

## Complaint Management Policy and Procedure

Developed: 2012

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Next review: Following next Departmental review

### Context

This Policy and Procedure are consistent with the Department for Education's (DfE) *Complaint Management Policy and Procedure*. They are based on our school's core values of:

- Respect
- Quality
- Commitment
- Diversity

The purpose of this Policy and Procedure is to ensure that complaints are managed in a fair, efficient and effective manner; and also to provide clear and transparent information to parents/caregivers, the community and staff on how concerns and complaints will be managed and resolutions found. It is also the intent of this Policy and Procedure to ensure that parents/caregivers have access to support and advice when attempting to resolve a concern or complaint.

This Policy and Procedure are available on the school website, together with the Department for Education's Complaint Management Policy and Procedure.

### Parent Complaint Policy Statement

The School of Languages is committed to ensuring the delivery of high quality education and the wellbeing of all its' students. Working in partnership with parents/caregivers to resolve any concerns and complaints that they may have about their child's schooling is a key part of how we deliver on this commitment.

### Guiding Principles

This Policy is based on the following principles:

- The educational attainment and wellbeing of children and young people is our first priority.
- Information about how and where a complaint may be made is accessible and transparent.
- Parents/caregivers have the right to raise concerns and complaints about the school and be supported to do so.
- Students, parents/caregivers, staff and volunteers have the right to be treated with respect and courtesy.
- Complaints will be considered in a confidential, timely and impartial manner and in accordance with due process and principles of procedural fairness and objectivity.
- The rights and responsibilities of all parties will be considered in finding a mutually acceptable outcome to complaints.

- Wherever possible, complaints will be resolved at the school level.
- Complaints will be monitored and their management evaluated so as to ensure continuous learning and accountability, and inform and drive school improvement.

### **Raising a concern or complaint**

Parents/caregivers can raise a concern or a complaint about any aspect of the school's operations (for example, the type, level or quality of services; the behaviour and decisions of staff; or policy, procedures and practices) directly with the school as this is where the concern can best be resolved.

A parent/caregiver may raise a concern or complaint verbally or in writing. Parents/caregivers can call the DfE Customer Feedback Unit on 82263443 at any stage for information, advice and support.

Any parent/caregiver concerns or complaints referred to the DfE Customer Feedback Unit that have not first been raised at the local school level will be referred back to the school for resolution, except in circumstances where it is not appropriate or possible for the school to manage the concern or complaint. The DfE Customer Feedback Unit will work with parents/caregivers to ensure that they are supported to raise the complaint with the appropriate person.

In circumstances where it is not appropriate for a school to manage a parent/caregiver concern or complaint (ie, allegations of serious staff misconduct, departmental policy or procedure issue, broader government policy issue) and the matter is to be referred to DfE Customer Feedback Unit then the parent/caregiver is to be advised of where the matter will be referred to and why.

### **Complaints not covered by this Policy**

This Policy does not apply to matters that are subject to judicial determination or determination by a statutory authority. Examples include:

- child protection proceedings
- appeals about student suspension and expulsion
- staff disputes and grievances.

Some complaints may never be resolved to a parent/caregiver's satisfaction. Vexatious or previously finalised complaints will not be pursued unless the parent/caregiver is able to provide new information.

This Policy is not applicable where a parent/caregiver has employed a third party (eg, legal representation) in relation to their complaint. In these circumstances, the complaint must be referred to the department's Legislation and Legal Services Unit for action.

### **Support**

Parties involved in a complaint can expect that they will be supported throughout the complaint management process (from the making of a complaint right through to being advised of the outcome of their complaint).

All parties involved in a complaint management process can bring a support person to any of the meetings held in relation to the complaint. The role of the support person is to provide advice and support during the process and not to answer questions or speak on behalf of any of the parties or interfere with the discussion. If at any point during the complaint management process a party engages legal representation then the process will be referred to the department's Legislation and Legal Services

Unit.

### **Timeframes**

The timeframes referred to are indicative (i.e. as soon as reasonably possible), to guide timely action. The time taken to review the complaint will vary due to a range of factors, including:

- range and complexity of the complaint
- emergence of other unexpected additional issues as a result of the review
- need for further inquiries to be made and the number of people involved
- need to refer the matter (or parts thereof) to other areas within or external to DfE
- school holidays/school closures.

If, at any stage of the complaint management process, there is to be a delay and a longer timeframe is required, then the staff member managing the complaint is responsible for notifying the parent/caregiver of the reasons for the delay and the likely timeframe within which the matter will be concluded.

### **Rights and Responsibilities**

When raising a concern or complaint with staff, parents/caregivers can expect to:

- be treated with respect, courtesy and consideration
- have the complaint dealt with in a confidential and timely manner
- have access to appropriate and easily understandable information regarding the complaint resolution process
- have the complaint considered impartially and in accordance with due process and principles of natural justice
- be kept informed of the progress and outcome of their complaint.

We expect that when making a complaint parents/caregivers will:

- treat other parties with respect, courtesy and maintain confidentiality
- raise the concern or complaint as soon as possible after the issue has arisen
- provide complete and factual information about the concern or complaint
- ask for assistance or further information as needed
- act in good faith to achieve an outcome acceptable to all parties
- have realistic and reasonable expectations about what course of action is required to resolve the concern or complaint.

### **Impartiality**

Impartial investigations are vital to the credibility and success of the parent/caregiver complaint process. A concern or complaint will be considered on its merits and without prejudice arising from any previous contact that a parent/caregiver may have had with the school or DfE Customer Feedback Unit.

### **Confidentiality**

Confidentiality should be adhered to throughout the complaint resolution process. This means that the complaint should only be discussed with those people directly involved in the resolution process. Observing confidentiality helps to protect the rights of everyone by limiting knowledge of the details of the complaint to those who will work together for a resolution. In addition, it helps to limit damage to any existing trust between the parties, thereby facilitating a resolution and

developing greater confidence in one another.

### **When a parent/caregiver wants their identity to remain confidential**

A parent/caregiver may request that their identity remain confidential when making a complaint. The staff member responsible for managing the complaint must advise the parent/caregiver that every effort will be made to keep the parent/caregiver's identity confidential but this may limit options for negotiating a resolution.

These circumstances also raise issues in relation to procedural fairness for those who have a complaint made about them as they have a right to know the particulars of the complaint. Further, while every effort will be made to comply with a request to keep the parent/caregiver's identity confidential, *Freedom of Information* requirements may result in a parent/caregiver's identity becoming known. A parent/caregiver must be advised to write their complaint with the knowledge that other parties may gain access to the written complaint. The staff member managing the complaint is responsible for ensuring that all complaints are documented in the knowledge that the identity of the parent/caregiver may be revealed.

### **Anonymous complaints**

The school will assess every complaint that is made. The extent to which an anonymous complaint can be investigated will be limited, as staff cannot liaise with the parent/caregiver about the complaint. Anonymous complaints also raise issues in relation to natural justice for those who have a complaint made about them as they have a right to know the particulars of the complaint.

The Principal or DfE Customer Feedback Unit will determine upon receipt of an anonymous complaint, to what extent the complaint will be investigated.

### **Withdrawal of a complaint**

A complaint can be withdrawn by a parent/caregiver at any stage during the complaint management process. A written complaint should preferably be retracted in writing by the parent/caregiver. Alternatively a signed and dated notation on the original written complaint that the complaint has been withdrawn by the parent/caregiver can be made by the relevant staff member. A verbal complaint can be withdrawn verbally and a notation made to that effect. The staff member managing the complaint must notify in writing all affected parties that the complaint has been withdrawn.

### **Monitoring and evaluation**

Parent/caregiver complaints, and the action taken to resolve the complaint, will be recorded and monitored. In instances when the complaint is easily resolved over the phone or in discussion, then a brief note of these issues and the resolution should also be filed in order to monitor all parent/caregiver concerns and complaints to identify common or reoccurring issues requiring attention.

# Parent Complaint Procedure

## Objectives

The objectives of this procedure are to:

- provide clear, transparent and responsive complaint management processes, that assist parents/caregivers to make a complaint when dissatisfied with the level or quality of educational services provided by the school
- ensure that parent/caregiver complaints are resolved in a consistent, systematic, impartial, fair and timely manner, to the satisfaction of all parties
- encourage, wherever possible, the resolution of complaints at the school level
- ensure parent/caregiver complaint management processes are fair, non-adversarial, easily accessible and simple to understand and use
- ensure that parent/caregiver complaints are acknowledged and addressed promptly within agreed timelines
- ensure that parent/caregiver complaints management processes reflect, from beginning to end, procedural fairness
- provide parents/caregivers with appropriate avenues of redress, where necessary
- provide an opportunity for an independent and impartial review of a parent/caregiver complaint management process to occur, where necessary.

## Possible approaches/remedies

The approach taken to resolve a parent/caregiver's concern or complaint may include:

- an acknowledgement that the complaint is valid and requires investigation
- identification of areas of agreement between the parties involved
- opportunities for all the parties involved to express their concerns, explain their point of view and clarify any misunderstandings
- an opportunity for an apology, where warranted, to be made by any of the parties involved for any behaviour/actions that may have caused distress to another party
- acknowledgement that the situation could have been better handled (this does not constitute an admission of negligence)
- a change of decision, policy, procedure or practice
- recognition that the situation presents an opportunity for changes or alternative arrangements to be made to resolve the complaint
- discussion with the parties about the steps that will be taken to ensure that the event complained about will not reoccur
- an undertaking to review school policy, procedures or practices.

## Complaint resolution stages for parents/caregivers

Members of the public (including parents, caregivers and students) can raise a concern or complaint if they think that the school or a staff member has:

- done something wrong
- failed to do something that should have been done
- acted unfairly, unreasonably or disrespectfully.

The concern or complaint may be about:

- the type, level or quality of services
- the behaviour and decisions of staff
- a policy, procedure or practice.

Teachers, the Principal, Assistant Principals, Line Managers and other DfE staff will work alongside the parent/caregiver to agree on a plan of action and a timeframe for resolving the issues or concerns.

Sometimes a complaint is about something that is required because of state or federal law. In such cases an explanation will be provided to assist parents/caregivers to understand the requirements and why they exist.

### **Before making a complaint**

There are some points to keep in mind if parents/caregivers have a complaint about public education and care:

- Clearly identify the issue and let the school know how you believe the issue can be resolved.
- Write down key points to refer to when you report the problem.
- A friend or support person can attend any meetings with you or help you work out the best way to present your concerns. This person is not there to speak for you or to answer questions on your behalf. It's important that it's your opinions and feelings that are voiced and heard by all parties.
- If an interpreter is required, please let us know prior to any meeting.
- Focus on the facts or details of what happened - avoid personal insults, inflammatory statements and threatening or intimidating comments.
- It's best to only discuss your complaint with people directly involved in the complaint resolution process. This will help limit damage that can be caused by rumours.
- When a lawyer is engaged to represent you in your complaint, the issue becomes a legal matter and will be referred to the Legal Services Directorate of the department.

### **Making a complaint**

#### **1. Tell the school first**

Contact the school to arrange a time to meet with the teacher or have a discussion with them on the phone. They will look into your concerns and get back to you as soon as possible.

If the matter is not resolved, or if your complaint is about a teacher, you may want to meet with or write to the teacher's Line Manager, Assistant Principal or the Principal. They will work with you and the staff member to resolve the issue.

The school will aim to resolve your concern or complaint as quickly as possible.

#### **2. If you are unsatisfied, contact the DfE Customer Feedback Unit**

Phone: 8226 3443

The complaint unit will:

- assess your complaint
- work with you to decide what action is needed
- let you know what has been done and when you can expect to hear about the outcome
- advise you about how you can escalate your concerns if you haven't been satisfied by the outcome.

**Where to get help**

You can contact the unit on 8226 3443 to discuss your concern or complaint, or to seek advice about resolving school problems.

**Will I be treated fairly?**

You will not be discriminated against if you make a complaint. All staff are bound by the [Code of Ethics for South Australian Public Sector](#) which requires staff to act impartially, fairly and equitably.

You can ask for your identity to be confidential when making a complaint, or make an anonymous complaint. However, keep in mind:

- this may limit options for investigating and negotiating a resolution
- this may limit the ability of staff to follow up with you about your concerns
- there are situations where staff have to disclose that you have made a complaint.

**Other options**

You also have the right to refer any education or care concern to an external body such as the [South Australian Ombudsman](#) or the [Education Standards Board](#).