

Latest DET Updates: 19/04/2017 & 29/04/2017

First Developed in This Format: December 2016

Updated: April & May 2017

Rationale

- All schools must develop local policy and procedures in accordance with the [Parent Complaints Policy \(interim\): Resolving parent issues and concerns](#).
- All schools are required to develop, maintain and publicise a fair, effective and efficient complaint-handling process, so that complaints about events or decisions at the school can be addressed.
- The Department of Education and Training (the Department) recognises that it is in the best interest of students for there to be a trusting and cooperative relationship between parent and school. Complaints are an important way for the school community to provide information and feedback to a school. The Department considers that every complaint provides a valuable opportunity for reflection and learning.
- The Department recognises a parent's right to make a complaint and its responsibility to provide a framework within which efforts can be made to resolve complaints.
- It is the Department's belief that parent complaints are best handled at the school level in an environment where parents feel able to speak up about issues concerning the education of their children.
- An effective complaint-handling system has a clear process for resolving complaints, treats people fairly, is timely and provides those people involved in a complaint with a fair opportunity to respond to issues and to present their views.
- This policy covers all students attending Victorian government schools.
- This policy does not apply to matters where rights and processes for review and appeal already exist. These include:
 - student expulsions, see: [Expulsions](#)
 - complaints about staff that if upheld would constitute misconduct, see: [Complaints, unsatisfactory performance and misconduct](#)
 - student critical incident matters, see: [Student Critical Incident Advisory Unit](#)
 - other criminal matters, see: [Police – Department Protocols](#)
- The complaint-handling process must reflect the following guiding principles, which are informed by the *Australian/New Zealand Standard – Guidelines for complaint management in organizations (AS/NZS 10002:2014)* and contain the elements of:
 - Visibility
 - Accessibility
 - Responsiveness
 - Objectivity
 - Cost
 - Protection of Privacy
 - Student-focused
 - Accountability
 - Continual Improvement(For full information on these elements, please refer to the document above)
- Information about how parents can make a complaint and have it resolved at their school is available on the Department's parent complaints web page below.

- The Department requires all complaints to be considered. However, it recognises that its staff might not be able to fully consider a complaint if they cannot effectively liaise with the parent. Furthermore, anonymous complaints raise natural justice issues for respondents who have a right to know particulars of the allegations made against them.
- Department staff responsible for handling parent complaints should determine, in consultation with other relevant personnel from the central office or region, the extent to which an anonymous complaint received by the school, region or central office shall be investigated.
- Where a parent/carer has real and substantial concerns that, as a result of raising a complaint, they may suffer a detriment and the allegations relate to corrupt conduct, they may have access to protection under the provisions of the *Protected Disclosure Act 2012* (PD Act). The PD Act defines the types of complaints that may be accepted as complaints under this Act. For further information, see: [Protected Disclosure Act 2012 - Making and Handling Protected Disclosures](#)

Unreasonable Complainant Behaviour

All complaints should be considered in accordance with the school's complaint-handling procedures including when parent/carer behaviour is thought to be unreasonable. While a decision maker considers a range of factors and views, they may at any point in the process outlined in this policy consider the behaviour of a parent/carer to be unreasonable. In these circumstances, it is appropriate for the decision maker to communicate the basis on which the conclusion was made to the parent/carer in writing. The decision maker may also indicate an acceptable procedure for future communication with the parent/carer about their complaint.

The Department considers behaviour to be unreasonable when:

- it is clearly and significantly outside the expectations of cooperation, courtesy and respect
- it calls for staff resources and time unjustified by the nature or significance of the complaint
- an action or complaint is brought without merit, often to cause annoyance to another person it is oriented towards conflict.
- Students with disabilities have rights under the *Disability Discrimination Act 1992* (Commonwealth), the *Disability Standards for Education 2005* (Commonwealth) and the *Equal Opportunity Act 2010* (Victoria) to access their education on the same basis as their peers, including the right to reasonable adjustments.
- As with all complaints to which this policy applies, parents should raise any concerns or complaints regarding the treatment of a student with a disability with the school in the first instance. The community liaison officer or the regional disabilities coordinator can also provide advice to parents when they are seeking to raise a concern or make a complaint at their school.
- The Department also recognises that parents of students with a disability can raise complaints or concerns regarding a student with a disability in a number of forums, including:
 - the Australian Human Rights Commission – in relation to complaints regarding compliance with the *Disability Discrimination Act* or the *Disability Standards for Education*
 - the Victorian Equal Opportunity and Human Rights Commission – in relation to complaints regarding compliance with the *Equal Opportunity Act*
 - in consultation with the Principal and any established Support Group, to the Wellbeing, Health and Engagement Division of the Department. This may relate to matters arising under the Program for Students with Disabilities, including applications, Years 6-7 reviews, reappraisals and appeal procedures. See: [Program for Students with Disabilities](#)

Purpose

- To ensure Bayswater West Primary School meets its obligations to respond to parent complaints in an effective and timely manner.
- To ensure the school complies with the legislative requirements of the
 - *Education and Training Reform Act 2006*
 - *Education and Training Reform Regulations 2007*
 - *Charter of Human Rights and Responsibilities Act 2006*
 - *Information Privacy Act 2000*
 - *Wrongs Act 1958*.

- To ensure the school complies with DET policy and guidelines in relation to parent complaints.

Definitions

For the purpose of this policy the following terms are defined as follows:

A **'parent'** includes:

- a person who has parental responsibility for 'major long term issues' as defined in the *Family Law Act 1975* (Commonwealth)
- a person appointed as 'guardian' pursuant to the *Children Youth and Families Act 2005* (Victoria)
- an informal carer with whom the child normally or regularly resides, and who has day-to-day care and control of the child
- a mature minor student
- an adult student

A **'complaint'** is an expression of dissatisfaction with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision at a school. For example:

My child has been left out of the school's netball team for the third time in a row. She is an accomplished netballer and deserves to be part of the team. It is not fair that she has been left out and I want to know what you intend to do about this!

A complaint is considered to be **'resolved'** when the complainant and the Department (school, region or central office) agree on an appropriate response or remedy

A complaint is considered to be **'finalised'** when the Department (Regional Director, or other delegate of the Secretary) has made a final determination on the matter after exhausting the processes set out in this policy

A complaint is considered to be **'unresolved'** when agreement cannot be reached on a course of action and/or a remedy, or if the remedy cannot be implemented

Implementation

- When addressing parent/carers concerns or complaints, the school will:
 - abide by relevant regulatory and legislative frameworks
 - maintain confidentiality
 - balance the rights and responsibilities of all parties
 - ensure all parties are aware of their right to advocacy
- The school will endeavour to build positive relationships with parents and the school community.
- The Principal is responsible for the efficient and effective organisation, management and administration of the school including the school's complaint-handling processes.
- The school will ensure that the school community is aware of the information on the Department's web page and the school's procedures for complaint handling. The school also will ensure that the school community is aware of processes for complaint escalation, see: Parent Complaints
- If necessary in the resolution of a complaint, the Principal will contact the Regional Director and request the region's intervention to help resolve a complaint. For full information on the role of the Region, please refer to the document above.
- There are fourteen guides on the website to which the school will refer:

<u>Guide 1 - Building positive relationships</u>	<u>Guide 2 - Dealing with a complainant</u>
<u>Guide 3 - Improving your listening skills</u>	<u>Guide 4 - Saying 'yes' and no' with confidence</u>
<u>Guide 5 - Understanding the blame cycle</u>	<u>Guide 6 - Managing a request for an apology</u>
<u>Guide 7 - Moving beyond a stalemate</u>	<u>Guide 8 - Encouraging fair play in negotiations</u>
<u>Guide 9 - Managing aggressive reactions</u>	<u>Guide 10 - Managing unreasonable conduct</u>
<u>Guide 11 - Responding to strong emotions</u>	<u>Guide 12 - Managing confrontation</u>
<u>Guide 13 - Managing your anger</u>	<u>Guide 14 - Being calm in a high-stress situation</u>
- Please refer also to the *Parental Responsibilities (Decisions about Children) Policy*.

- A school level policy has been developed and approved by the School Council as follows:
 1. Parents will be regularly informed of the school's procedures about how to make a complaint.
 2. The Principal will ensure that parents are aware of their right to advocacy when communicating the issues involved in their complaint and in negotiating an outcome.
 3. The school to respond to and address written (letter and email) and verbal (face-to-face and phone) complaints raised by parents from their school community.
 4. The school will:
 - develop and maintain fair procedures for parent complaint-handling. As a minimum the procedures will include:
 - who to contact when making a complaint
 - a description of the actions the school could take once a complaint is received
 - a time frame for acknowledging written complaints and an expected time frame for complaint resolution
 - the types of outcomes that the parent could expect
 - information about what the school will do if the complaint is not able to be resolved by the school and the options the parent has to take their complaint further
 - For an example template (flowchart) of complaint handling procedures please see below.
 - consider all parent complaints by:
 - raising the issues in the complaint with relevant staff and/or members of the school community
 - consulting, where appropriate, with relevant sections of the Department and/or external agencies for technical or other advice
 - discussing the school's findings with the parent in an attempt to reach an agreed resolution
 - considering the engagement of a mediator where a complaint has the potential to become intractable
 - publicise the school's complaint-handling procedures within the school community and make them readily available
 - review the school's complaint-handling procedures regularly
 - ensure that complaints received are recorded and actions taken to resolve the complaint
 - ensure a school record of all complaints, both written and verbal, is maintained at the school
 - seek advice from either the central office or region about the management of complaints, including complex or challenging complaints or complainants and the use of mediation/conciliation services, and seek specialist or technical advice from external agencies and/or the Department when required (see: Complaint Resources)
- For further assistance concerning challenging or complex complaints see: [Unreasonable Complainant Conduct](#)
- ensure all school personnel are aware of the school's parent complaint-handling procedures and provide opportunities for staff to attend training/professional development activities with a focus on complaint management.
 - actively assist parents with the complaint process, informing them that at any point of the complaint process they are able to be supported by an advocate/support person. The role of the advocate/support person in this process is a supportive and enabling one. A complainant's advocate/support person may be a member of the family, a friend, a community member or a person provided through an appropriate support/advocate agency. The advocate/support person in the parent complaint process does not receive a fee for service. The complainant should inform the Principal if they want to include an advocate/support person in the complaint

process and provide the name of the advocate, contact details and the relationship to the complainant. An advocate/support person's role may include:

- assistance for the complainant to clarify the issues in the complaint
- discussion of difficulties being experienced by the complainant
- assistance in the development of a co-operative and collaborative working relationship between the complainant and the school community
- assistance for the complainant to understand Department policy and guidelines and the resolution being proposed for the complaint.

For information about agencies that provide advocates see: Complaints Resources **Resolving complaints**

5. The school will:
 - allow sufficient time for resolution of the complaint
 - seek regional support (may be requested by the Principal or the parent)
 - if necessary, seek a regional review which may lead to an independent investigation
6. Where a complaint is found to be justified, the school may be able to resolve the complaint by:
 - an apology or expression of regret
 - a change of decision
 - a change of policy, procedure or practice
 - a refund of parent payments
 - the provision of counselling or other support.
7. If the complaint is found not to be justified (i.e. the decision of the school is confirmed), actions could include:
 - an explanation of how the decision is consistent with school policy
 - that the decision taken is realistic and is supported by an external agency that specialises in the area under consideration
 - Department policy and guidelines support the decision.

Please note that some outcomes are not possible such information about disciplinary procedures relating to employees, 'sanctioning' or 'punishing' a school.
8. When addressing a complaint it is expected that parents/carers and school personnel will:
 - show respect and understanding of each other's point of view
 - operate within applicable legislation
 - acknowledge that their goal is to achieve an outcome acceptable to all parties
 - act in good faith and in a calm and courteous manner
 - recognise that all parties have rights and responsibilities which must be balanced
9. In addressing complaints, the school will:
 - maintain the confidentiality of all parties, in line with DET policy and legislative requirements
 - acknowledge that their common goal is to achieve an outcome acceptable to all parties
 - act in good faith and in a calm and courteous manner
 - endeavour not to apportion blame
 - recognise that all parties have rights and responsibilities which must be balanced
 - have a strategy for recognising a stalemate
 - act courteously, fairly, efficiently, promptly and in accordance with DET's policy and guidelines and the legislative framework
10. If the complaint cannot be resolved by the complainant, school and Regional Office working together, the complaint may be referred to the Department.
11. Parents will be made aware that they are able to take their complaint to the Victorian Ombudsman if they are dissatisfied with the outcome or response from the Department if they feel their complaint is not being handled properly or in a timely manner.
12. For further information on managing parent complaints please refer to the document Parent Complaints Policy (Interim): Resolving Parent Issues and Concerns, September 2016 available from the website below.

13. If international students are enrolled, the school will maintain an international student's enrolment (to comply with student visa conditions) and appropriate student welfare support arrangements until the relevant complaints or appeals process is resolved. For further information, see: ISP Quality Standards and School Resources - International Student Program Quality Standards for Schools, Quality Standard 8 - Complaints and appeals.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET **update late April 2017**).

This **update** was ratified by School Council in

References:

www.education.vic.gov.au/school/principals/spag/community/pages/parentcomplaints.aspx

www.education.vic.gov.au/Documents/school/principals/spag/community/policyparents.aspx

and

Parent Complaints Policy (interim): resolving parent issues and concerns September 2016

PARENT COMPLAINT FLOWCHART

