

Addressing Concerns and Complaints

The information below should be read in conjunction with the 'Raising Concerns and Complaints' policy which is located on the Bimbadeen Heights Primary School website.

It sets out details about the processes and procedures for addressing concerns and complaints. It does not apply to matters where there are existing legislated rights of review or appeal. These matters must be managed in line with the procedures and processes detailed in the *Victorian Government Schools Reference Guide* and on the Department's Human Resources website. These matters include:

- student expulsions

See the Victorian Government Schools Reference Guide at:

http://www.education.vic.gov.au/management/governance/referenceguide/enviro/4_7.htm

- complaints about staff that if upheld would constitute misconduct
- complaints by the Department's employees related to their employment
- complaints about an employee's conduct or performance grievance or action under Division 9A or Division 10 of the *Education and Training Reform Act 2006*
- student critical incident matters
- other criminal matters.

See the Human Resources website at: www.eduweb.vic.gov.au/hrweb/workm_perform/conduct.htm.

See below for procedures to follow when contacting Regional or Central Offices.

For general concerns and complaints-

Who to Approach

Teacher and home group teacher: usually best placed to resolve concerns and complaints relating to student learning and specific student incidents in the teacher's class or group.

Year level coordinator: provides support when students from other classes are involved.

Assistant Principal: usually best placed to resolve concerns and complaints relating to staff members or complex student issues.

Principal: usually best placed to resolve concerns and complaints relating to school policy, school management, staff members or complex student issues.

The school will endeavour to ensure parent complaints are addressed promptly, within agreed timelines where possible. The length of time may vary according to the complexity of the complaint, however, in most cases the school will attempt to resolve parent concerns or complaints within 20 school days. The school will communicate to the complainant any reasons for a delay in addressing their complaint.

School Roles and Responsibilities

- Develop, publicise and implement a policy and procedures to effectively address parent concerns and complaints.
- Ensure all reasonable steps have been undertaken in resolving parent concerns and complaints.
- Maintain the confidentiality of all parties and observe the principles of natural justice.
- Contact the regional office for support with any complex complaints.
- Communicate the outcomes of concerns and complaints, where possible, to all relevant parties.
- Communicate its policy and procedures clearly and regularly to parents and the school community through the newsletter and website.
- Ensure all new staff members are aware of the school and Department's policies and procedures in relation to addressing parent concerns and complaints.
- Brief all staff members (including volunteers) on the policy and procedures annually.

- Provide staff with (or provides access to) training and support appropriate to their responsibilities under the procedures.
- Establish and maintain administrative processes to manage concerns and complaints raised at the school.
- Ensure that the policy and procedures are consistent with the Department's policy.
- Regularly review the record of complaints to identify common or recurring issues that may need to be addressed.
- Modify other school policies and procedures as required as a result of addressing concerns and complaints.
- Ensure that all parties in a disputed complaint are aware of their entitlement to support through an advocate. An advocate can be a friend or colleague or an unpaid support person provided through an appropriate agency.
- Reflect on the personal attributes necessary for staff selected to manage concerns and complaints (see Good Practice Guide: Ombudsman Victoria's guide to complaint handling for Victorian public sector agencies).

Monitoring

The school will maintain a record and monitor complaints and their resolution. This will take the form of:

- name and contact details (with permission) of the person with a concern or complaint
- the date the concern was expressed or complaint made
- the form in which the concern or complaint was received (such as face-to-face, by telephone, in writing, by email)
- a brief description of the concern or complaint
- details of the school officer responding to the concern or complaint
- action taken on the concern or complaint
- the outcome of action taken on the concern or complaint
- any recommendations for future improvement in the school's policy or procedures. Addressing parents' concerns and complaints effectively: policy and guides 12

However, in the first instance, when the complaint is easily resolved in a telephone call, a brief note in the school's/principal's/teacher's diary recording the issue and the resolution may be all that is required.

The school will monitor parent concerns and complaints and consider issues raised through the parent complaints process, and any other relevant information from the parent opinion survey, when undertaking a review of the school's policies, procedures and operations.

The School Council will regularly review its policy and procedures to effectively address parent concerns and complaints as part of its cyclic policy and procedures review schedule.

The Central Office has produced an easy-to-understand brochure for parents outlining its whole-of-Department complaints management process. Copies of the brochure can be accessed from the Department website at: www.education.vic.gov.au/about/contact/parentcomplaint.htm

Legislated and Other complaints processes

Regional office support for complex complaints

Each regional director will ensure the regional office has procedures to address complaints which reflect the Department's policy. Regional offices are to:

- support schools to develop policies and procedures to address concerns and complaints in line with the Department's policy
- ensure that, wherever possible, a school resolves concerns and complaints related to it

- ensure that training in complaints management is offered to regional office and school staff, including school councillors and other non-department employees.

If a school is unable to resolve a complaint, it can contact the regional office for support from the community liaison officer, assistant regional director or other officers as appropriate.

Complex complaints are those that:

- defy resolution over a long period of time
- involve complex issues (including issues involving more than one school)
- may include complaints about the principal of a school.

Escalating to the regional office

If a parent with a concern or complaint is not satisfied with the outcome determined by the school, they can contact the appropriate regional office. Depending on the nature and complexity of the concern or complaint, the regional director may involve the assistant regional director, the community liaison officer or other officers in the resolution of the issue.

Where relevant, the officer will ask the complainant for a complete and factual account in writing of the concern or complaint and the complainant's opinion about why they believe the school did not resolve the issue to their satisfaction. Where the complainant is unable to provide a written account the officer should act on the information provided verbally.

Regional office staff will respond promptly to complaints received and, where appropriate, immediately acknowledge, in writing, the receipt of a written complaint. They will, as far as possible, attempt to resolve the issue raised by the complainant and provide a final response within 20 school days.

Escalating to central office – Deputy Secretary, Office for Government School Education

If the complaint cannot be resolved by the complainant, school and regional office working together, the regional office or the complainant may refer the complaint to the Deputy Secretary, Office for Government School Education, as per advice provided on the Department's parent complaints website at:

www.education.vic.gov.au/about/contact/parentcomplaint.htm

If a complaint has not already been raised with the school or regional office prior to its receipt at central office, it will be referred to the relevant regional office for investigation and resolution.

When a complainant registers a complaint with the Deputy Secretary, Office for Government School Education, the complainant will be asked to state in writing why they consider the complaint was not resolved. The complainant will also be asked to outline a realistic course of action to resolve the complaint.

If the complaint raises complex issues, the Deputy Secretary may determine that its resolution requires an independent review undertaken by an external agency.

If the complaint remains unresolved after all the Department's processes have been implemented, the Deputy Secretary may refer the complainant to an external agency, such as Ombudsman Victoria, for investigation.

Group Coordination Division review of unresolved complaints

The Group Coordination Division, on behalf of the Deputy Secretary, Office for Government School Education, will review unresolved complaints that:

- are exceptionally complex
- relate to broader Victorian Government policy issues.

Outcomes

The school is to communicate the outcomes of concerns and complaints to all parties involved, taking into account any relevant privacy requirements.

When attempting to resolve complaints, schools and regional offices can make use of the services provided by the Dispute Settlement Centre Victoria, which provides a free mediation service. Further information is available at: www.justice.vic.gov.au/disputes/

Complaint resolved

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

Possible responses and remedies include:

- an explanation
- an acknowledgement of each other's perspective and agreement on ways to manage differences
- an apology or expression of regret
- an admission of fault
- a change of decision
- a change of policy, procedure or practice
- agreement on what constitutes acceptable behaviour
- an undertaking that unacceptable behaviour will change
- the waiving of debt related to school fees and payments
- a refund of parent payments
- the provision of counselling or other support.

Remedies should be implemented as soon as possible.

Complaint dismissed

A complaint can only be dismissed:

- after it has been investigated
- if an investigation has determined that the complaint cannot be substantiated.

Complaint unresolved

A complaint is considered to be unresolved if the complainant does not agree on a course of action and/or a remedy, or if the remedy cannot be implemented. In such cases, a school must involve its regional office to assist in resolving the complaint.

If the complaint raises complex issues which are unable to be resolved by the regional office, Group Coordination Division may, on behalf of the Deputy Secretary, Office for Government School Education, determine that an independent investigation is required.

It may not always be possible to fully resolve all complaints to the complainant's satisfaction. This could happen if the complainant has unrealistic expectations about the outcome of their complaint, or if the Department's policies or regulations are contrary to their views.

If the complaint remains unresolved at the completion of all the Department's procedures, or if the complainant is dissatisfied with the manner in which the complaint was handled by the Department, the Department may inform the complainant of options for review by an external agency such as Ombudsman Victoria.

Anonymous complaints

The Department requires all complaints to be investigated. However, it recognises that its staff might not be able to fully investigate a complaint if they cannot effectively liaise with the complainant. Furthermore, anonymous complaints raise natural justice issues for respondents who have a right to know the particulars of the allegations made against them.

The school principal, regional director or general manager, Group Coordination Division, should determine the extent to which an anonymous complaint received by the school, region or central office shall be investigated. Where the complaint is about the principal of a school the decision to investigate the complaint shall be made by the regional director.

Unreasonable complainant conduct

Unreasonable complainant conduct is behaviour that:

- is clearly and significantly outside the expectations of confidentiality, cooperation, courtesy and respect
- calls for staff resources and time unjustified by the nature or significance of the complaint
- is vexatious (that is, an action or complaint that is brought without merit, often to cause annoyance to another person)
- is oriented towards conflict.

Refer to Unreasonable complainant conduct: interim practice manual at: www.ombudsman.vic.gov.au

The school principal, regional director or the general manager, Group Coordination Division can determine if a complainant's conduct is unreasonable. If so determined, they will:

- develop a plan to address the complaint and the complainant's interaction with the Department
- inform the complainant of the plan
- ensure all Departmental officers adhere to the plan as closely as practicable.

When a complainant uses threatening or violent behaviour all Departmental employees should follow the Occupational Violence Policy, available from the Human Resources website at:

www.eduweb.vic.gov.au/hrweb/ohs/other/DETPub.htm

Additional information can also be obtained from the Victorian Government Schools Reference Guide, section 6.16.11: Options for dealing with trespassers and violence in schools.