EREA Ltd
Complaints Handling Policy

Background

EREA 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 Ltd ("EREA") encourages honest and constructive feedback and takes complaints and concerns that are raised seriously. EREA 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 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 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 Ltd is committed to the regular analysis of complaints received and the implementation of rectification action, where deficiencies are identified.

Principles

EREA 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 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 Ltd's actions:

1. 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 first be escalated to the relevant EREA Entity CEO or their delegate in the Executive Team.
2. Complaints are received and managed in a way that is appropriately private, respectful, culturally safe and sensitive to the diverse circumstances of children and students, as well as providing support to vulnerable children and students.
3. 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.
4. Schools, staff members and volunteers will be informed of all complaints that are made about them, where permitted.
5. 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.
6. Confidentiality, protection of privacy, respect, access, dignity and impartiality will form the

basis of the complaints raising, reviewing and resolution process.

7. The complaints resolution process will seek to achieve the restoration of good and respectful relationships.
8. 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.
9. 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 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 all jurisdictions require all schools to have evidence of their local policy and procedure in relation to complaints management.

Scope

This policy applies to EREA Ltd and its Employees.

This policy sets out the EREA 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 Ltd follows the procedures for responding to allegations of child abuse under reporting obligations outlined in Child Safeguarding Policies and Procedures that are relevant to each EREA entity.

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 the Board of Directors of EREA Ltd.
CEO	means the Chief Executive Officer of an EREA entity. The CEO may also act as a Director of Schools.
Complaints	means a reasonable expression of dissatisfaction made to EREA Limited, or one or more of its Schools or related entities, 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 EREA Ltd office appointed receiver of complaints. The Complaints Officer directs formal complaints to the appropriate Senior Leader for management and resolution.
Contractor	means someone engaged by EREA to perform specific tasks. Contractors are not employees of EREA or its Schools.
Employee	means any person employed through an employment contract by Edmund Rice Education Australia or any of its entities governed under the Board.

Term	Definition
EREA Ltd	means Edmund Rice Education Australia Ltd. The Company established as the 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 definition under the relative jurisdictions for which each EREA School operates. These include a sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, failure to protect, failure to report under the respective legislative instruments applicable in each jurisdiction; and behaviour that causes significant emotional or psychological harm to a child.
School	means any School or entity conducted by EREA entities, including its Early Learning and Day Care Centres.
Staff	means person(s) employed by a School.
Subsidiary or Governing Board	means one of the five Entities: EREA Colleges Ltd, EREA NSW Colleges Ltd, EREA Flexible Schools Ltd, St Kevin's College Ltd and EREA Victorian 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 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).
National Executive Director	Oversees the development, implementation, and assurance of procedures to ensure compliance with this policy. Manages complaints that are escalated above the EREA Entities.
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 EREA Ltd level.

Policy

1. EREA Ltd must implement a complaint handling procedure that reflects the requirements of this Policy. The process must utilize the EREA Ltd online complaints management platform (Assurance).
2. EREA Ltd's complaints handling procedures must:
   - 2.1 align with the Purpose, Principles and Procedures as outlined in this policy
   - 2.2 ensure procedural fairness and confidentiality
   - 2.3 include information on how to escalate a complaint that is unresolved at the EREA Ltd level to TEREA or their delegate

2.4 be accessible to the EREA community

2.5 be approved by the EREA Ltd Board and the NED

3. EREA Ltd is required to develop and maintain a fair, effective, and efficient complaints handling process so that complaints about events or decisions can be addressed.

4. EREA Ltd is required to maintain a Register of all Complaints in Assurance.

Procedures

1. Complaints against Staff and Volunteers

1.1 Child Abuse and other harm (including sexual offences)

EREA Ltd takes all allegations of children at risk of significant harm seriously.

All allegations of child abuse and other harm are investigated as per the EREAs Ltd Child Safeguarding Complaints Handling Policy and Procedures.

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. Child Safeguarding Programs in schools are based on the legal and regulatory Child Safe Organisations and Child Protection frameworks applicable within each jurisdiction where EREA operates schools. *(See the EREA related Policies, Procedures and Legislation section of this Policy)*

EREA Ltd requires Employees to report any concern they may have about the safety, welfare or wellbeing of a child or young person to a Principal, Safeguarding Directors, CEO or NED.

All allegations of child abuse and other harm are investigated as per the EREAs Ltd Child Safeguarding Complaints Handling Policy and Procedures.

A complaint of Child Abuse or other harm by the Principal, CEO or NED must be directed to the Relevant EREA Board Chairman.

1.2 Misconduct or serious misconduct

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

A complaint of alleged or serious misconduct by the NED must be directed to the EREA Ltd Chair.

1.3 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; pso@edmundrice.org.

1.4 Anonymous Complaint

EREA 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 Whistleblower Protection Policy.

2. Escalation of a complaint

2.1 If a complaint is unresolved at the school level or is about the Principal/Governing Board staff, or should a complainant simply wish to make a formal complaint directly to EREA, it can be done by any of the following means:

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

2.2 EREA Ltd is responsible for responding to complaints when:

- a complainant is not satisfied that a matter has been addressed in accordance with the Governing Board'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 or Governing Board
- a School or Governing Board requests assistance to resolve a complaint
- the subject of the complaint is a Director of the Governing Board.

2.3 EREA Ltd management will generally not become involved when:

- The complaint has not been first raised with the School or Governing Board
- the School or Governing Board 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 or Governing Board to resolve.

2.4 All formal complaints will be logged by the Complaints Officer into our online complaints management system (in Assurance) and managed in accordance with this Policy.

2.5 EREA 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.

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

2.7 The EREA Ltd NED will report to the Board, compliance with this policy and procedures, insights gleaned from the actions taken under 2.5 and escalate any matters that remain unresolved after these procedures have been followed, and any patterns of behaviour in School and Governing Board management or practice that have been identified and remain unaddressed.

3. Steps in Complaint Handling

Steps in Complaint Handling	Actions
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 Governing Board Director of Safeguarding in the case of potential child safety related complaints and Reportable Conduct; • EREA Governing Board CEO or their delegate in the case of a complaint directly related to conduct by the Principal, Deputy Principal or Member of the School Advisory Council: • EREA Ltd NED in the case of a complaint related to conduct by an employee of the EREA Ltd office; • Chair of the Relevant EREA Board in the case of a complaint related to conduct by the CEO or the NED.
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.
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 person responsible for the resolution of the complaint e.g. Child Safeguarding Officer/Director of Safeguarding, CEO, NED, Board Chair.
Step 4.	Following the agreement of the recommendation by the appropriate person identified in Sec. 3.6, 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.
Step 5.	All complaints received will be entered into the Complaints Register (Assurance). Resolution and any corrective action taken must also be recorded in the Register.
Step 6.	If the matter remains unresolved, the Complainant may pursue external resolution alternatives.

The following people are required to accept the recommendation to resolve and close the Complaint:	
School activities or 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 and Professional Standards.
Complaint related to the Principal	CEO
Complaint related to CEO/NED	Board Chair

4. Possible outcomes of a complaint

The completion of the assessment of the complaint requires communication with the Complainant. 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 EREA policy
  - how the decision is supported by an external agency that specialises in the area under consideration
  - how EREA Ltd policies and guidelines are reflected in and supportive of the decision.

Implementation

It is the responsibility of the EREA Ltd Complaints Officer to ensure that Staff, Volunteers and Contractors are aware of the appropriate handling of complaints in accordance with this policy (should they receive a complaint). This policy will be made available through the EREA Policy Connect web portal.

Recordkeeping obligations

When handling all complaints, EREA Ltd, Governing Boards and all schools will keep and maintain any records as required in compliance with statutory authority requirements (as defined in CompliSpace).

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

Individuals who breach this policy may be subject to disciplinary action, including and up to termination of their employment.

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 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 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 Code of Conduct
- EREA Incident Notification Policy & Framework
- EREA Whistleblower Protection Policy & Guidelines
- EREA Workplace Bullying, Discrimination & Harassment Policy
- EREA Health, Safety and Wellbeing Policy
- School Internal Grievance Policy
- EREA Governing Authority Critical Incident Management Policy
- EREA Complaints Handling Program and CompliLearn module (web enabled)

2. Related legislative instruments

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

- Queensland
    - Child Protection Act 1999 (QLD)
    - Criminal Code Act 1899 (QLD)
    - Domestic and Family Violence Protection Act 2021 (QLD)
    - Education (General Provisions) Act 2006 (QLD)
    - Public Health Act 2005 (QLD)
    - Guardianship Administration Act 2000 (QLD)
- Australian Capital Territory
    - Children and Young People Act 2008 (ACT) (CYPA)
    - Crimes Act 1900 (ACT)
    - Sexuality and Gender identity Conversion Practices Act 2020 (ACT)
    - Ombudsman Act 1989 (ACT)
    - Child and Youth Protection Services (CYPS) – Mandatory Reporters
- Tasmania
    - Children, Young Persons and Their Families Act 1997 (TAS) (CYPF Act)
    - Criminal Code Act 1924 (TAS)
    - Teachers Registration Act 2013 (TAS)
    - Registration to Work With Vulnerable People Act 2013 (TAS) and Registration to Work With Vulnerable People Regulations 2014 (TAS)
    - Family Violence Act 2004 (TAS)
    - Family Law Act 1975(Cth)
    - Education Act 2016 (TAS) and Education Regulations 2017 (TAS)
    - Criminal Code Act 1995 (Cth)
- South Australia
    - Children and Young People (Safety) Act 2017 (SA) and Children and Young People (Safety) Regulations

2017 (SA)
    - Child Safety (Prohibited Persons) Act 2016 (SA) and Child Safety (Prohibited Persons) Regulations 2019 (SA)
    - Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA) and Child and Young People (Oversight and Advocacy Bodies) Regulations 2017 (SA)
    - Teachers Registration and Standards Act 2004 (SA) and Teachers Registration and Standards Regulations 2021 (SA)
    - Criminal Law Consolidation Act 1935 (SA)
    - Intervention Orders (Prevention of Abuse) Act 2009 (SA)
    - Civil Liability Act 1936 (SA)

- Western Australia
    - The School Education Act 1999 (WA)
    - Children and Community Services Act 2004 (WA)
    - Working with Children (Criminal Record Checking) Act 2004 (WA) and Regulations 2005 (WA)
    - Teacher Registration Act 2012 (WA)
    - Restraining Orders Act 1997 (WA)
    - Criminal Code Act Compilation Act 1913 (WA)
    - Registration Standards for Non-Government Schools (WA)

- Australian Children's Education & Care Quality Authority (ACECQA)
    - National Quality Framework
    - Education and Care Services National Law Act 2010 (Cth)
    - Education and Care Services National Law (Queensland) Act 2011
    - Education and Early Childhood Services (Registration and Standards) Act 2011 (Sth Aust)
    - Education and Care Services Nation Law (ACT) Act 2011
    - Education and Care Services National Law (Application) Act 2011 (TAS)
    - Education and Care Services National Law (WA) Act 2012

- National Catholic Safeguarding Standards

Policy Number/Version	**June 2023**
Policy Owner	EREA Ltd NED
Approving Body/Role	EREA Ltd Board - Approver
Subject Matter Advisor	CRO – EREA Ltd
Policy Type/Governance Domain	Complaints
Priority Rating	High - Adopt
Date Approved	4 August 2023
Effective Date	4 August 2023
Date of Next Review	August 2026