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SCHOOL COMMUNITY AND CONSUMER COMPLAINT PROCEDURE

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Introduction

1.1 Purpose

This procedure outlines how complaints will be handled by the Department of Education (the Department).

Our complaint procedure is intended to:

- enable us to respond well to complaints
- resolve complaints in a timely, fair and helpful manner
- give the public confidence in our administrative processes
- provide information to enhance our services, systems and complaint handling, and
- prevent complainants or students from suffering detriment because a complaint has been made by them or on their behalf.

The Department is committed to:

1. Respectful treatment of complainants.
2. Providing information about making complaints and ensuring that it is accessible to complainants.
3. Good communication with complainants about the status of their complaints.
4. Taking ownership of complaints and ensuring that people who are responding to complaints are supported.
5. Timeliness of complaint handling and dealing with issues as soon as possible.
6. Transparency through recording and analysing complaints data to inform systems improvement.

A Complaint Management Toolkit which is designed to assist with and support the management of complaints is available for use in conjunction with this procedure.

Appendix 1 – Flowchart for school community and consumer complaints outlines the key steps in the process where a parent or community member makes a complaint to the Department.

The procedure gives timeframes for complainants and complaint managers to undertake key steps in the process. Those timeframes should be met where reasonably practicable and may be impacted by school holidays, staff availability, complexity and other workplace priorities.

2. Receiving a complaint

2.1 First steps

A complaint is an expression of dissatisfaction made to the Department, where a response or resolution is reasonably expected or legally required. A complaint can be about any aspect of the services provided or contracted by the Department, including the behaviour or decisions of staff, practices, policies and procedures or the way in which the Department has handled a complaint.

This procedure applies to all complaints other than complaints made by staff, which are dealt with under the Staff Complaint Procedure.

Anyone who works for the Department may receive a complaint.

Some complaints may fall outside the standard definition of a complaint, such as allegations of misconduct by a staff member and therefore need referral or a report to be made. See [Complaint Managers Toolkit: Referring Complaints](#).

Complaints can be made in many different ways, e.g. in person, by telephone, in writing, online.

2.2 Assessing risk and referring certain matters

Any staff member may receive a complaint. The receiving staff member should assess the complaint to identify any immediate health, safety or security risks.

The person who receives a complaint should immediately action and/or escalate to the principal or workplace manager if there are risks. Any identified risks and risk management actions should then be documented by the principal or workplace manager.

Some complaints are not dealt with by the Department. Where there are allegations of criminal conduct, there must be a report to Police (if in doubt, contact Legal Services Directorate on 9561 8538). Where there is a risk of significant harm to a student contact the Child Protection Helpline. For other risks of a child protection nature or if unsure, complete the Mandatory Reporter Guide, record the outcome and take any required action.

Other complaints need to be referred to a specialist area of the department for handling, if the complaint is about:

- allegations of a child protection nature against an employee
- allegations of corrupt conduct
- allegations of misconduct
- possible criminal conduct
- a risk of harm or significant harm to a child
- privacy issues
- early childhood complaints linked to the National Quality Framework
- legal proceedings and requests for payment of damages
- requests for information, including requests under the Government Information (Public Access) Act 2009.

For detailed information about referring these and other complaints and contact details for seeking advice from the relevant area of the Department see [Complaint Managers Toolkit: Referring Complaints](#).

A complaint of racism can be raised with the Anti-Racism Contact Officer, who can provide advice about the process and information about who will handle the complaint.

2.3 Deciding who is the best person to manage the complaint

If the complaint is not being referred to a specialist area as specified above and cannot be resolved directly by the staff member, a complaint manager should be identified by the principal or workplace manager. Any employee who has sufficient knowledge and authority about the complaint issue, may manage the complaint.

Most complaints are best resolved promptly at the local level. In schools, the classroom or subject teacher is often the best person to handle routine concerns about matters within their classroom and/or area of responsibility.

Some complaints will need the involvement of the principal, workplace manager or another executive staff member. As issues are clarified, a complaint may be handed to another suitable complaint manager (for example, a teacher).

Few complaints should require management at the director level. Some complaints received at the director or executive level may also be suitable to be referred to the school or workplace.

Complaint Managers Toolkit: Identifying the right complaint manager provides examples of complaints suited for management at the local, school executive and director levels.

In many cases, staff can manage a complaint made directly to them, even if the complaint relates to their actions. For example: where a parent complains to the classroom teacher about their programming or student behaviour management, the teacher may be able to respond to the complaint. This often also best meets the parent's needs.

3. Managing the complaint

The five key stages of managing a complaint are:



Complaint managers can use the Complaint Managers Toolkit: School community and consumer complaint checklist as they work through each stage of the process.

3.1 Acknowledging the complaint

When responding to a complaint it is important to deal with all complainants with respect and be helpful and positive at all times.

Complaint managers should:

- acknowledge the complaint as soon as possible, if possible within 3 working days. This can be done in person, by telephone, email or formally in writing. If acknowledgement was made verbally, it should still be documented by the complaint manager
- let the complainant know that they will be kept up to date with progress
- keep the matter as confidential as possible by only sharing information with those who **need to know** about the complaint issues
- listen carefully to the issues and resolve the complaint directly at the local level wherever possible.

In some cases, the appropriate complaint manager may not be identified or available within 3 days. In these cases another person may acknowledge the complaint and advise the complainant who will be managing the complaint and invite them to contact the complaint manager if they have further details to provide.

See [Complaint Managers Toolkit: School community and consumer complaint checklist](#) for further ideas about the complaint handling process and [Complaint Managers Toolkit: Acknowledging the complaint](#) for some suggestions on acknowledging complaints.

Anonymous complaints

Complaints can be made anonymously. If staff receive an anonymous complaint they still need to deal with the issues that are raised – to the extent possible. It is not appropriate to try to establish who made the complaint or approach anyone to ask them if it came from them. Sometimes anonymous complaints raise the most serious issues.

3.2 Assess, gather information and resolve

Assess

It is important to determine what the complaint is about. This may require going back to the complainant to clarify their concerns. For verbal complaints, it is useful to document the complaint issues, provide these to the complainant and ask them to confirm that the complaint has been characterised accurately.

If the process of clarifying/defining the complaint starts to indicate that the complaint issue is different from what was first raised, that should be documented and confirmed with the complainant. That way, there is agreement about the nature of the complaint.

Clarify the complainant's expected outcome. Provide information about likely outcomes for the type of complaint and be candid with the complainant if the desired outcome is not achievable.

Keep matters confidential as it is easier to handle and manage complaints when the information about the complaint is only shared on a need to know basis. While the complaint manager cannot enforce this with the complainant, it may be useful to remind them that it will assist the resolution process if only those who need to know are told about the complaint. Similarly, the complaint manager should try to maintain confidentiality to the extent that is possible.

Gather information

Gather enough information to allow a proper assessment of the concerns as quickly as possible. Information to be gathered could include:

- policies and procedures
- copies of other departmental documents such as forms, reports, student records etc
- copies of previous correspondence
- information and/or accounts from students, staff or other areas of the Department
- further information from complainants.

All staff should assist the complaint manager and respond promptly and co-operatively when a complaint manager makes reasonable requests for information. [Complaint Managers Toolkit: Gathering information](#) gives further information.

If a staff member requests to have a support person present during a meeting refer to [Complaint Managers Toolkit: Role of the staff support person](#). Complainants should also provide any additional information requested for a proper assessment of their concerns.

Complaint managers should assess each complaint issue on its merits.

Resolve – the complaint outcome

Complaints should be finalised as soon as possible and no later than 20 working days. Complaint managers must keep people updated on the progress of their complaint. If a delay is anticipated, inform the complainant and other parties and provide reasons for the delay.

Consider any reasonable outcomes suggested by the complainant and any staff member complained about. However, ultimately the complaint manager determines how a complaint is to be resolved.

Outcomes will depend on the circumstances of each complaint and take into account any statutory requirements. Complaint managers should consider flexible approaches wherever possible. There is a non-exhaustive list of possible outcomes at [Complaint Managers Toolkit: School community and consumer complaints findings and possible outcomes](#).

3.3 Provide information about the complaint outcome

Complaint managers should provide information about the outcome to the complainant. This may be in a meeting or by telephone or email.

When giving the outcome information, explain:

- the outcome of the complaint and any action that is going to be taken, by whom and when
- the reason/s for the decision
- any internal or external options for review.

In any case, the complaint outcome should always be confirmed in writing. Email is acceptable. Complex complaints may require additional record keeping (for example, file notes of contentious meetings).

While it's good practice to provide as much information as you can about outcomes, it is important to keep confidential specific personal details about the management of staff.

If a person is the subject of a complaint, they should also be provided with information about the outcome.

Some templates for such letters are at [Complaint Managers Toolkit: School community and consumer complaints sample outcome and decision letters](#).

3.4 Implement outcome actions

Take all reasonable steps to implement and monitor the outcomes of the complaint. Where the outcomes relate to whole of school or work area processes, the principal or other workplace manager should oversee progress and / or delegate responsibility to a specific member of staff with relevant responsibilities.

3.5 Record keeping

Complaint managers should document:

- their contacts with the complainant
- how they managed the complaint
- the outcome of the complaint, including how and whether any concerns were substantiated and the actions taken in response
- the steps taken to follow up any outcome actions.

Staff resolving complaints immediately at the local level should use their professional judgment to decide what, if any, records to keep. For more information about documenting complaints, see [Complaint Managers Toolkit: Keeping records](#).

4. Management of unreasonable conduct by people making complaints

All staff should be accessible and responsive to people who make complaints. At the same time, proper resolution of complaints depends on:

- the Department performing its functions efficiently and effectively
- the health, safety and security of the children and young people in the care of the Department and the health safety and security of the department's staff
- the Department's capacity to allocate resources fairly across all the complaints we receive

When people behave unreasonably in their dealings with the Department, their conduct can significantly affect staff wellbeing and the progress and efficiency of the Department's functions. As a result, the Department will take proactive and decisive action to manage any unreasonable conduct connected with complaints and will support staff to do the same. See [Complaint Managers Toolkit: School community and consumer complaints – managing unreasonable complainant conduct](#) for more information about managing unreasonable complainant conduct.

5. Reviews

Complainants may request a review of the complaint outcome if they have information that:

- the complaint outcome was incorrect and/or
- the complaint handling process was unfair.

Requests should be in writing and give the reasons for the request for review and which particular part of their complaint is the subject of their review request. The request should be addressed to the initial complaint manager or their supervisor. Requests for review should be made within 10 working days from the initial complaint decision, unless there are circumstances that may have reasonably prevented the complainant from requesting the review within 10 days (such as illness, needing advice from another person about seeking a review, an advocate or adviser being unavailable within the 10 day timeframe).

The review must be conducted by a more senior officer than or at least an equivalent level to the person who handled the complaint. The reviewing officer must not be the subject of the complaint in any way or have been involved in managing the complaint.

The review should be completed within 20 days of the receipt of the request, wherever possible.

External reviews of complaints may be conducted by organisations such as the NSW Ombudsman.

[Complaint Managers Toolkit: Reviews](#) provides further information about the review process.



6. Ongoing Responsibilities

All staff and managers have ongoing responsibilities to:

- respond to and manage complaints so that the complaints process is accessible to all members of the community
- take reasonable steps to prevent people making complaints being treated unfairly because a complaint has been made by them or on their behalf
- keep confidentiality about complaints at all times, including after a satisfactory resolution. This requires everyone, including the complainant, to ensure that information is

restricted to those who genuinely need to know. People should only be told as much as they need to know and no more

- support those involved. To the extent possible, the complaint managers should monitor the well-being of all parties involved in or impacted by the complaint and arrange support where available

Schools and workplaces can assess their compliance with these ongoing responsibilities using [Complaint Managers Toolkit: Ongoing complaint handling responsibilities](#).

7. Representation of complainants

Complainants may ask a representative to make a complaint on their behalf, for example, via an advocate, family member, legal or community representative, Member of Parliament or another organisation. Wherever possible, the complainant should confirm in writing their consent to have a representative.

Staff should allow the complainant to bring a nominated representative unless there are reasonable grounds to believe that their role as a representative is not appropriate, e.g. if that person poses a risk to health or safety or their entitlement to information about a child has been restricted by law. If the complainant is represented by a lawyer, it may be appropriate to seek advice from the Principal, workplace manager or Legal Services Directorate.

When similar complaints are made by related parties, the principal or other workplace manager should consider if it is appropriate to communicate with a single representative of the group. This will only be possible where the parties agree and the privacy of children or others involved in the process can be maintained. See [Complaint Managers Toolkit: School community and consumers – advocates and supports](#) for more information about working with advocates and support persons.

Toolkit Resources

Complaint Managers Toolkit:

- [Toolkit: Referring Complaints](#)
- [Toolkit: School Community and Consumer Complaint Checklist](#)
- [Toolkit: Acknowledging the complaint](#)
- [Toolkit: Gathering information](#)
- [Toolkit: Role of the staff support person](#)
- [Toolkit: School community and consumer complaints findings and possible outcomes](#)
- [Toolkit: Keeping Records](#)
- [Toolkit: School Community and Consumer Complaints – Managing Unreasonable Complainant Conduct](#)
- [Toolkit: Reviews](#)
- [Toolkit: Ongoing complaint handling responsibilities](#)
- [Toolkit: School community and consumers advocates and supports](#)
- [Toolkit: School community and consumers sample outcome paragraphs and advice](#)

8. Appendix One – Consumer complaint flowchart

