



# COMPLAINTS POLICY AND PROCEDURE

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## POLICY DETAILS AND DOCUMENT MANAGEMENT

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## REVISION HISTORY

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| 01/11/2020 | 1.0     | Board       | Complaints Policy and Procedure |
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## GENEALOGY

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| This Policy replaces: |
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| This Policy was cancelled and superseded by: |
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# PREAMBLE

This policy is provided to all Primary and Secondary Staff and Students at Emmanuel Christian Community School. Emmanuel Christian Community School is an educational community in which the relationship between the home, church and school is emphasized as a three-way partnership aimed at developing each students spiritual, moral, academic, and physical potential.

The Education Act 1999 has, as a condition of registration and re-registration, a requirement that a school has a dispute resolution procedure.

# SCOPE

All members of Emmanuel Christian Community School staff and volunteers must comply with this policy.

The School is committed to safeguarding and promoting the safety, welfare and wellbeing of children and young people and expects all staff and volunteers to share this commitment

# CONTEXT

Emmanuel Christian Community School may, from time to time, review and update this policy to take account of changes to the school's operations and practices and to make sure it remains appropriate to the changing legal and school environment.

# POLICY

## 1. ROLE OF THE DIRECTOR GENERAL

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

## 2. WHAT CONSTITUTES A COMPLAINT?

A complaint is an expression of dissatisfaction with a real or perceived problem.

A complaint may be made if a student, parent, or a staff member thinks that the school or other member of the school has, for example:

- Done something wrong.
- Failed to do something that should have been done; or
- Acted unfairly or improperly.

A complaint may be made about the school as a whole, about a specific department in the school or about an individual member of staff.

Procedures need to be flexible to handle both minor complaints and significant or serious complaints. It does not seem helpful to attempt to differentiate between "minor" and "serious" complaints.

One can easily become the other. Serious issues may be raised in an informal and friendly way and apparently trivial issues in an adversarial manner. Complaints against members of staff need particularly sensitive handling.

**A concern or complaint will be treated as a matter or as an expression of genuine dissatisfaction that needs a response.**

We wish to ensure that:

- Parents and guardians wishing to express a concern know how to do so.
- Complainants realise that we listen and take complaints seriously.
- We respond to complaints within a reasonable time and in a courteous and efficient way.
- Matters raised are investigated according to the school's policy and procedure.
- We act where appropriate.

### 3. RECORDING

Senior Leadership will report all complaints to the Principal.

It is essential that appropriate documentation is maintained of complaints made to staff, for future reference because:

- It may become the cause of legal action in the future.
- Patterns in the record may indicate a need for action.
- The Principal should be able to check the log and report on it regularly to the Chairman of the Board

### 4. COMPLAINT REGISTER

A complaint Register is to be kept by the School in a secure file.

The Register will contain the following information:

- date of complaint.
- name of complainant and relationship to the school.
- subject matter of the complaint, including the name of any person complained about and his or her relationship to the school.
- complaint investigator and position or role at the school.
- date investigation completed.
- whether complaint upheld.
- resolution agreed with or offered to complainant.
- date of referral for review (for example by the governing body).
- complaint reviewer and relationship to the school.
- date review finalised; and
- review resolution agreed with or offered to complainant.

The recording of complaints, ensuing investigations and communications at Emmanuel Christian Community School falls into two categories:

- Minor Complaints** i.e. those that are typically dealt with over the phone or email, where clarification may be provided, and the matter is quickly resolved. These issues are recorded on SEQTA as a 'communication' or 'pastoral' note.
- Significant or Serious Complaints** i.e. those which require further investigation or are of a serious nature e.g. complaint about the professionalism of a staff member, safety issues etc. These issues are typically investigated, and brief notes are made on the Complaints Register (sample shown below).

***NB: some Significant or Serious Complaints may be reportable incidents to outside bodies such as the Director General, Teachers Registration Board of WA, Department of Communities or Police. In the event of a reportable incident the School will co-operate with law enforcement.***

| <b>Date of issue</b> | <b>Parent Name</b> | <b>Student Name</b> | <b>Issue Category<br/>e.g. Curriculum<br/>Pastoral<br/>HR<br/>Services</b> | <b>Location of further information</b> | <b>Staff Member Handling the Issue</b> | <b>Outcome (Brief)</b>                  |
|----------------------|--------------------|---------------------|--|--|--|---|
| <i>1/1/13</i>        | <i>Mr X</i>        | <i>XXXX</i>         | <i>Pastoral - bullying</i>   | <i>Student File</i>                    | <i>SH</i>                              | <i>Disciplinary action: counselling</i> |
| <i>2/1/13</i>        | <i>Mrs Z</i>       | <i>XXXX</i>         | <i>HR - unprofessional conduct</i>   | <i>Student &amp; Staff file</i>        | <i>GH</i>                              | <i>Mutual agreement</i>                 |

## 5. CRITICAL AND EMERGENCY INCIDENTS AND ASSOCIATED REPORTABLE INCIDENTS.

The governing body ensures the Director General is notified of every reportable incident as soon as practicable, and in any event within 48 hours of the incident, using the form published by the Director General for this purpose.

Reportable Incident definitions:

- (5) The receipt of a complaint or allegation of child abuse, including but not limited to sexual abuse, committed against a student –
  - (a) by a staff member or another student; or
  - (b) by another person on the school premises or during a school-related activity; whether the abuse is alleged to have occurred recently or in the past.
- (6) Issuing a formal warning to or ceasing the employment of a staff member for a breach of the Code of Conduct suspected to have involved grooming behaviour.

**Complaints from members of the public** will be treated in a similar way to complaints from parents, although most complaints from the public would be referred directly to the Principal, Deputy Principal, or a Senior member of staff.

## 6. BIBLICAL DISPUTES RESOLUTION PRINCIPLES AT EMMANUEL CHRISTIAN COMMUNITY SCHOOL

### INTRODUCTION

Emmanuel Christian Community School is a ministry of the Girrawheen Baptist Church and operates within that framework as a Christian community. In order to operate effectively as a community, it is important that all members of the community including parents, staff, and students, understand the basis on which the community operates. As a ministry of the Church the principles upon which the School operates must be grounded in Biblical truth. As a community it must also be remembered that relationships are vitally important.

The policy set out below is based upon the Biblical principles, which form the basis of communications within the School. Some key references include - Matthew 18:15-20 and 21-35; Romans 12:9-21; 1 Corinthians 13:1-8; Ephesians 4:1-4 and 5:21; and Philippians 2:1-5. The policy should also be understood and implemented within the context of the love for one another that should characterise a Christian community (John: 13-34-35).

### COMMUNICATION WITHIN THE SCHOOL COMMUNITY

Within the community of the school there is a great deal of formal and informal communication and it is not the intention of the school to restrict the relationships that are an important part of the life of the school.

However, Scripture warns, 'The tongue has the power of life and death' (Proverbs 18:21 NIV) The words that we say are very powerful and can cause considerable damage. In order to minimise the potential for damage to the School, the members of the school community, and the Church accept that the principles set out in Matthew 18

should be followed not in a legalistic way but as a model given by Christ himself for us to follow. The guiding principle of any procedure for resolving complaints is found in the scriptural injunctions of Matthew 18:15-16. The scriptural principle outlines the need to first take the concern to the person responsible, and should that prove unsatisfactory ( or not possible or appropriate) to then establish the concern with the aid of witnesses which is described in the formal complaints process flow diagram in this document.

As a Christian community, members of the school should always seek to dwell together in unity. However, that unity must not be at the expense of truthfulness or the willingness to face and correct behaviour or practice. Ephesians 4:25-27 teaches “Therefore each of you must put off falsehood and speak truthfully to his neighbour, for we are all members of one body. In your anger do not sin. Do not let the sun go down while you are still angry and do not give the devil a foothold”. manner that, whilst acknowledging the individual’s responsibility to be involved, preserves the unity of the Spirit of God dwelling in His people as a community.

It is important that all participants in the school community know that there is a procedure for raising the concerns they have and are encouraged to use this procedure. However, at all times the concerns should be dealt with in a manner that, whilst acknowledging the individual’s responsibility to be involved, preserves the unity of the Spirit of God dwelling in His people as a community.

## 6. RESOLVING DISPUTES BETWEEN PARENTS AND GUARDIANS AND THE SCHOOL

All complaints are to be treated with confidentiality and procedural fairness.

### CONFIDENTIALITY

Confidentiality is essential. In order for someone to express their concern they may feel the need for the security of confidentiality. Where possible individuals may not be named, and the issues not discussed with the broader staff/students. In some cases, there is a need to share information and in that case the complainant should be informed that information will be passed on to only those whose role requires it. Also, in some cases to undertake an investigation there may be a need to mention names. This again must be discussed with the complainant.

### PROCEDURAL FAIRNESS

#### **Rules of procedural fairness, require:**

- (a) a hearing appropriate to the circumstances.
- (b) lack of bias.
- (c) evidence to support a decision; and
- (d) inquiry into matters in dispute.

If there is a situation involving the police, the Principal or next most senior staff member if the Principal is unavailable, will take responsibility for action in the School and the Board Chair will be informed as soon as possible.

There will be a small number of complainants who will not be satisfied, whatever the School does. Nevertheless, the complaint must be taken seriously and approached positively. In the case of an intractable complaint the Principal may refer the matter to the School Board. In this case the

complainant is encouraged to convey the matter in writing to the Board Chair. The Board Chair will discuss the matter with the Principal and the Board presented with the relevant documentation. The Board will consider the situation and the Board Chair will respond in writing.

If the complainant is still unhappy with the Board decision, an independent arbiter will be appointed to review the process.

## 8. GUIDELINES FOR COMPLAINTS PROCEDURE FOR PARENTS AND GUARDIANS

Emmanuel Christian Community School welcomes suggestions and comments from parents and takes seriously complaints and concerns that may be raised. This document will show you how to use our Complaints system.

## 7. CONCERNS & FREQUENTLY ASKED QUESTIONS

### 'How should I complain?'

You can contact the school in person, by telephone [08 93427377], by email, [admin@eccs.wa.edu.au], by submitting a message on the school's website or by letter addressed to The Principal [3 Salcott Road, GIRRAWHEEN WA 6064]. Please ask if you require some assistance in expressing your concern.

When you contact the school, please be as clear as possible about what is troubling you.

Members of staff will be happy to help. It may be best to start with the person most closely concerned with the issue – e.g. the classroom teacher, or subject teacher. They may be able to sort things out quickly, with the minimum of fuss. However, you may prefer to take the matter to a more senior member of staff, for example the Head of Department, the Deputy Principal, or the Principal.

### 'I don't want to complain as such, but there is something bothering me'

The school is here for you and your child, and we want to hear your views and your ideas. You can start by contacting a member of staff, as described above.

### 'I am not sure whether to complain or not'

If you have a concern you are entitled to raise it. If in doubt, you should contact the school, as we are here to help.

### 'What will happen next?'

If you raise something face-to-face or by telephone, it may be possible to resolve the matter immediately and to your satisfaction.

If you have made a complaint or suggestion in writing, we will contact you within five (5) working days, to respond to your concerns and explain how we propose to proceed.

In many circumstances, the person you contact will need to discuss the matter with a colleague and consider it further before responding. You will be given a date by which time you will receive a response. If a detailed exploration of the issue is needed, a letter or report will be sent to you as quickly as possible. This will tell you of the outcome of your complaint. It will explain the conclusion, the reasons for it, and any action taken or proposed.

Please be aware that in some cases the school will not be able to discuss the details of action taken as it would be inappropriate. For example, if the action involved staff discipline. Under its legal obligation the school is also not able to divulge information on matters which require the involvement of a relevant government authority, without the permission of that government authority.

### 'What happens about confidentiality?'

Your complaint or concern will be treated in a confidential manner and with respect. Knowledge of it will be limited to the Principal and those directly involved. The Chair of the school's Governing Body may also need to be informed. It is the school's policy that complaints made by parents and guardians should not rebound adversely on their children. The school will not tolerate victimisation or adverse consequences shown towards a person who raises a concern and/or complaint.

We cannot entirely rule out the need to make third parties outside the school aware of the complaint and possibly also the identity of those involved. This would be most likely to happen where, for example, a child's safety was at risk and it became necessary to refer matters to the Police or other external authority. Matters of this nature would include an allegation/complaint of grooming, child abuse and/or there was a breach of the Code of Conduct. If information is passed to a third party, you will be informed, unless this is prevented by legal obligation.

### 'Can I remain anonymous?'

We would prefer to know the identity of a person making a complaint as it can help in investigation and resolution. Anonymous complaints will be noted and dealt with in accordance with the circumstances, available information and the action required.



### 'What if I am not satisfied with the outcome?'

We hope that you will feel satisfied with the outcome, or at least that your concerns have been fully and fairly considered.

If you are not satisfied, the Principal will offer to refer the matter to the Chair of the School Governing Body. Alternatively, you may wish to write directly to the Chair via the School [3 Salcott Road, GIRRAWHEEN WA 6064] The Chair will call for a full report from the Principal, and will examine matters thoroughly before responding to ensure that the complaint has been handled in accordance with the school's policy and procedure as well as to give further consideration. When notified of the outcome of the Chair's review and consideration, if you remain concerned, the opportunity of a meeting with the Chair will be offered. You may wish to be supported by a friend, but legal representation would not be appropriate at this stage.

If the meeting does not bring about a resolution, the matter may be referred to a process of dispute resolution, either mediation or conciliation.

- **Mediation** is a process where the parties, assisted by a third person, listen to each other, define the dispute, find points of agreement, investigate what is important to each party with the goal of reaching a workable agreement through the development of satisfactory options for resolution for each party.
- **Conciliation** is a process whereby a third party assists the parties to a dispute to communicate their concerns to each other with the aim of finding resolutions.

**The school recognises and acknowledges your entitlement to complain and we hope to work with you in the best interests of the children and young people in our care.**

## 9. GUIDELINES FOR COMPLAINTS PROCEDURE FOR STUDENTS

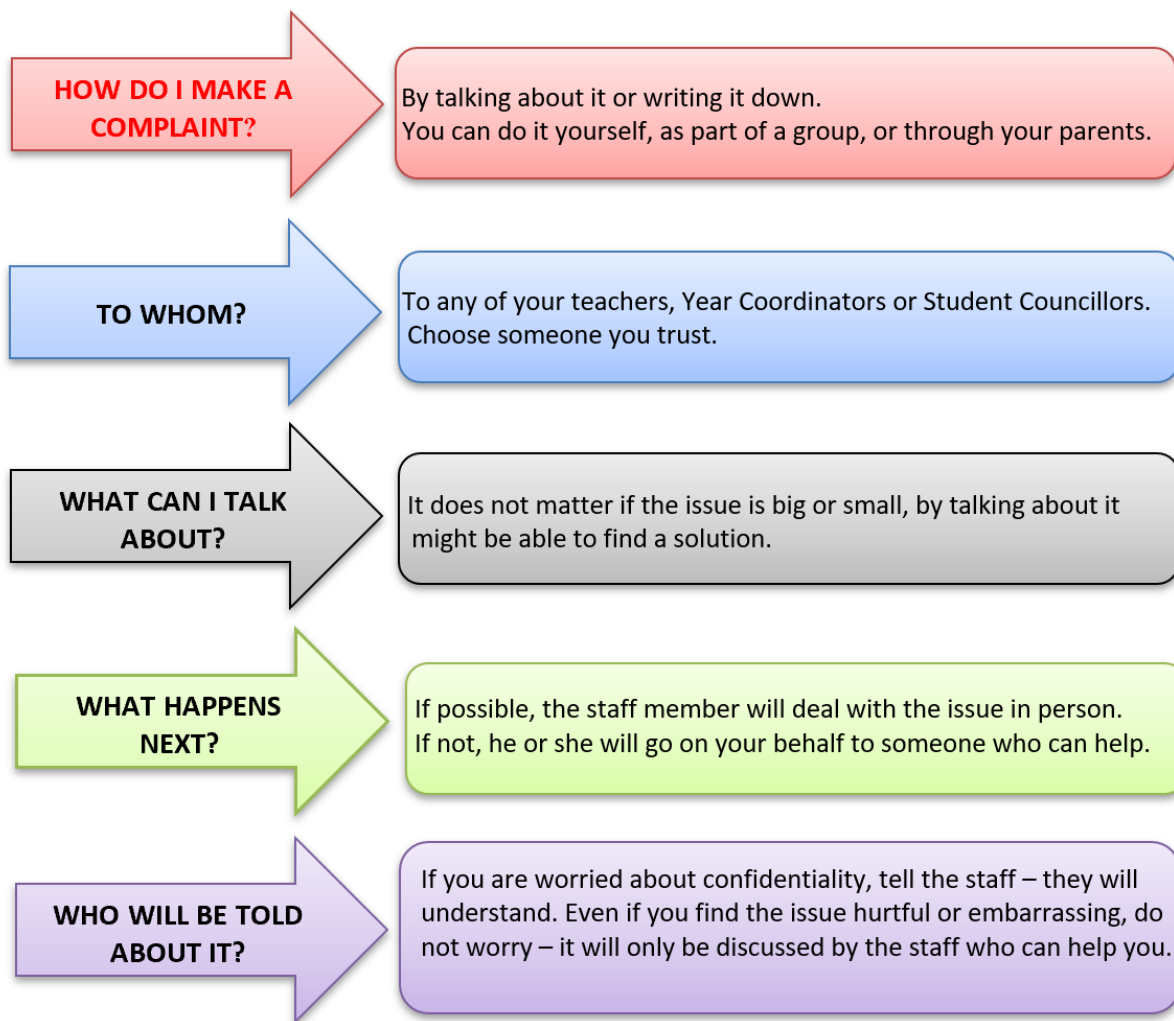
### **Students' raising a concern or complaint:**

The school also has a 'child-friendly' complaints process that is tailored to meet the needs of students who wish to express a concern or complaint. The school employs multiple methods of letting students know that they can express a concern and how they can go about it.

Other methods of letting students know involve student meetings, in class discussions, through the protective behaviours curriculum taught in the school and through the display of posters around the school, designed to be age and developmentally appropriate to suit the differing needs of students.

The School acknowledges that in some cases, students may not wish to engage with our complaints handling policies and procedures to make a complaint and we encourage all students to contact a staff member if they require assistance, guidance or support to make a complaint.

## COMPLAINTS PROCEDURE FOR STUDENTS

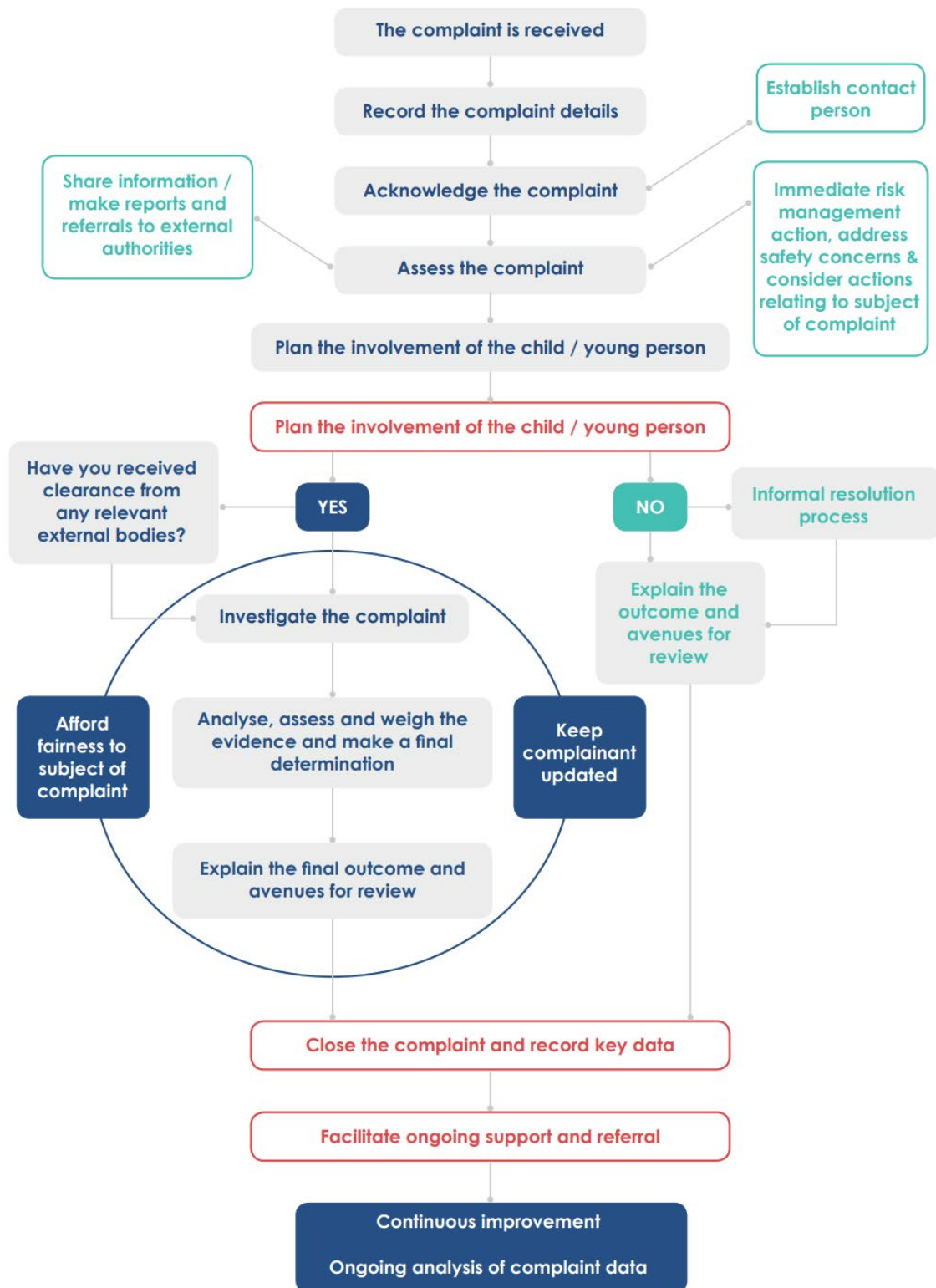


**Any Problems, Concerns or Suggestions?**  
If so ECCS would like to hear.

Emmanuel Christian Community School is committed to the prioritising the safety and wellbeing of students and the provision of a child focussed concerns and complaints process.

The following Complaints handling Process is to be followed at Emmanuel when dealing with children and young people:

COMPLAINTS HANDLING PROCESS PRIORITISING CHILD SAFETY AND PROMOTING THE RIGHTS OF CHILDREN AND YOUNG PEOPLE TO HAVE A VOICE IN DECISIONS THAT AFFECT THEM



## 10. GUIDELINES FOR COMPLAINTS PROCEDURE FOR STAFF

### RESOLVING DISPUTES/COMPLAINTS BETWEEN STAFF MEMBERS

Emmanuel Christian Community School is a community and, although a work environment that is safe and free from all forms of conflict, harassment and discrimination is the preference of all, there will be times when staff will wish to make suggestions, may have a complaint or raise a concern that needs addressing.

Emmanuel Christian Community School takes these issues seriously and welcomes such feedback. The Disputes & Complaints System is outlined briefly below to assist staff members, should such a need occur.

Please remember it is our policy that we wish to deal with issues sooner rather than later.

Premise: If a concern/complaint is dealt with seriously and sensitively at an early stage, it is likely to have a satisfactory outcome. Having a sound system will therefore reflect positively on the ethos, mission, and values of the School.

Complaints can also be helpful to the Senior Leadership Team – the information can be constructive and provide the Senior Leadership Team with helpful information. They can be used to improve standards and prevent cause for further problems or complaint.

A complaint is an expression of dissatisfaction with a real or perceived problem, whether it is about an individual, group, department, or School as a whole.

Sharing complaints and having suitable protocols can reduce anxiety by taking the matter seriously.

As complaints may become legal action in the future it is essential that complaints be recorded, whether that be at a teacher, Year Coordinator, Heads of Learning or the Senior Leadership Team level, and suitable records are kept.

Confidentiality is essential. In order for someone to express their concern they may feel the need for the security of confidentiality. Where possible individuals may not be named, and the issues not discussed with the broader staff/students. In some cases, there is a need to share information and in that case the complainant should be informed that information will be passed on to only those whose role requires it. Also, in some cases to undertake an investigation there may be a need to mention names. This again must be discussed with the complainant.

If there is a situation involving the police, the Principal will take responsibility for action in the School, inform the relevant authorities (TRB, Department of Education) and the Board Chair will be informed as soon as possible.

In the case where mediation may be beneficial, this meeting will comprise at least two appropriate staff, one of which will make notes during the meeting. The complainant may also wish to bring someone with them as support. The meeting aims to come to a positive resolution, which is conveyed to all attending the meeting, as well as the issue of confidentiality. Any outcome of a mediation meeting should be recorded and circulated at all attendees as soon as possible. A report will be given to the Principal should s/he not be in attendance.

There may be a small number of complainants who will not be satisfied, whatever the School does. Nevertheless, the complainant must be taken seriously and approached positively. In the case of an intractable complaint the Principal may refer the matter to the School Board. In this case the complainant is encouraged to convey the matter in writing to the Board Chair. The Chairman will discuss the matter with the Principal and the Board presented with the relevant documentation. The Board will consider the situation and the Chairman will respond in writing.

If the complainant is still unhappy with the Board decision, a review of the process will be held by an independent investigator.

### “How should I complain?”

When you issue a complaint, please be as clear as possible about what is troubling you.

The informal complaint resolution process is usually the preferred option and generally offers the best outcome. However, an employee with a complaint regarding another employee that cannot be resolved informally or one that the complainant wishes to resolve through formal processes, should be submitted in writing to the Principal. Complaints should be lodged as soon as is practicable following the circumstances occurring from which the complaint arose, and it is suggested that this takes place within three weeks.

Senior staff members will be happy to help. It should start with the person most closely concerned with the issue – for example, a Senior Teacher, Head of Learning Area, or a Year Coordinator. They may be able to sort things out quickly, with little fuss. However, you may feel the issue needs to go to a senior staff member such as a member of the Senior Leadership Team, again they will be happy to help.

### “I don’t want to complain as such, but there is something bothering me”

We are all working towards the same purpose or goal – the education and well-being of children within this community, as well as good working relationships across the School. If you have a concern, you are entitled to raise it with the School. If in doubt, remember we are here to help. Sometimes it is reassuring just to talk your concerns through with someone safe.

### “What will happen next?”

Complaints should be handled promptly and reflect procedural fairness requirements whether they are being addressed through formal grievance processes or through line management.

If you raise something, it may be resolved immediately and to your satisfaction.

If you forward a formal complaint in writing, the Principal will investigate and reply to you within 5 working days to respond to your concerns and explain how the matter will proceed.

In some cases, the person will need to discuss the matter with a colleague and consider it further before responding. You will be given a date by which time you will receive a response. If a detailed exploration of the issues is needed, a letter or report will be sent to you as quickly as possible.

The employee/s who are the subject of a complaint must be informed of the substance of the complaint and given a reasonable period of time to prepare their response (generally, 3-5 working days) and/or to meet with any parties authorised to manage the complaints process.

Complaints should be sufficiently detailed so as to enable the employee who is the subject of the complaint to respond to the allegations against them. A detailed description of the incident/s, the alleged time and place when the incident/s allegedly occurred and the names of any possible witnesses to the incident/s are to be provided, wherever possible.

A final letter will inform you of the outcome of the complaint, it will explain the conclusion, the reasons for it and any action taken or proposed.

### “What happens about confidentiality?”

Your complaint or concern will be treated as confidential and with respect. Knowledge of the issue will remain limited to the Principal and to those directly involved. The Chairman of the School Board may also need to be informed in some matters and any other parties who have a legitimate interest in the process. Such parties may include support persons, unions or professional associations and more senior line managers. It is a School policy that complaints should not rebound adversely on anyone.

We cannot entirely rule out the need to make third parties outside the School aware of a complaint and possibly also the identities of those involved. This would only happen in a case where the person's safety is at risk or where it became necessary to refer a matter to the Police or other agency. You would be fully informed.

It is required that appropriate confidentiality is observed by all parties in any discussion of employee complaints. These matters should remain confidential between the employees concerned. All documentation relating to the complaint should be kept on a confidential file and should not be placed on either complainants or respondents' personal files if other staff are named within the documents.

#### **“What if I am not satisfied with the outcome?”**

Our aim is that you will feel satisfied with the outcome, or at least that your concerns have been fully and fairly considered. It is recommended that an employee who is dissatisfied with the process used by a school to redress their complaint is offered the right to request a review of the process by lodging a claim through the School's grievance resolution process.

If you are not satisfied, the Principal will refer the matter to the Chair of the Board. Alternatively, you may wish to write directly to the Chair. The Chair will call for a full report from the Principal, and will examine matters thoroughly before responding. This may result in a satisfactory solution, but if it does not, the Chair will invite you to a meeting.

If the meeting does not bring about a resolution, the matter could be referred to an independent investigator. It is their task to look at the issues in an impartial and confidential manner. The Investigator will invite you to a meeting. You will be asked if there any papers you would like to have circulated beforehand. As with the Chair's meeting, you will be invited to bring a friend with you. An agreement around this process will be made.

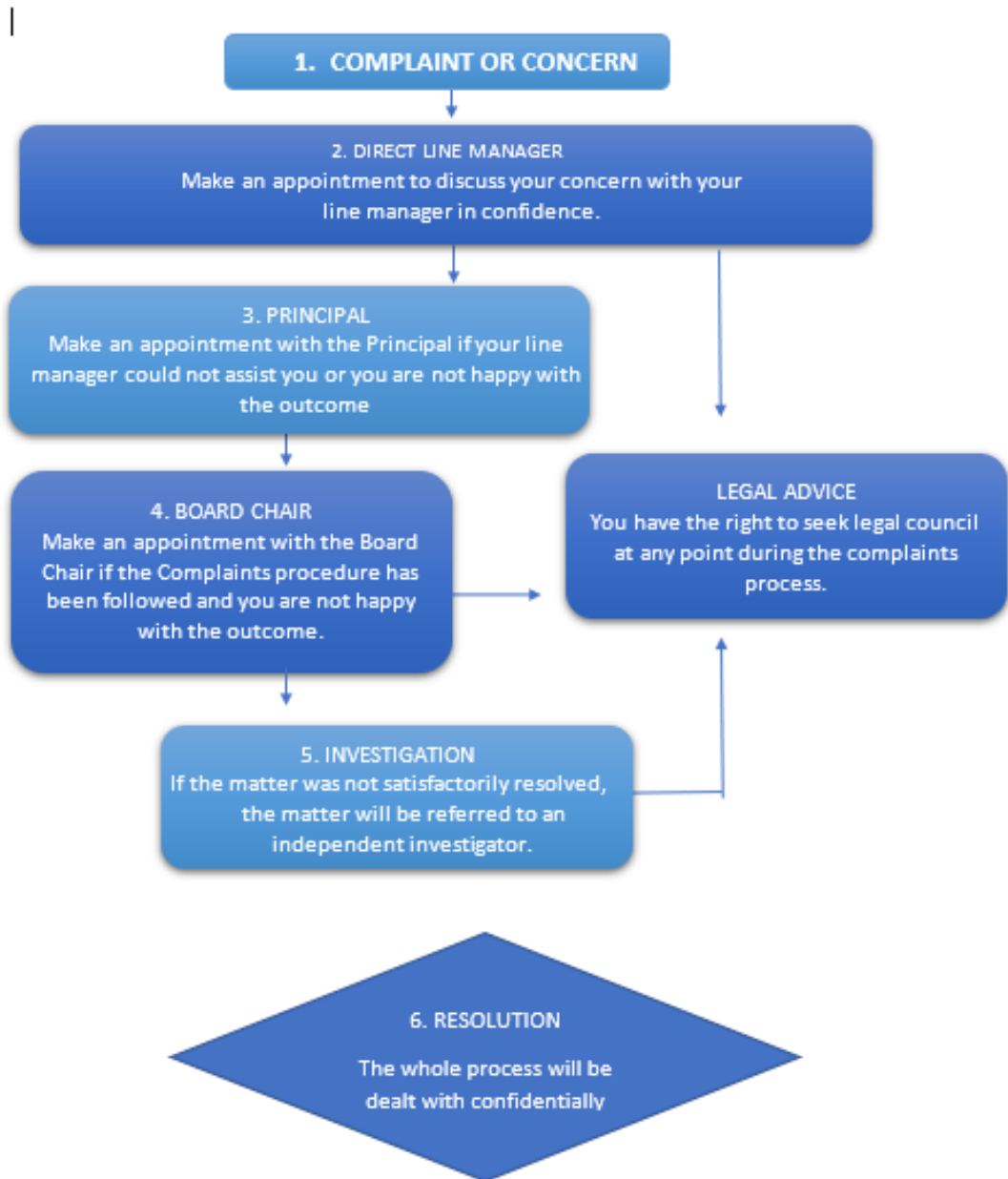
You are welcome to engage legal advice at any stage.

#### **Withdrawing a complaint**

An employee who wishes to withdraw a complaint should do so in writing. Upon receipt of the letter of withdrawal the Principal would give notice to any parties affected by the complaint that it has been withdrawn. Regardless of an employee's wish to withdraw a complaint, complaints that have disciplinary implications for an employee may still be followed up by the Principal.

Should you wish to discuss any aspect of this Disputes/Complaints procedure, please do not hesitate to ask. This policy will be promoted annually through the Staff Handbook and reviewed annually.

# ECCS STAFF COMPLAINTS PROCEDURE





## STRICTLY CONFIDENTIAL

# PARENT ENQUIRY/COMPLAINT FORM

Parents Name: \_\_\_\_\_

Contact Numbers: \_\_\_\_\_

### DETAILS OF THE COMPLAINT

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### DESIRED OUTCOME

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### INVESTIGATED BY

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### ACTION TAKEN

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### RESOLUTION

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Parent's Signature: \_\_\_\_\_

Principals Signature: \_\_\_\_\_

Date: \_\_\_\_\_