



# Complaints Handling in Australian Schools

Walking the tightrope between ignorance and knowledge

By James Field

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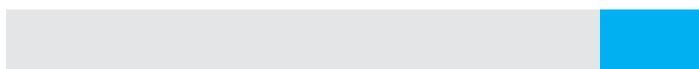
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## About the Author

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## Abstract

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Despite extensive legal obligations to effectively manage complaints, many schools in Australia only pay lip-service to the practice. This paper examines the legal framework within which Australian schools are required to implement complaints handling processes and examines how these legal obligations compare to best practice (as benchmarked by the International and Australian Complaints Handling Standard “AS-ISO 10002-2014 Customer satisfaction – Guidelines for complaints handling in organisations). The paper highlights the numerous benefits of effective complaints management within schools and the dangers that schools face in the event that they fail to capture and control negative feedback, particularly in the social media age. Finally, the paper makes recommendations for moving forward and embracing best practice corporate governance and complaints handling processes within schools.

## Introduction

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It may seem counterintuitive that any school would want to encourage parents, students or general members of the public to lodge a complaint. For one, schools have enough on their plate. So the idea of actively encouraging complaints, and then going through the process of responding to them, would surely just increase already excessive workloads and cause unnecessary headaches.

There are, however, at least two compelling reasons why schools across Australia should review their current complaints handling policies and procedures.

First of all, the vast majority of schools (both government and non-government) have clearly defined legal obligations to have complaints handling policies and procedures in place. These obligations typically, but do not always, arise from the education regulatory frameworks of state and territory governments. They also arise from a myriad of ancillary legislation such as that regulating privacy, international students, early childhood education and after-school care, as well as vocational education training services and even human rights legislation. Larger, more complex, schools could in fact find that the requirement for them to document and effectively implement complaints handling policies and procedures arises from five or six different pieces of regulation. Second, in the age of social media where bad news can travel at great speed, effectively implementing complaints handling policies and procedures is critical for any school that is serious about protecting its reputation and providing high quality education outcomes.

Whilst a detailed examination of complaints handling obligations across all education sectors in Australia and New Zealand would be a desirable exercise, this paper is restricted to examining the legal framework for complaints handling in Australian schools (both government and non-government).

The paper starts by testing the assertion that complaints handling in many Australian schools is managed poorly and highlights the potential risks associated with this practice, as well as the benefits that schools can gain by introducing proper complaints handling procedures.

It then introduces the rather convolutedly named, “AS ISO 10002-2014 Customer satisfaction – Guidelines for complaints handling in organizations” (ISO 10002) (otherwise known as the Australia Complaints Handling Standard) that provides the international best-practice benchmark.

Please note that ISO 10002 – 2014 was published by the International Organisation for Standardisation on 17 July 2014 and supersedes ISO 10002-2006. The amendments were largely technical.

With reference to the Standard the paper then highlights the inconsistencies and vagaries of the legal obligations of schools between jurisdictions and concludes that it is a lack of regulatory direction that is partially to blame for the current state of affairs.

## **Complaints “Mishandling” in Australian Schools**

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Take a selection of schools in your local area, go to their public website, and type into “Search” (if there is one) the word “complaints” or “grievances”. Whilst the results will differ greatly depending on the state and territory that you live in, the chances are that if it is a government school it will push you back to a Department of Education template policy that suggests that you talk to the teacher, then the principal, then lodge a formal complaint in writing with the Department. If it is a non-government school, the chances are that you may come up with a complete blank.

A recent governance survey conducted of 63 non-government schools through the [www.schoolgovernance.net.au](http://www.schoolgovernance.net.au) news website found that whilst 76% of schools had a documented complaints handling program, only 27% had a policy that followed the guidelines set out in the Australian Standard. Critically 59% of respondents indicated that they did not maintain a complaints register and 67% indicated that neither their board of governors or executive teams received regular reports detailing the number and nature of complaints received.

Conduct a Google search for “statistics” or “reports” with respect to complaints handling in schools and whilst you are likely to hit upon some interesting data for critical incidents in government schools, in all likelihood you will not be able to find any information with respect to “complaints” in general. Repeat the search for independent schools and catholic schools and you are likely to come up with a blank. The likely reason for this is that information with respect to complaints is either not being captured or recorded at a local school level, or data with respect to complaints received is not being analysed effectively.

Put yourself in the position of a parent, or a member of a local community, and from a standing start try and work out the complaints handling process of your local school. From some of you this will be very easy (especially if you come from Western Australia). For others, your experience will vary greatly depending on your jurisdiction and whether you are reviewing a government school, or a non- government school.

Anecdotally, it is not uncommon to discuss the issue of complaints management with a school principal and get responses such as “we really don’t get any” or “we try to avoid them” or “we resolve everything informally, no need to record these things”.

## **The Benefits of Effective Complaints Handling**

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The establishment and implementation of an effective complaints handling program is all about taking control. Taking control of information and misinformation before it is disseminated. Taking control of complainants and resolving complaints at the earliest possible stage of the process. Taking control of potential risk events by recognising complaints as key risk indicators. Ultimately effective complaints handling is all about taking control of the management of a school’s reputation.

The benefits of establishing and effectively implementing a complaints handling program within a school are many:

- ✓ it ensures that a school complies with its legal obligations;
- ✓ it encourages constructive feedback from key stakeholders;
- ✓ it allows a school to identify real problems that must be resolved;
- ✓ it discourages vexatious or frivolous complaints;
- ✓ it allows a school to take control of vexatious or frivolous complainants if received;
- ✓ it provides information with respect to potential risks a school faces;
- ✓ it enhances a school’s ability to identify systematic and recurring problems;
- ✓ it assists a school to continually improve its internal systems and controls
- ✓ it empowers staff by giving them a clear path to resolve issues in a consistent, systematic and responsive

way;

- ✓ it enhances staff relationships with parents, students and other key stakeholders;
- ✓ it provides a school's managers and governing body with critical knowledge that enhances their decision making ability;
- ✓ it allows a school to clearly demonstrate its core values, that a school listens and learns from its mistakes;
- ✓ it sets a positive role model for members of a school community; and
- ✓ it protects and often enhances a school's reputation.

The introduction of the new Privacy Laws in Australia<sup>1</sup> on 12 March 2014 requiring schools to have a well-articulated complaints handling process in relation to the collection, use and disclosure of personal information, furthers the case for schools to start to take their complaints handling processes seriously, and for School Councils to start demanding transparency as to the numbers and types of complaints that are being received by their school.

## **The Consequences of Not Handling Complaints Effectively**

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A complaint not heard, or a complaint badly handled, is more than likely to result in a dissatisfied parent, negative word of mouth and/or negative social media commentary. For some "unlucky" schools, poorly managed complaints can even result in negative commentary in traditional media channels such as newspapers, radio and TV. Of course the word "unlucky" is inappropriate because these consequences have nothing to do with luck and everything to do with the way in which a school is being managed.

The potential damage schools could face from not having a proper complaints handling process in place was underlined recently, when the Victorian Education Department sent a "[statement of values](#)" to government schools outlining expectations of staff, student and parent behaviour.

The statement warned, in a general section, that a person who "*inappropriately uses social media as a forum to raise concerns/makes complaints against the school*" will have contravened the expectations.

An article in the newspaper The Age<sup>2</sup> on 27 March 2014 dealing with the issue, quoted the Victorian Principals Association President, Gabrielle Leigh, as saying some schools and principals had recently been unfairly targeted on social media.

In the same article the Parents Victoria Executive Director Gail McHardy was quoted as saying that the Victorian Education Department needed to improve its complaint process that "often triggers unacceptable reactions and behaviours".

**Stop: Pause: Read That Again:** What Ms McHardy is saying is that it is often not the original grievance that triggers these inappropriate behaviours but rather it is the poor complaints handling processes employed by schools that frustrate parents and lead them to act inappropriately.

## **The Australian Complaints Handling Standard**

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Complaints handling is considered to be a central component in the governance infrastructure of any organisation and is noted as such in the Australian Standard on Good Governance Principles (AS 8000- 2003 Good governance principles) (AS 8000) which includes references to the Australian Risk Management (ISO 31000-2009 Risk management) and Compliance Standards (AS 3806-2006 Compliance programs) (AS 3806) as well as to the Australian Complaints Handling Standard.

If you come across a reference to the Standard AS 4269-1995 Complaints handling, note that this is an old Australian Standard that was superseded by AS ISO 10002 -2006. The 2006 Standard was itself recently been superseded by ISO 10002 – 2014 although the changes were purely technical in nature.

In essence where an educational authority guideline references AS 4269, it should now be read as a reference to ISO 10002 - 2014. For the purpose of this paper, ISO 10002-2014 Complaints handling will be referred to as the "Complaints Handling Standard", "the Standard" or "ISO 10002".

The Standard is referenced by educational authorities in Qld, WA, NT and in SA (where a draft guidance document developed in accordance with the Standard was released in April 2014). The Standard is also referenced by other key regulators in Australia, including the Australian Securities and Investments Commission (ASIC). ASIC requires all Australian Financial Services Licence holders and Australian Credit Licence holders to develop complaints handling programs based on the Standard. For the uninitiated, ISO (International Organization for Standardization) standards can prove difficult reading. Unfortunately the Complaints Handling Standard does not present an exception to this rule. It does however provide valuable guidance for any school that wishes to implement a complaints handling system that works in practice.

The Standard is developed upon a set of nine (9) guiding principals and provides detailed guidance in relation to the development of a complaints handling framework within which the key operational elements of a complaints handling process are managed.

There is a significant amount of double up between the guiding principles and some of the operative parts of the Standard. In an attempt to explain the Standard in lay terms and provide a platform for analysis of the different regimes that have been developed for Australian schools, this paper has identified the following key elements from the Standard that should be considered in order for a complaints handling program to work effectively.

## Definition and Scope

### *Definition of a complaint*

Perhaps one of the most obvious issues that needs to be addressed is the question of “what is a complaint?” The Standard defines a “complaint” as an – “expression of dissatisfaction made to an organization, related to its products, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected”.

### *Scope of a complaints handling program*

Similarly, it is important to clearly identify the scope of the complaints handling program in a school. Is the program only available to parents and carers? Can students use the program? What about other key stakeholders; prospective parents, members of the local community, commercial suppliers, strategic partners etc? The scope of the program, and the level of management reporting it is capable of producing, will obviously affect how the program is designed and implemented.

## Complaints Handling Framework, Planning, & Design

Before a school can start to effectively manage complaints, at a minimum its governors, its principal and members of its executive team, need to be committed to the process and from the outset address certain core infrastructure elements, namely:

### *Complaints Handling Policy and Procedures*

First and foremost a school needs to document its complaints handling policy and procedures, taking into account any relevant statutory and regulatory requirements, so that they can be effectively communicated to and made available to relevant parties.

### *Visibility and Promotion*

Visibility is the first guiding principle in the Standard. This requires information about how and where to complain, as well as information respect to how the complaints process works, to be well publicised and effectively communicated to key stakeholders. In 2014, this requires information with respect to a school’s complaints handling policy and procedures to be clearly positioned on its public website.

## **Accessibility**

The principle of accessibility requires the complaints handling process to be easily accessible to all complainants. This means that:

- ✓ information about the process is readily accessible, for example, on a school's public website;
- ✓ it is available in different languages and formats where relevant;
- ✓ there is flexibility in methods of making a complaint. Provision should be made for verbal complaints, not just written complaints;
- ✓ it should be easy to understand the system for making complaints; and
- ✓ it should be easy to actually make a complaint, for example through a dedicated form on a website, the provision of a dedicated email address, or a well publicised telephone number.

## **Resource Allocation**

In order to ensure that the complaints handling process operates effectively and efficiently school management need to identify the need for resources to be allocated. This is likely to involve allocation of resources to document, establish and maintain the program, recognising the time it will take for one or more staff members to manage complaints. In larger schools this may involve the use of computer software to capture and manage complaints. The benefit of using software to capture complaints is that it enhances a school's ability to analyse data and to provide reports to management that aid their decision-making processes.

## **Training**

Staff training is critical if a complaints handling system is going to work in practice. All staff need to be trained on how to identify a complaint, when a complaint can be managed informally and when it should be escalated to a nominated "complaints officer". Additional training needs to be provided to those people who are responsible for managing escalated complaints.

## **Appointment of a responsible individual/s to manage the complaints handling process**

A school should always clearly allocate responsibility for managing escalated complaints to a responsible person who may or may not be designated the school's "complaints officer". The reality is that schools are unlikely to have a dedicated complaints officer but rather will need to clearly allocate responsibility for complaints handling to one or more senior members of staff.

## **Managing a Complaint**

Once a school's complaints handling framework has been established and complaints start to be recognised, clear systems and procedures need to be established to manage the complaints. This involves:

### ***Capturing a complaint***

In schools the process of capturing a complaint is not as easy as it may first seem. This really comes down to ensuring that all staff understand what a complaint is. This involves having a clear definition of the word "complaint". If the definition from the Standard is adopted this means that any issue raised that is an "expression of dissatisfaction made to the school, related to its services, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected" should be considered a complaint and managed in accordance with the schools complaints handling procedures.

## ***Acknowledging a complaint***

Once a complaint is received it should be acknowledged as a complaint. This does not mean every complaint requires a formal written acknowledgement. Complaints of a less serious nature (which is most complaints) can be acknowledged verbally and resolved without the need for a formal investigation or indeed a written response. The key is that staff need to be trained as to how to effectively manage this process.

Generally it is only more serious complaints that require formal acknowledgment, investigation and responses. Often during the acknowledgement phase the complainant may be provided with a document that provides an overview of the school's complaints handling process in order to clearly establish expectations at an early stage of the process.

## ***Tracking***

Notwithstanding the fact that a complaint is informal or less serious in nature, it should be recorded on a school's complaints register. This is because many informal complaints received over time may indicate a systemic issue which, if not resolved, can lead to dissatisfaction amongst key stakeholders such as parents or students. More serious complaints of course not only need to be recorded but the progress in resolving the complaint needs to be tracked and carefully monitored. This is especially so where a school has represented that it will respond to a complaint within certain timeframes.

Tracking of complaints, usually through the allocation of a complaints status (e.g. new complaint, under investigation, resolved etc.) also provides valuable information for school management to assist them in identifying risks and enhanced decision making.

## ***Responsiveness***

Responsiveness is another key principle of complaints management. This includes effective acknowledgment as well as the establishment of clear timelines for investigating and responding to more serious complaints.

## ***Objectivity***

Each complaint should be addressed in an equitable, objective and unbiased manner. Complaints handling policies often refer to ensuring procedural fairness or natural justice during the complaints handling process.

## ***Confidentiality***

Finally, any personally identifiable information concerning the complainant should only be used for the purpose of addressing the complaint. Information with respect to the complaint must remain confidential and only be disclosed to staff within the school on a need to know basis. This prevents "loose lips" and the danger of the matter escalating out of control on the school "rumour mill".

## **Record Keeping, Reporting & Corrective Action**

### ***Record Keeping***

Records should be kept of every complaint including records of the description of the complaint, supporting documents if any, immediate action taken, records relating to the investigation including witness statements if any etc.

### ***Complaints Register***

All complaints should be recorded on a complaints register, classified and analysed to identify systemic, recurring and single incident problems and trends in order to identify key risk areas and help eliminate the underlying causes of complaints through corrective actions.

## ***Management Reporting***

A school's board of governors and senior management team should receive regular reports with respect to the status of existing complaints, any underlying statistical trends, as well as information with respect to corrective actions that have been put in place.

## ***Continual Improvement***

The Standard requires regular review and continual improvement of a school's complaints handling process.

## **Legal Framework for Complaints Handling in Australia Schools**

The legal framework for complaints handling in Australian schools is characterised by an inconsistent patch-work of laws and regulations, departmental directives and non-government school registration standards.

An executive summary of the legal obligations of schools in Australia to manage complaints is set out in Schedule 1 together with a gap analysis of these obligations against the Australian Complaints Handling Standard.

Notable findings from this gap analysis include:

## **Referencing the Standard**

- ✓ The Australian Complaints Handling Standard has been referenced in development of the obligations of government schools in NT, Qld, WA and SA.
- ✓ The systems developed for government schools in the ACT, NSW, Vic and Tas do not reference the Standard.
- ✓ The Standard is not referenced for any Australian non-government schools.

## ***The requirements for schools to have complaints policies and procedures***

- ✓ Whilst all jurisdictions, at least by implication, expect schools to handle complaints, not all jurisdictions actually require schools to document and effectively implement a complaints handling policy and procedure.
- ✓ Government schools in the ACT, NSW and Tas as well as non-government schools in SA and Qld have no specific obligation to implement a complaints handling policy and procedures.
- ✓ Whilst there is a clear requirement for non-government schools in NSW, ACT, NT, Vic to have a complaints handling policy, no real explanation or guidance is provided as to what this actually means in practice.
- ✓ This leaves only government schools in NT, Qld, SA, Vic and WA and non-government schools in WA as the only jurisdictions that where clear guidance on the issue is provided.

## **Definition of the term "complaint"**

- ✓ Given the importance of clearly defining the meaning of the term "complaint" it is notable that only government schools in NT, Qld, SA, Vic and WA clearly fulfil this requirement.
- ✓ The term "complaint" is not defined for any non-government schools.

## Scope of Complaints Policy

- ✓ In most jurisdictions that require complaints handling policies the scope of these policies clearly extends beyond parental complaints to other key stakeholders (including members of local communities).
- ✓ In other jurisdictions (e.g. SA) the requirement to manage complaints is limited to parental complaints.
- ✓ NSW government schools policy requires special mention here as it is the only jurisdiction in Australia that makes the mistake of trying to develop a policy and procedure that attempt to deal simultaneously with internal staff grievances as well complaints received from external parties such as parents.

### *Application of ancillary laws*

- ✓ It is notable that notwithstanding the obligations that exist for school under the relevant state and territory regimes, they may well also need to comply with other legislation that creates a positive obligation on them to implement complaints handling policies and procedures.
- ✓ Key ancillary legislation that creates positive complaints handling requirements include laws relating to privacy, early childhood education and after-school care, international students, vocational education training and human rights.

## Summary and Conclusion

There can be little argument that the proactive management of complaints in schools has considerable benefits. Common sense dictates this. There are not too many schools that, given the chance, would not want to control the agenda.

There can also be little doubt, especially in this “social media” age, that the risk of failing to manage complaints effectively has the potential to create adverse consequences for a school that in all likelihood will lead to reputational damage.

So why is it that schools are not managing complaints effectively?

One of the reasons often cited by schools is that they would be overrun with complaints from pushy Type-A parents and they can't afford to allocate resources to this process. Unfortunately this amounts to letting pushy Type-A parents control the agenda whilst the legitimate feedback of other parents that really does reflect on a schools standard of services is not captured effectively.

The irony is that a properly designed complaints system will enable a school to identify and effectively manage frivolous and vexatious complainants. This was illustrated by a story that was recently told to me. At a school with a Junior, Middle and Senior school, the various heads of school only became aware by chance conversation that they were all receiving volumes of complaints from the same parent (with three children at the school, all in different years). On further (co-ordinated) investigation the source of the parent's issues were traced back to a recent separation and managed with appropriate sensitivity.

This paper contends that the real reason that many schools don't manage complaints effectively is that they don't understand the benefits that they would gain from effective complaints management and they don't understand how to implement an effective complaints handling process.

The lack of regulatory direction and guidance is partially to blame for the current state of affairs. Requiring a school to “implement a complaints handling policy” with no further guidance, or education, is not likely to achieve the desired result. Even where regulators have published detailed guidelines, they provide schools with little or no practical assistance. Ultimately it is up to each school, individually, to work out what to do.

Now here's a radical idea. Every school in Australia has more or less the same issue. A complaints handling program designed to be implemented in one school would, in all likelihood, (99%) fit another school. Rather than have regulators produce lots of bulky guidance documents that are difficult to read and impossible to implement, why not produce a "complaint handling pack (kit, module etc)" that is designed to be implemented at a local school level?

What would you need?

- ✓ a documented complaints handling program (policies and procedures);
- ✓ video training for staff;
- ✓ summary complaints handling guidelines;
- ✓ "complaints officers" to ensure consistent delivery of key educational outcomes; and
- ✓ a software system designed to capture complaints and track actions and outcomes.

Properly designed such a system would not only facilitate the proper management of complaints at a local school level but also it would allow regulators to benchmark performance between schools and identify key risks before they become substantial issues.

James Field

## Schedule 1 – Executive Summary of Complaints Handling Obligations of Australian Schools

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### Australian Capital Territory

#### ACT Government Schools

The [Education Act 2004 \(ACT\) s 22](#) provides that the director-general must develop and implement a complaints policy for government schools and must investigate any complaint about the administration, management and operation of government schools that, in the director-general's opinion, is not a frivolous or vexatious complaint.

The [Human Rights Commission Act 2005 \(ACT\) s 95](#) also requires that the Directorate make available at all ACT public schools information detailing the right to make complaints under the Act.

Further guidance with respect to these obligations are set out in a [Complaints Policy](#) (2013) published by the ACT Department of Education and Training.

The Policy clearly defines the term Complaint as *“a dispute, grievance or expression of dissatisfaction about the administration, management or operation of a school or the Directorate”*.

Notwithstanding the fact that the policy states that the Directorate *will “encourage complaints about schools to initially be handled at a local level”* and will *“assist schools to provide information to members of their communities about their right to lodge a complaint”* it does not specifically provide that governments schools in the ACT establish systems and procedures to capture and record complaints.

Rather the ACT system is based on the premise that a complainant should first raise the matter at a school level and if they are not satisfied with the response they receive they should escalate the matter to the Directorate. Only at this stage will the complaint be formally recorded on a complaints register and dealt with following principles of procedural fairness.

#### ACT Non-Government Schools

The [Education Act 2004 \(ACT\) s94](#) provides that a non-government school must develop and implement a complaints policy for the school and that it must as soon as practicable, investigate any complaint about the administration, management and operation of the school that, in the proprietor's opinion, is not a frivolous or vexatious complaint.

This obligation is repeated in the guide, Registration of Non-government Schools in the ACT (2013) (not available online) however no further explanation or guidance is provided as to the required contents of the policy document.

### New South Wales

#### NSW Government Schools

The [Education Act 1990 \(NSW\)](#) provides no specific reference to complaints handling within government schools however the NSW Department of Education has published a document titled [‘Complaint Handling Policy Guidelines’](#) (April 2011).

This Policy guideline does not clearly define the term “complaint” but rather states that a complaint can be about *“any aspect of the service provided, or not provided, in any Department of Education and Communities site, the behaviour or decision of staff, or practices policies and procedures”*.

Whilst the Policy goes into great detail as to recommended procedures to be followed in handling a complaint it is an incredibly confusing document as it purports not only to deal with complaints received from “parents and carers” and “TAFE students” but also from NSW Department of Education employees. As such it is trying not only to provide

guidance for dealing with complaints from external parties (i.e. parents etc.) but also internal grievances received from staff.

The confusing nature of the Policy continues as it provides for three different procedures to be followed depending on the nature of the complaint received.

Nature of Complaint	Procedure to be followed
Complaint is about policies.	Remedy and systems improvement procedure
Complaint is about a person that is not about a serious breach of legislation, policy, procedure or contract.	Negotiation procedure
Complaint is about a person that is about a serious breach of legislation, policy, procedure or contract.	Investigation procedure

Despite the depth of procedures set out in this 41 page document it does not specifically provide that government schools in the NSW establish systems and procedures to capture and record complaints at a local school level.

The NSW system is based on the premise that a complainant should first raise the matter at a school level and if they are not satisfied with the response they receive they should escalate the matter to the Directorate.

### **NSW Non-Government Schools**

The [Education Act 1990 \(NSW\)](#) provides no specific reference to complaints handling within non- government schools.

Non-government schools are however required to comply with the terms of the [Registered and Accredited Individual Non-government School \(NSW\) Manual](#).

This manual at 3.6.2 provides that a non-government school must have in place and implement policies and procedures in relation to “complaints or grievances, with specific reference to processes for raising and responding to matters of concern identified by students and/or parents”. Each school is then required (3.10) in its annual report to provide a summary of its policy for managing complaints and grievances including changes made to this policy during the year as well as information on how the policy is publicly.

There are also specific requirements:

(3.6.3) for a school whose students undertake all or a significant part of their courses of student by means of distance education to make available to stakeholders in a student’s education communication mechanisms and processes for handling complaints; and

(3.11.3) for a school providing boarding facilities to have in place and implement policies and procedures that include “a process for handing complaints that describes how matters of concern can be raised and a process for responding to these concerns”.

No further explanation or guidance is provided as to the nature of the policies and procedures that NSW non-government schools are required to implement.

## Northern Territory

### *NT Government Schools*

The [Education Act \(NT\)](#) makes no specific reference to complaints handling within government schools.

The NT Department of Education has however published a Policy titled [Complaints](#) (July 2011) and a guideline [Complaints Management for Schools](#) (July 2011). The Policy references the Australian Standard for Complaints Handling (AS4269-1995) (this standard has since been superseded by ISO 10002).

The term “complaint” is clearly defined as “the expression of dissatisfaction with any aspect of the service provided, or not provided by DET”.

The Policy and Guideline mandate that government schools in NT should handle complaints at the local level, maintain records, and deal with complaints in accordance with procedural fairness. Complaints that are unable to be resolved at a local school level are escalated to the Department of Education and Training (NT).

### *NT Non-Government Schools*

The [Education Act \(NT\)](#) s 63B sets out a detailed list of matters to be taken into account when registering a non-government school. One of those matters (s 63B (1)(q)) is the school's policy and procedures for dealing with complaints and disputes.

Non-government schools are required to provide evidence of a “complaints and disputes policy that includes principles that underpin the policy” and “strategies for dealing with complaints and disputes”.

The NT Department of Education Policy and Guidelines are referenced as a resource for non- government schools however no specific guidance is provided as to the nature of the policies and procedures that NT non-government schools are required to implement.

## Queensland

### *QLD Government Schools*

The [Education \(General Provisions\) Act 2006\(Qld\)](#) s46 provides that the chief executive of the Department of Education, Training and Employment must, as soon as practicable, “investigate any complaint about the administration, management or operation of a State educational institution that, in the chief executive's opinion, is not a frivolous or vexatious complaint”.

Supporting this provision the Department has published a policy document titled “[Complaints Management – State Schools](#)” (26 April 2013). This Policy states that processes for managing complaints comply with the ISO 10002.

The term “complaint” is defined as “an expression of dissatisfaction with a departmental service where the complainant requires a formal way of having a complaint heard and resolved”.

The policy mandates that State (government) schools in Qld must develop a process for managing complaints from students, parents, staff, teachers and the broader community. The Department also provides schools with a template for developing [a School Complaints Management Procedure](#).

The School Complaints Management Procedure is a detailed document that amongst other things notes that complaints can be received verbally and requires government schools to apply principles of natural justice, respond within a 28-day timeframe, as well as maintain records of all complaints received.

Complaints not resolved at the local school level are escalated to the relevant regional office, which has its own prescribed guidelines for managing complaints.

## **QLD Non-Government Schools**

The [Education \(Accreditation of Non-State Schools\) Act 2001\(Qld\) s 9](#) and [Education \(Accreditation of Non-State Schools\) Regulation 2001 \(Qld\) r14](#) combine to require a Qld non-government school to have a demonstrable, systematic approach about improvement processes.

Guidance with respect to this obligation is set out in the Non-State Schools Accreditation Board has published "[Cyclical Review Program Guidelines](#)" which are largely based around the concept of self- assessment and continuous improvement.

These accreditation guidelines do not make specific provision for Qld Non-State Schools to have in a place policies and procedures for managing complaints.

## **South Australia**

In 2006 South Australia began a progressive education and early childhood development legislation reform agenda resulting in new legislation including the [Education and Early Childhood Services \(Registration and Standards\) Act 2011\(SA\)](#). The Act established a single streamlined regulatory system in South Australia, overseen by a single Regulatory Board - the Education and Early Childhood Services Registration and Standards Board of South Australia (the Board). The Board commenced operations on 1 January 2012 with an initial focus on implementing the national Early Childhood Education reform agenda.

Legislative information regarding complaints relating to schools in SA is found in Education and Early Childhoods Services (Registration and Standards) Act 2011 (SA) s 30, which provides that a complaint made directly to the Board is to be referred to a school at first instance.

There is no clearly expressed obligation in the Act for schools in SA to implement complaints handling procedures. The Board does however have on its website home page a clearly marked section for Complaints <http://www.eecrsb.sa.gov.au/schools> which notes:

*"The Board is obliged under legislation to refer complaints regarding the delivery of educational services to the registered school to be dealt with in accordance with the school's complaints handling procedures".*

The website also sets out when it would be appropriate to lodge a "written complaint" with the Board.

## **SA Government Schools**

The SA Department of Education and Child Development have published a number of documents in relation to complaints handling that have application to government schools including:

**Educational Concerns and Complaints Policy** (under review April 2014)  
<http://www.decd.sa.gov.au/docs/documents/1/ParentConcernsandComplain.pdf>

**Education Complaint Policy** (under review)  
<http://www.decd.sa.gov.au/docs/documents/1/parentcomplaintspolicy.pdf>

**Guide to raising a concern or complaint**  
<http://www.decd.sa.gov.au/docs/documents/1/ParentComplaintBrochure.pdf>

These documents reference the Complaints Handling Standard and clearly establish the intention that government schools in SA implement a detailed complaints handling policy and procedure in accordance with the Standard. The more detailed Educational Concerns and Complaints Policy states in Section 8 – The Complaint Management Process:

*“All schools must have an accessible and up-to-date school parent complaint policy and procedure, which reflects the requirements of the Parent complaints policy and these procedures. The school’s parent complaint policy and procedure must be developed or, if already in place, reviewed every two years in consultation with the school community, endorsed by the governing council and published on the school website”.*

The **Educational Concerns and Complaints Policy** defines the term “complaint” as “an expression of grievance or resentment where the parent is seeking redress”. The policy also references the term “concern” as “an issue of interest (because of its importance and effect) which is raised informally in order to improve or change a situation”.

### **SA Non-Government Schools**

Registration requirements for non-government schools in SA are currently in a state of flux. Whilst the Board is clearly responsible for registration of non-government schools on the Board’s website under the head “registration” is simply notes:

In assessing applications for registration, the Board will need to be satisfied

- a) *the nature and content of the instruction offered, or to be offered, at the school is satisfactory;*
- b) *the school provides adequate protection for the safety, health and welfare of its students; and*
- c) *the school satisfies any other requirements set out in the regulations.*

It appears that at the time this paper was written no relevant regulations or registration guidelines had been published.

## **Tasmania**

### **Tasmanian Government Schools**

The [Education Act 1994 \(Tas\)](#) makes no reference to complaints handling in government schools.

The Tasmania Education Department has published a [policy ‘Grievances Guidelines for parents and the community’](#). This one page policy statement encourages resolution at the school level. It does not however mandate that Tasmanian government schools need to implement a complaints handling policy and procedures.

### **Tasmanian Non-Government Schools**

The Education Act 1994 (Tas) s 53 provides that in determining an application for registration as a non- government school, the Registration Board must take into account various matters including s53(fd) “the proposed grievance process”.

The Handbook Incorporating the Standards & Guidelines for the Registration of Non-Government Schools(4.10) provides further clarification to this obligation and in particular requires non-government schools to have a process in place for managing potential grievances from any member of the school community, including, staff members, students, parents/carers/guardians, the general community.

The handbook also prescribes that a non-government school’s grievance policies/procedures must:

- ✓ be clear, comprehensive and equitable;
- ✓ be published, available and accessible to the entire school population;
- ✓ be given to the complainant/s as soon as they report any grievance to the school;
- ✓ contain steps which direct complainants as appropriate;
- ✓ have an emphasis on natural/restorative justice and a commitment to abide by all legal requirements;
- ✓ allow for mediation at any stage of the process; and

- ✓ recognise the rights of aggrieved parties to have ultimate recourse to resolution through legal processes.

Note: Tasmania's Education Act is currently under review, to be changed in 2016.

## Victoria

All schools in Victoria (both government and non-government) as well as other education providers, including Vocational Education Providers and Higher Education Providers, are regulated by [the Education and Training Reform Act 2006 \(Vic\)](#). The Act makes no reference to complaints handling. The [Education and Training Reform Regulations 2006 \(Vic\)](#) (r 5 and Schedule 2) sets out minimum requirements for the registration of schools (both government and non-government). Whilst Schedule 2 does not make specific reference to complaints handling the Victorian Registration & Qualifications Authority (VRQA) has published [Guidelines to the minimum standards and other requirements for registration of schools including those offering senior secondary courses. \(Revised March 2016\)](#)

This Guidelines simply state, with respect to the minimum standard of student welfare, that there must be evidence in the form of the school's policies and procedures with respect to "managing complaints or grievances". No further clarification is provided.

Regulation 64 (ERT Regulations 2006) provides that a school must report to the (VRQA) any complaint lodged by any member of the public alleging any breach by the school of an obligation under the regulations and how the principal of the school responded to that complaint.

Regulation 82 provides that the VRQA must investigate complaints from a member of the public alleging any breach of an obligation under the regulations by a registered school provided that the:

- ✓ complaint is made in writing and is made not more than 12 months old (r 83); and
- ✓ complainant has pursued an appropriate resolution with the provider (i.e. school) (r 84).

The VRQA has published a Policy for the Management of Complaints (April 2014), which requires that once it receives a complaint that it is required to investigate, it must maintain a register of complaints and apply principles of procedural fairness and maintain confidentiality.

Notably the VRQA has delegated responsibility for review of:

- ✓ government schools to the Vic Department of Education and Early Childhood Development (DEECD); and
- ✓ catholic schools to the Catholic Education Commission of Victoria.

In the event that the VRQA receives a complaint about a government school or a catholic school they are referred to the relevant review body.

Perhaps with a touch of irony it is noted that one of the key principles for complaints handling set out in the VRQA's [Policy for the Management of Complaints](#) is that "the VRQA will ensure that the VRQA procedures for the management of complaints is easily accessible to the public and that the information it produces about the procedures is clear and consistent".

### **Victorian Government Schools**

Responsibility for management of complaints with respect to government schools in Victoria resides with DEECD. DEECD through its Office of Government School Education has published a guidance document [Addressing parents' concerns and complaints effectively: policy and guides \(2009\)](#).

This guideline which runs to some 46 pages requires a government school to "develop policy and procedures to address concerns and complaints, in collaboration with parents and the school community, that respond to the

nature and complexity of the concern or complaint”. Whilst the guidelines don’t reference the ISO 10002 standard it requires government schools to meet most of its requirements.

### **Victorian Non-Government Schools**

Non-government schools (both catholic and independent) are required to comply with the [Guidelines to the minimum standards and other requirements for registration of schools including those offering senior secondary courses \(revised March 2016\)](#) for Victorian schools and are thus required to provide evidence of their policies and procedures with respect to “managing complaints or grievances”.

No further explanation is provided either through VRQA or the Catholic Education Commission of Victoria (CECV), which is responsible for review of the operations of catholic schools in Victoria.

## **Western Australia**

### **WA Government Schools**

The [School Education Act 1999 \(WA\) s 118](#) makes provision for a regulation with respect to complaints handling in government schools to be made. The School Education Regulations 2000 (WA) r55) provides that the chief executive officer is to ensure that a scheme for dealing with disputes and complaints complies “as far as practical with Standards Australia AS 4269-1995 and any amendments to that standard” (AS 4269 has been superseded by ISO 10002).

The Department of Education Services WA has published a guidance paper titled “[Disputes and Complaints](#)” (12 November 2007) which notes that “principals, directors and line managers are responsible for establishing and maintaining processes for managing and reviewing enquiries, concerns and complaints that are appropriately managed at a local level”.

The term “complaint” is defined as “the expression of dissatisfaction with any aspect of government education and training”. The guidance paper sets out detailed requirements for management of complaints at a school level, which align with the Australian Complaints Handling standard.

### **WA Non-government Schools**

Non-Government schools have comprehensive requirements for complaints management that covers most of the requirements of ISO 10002.

[School Education Act 1999 \(WA\) s 159\(1\)\(j\)](#) provides that in determining an application for registration of a non-government school the Minister must take into account “the means by which disputes and complaints about the provision of education at the school may be dealt with”.

The detail of this obligation is set out in Criteria 11 of [the Non-Government Schools Registration Standards and Requirements 2014](#). Criteria 11 provides that a non-government school must have “a complaints management policy and procedures which ensure grievances and concerns are addressed fairly, objectively and in a timely manner”.

The explanatory notes to Criteria 11 provide extensive guidance to non-government schools as to the Ministers expectations in this regard. Whilst it does not reference the Australian Standard for Complaints Handling it does include very specific compliance requirements consistent with the standard.

There is a specific requirement for WA Non-Government Schools to ensure accessibility by providing a “simple flow diagram” on their public website designed to improve the understanding their complaints handling process.

Criteria 1 of the WA registration requirements (Governance and accountability) also specifically refers to the requirement for non-government schools to provide training opportunities for members of its governing body covering complaints handling.

## Schools with International Students

Those schools with international students are also required to comply with [The National Code – Standard 8](#). This standard sets out detailed obligations with respect to complaints handling policies and procedures. Notably the complaints handling policies and procedures for schools with international students must also include an appeals process that includes access to an independent external body if necessary.

## Schools with Early Childhood Education or After School Care Facilities

The [National Quality Framework for Early Childhood Education and Care, National Quality Standard 7.3.4](#) requires providers of early education and/or after school care services to ensure that “processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner”.

No further explanation is given.

### References:

#### ACT

Education Act 2004 (ACT)  
Complaints Policy - Education and Training Directorate

#### NSW

Education Act 1990 (NSW) Complaint Handling Policy Guidelines  
Board of Studies, Teaching and Educational Standards Act 2013 (NSW) Registered and Accredited Individual Non-government School (NSW) Manual

#### NT

Education Act (NT) Complaints Policy  
Complaints Management for Schools

#### QLD

Education (General Provisions) Act 2006 (Qld) Complaints Management – State Schools  
Education (Accreditation of Non-State Schools) Act 2001 (Qld) Education (Accreditation of Non-State Schools) Regulation 2001 (Qld) Cyclical Review Program Guidelines

#### SA

Education Act 1972 (SA)  
Education concerns and complaints policy  
Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)

#### TAS

Education Act 1994 (Tas)  
Grievances Guidelines for parents and the community  
Handbook Incorporating the Standards & Guidelines for the Registration of Non-Government Schools states

#### VIC

Education and Training Reform Act 2006 (Vic)  
Addressing parents’ concerns and complaints effectively guide Education and Training Reform Regulations 2007 (Vic)  
Guide to the minimum standards and other requirements for school registration states

#### WA

School Education Act 1999 (WA) Disputes and Complaints  
Non-Government Schools Registration Standards and Requirements 2014

## **Early Childhood**

National Quality Framework for Early Childhood Education and Care, National Quality Standard

## **International Students**

The National Code

## **Standards**

AS 8000-2003 Corporate governance - Good governance principles ISO 10002-2014 Complaints handling  
ISO 3001-2009 Risk management

## Schedule 1 - Complaints Handling in Australian Schools ANZELA 2014

		ACT G	ACT NG	NSW G	NSW NG	NT G	NT NG	QLD G	QLD NG	SA G**	SA NG	TAS G	TAS NG	VIC G	VIC NG	WA G	WA NG	Int Students	Early Childhood
<b>General Obligation Regarding Complaints Handling</b>	<b>Note</b>																		
<b>Obligation -</b> Specifically requires a school to have documented policies and procedures in place to manage complaints		No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>References</b> <b>Australian Standard</b> 10002 - 2006 (or previous standard AS 4269 - 1995)		No	No	No	No	Yes	No	Yes	No	Yes	No	No	No	No	No	Yes	No	No	No
<b>Definition -</b> The word "complaint" is clearly defined		Yes	No	No	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	No	No	No
<b>Scope -</b> Specifically requires the management of complaints beyond students and parents (to other key stakeholders such as members of the local community)	Only yes if policy explicitly <b>requires</b> extended scope	Yes	No	No	No	Yes	No	Yes	No	No	No	Yes	Yes	Yes	No	Yes	No	No	No

Operative Parts of the Complaints Handling Process

Complaints Handling Framework, Planning & Design

**Policy** - requires the establishment and effective communication of a documented complaints handling policies and procedures

Yes if policies and procedures required to be documented. No if public school is not required to develop their own policy.

No	Yes	No	No	Yes	No	Yes	No	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
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**Visibility /**

**Promotion** - Requires information about how and where to complain as well as information respect to how the process works, to be well publicised and effectively communicated to key stakeholders.

Yes	No	No	No	Yes	No	Yes	No	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
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**Accessibility** - Requires the process to be accessible to all complainants (e.g. information about the process is readily accessible, flexibility in methods of making a complaint, information in different languages etc.)

Sometimes provides for a support person to be present

No	No	Yes	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	Yes	No
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**Resource allocation**

– requires appropriate allocation of resources such as personnel, training, computer software to ensure that the program works.

**Training** – requires training of all staff on how to identify and manage a complaint with additional training for complaints officers.

**Complaints Officer/s** – appointment of one or more people within a school who are designated to manage complaints and accountable for management of the and continual improvement of the complaints handling program.

No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No							
No	Yes	No	No	No	Yes	No	Yes	Yes	No	No							
No	No	No	Yes	Yes	No	Yes	No	No	No								

## Managing a Complaint

**Capture** - requires systems to be in place at a school level to effectively capture and record complaints when they are received.

**Acknowledgment** - specifically requires a school to provide a complainant with acknowledgement upon receipt of a significant complaint

**Responsiveness** - requires high levels of responsiveness in the process at a school level including investigation and communication of outcomes within predetermined time lines, for significant complaints.

**Tracking** - requires a system to be in place to track the status of a complaint.

No	No	No	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	No	No
No	No	No	No	No	No	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	No	No
No	No	Yes	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No
No	No	No	No	No	No	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	No	No

**Objectivity** - Requires each complaint to be addressed in an equitable, objective and unbiased manner at a school level.

**Confidentiality** - Specifically requires at a school level maintenance of confidentiality of personally identifiable information received from the complainant.

No	No	No	No	Yes	No	Yes	No	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	No
No	No	Yes	No	No	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No	No

## Record Keeping, Reporting & Corrective Action

<p><b>Record Keeping</b> - requires relevant records of complaints to be maintained at a school level</p>	No	No	No	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No
<p><b>Complaints Register (Data Maintenance)</b> - Requires maintenance of a complaints register at a school level so that systematic, recurring and single incidents can be analysed to help eliminate the underlying cause of complaints.</p>	No	No	No	No	Yes	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No	No
<p><b>Management Reporting</b> - requires data with respect to complaints is made available to senior management within a school.</p>	No	No	No	No	Yes	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No	No
<p><b>Continual Improvement</b> - requires regular review and continual improvement of the complaints handling process within a school.</p>	No	No	No	No	Yes	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No	Yes

**\*\*Note that the South Australian government school requirements in this table are referenced on a draft policy.**