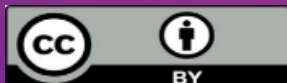




ACT
Government

Education

COMPLAINTS MANAGEMENT PROCEDURE



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Complaints Management Procedure

This procedure must be read in conjunction with the *Complaints Management Policy (00042)*.

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1. Overview

- 1.1. This procedure relates to the *Complaints Management Policy (00042)*.
- 1.2. The Complaints Management Procedure describes the process for ACT public schools to follow in managing complaints. It details a nine-step process based on best practice principles.

2. Rationale

- 2.1. The Complaints Management Procedure has been developed to provide clear guidance for ACT public schools to support a consistent and best-practice approach to effectively resolving complaints.
- 2.2. Each complaint is to be treated in an impartial, equitable, objective and unbiased manner with the educational wellbeing of students as a first priority.
- 2.3. Information about how to make a complaint and the school's procedures when responding to a complaint should be easily accessible.
- 2.4. There is no wrong door for complainants. Complaints can be made in person, by telephone or in writing. Students can also access a link on their 'Student Backpack' to make a complaint.
- 2.5. Support is available to people with specific needs, including translations, access to interpreters and enabling a complainant to use the services of an advocate or support person.

3. Procedures

- 3.1. **Preliminary considerations** - When a complaint is received, the person who receives the complaint should firstly consider the following:
 - 3.1.1. Whether it meets the definition of a complaint (see 3.3.1 below)

- 3.1.2. Who is most appropriate to manage the complaint
- 3.1.3. Is support required to manage the complaint
- 3.2. It is important to communicate with the complainant regularly throughout the process. All necessary information must be recorded, ensuring that documentation is stored in a central location in accordance with the *Territory Records Act 2002* and Directorate policy and procedures (see Complaint Recording Template).
- 3.3. **Step 1: Identify** - the first step is to determine if there is a complaint.
- 3.3.1. The ACT Ombudsman's definition of a complaint is '*an implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required*'.
- 3.3.2. A complaint is not:
- an expression of opinion;
 - a request for service or action to be taken; or
 - a request for information or an explanation.
- 3.3.3. Assess the nature and risk of handling the complaint by considering:
- the personal safety and wellbeing of all parties involved;
 - the vulnerability the parties involved; and
 - the reputational risk to the Directorate and/or school.
- 3.3.4. There may be individual factors indicating greater risk (**high risk**) or complexity which will need to be considered when making an assessment. These may include:
- reportable conduct, possible criminal conduct or allegations of criminal conduct
 - immediate risk to the physical wellbeing of students, staff, or members of a school community
 - where external bodies are involved for example Child Youth and Protection Services or ACT Policing
 - a high level of complexity for example ongoing complaints regarding the same or similar matter.
- 3.3.5. If the complaint is assessed as high risk, it should be escalated to the next level supervisor before progressing further in the complaint management process.
- 3.4. **Step 2: Acknowledge** – the complainant should receive confirmation that their complaint has been received, ideally within 1-2 business days. Consideration should be given to the most appropriate way to communicate with the complainant, including any expressed view or preference from the complainant. This may include phone calls, written correspondence, or a combination of methods. Inform the complainant that the process aims to be finalised within 30 days and progress times around the complaint can be negotiated with the complainant.
- 3.5. **Step 3: Preliminary Assessment** – assess the circumstances.
- 3.5.1. Ask the complainant if they have raised the complaint with the teacher or another staff member. If they have not, and it is reasonable, encourage the complainant to raise their concerns directly with the person whose decision,

action, or inaction is the subject of their complaint (unless there are, sensitivities, for example, if a teacher's behaviour is the subject of the complaint or the complaint is considered complex in nature). If proceeding, attempt to resolve the complaint with the complainant upon initial interaction.

3.6. **Step 4: Assess** – further assess the complaint.

3.6.1. Further assessment includes consideration of the following:

- What has happened, if anything, since the complaint was lodged?
- What are the issues central to the complaint/what is the nature of the complaint?
- Who are the relevant parties involved? (If any involved party is assessed as vulnerable, consider offering further support)
- What is the risk associated with the complaint now you have fully assessed?

3.6.2. If the risk is assessed as **high risk** or the person assessing the complaint is part of the complaint, the matter will need to be escalated. If the complaint is already being dealt with at the principal level, the principal should refer the complainant to raise the matter through the Feedback and Complaints process.

3.7. **Step 5: Investigate** – the person investigating the complaint must be seen as independent and not otherwise directly involved in the matter. The investigator must take into consideration all relevant information identified in assessment.

3.7.1. The purpose of an investigation into a complaint is twofold: to resolve the complaint by reaching a fair and impartial view of the issues raised by the complainant; and to provide an appropriate resolution.

3.7.2. As part of the investigation, research should be undertaken on relevant policies and procedures.

3.7.3. The person investigating the complaint should discuss what happened with the parties involved.

3.8. **Step 6: Remedy/Outcome**

3.8.1. Following a thorough investigation of the complaint, consider potential remedies/outcomes or resolutions available. While aiming to resolve the complaint to the satisfaction of the complainant can be desirable, it is important to note that this may not always be feasible.

3.8.2. Commonly used remedies may include:

- apologising;
- agreeing to change a procedure or type of behaviour;
- expediting an action or request;
- reaffirming the relevant policy, process, or decision that is the subject of the complaint; or
- respectfully communicating that there is not enough evidence to support the complainant's concerns at this time.

3.8.3. Once an outcome has been reached, the person investigating the complaint should write to the complainant stating the decision or outcome reached and

give clear reasons for the decision. This may involve advising the complainant of the following:

- the outcome of the complaint and any action that has been taken or is proposed to be taken since the complaint was made;
- the reason for the decision;
- the remedy proposed; and
- options available to the complainant to request a review of the decision.

3.9. **Step 7: Document**

3.9.1. Once a written explanation on the outcome of the complaint has been shared with the complainant; ensure the written explanation is stored/filed electronically. Security and Privacy requirements need to be considered around access to the documents and storage of information. Further information on the storage and security of personal information is available in the Directorate's *Privacy Policy*, which is located on the [Policies](#) page of the Directorate's website.

3.10. **Step 8: Resolve or Escalate**

3.10.1. Finalise/close the complaint by recording all the information and interactions with the complainant and those involved in the complaint on the Complaint Recording Template.

3.10.2. If the complainant responds to the outcome and does not agree with the decision, or the complainant is persistent or unreasonable with their response, escalate the matter internally. If the complaint is already being managed by the principal, the principal can refer the complainant to the Feedback and Complaints Team around next steps.

3.11. **Step 9: Consider**

3.11.1. Review the complaint and consider whether any improvements could be made to a process or procedure that may be the focus of the complaint. Complaint data and feedback can help you to identify recurrent themes and to implement improvement measures where a need for change is identified.

4. **Contact**

4.1. The Executive Branch Manager, Governance Branch, Business Services Group is responsible for this procedure.

4.2. For support contact Governance Branch on (02) 6205 5429.

5. **Feedback**

5.1. Any feedback about this policy, should be raised with the policy owner. Refer to Contact information above.

6. **References**

6.1. Definitions

- **Advocate** is someone acting on behalf of the complainant with the consent of the complainant.
- **Complaint** is an implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required.

- **Complainant** is any individual affected by the actions or inaction of the Directorate, who is making a complaint to the Directorate.
- **Directorate** refers to the ACT Education Directorate as an organisation, including staff in ACT public schools and the Education Support Office.
- **Frivolous or Vexatious** refers to a complaint falsely made, or unwarranted when compared to its merits.
- **High Risk** refers to:
 - possible criminal conduct or allegations of criminal conduct
 - Immediate risk to the physical wellbeing of students, staff, or members of a school community
 - Reportable conduct
 - Heightened or distressed complainant
 - Risk of escalation to an external agency, for example, Child Youth Protection Services (CYPS) or ACT Policing
 - Risk of negative media coverage and damage to reputation of the Directorate
- **Parent/Carer** responsibility is defined under Div 1.3.2 the [Children and Young People Act 2008](#) and means all duties, powers, responsibilities and authority parents have by law in relation to their children, including the following aspects of parental responsibility: (a) daily care responsibility for the child or young person; (b) long-term care responsibility for the child or young person. 'Out-of-home' carer is defined at section 508 of the [Children and Young People Act 2008](#) and means (a) a kinship carer for the child or young person; or (b) a foster carer for the child or young person; or (c) a residential care service for the child or young person. is a guardian and any person who has parental responsibility for the child including parental responsibility under the *Family Law Act 1975* (Cwlth) and any person with whom a child normally or regularly resides.
- **Support Person** is someone, generally known to the complainant, nominated by the complainant to assist them throughout the complaint process.

6.2. Implementation Documents

- *Complaints Management Framework*
- *Complaints Management Policy*
- *Complaints Recording Template*

6.3. Related Policies and Documents

Parent/Carer Documents

- *Talking With Your School* brochure
- *Working Together With Your School* brochure
- *Talking With Your School* poster – to satisfy the requirements of the [Human Rights Commission Act 2005](#), this poster must be displayed in a prominent position at the school (e.g. school reception area).

Internal Guidance Document

Complaints Management Procedure 00042/1 is the unique identifier of this document. It is the responsibility of the user to verify that this is the current and complete version of the document, available on the Directorate's website at http://www.education.act.gov.au/publications_and_policies/policy_a-z.

- *Addressing Complaints Effectively*
- *Safe Workplaces: How To Manage Parent Or Carer Behaviour That Is Unreasonable*