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**Policy:** Dealing with Complaints (Education Directorate Complaints Policy)

### **What is this policy about?**

This policy is about the prompt, fair and impartial resolution of complaints about ACT public schools and the Education Directorate.

This policy recognises that many issues are best resolved informally at the local level.

### **Policy Statement**

The Directorate will:

- when requested, assist complainants to raise their complaint initially at the local level and maintain a record of these interactions
- provide a 'Complaints Poster' for display in school reception areas which helps schools inform their communities about their right to lodge a complaint
- provide reasonable assistance to complainants
- use complaint data to improve school services or clarify policies and procedures.

The Directorate may not:

- provide information to complainants where it impacts on the privacy of others
- investigate complaints that are considered frivolous or vexatious.

Schools must have a process to receive and address complaints and inform staff and school communities about their complaint process.

When a complainant is not satisfied with the local level response a complainant may lodge a written complaint with the Directorate.

When a written complaint is lodged, the Directorate will:

- develop a plan about how to fairly progress the management of and/or investigate a written complaint and will inform the complainant about the plan
- tell people who are the subject of the complaint what the complaint is about and the identity of the person who has made the complaint
- apply procedural fairness principles
- decide, case by case, whether to investigate anonymous complaints
- maintain a complaint register including date received, complaint details and outcome.

### **Who does this policy apply to?**

This policy applies to all ACT public schools and to Directorate staff.

### **Context**

Section 22 of the *Education Act 2004* requires the Director-General to implement a complaints policy for public schools; investigate complaints about the administration, management and operation of ACT public schools that are not frivolous or vexatious; and report in an annual report the details about the number of complaints that were investigated.

Section 95 of the *Human Rights Commission Act 2005* requires information about complaint rights under the Act to be made available at all ACT public schools and Directorate offices.

The Ombudsman may also investigate complaints under the *Ombudsman Act 1989*. This covers administrative action by an ACT Government agency.

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## Responsibilities

All staff: should help resolve issues informally where possible.

Principals: are responsible for supporting local level complaint resolution and providing information about school procedures and information from the Directorate.

The Directorate's Liaison Unit: coordinates complaint responses across the Directorate. It assists complainants to raise their concerns at the local level and manages the written complaint process where concerns are not resolved locally.

The Manager, Liaison Unit: is responsible for implementing this policy.

Policy Owner: the Director, Governance and Assurance is responsible for this policy.

## Monitoring and Review

Monitoring includes an annual scan of operation and review and coordination of information about complaints in the Annual Report.

A full review of the policy will be conducted within a three year period.

## Contact

Governance and Assurance Branch's Liaison Unit Telephone: +61 2 6205 5429 or via the Directorate's online form which is available at: [http://www.education.act.gov.au/contact\\_us](http://www.education.act.gov.au/contact_us).

## Complaints

Complaints about the policy should be raised with the policy owner.

Complaints about the operation of a school or the Directorate should initially be raised with the local level.

## References

### Definitions

*Complainant:* A complainant is person making a complaint.

*Complaint:* A complaint is a dispute, grievance or expression of dissatisfaction about the administration, management or operation of a school or the Directorate where a response or resolution is expected.

*Local level:* The local level refers to the school or Directorate area about which the complaint is made.

*Reasonable assistance:* Reasonable assistance includes access to large print documents and translation services.

### Legislation

The *Education Act 2004* provides for the operation and governance of ACT public schools.

The *Human Rights Act 2004* aims to ensure that human rights are taken into account when developing and interpreting Territory legislation.

The *Human Rights Commission Act 2005* establishes the ACT Human Rights Commission to provide an independent, fair and accessible process for the resolution of complaints between users and services for children and young people.

The *Public Sector Management Act 1994* sets out ethical requirements for Government agencies and public employees (including teachers) in carrying out their work.

The *Public Interest Disclosure Act 2012* provides for people to report wrongdoing in the ACT public sector.

The *Freedom of Information Act 1989* provides a right for individuals to seek access to Territory records including records about themselves and sets out a number of exemption provisions.

The *Information Privacy Act 2014* promotes the protection of individual privacy by regulating the handling and management of personal information by ACT public sector agencies.

### Implementation Documents

- Complaints Procedure: Guide to making a complaint about an ACT public school and the Education Directorate.
- Written Complaints Form (Attachment A to the procedures).
- Complaints Poster (Attachment B to the procedures) for display in school reception areas.

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- Complaints Guide to handling complaints about ACT public Schools and the Education Directorate.