

Policy title: COMPLAINTS POLICY – EDUCATION AND TRAINING DIRECTORATE

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Legislation:

- *Education Act 2004*
- *Human Rights Act 2004*
- *Human Rights Commission Act 2005*
- *Public Sector Management Act 1994*
- *Children and Young People Act 2008*
- *Privacy Act 1988*
- *Freedom of Information Act 1989*
- *Ombudsmans Act 1989*
- *Health Records (Privacy and Access) Act 1997*
- *Tertiary and Training Education Act 2003*

Procedures:

1. Guide to making a complaint about an ACT public school
2. Guide to making a complaint about a decision or process of the Education and Training Directorate
3. Complaints Form

1. POLICY STATEMENT

The Education and Training Directorate (the Directorate) will:

- 1.1** encourage complaints about schools and the Directorate to be initially handled at the local level
- 1.2** provide complainants with reasonable assistance to make their complaint
- 1.3** apply principles of procedural fairness so that:
 - 1.3.1** if the Directorate and the complainant are unable to reach agreement as to how the resolution of the complaint will be managed, the Directorate will develop a plan to fairly address the complaint and the complainant's interaction, and inform the complainant of the plan
 - 1.3.2** the person or section of the Directorate about whom the complaint is made will be advised of the identity of the complainant and the details of the complaint.

Complaints Policy

CPS201308 is the unique identifier of this document. It is the responsibility of the user to verify that this is the current and complete version of the document, located on the [policies page](#) of the Education and Training Directorate's website.

- 1.4 assist schools to provide information to members of their communities about their right to lodge a complaint under both the *Education Act 2004* (the Act) and the *Human Rights Commission Act 2005* (HRC Act)
- 1.5 determine on a case-by-case basis the extent to which an anonymous complaint shall be investigated
- 1.6 maintain a register of complaints received by the Directorate and will provide details of the number of written complaints investigated by the Directorate under this policy in the Directorate's Annual Report. Data will also assist the Directorate and schools to improve services or clarify policies and procedures. The register of complaints will record: date the complaint was received, details of the complainant, nature of the complaint and outcome.
- 1.7 The Directorate may not be able to provide information where it impacts on the privacy of others.

2. RATIONALE

This complaints policy and associated procedures have been developed to ensure the Directorate is compliant with:

- 2.1 Section (Sn) 22 of the Act which requires the Director-General of the Directorate to develop and implement a complaints policy for public schools to guide the Directorate's handling of complaints received from parents, students, and members of the community about ACT public schools and the Directorate that are not frivolous or vexatious in a manner that is courteous, efficient, fair and prompt
- 2.2 Sn 95 of the HRC Act which requires the Directorate to make available at all ACT public schools and offices of the Directorate information detailing the right to make complaints under the HRC Act.

3 DEFINITIONS

- 3.1 **Appeal** - A parent may lodge an appeal with the Office for Schools relating to out of area enrolment/placements, and suspensions and exclusions. Such appeals are not managed within the Directorate's complaints process.
- 3.2 **Community member** - may be an individual or organisation.
- 3.3 **Complainant** - A complainant is any community member making a complaint, including a child or young person.
- 3.4 **Complaint** - A complaint is a dispute, grievance or an expression of dissatisfaction about the administration, management or operation of a school or the Directorate.
- 3.5 **Complaints Form** – A written complaint may be lodged using the Directorate's Complaints Form, or by mail or email.
- 3.6 **Complaints Poster** – A poster displayed in relevant reception areas outlining the Directorate's complaint's processes and advising a complainant of their right to complain.

- 3.7 Liaison Unit** – is a business unit of the Education and Training Directorate responsible for assisting complainants to raise their concern initially with the local level and coordinating the response to written complaints.
- 3.8 Local Level** - The local level refers to the school or Directorate area about which the complaint is made.
- 3.9 Parent** – A parent is a person having parental responsibility for a child or young person under the *Children and Young People Act 2008* (ACT).
- 3.10 Query** - A query is an issue of interest or question relating to a school, the Directorate, or ACT public education which is raised with the Liaison Unit.
- 3.11 Reasonable Assistance** - Reasonable assistance includes access to large print documents and translation services
- 3.12 School** - In relation to this policy, a school means an ACT public school.
- 3.13 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, or
 - is vexatious (that is, an action or complaint that is brought without merit, often to cause annoyance to another person) or frivolous.
- 3.14 Written Complaint** – Under this policy a written complaint may be lodged with the Liaison Unit when a complainant is not satisfied with the local level’s response.

4 LEGISLATION

The following legislation is relevant to the management of complaints:

- 4.1** The *Education Act 2004* requires the Director-General to develop and implement a complaints policy for public schools, and to investigate complaints about the administration, management and operation of ACT public schools.
- 4.2** *The Human Rights Act 2004* and the *Human Rights Commission Act 2005* provide a basis for respecting, protecting and promoting the human rights of people living in the ACT and for the resolution of complaints about various services, including services for children and young people.
- 4.3** The *Public Sector Management Act 1994* sets out the general principles for public administration by ACT Government agencies and the general obligations expected of public employees in carrying out their work.

- 4.4** The *Children and Young People Act 2008* provides for, and promotes the wellbeing, care and protection of children and young people. It includes mandatory reporting requirements for identified individuals.
- 4.5** The *Privacy Act 1988* and the *Health Records (Privacy and Access) Act 1997* contain principles governing the collection, safeguarding, access to, use and disclosure of personal information, and personal health information and provide information about complaints.
- 4.6** The *Freedom of Information Act 1989* provides a right to seek access to government documents and sets out a number of exemption provisions.
- 4.7** The *Ombudsman Act 1989* empowers the ACT Ombudsman to investigate complaints made about administrative action taken by an ACT agency.
- 4.8** The *Training and Tertiary Education Act 2003* refers to the provision of training and tertiary education services in the ACT.

5 PROCEDURES

- 5.1** The following documents may be accessed on the Education and Training Directorate's Website:
- Guide to making a complaint about an ACT public school ([Attachment 1](#))
 - Guide to making a complaint about a decision or process of the Education and Training Directorate ([Attachment 2](#))
 - Complaints Form ([Attachment 3](#))

6 POLICY OWNER

- 6.1** Director, Information, Communications and Governance.
- 6.2** For support in relation to this policy please contact Information, Communications and Governance Branch on (02) 6205 7661.

7 RELATED POLICIES

Nil

Guide to making a complaint about an ACT public school

Do you have a concern or complaint about your school?

Many concerns are resolved quickly and easily by first discussing the matter with the relevant teacher, school executive team member or school principal.

Contact details for ACT public schools are available in the [Directory of Schools](#) located on the School Education page of the Directorate's website.

Complaint process

1: Speak directly to the local level

Raise your concern with the relevant teacher or a member of the school's executive team. If you continue to be concerned you should make an appointment to speak with your school's principal.

If you require assistance please contact the Directorate's Liaison Unit by telephone: +61 2 6205 5429 or email: DET.CommunityLiaison@act.gov.au

The Liaison Unit may liaise with the principal of the school to help resolve the concern.

2: If you are not satisfied with the response, you may lodge a written complaint

You will receive an acknowledgment of your *Written Complaint* within five (5) business days and a written response within 25 business days. The relevant principal will be advised of the details of the complaint.

The Directorate's [Complaints Form](#) (Attachment 3 to the policy) is available on the policy page of the Directorate's website.

Written Complaints should be sent to the Manager, Liaison Unit by email: ETD.Complaints@act.gov.au or mail: GPO Box 158 Canberra ACT 2601.

3: If you would like the decision relating to your written complaint reviewed:

Please address written requests for review to the Director Information, Communications and Governance: email: DET.Legal.Liaison@act.gov.au or mail: GPO Box 158 Canberra ACT 2601.

4: At any time you may approach any of the following external agencies

For complaints relating to:

- Imminent danger of a child – contact: [ACT Police](#)
- A service for children and young people – contact: [ACT Human Rights Commission](#)
- Operation and administration of an ACT Government Directorate – contact: [ACT Ombudsman](#)
- Breaches of privacy – contact: [Office of the Australian Information Commissioner](#)
- Child protection – contact: [Community Services Directorate](#)

A pictorial version of the above guide is available by contacting the Liaison Unit by telephone: +61 2 6205 5429 or email: DET.CommunityLiaison@act.gov.au

Guide to making a complaint about a decision or process of the Education and Training Directorate

Do you have a concern or complaint?

Many concerns are resolved quickly and easily by first discussing the matter with the relevant area of the Education and Training Directorate (the Directorate).

To contact an area in the Directorate please contact Canberra Connect by telephone: 13 22 81 or email: ETD.ContactUs@act.gov.au

Complaint process

1: Speak directly to the local level

Raise your concern with the relevant area of the Directorate.

If you require assistance please contact the Directorate's Liaison Unit by telephone: +61 2 6205 5429 or email: DET.CommunityLiaison@act.gov.au

The Liaison Unit may liaise with the relevant manager to help resolve your concern.

2: If you are not satisfied with the response, you may lodge a written complaint

You will receive an acknowledgment of your *Written Complaint* within five (5) business days and a written response within 25 business days. The relevant manager will be advised of the details of the complaint.

The Directorate's [Complaints Form](#) (Attachment 3 to the policy) is available on the policy page of the Directorate's website.

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- Breaches of privacy – contact: [Office of the Australian Information Commissioner](#)
- Child protection – contact: [Community Services Directorate](#)

Complaints Form¹ (Version 1/2013)

The ACT Education and Training Directorate's *Complaint Policy – Education and Training Directorate* outlines the following steps when making a complaint about an ACT Public School or the Directorate:

1: speak directly to the local level

2: if not satisfied with the response, a Written Complaint may be lodged.

This form relates to the second step in the complaint process.

Written complaint reference number:

Date written complaint received by the Liaison Unit:

*All fields marked with * are required*

Part A – About you² (the complainant)

A response to your complaint will be provided if you complete the following details:

Name:

Address:

Post code:

Home phone:

Business phone:

Mobile:

Email:

What is your preferred method/s of communication?

¹ This version of the complaints form is designed to be either completed by hand and posted or scanned and emailed.

² If you need help to complete this form please contact the ACT Education and Training Directorate's Liaison Unit on (02) 6205 5429.

Part B – Your complaint

***My complaint involves:**

Please circle the relevant category

ACT Public School

please write the school name here:

ACT Education and Training Directorate

please write the area of the Directorate here:

If your complaint involves your children please write their names, dates of birth and year levels below.

***My complaint is related to the following category:**

Please circle or tick the relevant category

Attendance or non-attendance

Bullying

Communication

Curriculum matters

Enrolment including priority placement

Policy/procedures

Privacy

Safety

School facilities

Staff behaviour

Student behaviour

Violence

Other: *please write a description here:*

If your complaint is about:

- a public school outside of the ACT, please contact the relevant state or territory authority*
- an ACT Catholic systemic school, please contact the Canberra Goulburn Catholic Education Office on (02) 6234 5440*
- an ACT independent school, please contact the proprietor of the individual school*
- out of area enrolments or reviews of decisions relating to student suspensions or exclusions in ACT Public Schools, please contact the Office for Schools on (02) 6205 7374*
- ACT Education and Training Directorate or Public School employment related concerns or complaints, please contact Human Resources on (02) 6205 9202*

***What happened?**

Describe the events that you want to complain about. We need to know what you say happened, where it happened and who did it. Please give us all the dates and other details that you can remember. If you enquire more space, please attach additional pages. Please provide details below.

Are additional pages attached?

Please circle: Yes or No

Part C – Further information

***Under the Directorate's *Complaints Policy – Education and Training Directorate* complainants are asked to raise the complaint initially at the local level.**

For complaints about ACT public schools, the local level would include your child's teacher and/or the executive team at your child's school and then the principal of the school.

For complaints about a decision or process of the Education and Training Directorate, the local level would be the manager of the Directorate responsible for this matter.

Please provide details of your contact with the local level below.

***What is the outcome you are seeking?**

Please provide details below.

Signature:

**Date:*

Please print this form, complete it, and email or mail it to:

Manager, Liaison Unit

ETD.Complaints@act.gov.au

ACT Education and Training Directorate

GPO Box 158

CANBERRA ACT 2601

Where contact details are provided your written complaint will be acknowledged within 5 business days of its receipt by the Liaison Unit.