

Policy Title:	Complaints Resolution
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Policy Owner:	Director, Information, Communications and Governance
Legislation:	<i>Children and Young People Act 1999</i> <i>Public Interest Disclosure Act 1994</i> <i>Occupational Health and Safety Act 1989</i> <i>Vocational Education and Training Act 2003</i> <i>Education Act 2004</i> <i>Privacy Act 1988</i> <i>Human Rights Act 2004</i> <i>Freedom of Information Act 1989</i> <i>Ombudsman Act 1989.</i>

1. Purpose

This policy will provide an efficient, fair and accessible mechanism for resolving complaints in accordance with the principles of natural justice and ensure that the Education and Training Directorate's (ETD) complaint handling process is transparent and comprehensive.

2. Policy Statement

- 2.1 For effective complaint handling there needs to be commitment at all levels of the Directorate. ETD's commitment is to respond positively to complaints. This will enable staff, students and community members to contribute to the improvement of the Directorate's services.
- 2.2 Complaints about any aspect of the Directorate's operations, service or personnel will be handled responsively, openly and in a timely manner, with the aim of resolving the complaints at the frontline level of service delivery.
- 2.3 Positive resolution of a complaint will aim to:
- seek resolution at the level at which the complaint is made
 - consider all relevant information and views of all parties
 - consider ETD policies and legal requirements.

3. Definitions

Complainant – any community member making a complaint, including children and young people.

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Client – student or adult who accesses a Directorate service.

Parent - a person having parental responsibility for a child under the *Children and Young Persons Act 1999*, including a carer appointed under that Act.

Complaint – an expression of dissatisfaction with a service provided, a decision made or action taken.

Formal complaint – a complaint which is:

- submitted by letter or email
- written on the Directorate's complaints brochure
- a verbal complaint, documented by a Directorate officer on the 'Complaints Procedures – Internal Record Form' attached to this policy and identified by the complainant as requiring a response,

and which cannot be resolved to the satisfaction of the complainant by the officer receiving the complaint.

4. Best Practice Procedures

- 4.1 It is expected that written complaints will be acknowledged within five working days.
- 4.2 The proposed timeframe required to resolve the complaint should be indicated to the complainant as early as possible in the process.
- 4.3 Complainants should be kept informed of progress towards resolving the complaint.
- 4.4 It is important that those handling complaints should be independent of the issue of the complaint. If a conflict of interest arises for a staff member involved in the receipt or management of a complaint, the relevant principal, manager or director should be informed and alternate arrangements should be made.
- 4.5 To protect confidentiality and privacy, staff involved in handling complaints resolution must ensure that information is restricted only to those who genuinely need to know in order to deal with the complaint. Some information about the specific complaint may need to be disclosed to others during its resolution. The complainant should be made aware that this might occur.
- 4.6 When a complaint is documented all details should be recorded.
- 4.7 Complainants should be reassured that their complaint will not lead to discrimination.
- 4.8 The response to the issues raised by the complainant should be in a non-judgemental and courteous manner.
- 4.9 The person or section of the Directorate about whom the complaint is made shall have the right to be advised of the identity of the complainant and the complaint.
- 4.10 Complainants with special needs must be offered reasonable assistance to make their complaint. Information on the process should be readily available, expressed in plain English and in other community languages where possible, in large print or through audiovisual means.

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- 4.11 Copies of this policy should be made available to all Directorate staff and parents of students at ACT Government schools and preschools, and to members of the community who use the Directorate's services.
- 4.12 No action will be taken on anonymous complaints except in exceptional circumstances.
- 4.13 Officers dealing with appeals or requests for review of decisions should identify complaints against the Directorate, which are included in the same correspondence as the appeal or request for review, but which fall outside its scope. This information must be referred to the Community Liaison section. Complainants will be kept informed of any referrals to the Community Liaison section.

5. The Resolution Process

- 5.1 The Education and Training Directorate acknowledges that concerns and issues exist that may be resolved informally without the need to follow a formal complaints process. In such cases, complainants or their representatives are encouraged to initially raise issues or concerns informally with the relevant member of staff. Discussing the issue or concern may clarify the situation and resolve any misunderstandings satisfactorily.
- 5.2 If the issue or concern has not been resolved satisfactorily, clients or their representatives should talk to the relevant staff member's supervisor.
- 5.3 If the complaint is about a school principal, it should be referred to the appropriate School Network Leader. If the complaint is about a manager, it should be referred to the director responsible for that section of the Directorate.
- 5.4 Where a resolution is not reached at the school or section level the matter should be referred to the next senior level, where it may become a formal complaint. All relevant records should be forwarded with the complaint.
- 5.5 Where a resolution is not achieved at this level, complaints may be referred to the appropriate Executive Director or to the Director-General.

6. Review Of Decisions

- 6.1 If the complainant feels that the complaint has not been resolved satisfactorily they may apply in writing to the decision-maker for a review of the decision.
- 6.2 The application must set out the grounds on which the review of the decision is sought.
- 6.3 A director will review the processes and determine if the appeal is to be dismissed or upheld and advise the complainant in writing of the outcome within 28 days after the application for review has been received.

7. Other Formal Avenues

- 7.1 In some instances, further assistance may be available to clients in resolving a concern or complaint. Agencies which may be able to assist include:
- ACT Human Rights Office – in instances of discrimination.
 - the Ombudsman – for complaints about the Directorate's actions or decisions
 - ACT Administrative Appeals Tribunal – for reviews of administrative decisions

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- Privacy Commissioner – for complaints about interferences with privacy under the Privacy Act and related legislation.

8. Complaints Officers

8.1 Every school and branch of the Directorate has designated Complaints Officers.

9. Community Liaison Officer

9.1 The Directorate's Community Liaison Officer, located in the Community Liaison Section, has the following roles:

- to assist clients in identifying with whom a complaint should be lodged
- to ensure written complaints to directors lodged on the detachable form from the brochure "*A Guide to the Complaints Resolution Policy and Procedures*" are forwarded to the appropriate director for action within two working days of receipt
- to maintain a record of formal complaints lodged and information on their resolution
- to provide a summary report on the categories and resolutions of complaints resolved formally across the Directorate to the Director-General on a six-monthly basis, as part of a focus on continuous service improvement.

10. Complaints Database

10.1 The Complaints Database enables the recording and reporting of select information collected from the documentation of formal complaints by the Complaints Officers.

10.2 The data collected comprises:

- the date the complaint was received
- the area about which the complaint was made
- the nature of the complaint
- the date advice was provided to the complainant on the outcome of the complaint where the complainant is satisfied that the issue has been resolved, or where the Directorate has provided advice to the complainant that it is unable to take further action on the issue.

10.3 The data collected will be reviewed regularly by the Directorate to:

- redesign services
- change organisational practices
- re-train staff on service delivery
- re-assess consumer needs.

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Attachments:

Attachment A: Areas which are not covered by this policy
Attachment B: Complaint Procedures Internal Record
Complaint Lodgement Form

Operational Contact:

Senior School Policy Officer
School Policy and Partnerships Section

Related Policies:

Combating Racism in Schools and the Workplace
Sexual Harassment
Public Sector Management Standards

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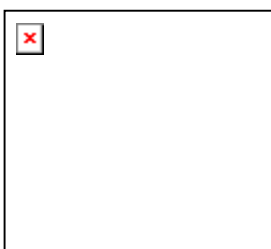
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The following areas have separate processes in place for dealing with complaints or requests for a review or appeal:

Area	Further information is available from:
Year 10 certification	Educational Performance Section, Education and Training Directorate http://www.det.act.gov.au/schools/pdf/Y10Certification.pdf
Senior secondary certification	Colleges Office of the Board of Senior Secondary Studies http://www.bsbs.act.gov.au/
High school enrolment	School Network Leader North/Gungahlin and Belconnen Education and Training Directorate
College enrolment	School Network Leader South/Weston and Tuggeranong Education and Training Directorate
Review of placements for students in Special Education	Disability Education Education and Training Directorate
Suspension and exclusion of students	School Network Leaders Education and Training Directorate (South/Weston and Tuggeranong); (Belconnen and North/Gungahlin)
Child abuse and neglect	Office for Children, Youth and Family Support Ph: 1300 556 729
<i>Public Interest Disclosure Act</i> provisions for reporting wrong doing in the ACT Public Service	Legal Liaison and Regulation, Education and Training Directorate
Complaints by members of staff relating to matters of employment with ETD	Employee Relations Section

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Confidential Complaint Procedure Internal Record

Date:

Complainant's name:

Complainant's address:

.....Post Code:

Complainant's phone number:

Complainant's email address:

Person taking the complaint: Phone:

Referred to:

Details of complaint:

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Recommended action – what would be regarded as a satisfactory action and/or outcome?

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Complainant’s signature (if attending in person):

Action officer’s name:

(Print)

Action taken:

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Did feedback occur to complainant?Yes / No

If ‘Yes’ what form did the feedback take?

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If ‘Yes’ did the complainant express satisfaction?Yes / No

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.....

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If 'No' what further action will occur?
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.....
.....

When was the complaint resolved?

Has any change of policy/procedure occurred because of this complaint? Yes / No
If 'Yes' what?
.....

Was the timeframe adhered to?

Comments:
.....
.....

Signature:

Date:
(ETD Officer)

Name:

Attachments: (Further details if provided by complainant)

Complaint category and sub-category:

- | | |
|-------------------------------------|--|
| Staff member related | Racial harassment/discrimination |
| Student related | Sexual harassment/discrimination |
| Parent related | Bullying/violence |
| Community member | Personal conduct |
| ETD facilities/OHS | School based policies |
| ETD policies and procedures | Administration based policies/procedures |
| EDT communication/service provision | Staff selection/promotion procedures |
| Other | Equity/diversity matters |
| | Other |

The Directorate is collecting this information to assist us in resolving your complaint. We will keep your personal information confidential as far as is possible. However there may be some circumstances when your personal information will need to be provided to others as part of the process of addressing your complaint. Personal information may also be released under the provisions of the *Privacy Act 1988* and may be subject to release under the *Freedom of Information Act 1989*. We will keep this form as part of our Directorate records. We will keep information about your complaint, but not about you, on a database for statistical purposes. The Directorate collects, manages, uses and discloses personal information under the requirements of the *Privacy Act 1988*.

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