of Safeguarding/CEO, if appropriate, the Complaints Officer will formulate a resolution and provide a written response to the Complainant. The matter will be closed if this response is accepted (CEO assumes this responsibility where the Complaint relates to a Principal).
- 4.5** Step 5: Where the initial response is not acceptable to the Complainant the matter will first be escalated to the CEO and then the EREA Flexible Schools Ltd Chair, should the CEO's resolution not be acceptable to the Complainant. The Chair may seek additional information or submissions from the relevant parties. The matter will be closed if the response of the Chair is accepted.

The Principal and CEO (or their delegate) will work jointly to ensure all escalated Complaints, where possible, are resolved within 20 business days of the acknowledgement of the Complaint.

- 4.6** Step 6: All complaints received will be entered into the Complaints Register (Assurance). Resolution and any corrective action taken must also be recorded in the Register.
- 4.7** Step 7: If the matter remains unresolved, the Complainant may pursue external resolution alternatives.

5. Possible outcomes of a complaint

The assessment of the Principal/Child Safeguarding Officer/Director of Safeguarding/CEO may result in advice provided to the School for action. The suggested actions may include providing the complainant with:

- an apology or expression of regret
- formal communication of a change of decision, policy, procedure or practice

- the provision of counselling or other support
- an explanation of:
 - how the decision is consistent with school policy
 - how the decision is supported by an external agency that specialises in the area under consideration
 - how EREA Flexible Schools Ltd policies and guidelines are reflected in and supportive of the decision.

Implementation

It is the responsibility of Schools to ensure that their Staff, Volunteers and Contractors are trained in the appropriate handling of complaints in accordance with this policy. This policy will be made available to Schools through the EREA Policy Connect web portal.

Recordkeeping obligations

When handling all complaints, EREA Flexible Schools Ltd and all EREA schools will keep and maintain any records as required in accordance with the State Archives and Records Authority of NSW Recordkeeping Standards.

The following information is recorded by the Complaints Officer in relation to all complaints:

- The date the complaint was made and received
- The nature of the complaint
- The action taken to resolve the complaint
- The action taken to lessen or prevent the issue from recurring
- The time taken to resolve the complaint Further action taken if the complaint was not resolved.

Breach of this Policy

1. Individuals that breach this policy may be subject to disciplinary action, including and up to termination of their employment.
2. Individuals who become aware of an actual or suspected breach of this policy are obliged to report it. They may speak to their Superior or lodge a Whistleblower report through the EREA website/hotline. All reports are treated confidentially.

Policy Review

This policy will be reviewed every three (3) years unless there is a legislative or regulatory requirement to do so earlier.

EREA Flexible Schools Ltd Board is responsible for approving this policy and for ensuring it is reviewed and updated as needed.

EREA Related Policies, Procedures and Legislation

1. EREA Ltd and EREA Flexible Schools Ltd related documents and policies

This policy should be read in conjunction with the following related policies and documents:

- The Charter for Catholic Schools in the Edmund Rice Tradition
- EREA Flexible Schools Ltd Complaints Handling Policy Template for Schools
- EREA Code of Conduct
- EREA Incident Notification Policy & Framework

- EREA Ltd Whistleblower Protection Policy
- EREA Workplace Bullying, Discrimination & Harassment Policy
- EREA Health, Safety and Wellbeing Policy
- School Internal Grievance Policy
- EREA Flexible Schools Ltd Critical Incident Management Policy
- EREA Governing Authority Critical Incident Management Policy
- EREA Complaints Handling Program and CompliLearn module

2. Related legislative instruments

The following legislation, standards and regulations apply, and this policy aligns with these mandated requirements:

- National Catholic Safeguarding Standards
- NSW Child Safeguarding Standards

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