# Parent Complaint Policy

Victorian Government Schools

VICTORIA State Government | Education and Training

# CONTENTS


**Introduction** ..... **4**
**Definitions** ..... **4**
**Purpose of this policy** ..... **5**
**Scope of this policy** ..... **5**
General ..... 5
Students with a disability ..... 5
International students ..... 6
School councils ..... 6
Complaints concerning employee conduct ..... 6
Compensation claims ..... 6
Anonymous complaints ..... 6
Protected disclosures ..... 6
**Process for handling complaints** ..... **7**
Overview ..... 7
Complaint escalation ..... 7
Complaints management flowchart ..... 8
Role of the school ..... 9
Outcomes of raising a complaint with the school ..... 10
Role of the region ..... 10
Region responsibilities ..... 11
Outcomes of raising a complaint with the region ..... 12
Role of the central office ..... 12
Central office responsibilities ..... 12
Outcomes of raising a complaint with the central office ..... 13
Role of the Independent Office for School Dispute Resolution ..... 13
**Guiding principles of complaint management** ..... **15**
**Support for complainants** ..... **16**
Support person ..... 16
Interpreting services ..... 16
**Complaint management conduct** ..... **17**
**Privacy statement** ..... **17**
**Related legislation and resources** ..... **17**



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VICTORIA State Government | Education and Training

Related Department policy ..... 18
Parentline ..... 18
Report Racism Hotline ..... 18
Resources for schools ..... 19

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# INTRODUCTION

The Department of Education and Training (the Department) understands that a trusting and cooperative relationship between families, schools and the community is best for students. Complaints help the school community to build and maintain relationships by providing information and feedback to a school, and by providing a valuable opportunity for reflection and learning.

The Department recognises a family's right to make a complaint and its responsibility to provide a framework within which to resolve complaints.

The Department's complaint-handling system commences with consultation between families and schools which follows a clear process to resolve the complaints. All parties are treated fairly, and those involved in a complaint are provided with a reasonable opportunity to respond to the issues raised and to present their views.

The primary purpose of the complaint process is to resolve complaints with a focus on student wellbeing and to support students to remain engaged in learning.

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.

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 of the Department of Education and Training.
- A '**designated 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.

# 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.

While families can make a complaint to the Department regarding any school-based decision or action, some matters will be subject to particular processes.

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 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:

- to the Wellbeing, Health and Engagement Division of the Department, in consultation with the principal and any established student support group. This may relate to matters arising under the Program for Students with Disabilities, including applications, Years 6 to 7 reviews, reappraisals and appeal procedures. See: Program for Students with Disabilities
- 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.

## 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. If an employee is found to have breached their obligations, privacy principles will prevent the disclosure of the employment action taken.

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 an avenue for seeking monetary compensation. The Department has a separate process for families to make claims for compensation for injuries or property loss or damage that have been caused negligence by the Department. For information about making claims for compensation see: legal claims process.

The Department does not have insurance for accidental injuries, or accidental property loss or damage. A claim for compensation will only be successful if it is shown that an injury or loss is the 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

# 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 can be resolved early when a concern is first raised with the person responsible for the situation. 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:

   - the school
   - the 'Find a school' website
   - 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).

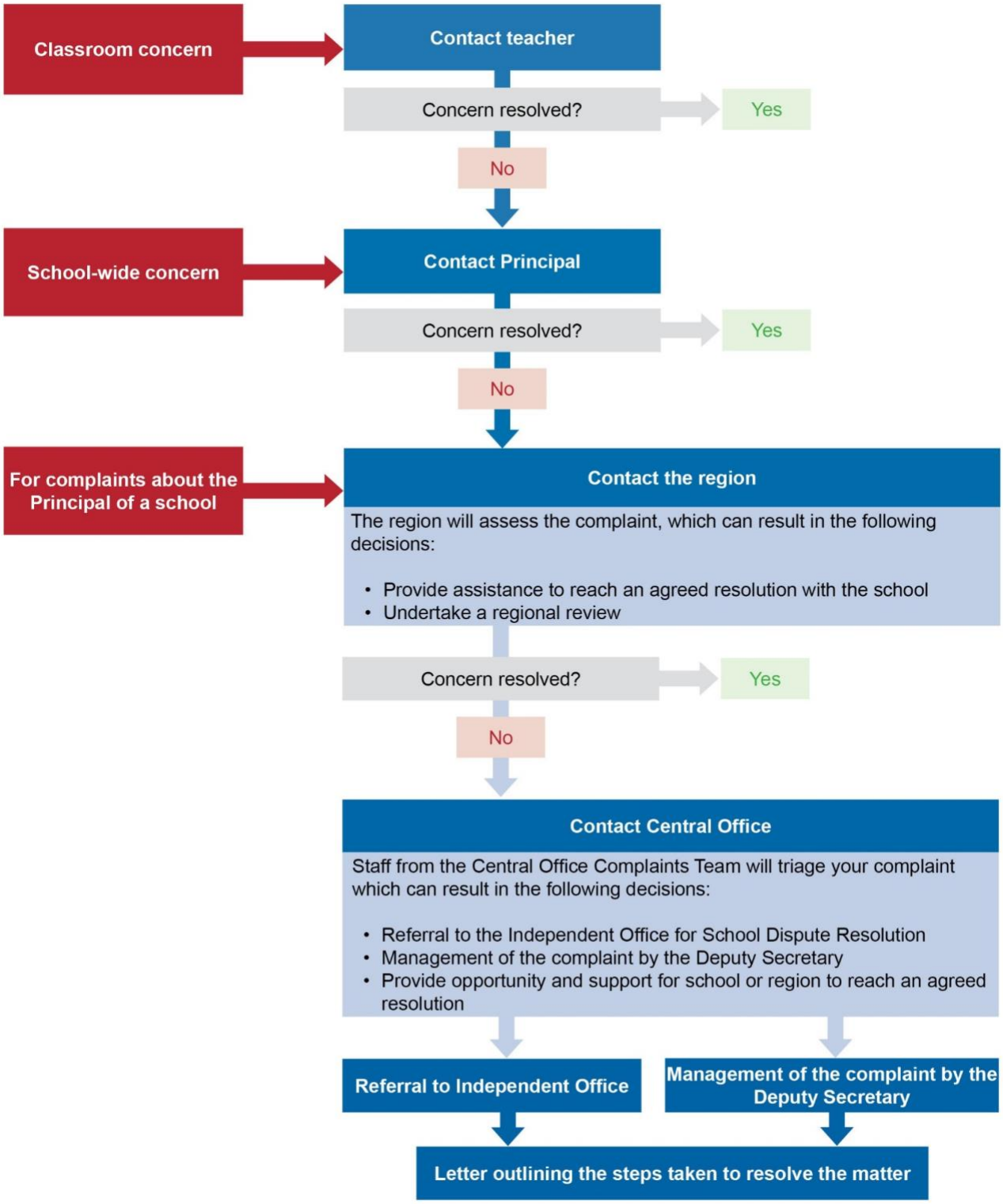
   For further information see: Role of central office

### 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 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



## 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 written records of complaints which relate to the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS) – refer to Child and Family Violence Information Sharing Schemes for further information.
- for other complaints, 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 updates throughout the process as agreed with the complainant
- 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.

### *Support mutual agreements*

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, assists 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 discusses 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 a resolution
- provides the complainant and school with weekly updates, or as agreed, 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, they will provide the region's final decision on the complaint to the complainant and advise 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 managed and overseen by an Area Executive Director.

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 weekly updates, or 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 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, Schools and Regional Services review their complaint.

The role of the central office 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 assistance and support to all parties
- triage, manage and review unresolved complaints
- develop, review and maintain this policy.

*Assess, assist and support*

The central office receives complaints which have not been resolved at the school or regional level. The central office provides 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 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 Complaints and Improvement Unit 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 unit 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 a review is completed, 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 violence)
- the matter should appear to hold an opportunity for a mutually agreeable shared outcome.

If a matter is not resolved , 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.

# GUIDING PRINCIPLES OF COMPLAINT MANAGEMENT

Complaint handling processes in schools, regions and the central office must adhere to the following guiding principles.

### Visibility

Information about how and where to make a complaint, as well as how a complaint will be handled, is publicised within the school community.

The actions taken to respond to a complaint are well documented and include the reasons underpinning any decisions made.

### Accessibility

Information about how to make a complaint and the school's procedures when responding to a complaint is easily accessible. The complaint handling process is flexible and includes the ability to make a complaint in person, by phone and in writing. Support is also given to people with specific needs, including translations, access to interpreters and enabling a complainant to seek the services of an advocate or support person.

### Responsiveness

All complaints are acknowledged as soon as possible and ideally within two school or business days of receipt. Complaints are addressed in accordance with their urgency; however, all complaints are responded to in a timely manner and complainants kept regularly informed of the progress of their complaint. Direct communication is preferred, such as face-to-face and telephone discussions.

### Objectivity

Each complaint is treated in an impartial, equitable, objective and unbiased manner.

### No-cost

There is no cost to the complainant for access to the complaint-handling process at the school, region or central office.

### Student-focused

The Department is open to feedback including complaints and shows a commitment to resolving complaints with the educational wellbeing of students as the first priority.

### Accountability

The Department is required to have a fair, effective and efficient complaint-handling process. The Department is accountable, both internally and externally, for its decision-making and complaint-

handling performance. The Department needs to be able to provide explanations and reasons for its decisions.

**Continual improvement**

Complaint handling procedures are reviewed for improvement. Complaint data and feedback is used to identify recurrent themes and to implement improvement measures where a need is identified.

# SUPPORT FOR COMPLAINANTS

## SUPPORT PERSON

A 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.

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

A 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.

# COMPLAINT MANAGEMENT CONDUCT

When addressing a complaint, all parties are expected to:

- be considerate of each other's views and respect each other's role
- be resolution focused
- act in good faith and cooperate
- 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.

This is consistent with the Code of Conduct for Victorian Public Sector Employees. Conduct expectations are the same for all parties involved with the complaint.

IF any parties involved in the complaint cannot demonstrate the expected behaviours it may not be possible to reach a resolution.

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

# 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.

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
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)
- Code of Conduct for Victorian Public Sector Employees
- Education and Training Reform Act 2006
- Education and Training Reform Regulations 2017
- Equal Opportunity Act 2010
- Family Violence Protection Act 2008
- Family Violence Protection Act 2008
- Family Violence Protection (Information Sharing and Risk Management) Regulations 2018
- Privacy and Data Protection Act 2014
- Protected Disclosure Act 2012
- Victorian Ombudsman's Unreasonable Complainant Conduct Manual
- Wrongs Act 1958

## RELATED DEPARTMENT POLICY

- Child and Family Violence Information Sharing Schemes
- 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
- Protecting Children – Reporting and and other Legal Obligations

## 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.

## REPORT RACISM HOTLINE

The Department's Report Racism Hotline is available to parents, carers and students who wish to discuss a concern about religious or racial discrimination or abuse at a Victorian Government School but do not feel comfortable discussing the incident directly with the school.

Phone 1800 722 476 or email report.racism@education.vic.gov.au.For further information, see the Department website: Reporting religious or racial discrimination and abuse in schools.

## 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.