

# Parent Complaint Policy

Victorian Government Schools



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# INTRODUCTION

The Department of Education and Training (the Department) is committed to ensuring the best educational and wellbeing outcomes for all students at government schools. Trusting and cooperative relationships between families, schools and the community provide better outcomes for students, and can help address issues more quickly if they arise.

The Department supports the right of families and carers of our students to provide feedback and make complaints if they are unhappy with something that happens at a school. This policy is intended to support the resolution of complaints in a manner that enables students, families, schools and the community to maintain a positive relationship and active engagement in education. If complaints and other feedback are handled sensitively and appropriately, they can also provide a valuable opportunity for reflection and improvement.

The complaint-handling process aims, wherever possible, to ensure complaints are managed locally and that issues can be addressed as quickly as possible, by the people who are closest to the student.

The policy seeks to ensure that all parties are treated fairly, and those involved in a complaint are provided with a reasonable opportunity to both present their views and respond to the issues raised.

For an overview of the Department's complaint management process, please refer to the [flowchart](#) in this policy.

# DEFINITIONS

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

- A **'parent'**, in relation to a child, includes a guardian and any person who has parental responsibility for the child including parental responsibility under the Family Law Act of the Commonwealth, and any person with whom a child normally or regularly resides.
  - This policy also applies to:
    - a person who is authorised to act on behalf of the parent such as a support person or an advocate
    - a mature minor student (refer to: [Mature Minor Policy](#))
    - an adult student.
  - For further information, see: [Decision Making Responsibilities for Students](#).
- A **'complaint'** is an expression of dissatisfaction, either written or verbal, 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.
- A **'complainant'** is the party making the complaint.
- A **'support person'** is someone who assists the complainant through the complaint process.
- An **'advocate'** is someone acting on behalf of the complainant.
- The **'Department'** refers to school, regional and central office staff.
- A **'regional officer'** is the relevant subject matter expert.

# PURPOSE OF THIS POLICY

The purpose of this policy is to ensure that:

- families understand how their complaint is managed and how it can be escalated, if required
- the Department demonstrates how it responds to complaints in a fair, effective and efficient manner.

# COMPLAINT MANAGEMENT PRINCIPLES

When addressing a complaint, all parties are expected to:

- be considerate of each other's views and respect each other's role
- be focused on resolution of the complaint, with the interests of the student involved at the centre
- act in good faith and cooperation
- behave with respect and courtesy
- respect the privacy and confidentiality of those involved, as appropriate
- operate within and seek reasonable resolutions that comply with any applicable legislation and Department policy.

Whilst these are consistent with the Code of Conduct for Victorian Public Sector Employees, the conduct expectations are the same for all other parties involved in the complaint.

When any parties involved in the complaint do not demonstrate the expected behaviours, it may not be possible to reach a resolution.

Vexatious, frivolous or malicious complaints are governed by alternative processes. To deal with these types of complaints effectively, a customised strategy may be required which may not follow this policy.

# PROCESS FOR HANDLING COMPLAINTS

## OVERVIEW

A positive relationship between students, parents and school staff is critical in realising and maintaining the best possible educational outcomes.

Complaints are best resolved early, with a concern first being raised with the person responsible for the situation. Most issues can be addressed this way, but for some more complex issues, other people will need to be involved and the complaint escalated. The Department provides a three-step framework to help resolve complaints:

1. **Raise the complaint with the school** – If the matter relates to a teacher, school or principal, the complainant raises it with them first. This will typically result in the quickest response and is often in the best interests of the student.

For further information see: [Role of the school](#)

2. **Raise the complaint with the regional office** – If a mutually agreed resolution cannot be reached or the complainant feels uncomfortable raising the complaint directly with the school, they can escalate the complaint to the local regional office for resolution. For assistance finding the correct regional office refer to:
  - o the school
  - o [the 'Find a school' website](#)
  - o the [Contact Us](#) page on the Department website.

For further information see: [Role of the region](#)

3. **Raise the complaint with the central office** – If the matter still cannot be resolved by the regional office, the complaint can be further escalated to the Department's central office or the Department may refer the matter to the Independent Office for School Dispute Resolution (Independent Office).

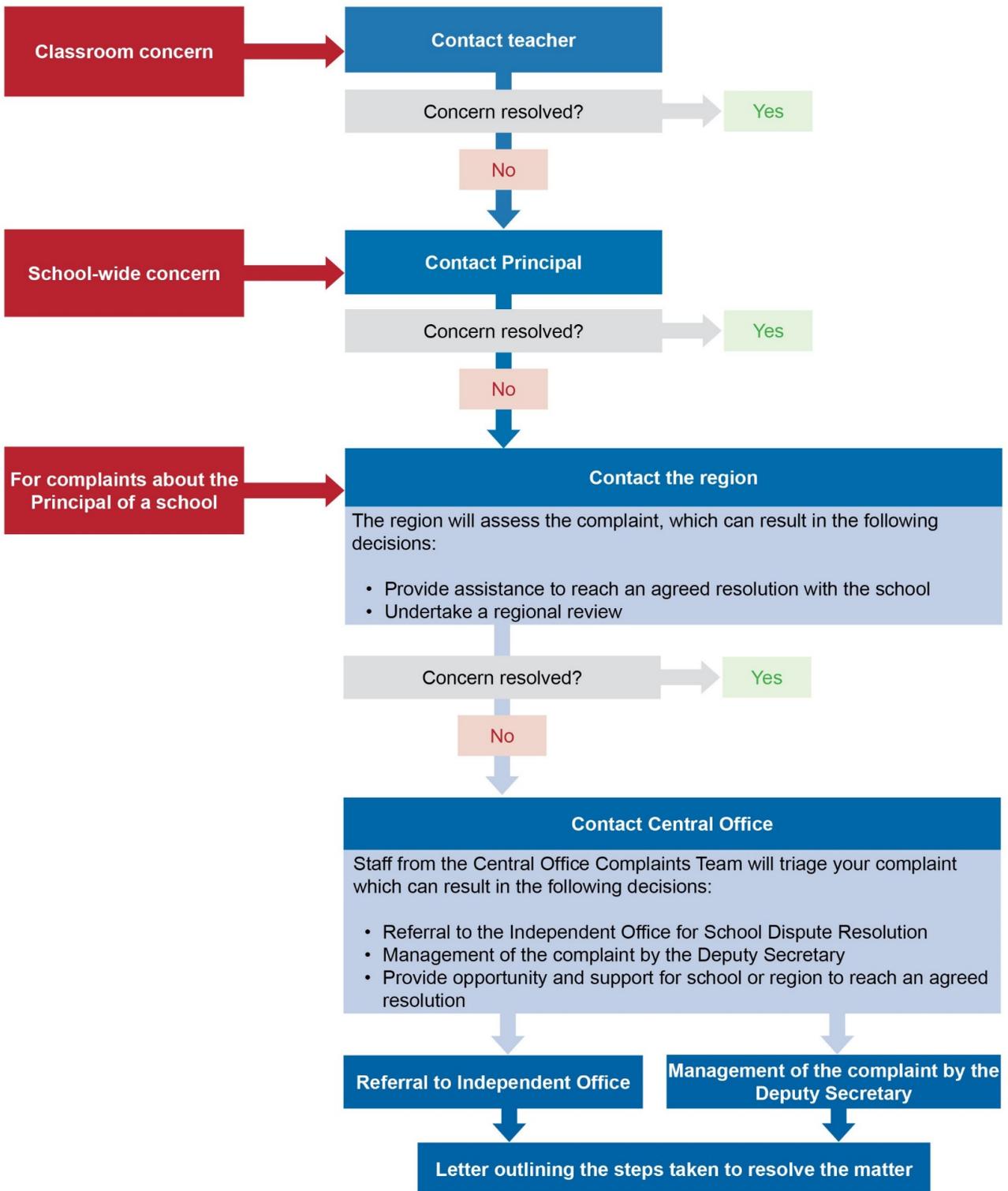
For further information see: [Role of central office](#)

### **Further complaint escalation**

If the complainant is unhappy with the outcome of the complaints process, they may wish to complain to the Victorian Ombudsman by completing the online complaint form at [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au) or by calling (03) 9613 6222 or 1800 806 314 in regional areas.

Further information on the resolution of complaints is available on the Department website. See: [School Complaints – Government Schools](#).

## COMPLAINTS MANAGEMENT FLOWCHART



# SCOPE OF THIS POLICY

## GENERAL

This policy only applies to Victorian government school decisions or actions. This policy is separate to other formal processes that already exist, such as:

- fraud and corruption – see [reporting fraud or corruption](#)
- criminal matters – contact Victoria Police
- legal claims – contact the Department’s [Legal Division](#).

For other specific complaint avenues and further information on making a complaint, refer to the Department website: [make a complaint](#).

It is important to note that while families can make a complaint to the Department regarding any school-based decision or action, some matters will be subject to particular processes.

For example, in some cases matters are outside the power of the Department, potentially due to law or other entities handling the matter (e.g. Victoria Police), and this can affect the Department’s ability to resolve the matter.

Complaints or enquiries received about other education providers such as kindergartens, child care providers, TAFEs, universities or non-government schools are referred by the Department to the appropriate authority.

## STUDENTS WITH A DISABILITY

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 participate in their education on the same basis as their peers, including the right to reasonable adjustments.

As with all complaints to which this policy applies, families should raise any concerns or complaints regarding the treatment of a student with a disability with the school in the first instance. The regional disabilities coordinator or designated regional officer can provide advice to families when they are seeking to raise a concern or make a complaint at their school.

The Department also recognises that families can raise complaints or concerns regarding a student with a disability in a number of other forums, including:

- the Victorian Equal Opportunity and Human Rights Commission, in relation to complaints regarding compliance with the *Equal Opportunity Act*
- the Australian Human Rights Commission, in relation to complaints regarding compliance with the *Disability Discrimination Act* or the *Disability Standards for Education*.

For further information, refer to [Program for Students with Disabilities](#).

## INTERNATIONAL STUDENTS

Schools are required to comply with additional requirements with regard to complaints and appeals involving international students enrolled in the International Student Program. These additional requirements are outlined under *Standard 10: Complaints and Appeals* in the [International Student Program Quality Standards for Schools](#).

## SCHOOL COUNCILS

Complaints about school council members or actions are raised with the school principal.

## COMPLAINTS CONCERNING EMPLOYEE CONDUCT

Where complaints include allegations about the conduct or work performance of individual employees, the process employed by the Department to address those allegations will be consistent with the [Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance](#) (the guidelines). The guidelines outline a number of processes that may be undertaken by the responsible principal or manager, depending on the nature of the allegations.

Regardless of the process undertaken, the Department will continue to engage with families to resolve their concerns. At the conclusion of a process, complainants will ordinarily be entitled to know whether allegations they have made are found to be substantiated.

Sometimes the Department may not be able to resolve matters when the outcomes the complainant is seeking are not within the scope of Department policy or otherwise reasonably open to the Department. Sometimes there are privacy restrictions affecting the information that can be shared with complainants about action taken in relation to a particular complaint.

For example, complainants are ordinarily not entitled to information about any employment action (disciplinary action) taken in relation to a complaint. Also, the Department may not be in a position to meet the expectations complainants have about particular actions the Department should take in relation to a particular employee.

## COMPENSATION CLAIMS

The Department's complaint process is not able to provide monetary compensation, it is focussed on ensuring students' wellbeing and engagement with education. The Department has a separate process for families to make informal claims for compensation. For information about making claims for compensation see: [Negligence claims process](#).

A claim for compensation will only be successful if it is shown that an injury or loss has been sustained as a result of the Department failing to discharge its duty of care. Duty of care refers to the requirement to take reasonable steps to avoid reasonably foreseeable injury.

## ANONYMOUS COMPLAINTS

A complainant can ask to remain anonymous. The Department is committed to considering all complaints raised, however, if a complainant asks to remain anonymous, it may affect the Department's ability to investigate, resolve and/or respond to the complaint.

## PROTECTED DISCLOSURES

Individuals making reports of allegations that relate to improper conduct including fraudulent and corrupt conduct 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. Individuals should be advised to contact a Protected Disclosure Officer to raise their concerns, prior to any form of investigation or inquiry into the validity of the concern being made. For further information, see: [Report fraud or corruption](#)

# ROLES AND RESPONSIBILITIES

## ROLE OF THE SCHOOL

All schools handle complaints on a range of matters. Complaints are best addressed in an environment where families feel able to speak up about issues concerning the education and welfare of students.

Schools treat concerns seriously and welcome opportunities raised through complaints to change or improve practices and learning opportunities for students.

The principal is responsible for the efficient and effective organisation, management and administration of the school including the school's complaint-handling processes.

Schools are required to:

- always consider their duty of care to the student or students involved in the complaint
- ensure teachers are advised about the complaint where appropriate
- develop and publish a Complaints Policy for their school which explains the processes at the school for raising concerns or complaints including:
  - who to contact to raise a concern or complaint at the school
  - actions upon receipt of a complaint
  - timeframes for acknowledgement and resolution of a complaint
  - potential outcomes
  - escalation process if mutually agreed resolution is not reached (see flowchart)
- keep a written record of serious, substantial or unusual complaints that require resolution actions and document all steps taken to achieve agreement
- train all school staff on the school's complaint-handling procedures and provide development opportunities on complaint management.

### School responsibilities

The responsibility of the school is to work with the complainant (and student if appropriate) to achieve a mutually agreed resolution. When a complaint is raised, the principal (or delegate):

- acknowledges receipt of a complaint (verbal or written) within two school days
- speaks with the complainant to ensure they are aware of the school's complaint policy, and to better understand the issues or problem. If the complainant has not raised the issue with the relevant teacher, the principal can ask them to initiate discussions with the teacher in the first instance, if appropriate in the circumstances.

Where the complaint cannot be, or isn't appropriate to be, resolved with the teacher, the principal:

- provides a prompt response with indicative timelines relevant to the nature of the complaint
- speaks with the complainant to ensure they understand the problem and provides any additional support to help resolve the complaint
- acknowledges the goal is to endeavour to achieve an outcome that supports the best interests and wellbeing of the student and that is, where possible, acceptable to all parties
- advises the complainant how the complaint will be addressed

- provides regular updates throughout the process as agreed with the complainant to manage all parties expectations
- seeks advice from appropriate units within the Department and/or external agencies
- considers the wellbeing of students, teachers and other staff members
- in situations where further time is required, will consult with the complainant and discuss any interim solutions.

Where appropriate the principal:

- may arrange a meeting with the complainant, teacher/s and/or assistant principal
- discusses the school's findings with the complainant in an attempt to reach an agreed resolution
- communicates to the complainant steps they have taken or intend to take to prevent a similar incident or issue from occurring again.

### **Outcomes of raising a complaint with the school**

Outcomes are any actions consistent with Department and school values, policies and relevant legislation that are intended to support the student, family and school relationship, engagement, and participation in the school community. Complainants receive an explanation by the school as to the steps taken to resolve the matters raised.

When the school has exhausted all reasonable avenues and a mutually agreed resolution cannot be reached, the complainant may contact the regional office and request the region's intervention to assist with resolution.

The school can also request the region's assistance to engage a mediator or other conflict resolution service where appropriate.

### **ROLE OF THE REGION**

When a complainant is not satisfied that their complaint has been resolved or addressed by the school, or their complaint is about the principal and the complainant does not want to raise it directly with them, they can refer their complaint to the relevant region.

The role of the region is to assist schools and families in the complaint handling process and provide support to:

- schools responding to complaints, when requested by the principal
- families seeking to make a complaint about the school.

The region manages complaints when:

- an agreement has not been reached between the school and the family
- the subject of the complaint relates to Department policy or circumstances which are not within the school's control
- a school or complainant requests assistance to resolve a complaint
- the complaint is about the principal of a school, and the complainant does not want to raise it directly with them.

The region helps resolve a complaint by:

- supporting the school and family to reach an agreement through direct conversations

- undertaking a regional review, if the region considers it appropriate in the circumstances.

## Region responsibilities

The responsibility of the region is to:

- work with the school and family to achieve a mutually agreed resolution
- ensure that any student affected by the complaint remains engaged in education
- conduct a regional review when a mutually agreed resolution cannot be reached and it is appropriate to do so as decided by the designated regional officer.

### *Supporting mutual agreements for resolution*

The aim of supporting agreements is for the designated regional officer to work with the school and family to achieve a mutually agreed resolution. When a complaint is raised, the designated regional officer:

- acknowledges receipt of a verbal or written complaint within two business days
- speaks with the complainant to ensure they are aware of the complaint handling procedures, and to confirm and clarify an overview of the problem
- if the complainant has not raised the issue with the school, assist with initiating discussions with the school, if appropriate
- advises the complainant how the complaint will be addressed and provides an indicative time for resolution.

Where appropriate, the designated regional officer then:

- speaks to the school to get a full understanding of the problem, and discuss possible further supports to help resolve the matter
- seeks advice from appropriate units within the Department and/or external agencies to determine if other avenues of appeal/redress already exist, or there are additional ways to support an agreement
- provides the complainant and school with regular and timely updates, as agreed and relevant to the nature of the complaint, as to the progress of the complaint resolution process
- supports families and school staff in the complaint process by providing appropriate or additional supports
- documents the actions taken to achieve the outcome on the Department database.

Sometimes it might not be possible to reach an agreement despite every effort made by the designated regional officer, school and complainant.

If the designated regional officer concludes that a mutually agreed resolution will not be possible, the officer decides whether a review will be undertaken and if so informs the school and provides an overview of the regional review process to all parties.

If the designated regional officer decides that a review is not appropriate, he or she will provide the region's final decision on the complaint to the complainant and advises of the options for further escalation.

### *Regional reviews*

A review occurs when a mutually agreed resolution cannot be achieved and the appropriate designated regional officer decides a review should be conducted.

A regional review is undertaken by an Area Executive Director or delegated manager who has no prior involvement with the complaint.

Regional reviews:

- assess the complaint details and the desired outcome from the complainant
- determine the appropriateness of the actions taken by Department staff
- assess information gathered against relevant Department policy
- consider if the situation requires further review
- provide a summary of findings and outcomes to the complainant and school.

Should the Area Executive Director or delegate determine that further review is required, the summary of findings will outline the additional process and indicative timelines.

The school and complainant receive regular and timely updates as agreed, from the Area Executive Director or delegate regarding progress of the review, and expected completion.

The review timeframe may take longer depending on the complexity of the matter, availability of all parties or additional advice required. In these circumstances the complainant and school are advised of new timeframes, if applicable.

### **Outcomes of raising a complaint with the region**

Outcomes are any actions consistent with Department values, policies and relevant legislation that are intended to support the student, family and school relationship, engagement, and participation in the school community. All parties receive an explanation from the region outlining the steps taken to resolve the matters raised and any agreements made during the process.

### **ROLE OF THE CENTRAL OFFICE**

The central office provides responsive, timely assistance and support to families, schools and regions, and ensures the correct area of the Department receives complaints.

When a complaint has not been fully resolved by the school and regional office the complainant may request the Deputy Secretary, Regional Services Group review their complaint.

The role of the central office of the Regional Services Group is to:

- receive, review and respond to complaints which have not been able to be resolved at a school or regional level
- provide advice and support to all parties regarding the complaint management process
- consider the best course of action to resolve the complaint
- liaise with and propose referrals of suitable matters to the Independent Office
- consider and finalise complaints on behalf of the Department.

### **Central office responsibilities**

The responsibility of the central office is to:

- provide responsive assistance and support to all parties
- triage, manage and review unresolved complaints
- develop, review and maintain this policy.

### *Assistance and support*

The central office receives complaints which have not been resolved at the school or regional level. The central office provides responsive and timely assistance and support to families, schools and regions, and directs the complaint to the right area.

Complaints are assessed and either recommended for referral to the Independent Office or managed by the central office.

Local resolution is encouraged and the central office will promptly refer the complaint back to the regional office or school when there has not been a reasonable opportunity for the school or regional office to respond to the complaint.

Where there are reasons why the complainant cannot raise the complaint with the school or region, the central office works with the complainant to determine the best approach to resolve the issue.

### *Complaint management review*

The Central Complaints Team asks the complainant about the responses received from the school and regional office, and determines the steps they can take to help resolve any outstanding concerns. The team contacts the regional office to ensure all avenues of support and resolution have been explored.

When a broad issue is raised about Department policy or practice affecting multiple students or all students, central office will work with the area of the Department responsible for the matters raised to help address the concern.

When resolution is achieved, all parties involved in the complaint receive a letter from the Deputy Secretary (or delegate) outlining the steps taken to resolve the matters raised and any agreements made during the process.

### **Outcomes of raising a complaint with the central office**

Resolution of complaints are any actions consistent with Department values, policies and relevant legislation that are intended to support the student, family and school relationship, engagement, and participation in the school community.

Following the review, all parties involved in the complaint receive a letter from the Deputy Secretary (or delegate) outlining the steps taken and outcomes.

## **ROLE OF THE INDEPENDENT OFFICE FOR SCHOOL DISPUTE RESOLUTION**

The Independent Office helps resolve complex complaints made to the Department by students and their families that are not dealt with by other processes, and have not been resolved by the Department's processes.

Members of the Independent Office are appointed by the Minister for Education, and act independently of the Department. Members include experts in alternative dispute resolution (ADR), school education, cultural liaison, mental health, family disputes, child development, disability and bullying prevention.

The Independent Office focuses on rebuilding relationships and communication so that the student and family who have complained can engage effectively with the school community and go forward focusing on the student's education. The Independent Office does not investigate alleged wrongdoing or find liability for past actions: it focuses on resolving current issues in order to create the right conditions for future success for the student.

Referrals of appropriate matters are voluntary and consensual for all parties. Even if parties indicate they would like to use the services of the Independent Office, the Independent Office has final authority to decide whether to engage in or continue to support resolution of a matter.

To be suitable for the Independent Office to deal with:

- the matter must not be subject to another process for resolution
- the matter must be a 'live' (i.e. current and unresolved) issue
- those involved must be willing to participate and committed to seeking out a resolution
- the process must be safe for people to enter into and remain safe for people to participate in (i.e. no threats or history of violent actions)
- the matter should appear to hold an opportunity for a mutually agreeable shared outcome.

If a matter is not resolved by mutually agreed resolution despite its support, the Independent Office may in its discretion make a recommendation to the Department on how best to resolve the issues in dispute. This recommendation is not binding on the Department, and depending on the circumstances may or may not be able to be shared with all parties.

Where a complaint is resolved, the Independent Office may nonetheless make a recommendation to the Department about how to prevent or deal with similar complaints more effectively in the future. This recommendation is not binding on the Department, and depending on the circumstances may or may not be able to be shared with all parties.

## SUPPORT FOR COMPLAINANTS

### SUPPORT PERSON

The complainant can have a support person to assist at any time in the complaint process.

A support person's role may include:

- discussing difficulties the complainant is experiencing in relation to the complaint
- helping to develop a good working relationship between the family and the school
- assisting the complainant to understand Department policy and guidelines and the resolution being proposed for the complaint.

The support person can be a family member, a friend, a community member or a person provided through a support/advocacy agency.

The complainant must advise the school or Department that they want to include a support person, advocate or another representative when making a complaint, and provide the name, contact details and relationship to the complainant of the nominated person.

Similarly, the Department (including the school) will inform the complainant when they intend to involve other people including Department staff to assist with the complaint process.

Failure to notify of the inclusion of third parties can result in the rescheduling or cancellation of the meeting.



### INTERPRETING SERVICES

A complainant can use the National Translating and Interpreting Service by calling 131 450.

# PRIVACY STATEMENT

The Department must handle personal, sensitive and health information in accordance with relevant legislation: the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).

The information provided in the complaint process will be used to assess and respond to the complaint. Complaint-related information is stored securely and accessed primarily by those with a role in complaint handling. When necessary and allowed by law, information may be disclosed outside the complaints process, such as where there is a serious risk to safety of individuals.

Complaints may be escalated to the Department's central process and/or referred to the Independent Office, to provide opportunity and support for an agreed resolution with all parties.

You can request access to information about you held by the Department. To request access, first speak with the person handling your complaint. It may be appropriate to use the Freedom of Information process, see: [Freedom of information requests](#).

For more information about how personal information is handled please see:

- [Schools' privacy policy](#)
- [Department privacy policy](#)

# RELATED LEGISLATION AND RESOURCES

All concerns and complaints must be addressed in line with the Department's legislative and regulatory framework which includes:

- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Code of Conduct for Victorian Public Sector Employees](#)
- [Education and Training Reform Act 2006](#)
- [Education and Training Reform Regulations 2017](#)
- [Equal Opportunity Act 2010](#)
- [Managing Unreasonable Complainant Conduct](#)
- [Privacy and Data Protection Act 2014](#)
- [Protected Disclosure Act 2012](#)
- [Victorian Ombudsman's Unreasonable Complainant Conduct Manual](#)
- [Wrongs Act 1958](#)

# RELATED DEPARTMENT POLICY

- [Duty of Care](#)

- [Fraud and Corruption](#)
- [Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching and Public Service](#)
- [Police – Department Protocols](#)
- [Program for Students with Disabilities](#)
- [Protection and Support](#)

## PARENTLINE

Parentline is a confidential and anonymous phone counselling service for parents of children and young people in Victoria. Parentline offers counselling, information and support around a range of parenting issues.

Phone 13 22 89 or visit the [Parentline website](#) for further information.

## RESOURCES FOR SCHOOLS

- For resources to assist preventing and resolving complaints, and mediation, see: [Conflict resolution in schools](#) (login required).
- The [Complaints Policy](#) and [Parent Dispute Policy](#) template is available in the [School Policy Templates Portal](#) (login required).
- The [Employee Conduct Branch](#) can provide principals with advice and support in addressing allegations about employee conduct or work performance.