

EREA NSW Colleges Ltd

Complaints Handling Policy

Background

EREA NSW Colleges 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 NSW Colleges Ltd encourages honest and constructive feedback and takes complaints and concerns that are raised seriously. EREA NSW Colleges 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 NSW Colleges 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 NSW Colleges 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 organisations).

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

Principles

EREA NSW Colleges 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 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 NSW Colleges 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 EREA NSW Colleges Ltd CEO.
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 NSW Colleges 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 NSW Colleges Ltd and its Employees its of each school listed in schedule 1 of this policy.

This policy sets out the EREA NSW Colleges 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 NSW Colleges 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 EREA NSW Colleges Ltd.

This policy does not relate to critical incidents, emergency management, criminal offences, 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 NSW Colleges Ltd.
CEO	means the Chief Executive Officer of EREA Colleges NSW Ltd. The CEO may also act as a Director of Schools.

Term	Definition
Complaints	means a reasonable expression of dissatisfaction made to EREA, 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 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 NSW Colleges Ltd.
Principles	means Principles section of this policy.
Principal	means the appointed authority of an EREA NSW School.
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 NSW Colleges Ltd
Staff	Same as Employee
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 NSW Colleges 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 the 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.

Policy

- Schools must implement their own complaints handling procedure by adopting this Policy. The process must utilize the EREA NSW Colleges Ltd online complaints management platform (Assurance).
- The schools complaints handling procedures must:
 - align with the Purpose, Principles and Procedures as outlined in this policy
 - ensure procedural fairness and confidentiality
 - include information on how to escalate a complaint that is unresolved at the school level to EREA Colleges NSW Ltd or their delegate

- 2.4 be accessible to the school community
- 2.5 be approved by the Principal and the EREA NSW Colleges 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 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 EREA NSW Colleges Ltd's Code of Conduct. All complaints of alleged misconduct or serious misconduct by an employee, volunteer 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 NSW Colleges Ltd CEO.

1.2 Child Abuse and other harm (including sexual offences)

EREA NSW Colleges Ltd takes all allegations of children at risk of significant harm seriously. 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 the jurisdictions for which each school governed by EREA NSW Colleges Ltd operates. (See the EREA related Policies, Procedures and Legislation section of this Policy) EREA NSW Colleges 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. All allegations of child abuse and other harm are investigated as per the EREA NSW Colleges Ltd Safeguarding Complaints Handling Policy and Procedures. A complaint of Child Abuse or other harm by the Principal must be directed to the EREA NSW Colleges Ltd CEO.

1.3 Complaint against the Principal

Any complaint against the Principal must be directed to the EREA NSW Colleges Ltd CEO.

1.4 Complaint against a Christian Brother

Any complaint in relation to a Christian Brother with respect to an EREA NSW school should be directed to complaints@erea.edu.au.

1.5 Anonymous Complaint

EREA NSW Colleges 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.

1.6 Allegations of Reportable Conduct

Allegations of Reportable Conduct which meet the threshold pursuant to legal and jurisdictional regulations, and which involve an EREA NSW Colleges Ltd Employee, Volunteer or Contractor, must be reported as described as per jurisdictional requirements and the EREA Incident Notification Management Guidelines.

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 NSW Colleges Ltd CEO. (See the EREA related Policies, Procedures and Legislation section of this Policy)

2. Escalation of a complaint

2.1 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 NSW Colleges Ltd or to EREA Ltd, it can be done by any of the following means:

- Send an email to ereansw@erea.edu.au
- Send a written letter to EREA NSW Colleges Ltd addressed to the Complaints Manager at the address listed on the EREA NSW Colleges website
- Submit an email via the EREA NSW Colleges website via the Contact Us link
- Phoning EREA NSW Colleges Ltd on 02 8705 8610
- If the complaint is about EREA NSW Colleges Ltd, email the complaint to complaints@erea.edu.au or phone Edmund Rice Education Australia National Office on 03 9426 3200 to register the complaint.

2.2 EREA NSW Colleges 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 the School.

2.3 EREA NSW Colleges 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.

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 NSW Colleges 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 NSW Colleges 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.

2.7 The EREA NSW Colleges Ltd CEO 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 management or practice that have been identified and remain unaddressed.

2.8 Schools will publish their procedures for making school level complaints.

3. Steps in Complaint Handling

3.1 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 NSW Colleges Ltd Director of Safeguarding in the case of potential child safety related complaints and Reportable Conduct;
- EREA NSW Colleges Ltd 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 NSW Colleges Ltd CEO in the case of a complaint related to conduct by an employee of the EREA NSW Colleges Ltd office;
- Chair of the EREA NSW Colleges Board in the case of a complaint related to conduct by the CEO.

3.2 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.

3.3 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 and/or CEO

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 – **Board Chair**

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.

3.4 Step 4: Following the agreement of the recommendation by the appropriate person identified in Sec. 3.3, 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.

3.5 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 NSW Colleges 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.

3.6 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.

3.7 Step 7: If the matter remains unresolved, the Complainant may pursue external resolution alternatives.

4. Possible outcomes of a complaint

The assessment of the Principal/Child Safeguarding Officer/Director of Safeguarding and Professional Standards/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 NSW Colleges Ltd policies and guidelines are reflected in and supportive of the decision.

Implementation

It is the responsibility of Schools 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 NSW Colleges Ltd 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

1. Individuals who 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 NSW Colleges 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 Colleges NSW 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
- Incident Notification Management Guideline
- EREA Whistleblower Protection Policy & Guidelines
- Workplace Bullying, Discrimination & Harassment Policy
- Work Health and Safety Policy
- School Internal Grievance Policy

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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