

Complaints Handling in Non-Government Schools

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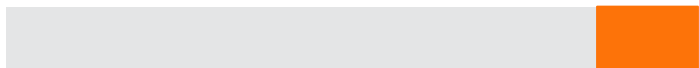


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1. Introduction

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 thing, 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.

Firstly, every non-government school in Australia has clearly defined legal obligations to have complaints handling policies and procedures in place as a condition of their registration/accreditation. Additional legal obligations also arise from myriad ancillary legislative and regulatory obligations such as those relating to privacy, overseas students, boarding facilities, early childhood education and after-school care, as well as vocational education and training services. 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 legislation and regulations.

Secondly, 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.

This paper examines the legal framework for complaints handling in non-government schools, starting by testing the assertion that complaints handling in many Australian schools is managed poorly and highlighting 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 two complaints handling standards (International and Australian), ISO 10002:2018 and AS/NZS 10002:2014 (the Standards), as well as the National Office for Child Safety's guide to child-focused complaints handling, that together provide the international and Australian best-practice benchmarks.

With reference to the Standards, the paper then highlights the inconsistencies among jurisdictions concerning schools' legal obligations and concludes that it is a lack of regulatory direction that is partially to blame for the current state of affairs.

2. Complaints Mishandling in Australian Schools

Take a selection of schools in your local area, go to their public website, and type into the search bar (if there is one) the word "complaints" or "grievances". While the results will differ, 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 governance survey conducted of 63 non-government schools through www.schoolgovernance.net.au found that while 76 per cent of schools had a documented complaints handling program, only 27 per cent had a policy that followed the guidelines set out in the Australian Standard. Critically, 59 per cent of respondents indicated that they did not maintain a complaints register, and 67 per cent indicated that neither their governing body nor their executive team 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 you are likely to find some interesting data for critical incidents in government schools, but, 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 may well come up with a blank. A probable reason is that information about complaints is either not being captured or recorded at a local school level, or data with respect to complaints received are not being analysed effectively.

Put yourself in the position of a parent, or a member of the local community, and from a standing start try and work out the complaints handling process of your local school. Your experience will depend substantially on the state or territory in which you live.

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”.

Yet at least some of the schools these principals lead will express a commitment to continuous improvement in their public documents. An essential element of continuous improvement is giving parents and students the opportunity to tell the school about services with which they are not satisfied, so that the school is able to look into the issues and rectify them. So a reluctance to develop and implement a complaints handling program is fundamentally inconsistent with a publicly expressed commitment to continuous improvement.

3. The Benefits of Effectively Handling Complaints

The establishment and implementation of an effective complaints handling program is all about taking control of the situation. This includes taking control of information, and misinformation, before it is disseminated through non- official channels, taking ownership of the complaint and of communication with the complainant, and resolving complaints at the earliest possible stage of the process. Effective handling of complaints will also allow a school to take control of potential risk events by recognising complaints as key risk indicators.

A major benefit of any complaints handling program is that it enables the school to receive information that it might otherwise have not known about failures in the services it provides. It also gives the school the opportunity to improve. In short, it allows the school to find out what the problem is and fix it.

The many benefits of establishing and effectively implementing a complaints handling program include:

- 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 and resolve them
- it discourages vexatious or frivolous complaints
- it allows schools to take control of vexatious or frivolous complaints if received
- it provides information with respect to potential risks that a school faces
- it enhances a school’s ability to identify systematic and recurring problems and assists a school to continuously improve its internal system 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
- it protects and often enhances a school’s reputation.

4. The Consequences of Not Handling Complaints Effectively

A complaint not heard, or a complaint badly handled, is more than likely to result in a dissatisfied complainant and negative word of mouth.

A complaint may even result in negative public commentary, whether through traditional media channels such as newspapers, radio and TV, or through social media. Often it is not solely the original problem that triggers a complainant to take the matter to the public arena, but their frustration with the school's complaints handling processes. The consequences for the school can be severe.

A fairly recent example involved parents at a non-government girls' school in New South Wales running a social media campaign demanding changes at the school, including the resignation of the principal. The parents decided to campaign following various changes at the school, including a loss of staff. The dispute reached newspapers and resulted in its own "hashtag" on social media. The principal eventually resigned.

With students having the right to access external independent complaints avenues, such as the Commonwealth Overseas Student Ombudsman, complaints may also receive scrutiny from external third parties.

In risk management terms, the risks of not having a complaints handling system operating effectively include the following strategic and operational risks.

Strategic Risks — risks that emanate from a school's strategy and relate to changes in a school's business environment, or from poor decision making, improper implementation of decisions, inadequate resource allocation or a lack of responsiveness to change:

- failure by the governing body to receive regular reports regarding complaints that may impact on the achievement of strategic objectives or result in a review of the current objectives
- failure to develop and support a school culture of openness, transparency and continuous improvement
- failure to manage key stakeholder relationships and community partnerships effectively due to lack of information regarding key stakeholder concerns and complaints.

Operational Risks — risks that emanate from the day-to-day operations of a school, often relating to the adequacy of internal work practices, systems or procedures, or a breakdown in a school's internal controls:

- failure to effectively implement systems and procedures to manage complaints and feedback from parents and the wider community in a structured, timely and consistent manner
- failure to develop mechanisms for receiving parent and community feedback and complaints to assist the school to maintain a culture of continuous improvement and limit reputational damage
- failure to support staff in dealing with feedback and complaints from parents, leaving staff exposed to further, more difficult conversations and increased workplace stress.

5. The Complaints Handling Standards

To make matters more confusing for schools managing complaints, there are two different Standards for complaints handling that a school could apply. In addition, Principle 6 of the National Principles for Child Safe Organisations (National Principles) – compliance with which will soon be mandatory for all child-related organisations in Australia, including schools – requires that an organisation's processes for managing complaints be "child-focused". The National Office for Child Safety has issued a guide to assist organisations to comply with this requirement.

For context, the original complaints handling Standard was the International Standard ISO 10002:2004, which was brought together with Australian best practice in 2006 to make a combined AS ISO 10002–2006. Since 2006, that standard has been separated into two standards – the International Standard ISO 10002:2018 and the Australian Standard AS/NZS 10002:2014.

Complaints handling for schools, given their limited resources and abundance of red tape in various other areas, needs to be as simple and practical as possible. The International Standard promotes simplicity and practicality through focusing on the customer and customer service aspects of complaints handling. The Australian Standard, on the other hand, is half as long again as the International Standard because it presents a much more detailed, process-based complaints handling system, designed for small businesses and the government sector.

The International Standard is developed around a set of 15 guiding principles and provides detailed guidance on developing a framework within which the key operational elements of a complaints handling process are managed. The Australian Standard also sets out guiding principles which are grouped under similar headings to those in the International Standard and follow the themes of the International Standard's principles.

The National Office for Child Safety's [Complaint Handling Guide: Upholding the rights of children and young people](#) (Complaint Handling Guide) then adds an additional layer of guidance, designed to assist organisations embed children's rights, safety and wellbeing into their complaints handling system and promote the right of children to have a voice in decisions that affect them.

In an attempt to explain the Standards in lay terms and provide a platform for analysing the different regimes that have been developed for Australian schools, this paper has identified key elements that are consistent in both Standards and they are discussed throughout the rest of this paper. To implement an effective complaints handling program, schools should consider the consistent elements, and any relevant guidance that the Complaint Handling Guide specifically provides for child-related organisations.

6. Definition and Scope

Definition of a Complaint

Perhaps one of the most obvious questions that needs to be answered is "what is a complaint?". The Australian Standard defines a "complaint" as an "expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected". The definition of "complaint" in the International Standard is: "expression of dissatisfaction made to an organisation, related to its product or service, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected".

A "complaint" is similarly defined, with respect to child-related organisations, in the Complaint Handling Guide as an "expression of dissatisfaction about an organisation related to one of more of the following:

- its services or dealings with individuals
- allegations about the conduct of its staff, volunteers or other individuals engaged by the organisation
- another child or young person at the organisation, or the handling of a prior concern."

Scope of a Complaints Handling Program

It is also 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, such as prospective parents, members of the local community, commercial suppliers and strategic partners?

When considering scope, schools should keep in mind any legislative or regulatory requirements, as well as imminent requirements (or indeed existing requirements in some jurisdictions) to comply with National Principle 6 or similar. National Principle 6 requires that a school's complaints handling system be available to children.

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.

7. Complaints Handling Framework: Planning and Design

Before a school can start to effectively manage complaints, at a minimum, its governing body, principal and members of its executive or leadership team need to be committed to the process and, from the outset, address the following core infrastructure elements.

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 and made available to relevant parties.

It must not be forgotten that a complaints procedure collects “personal information”: usually the names of the complainant and possibly the individual or individuals who are the subject of the complaint, as well as others who may be involved in the matter. Collecting “personal information” means that the school’s complaints procedure must also comply with the requirements of the Privacy Act 1988 (Cth) and the 13 Australian Privacy Principles (APPs). The key procedural provisions to bear in mind are:

- the collection form should have a “collection notice”, complying with APP 5
- provision should be made for anonymous complaints (APP 2), including a note that indicates the consequence of not providing a name
- appropriate levels of confidentiality and security to protect the privacy of personal information must be maintained
- under certain circumstances, the individuals may be able to access the information held about them.

The APPs also require that the school explains how it will handle complaints about privacy, which should be set out in the school’s privacy policy.

It is also possible that a person using the complaint procedure may be notifying the school of serious misconduct, which could potentially bring the matter within the Federal whistleblower protection law in the Corporations Act 2001 (Cth). Breach of the strict confidentiality requirements of the whistleblower protection law may lead to substantial penalties .

Visibility, Transparency and Promotion

Everyone has a right to complain and schools need to adopt a people-focused and proactive approach to seeking and receiving feedback and complaints. This requires information about how and where to complain, and how the complaints process works, to be well publicised and effectively communicated to key stakeholders. For example, information about a school’s complaints handling policy and procedures should be clearly positioned on its public website.

Age-appropriate information about the complaints process, including how to make a complaint and what to expect, should be readily available to all students. Staff should teach students about their rights to safety and to be involved in decisions that affect them, empowering them to speak up.

Accessibility

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

- information about the process should be readily accessible, for example, on a school’s public website and in different languages and formats where relevant
- there should be flexibility in the ways of making a complaint. Provision should be made for verbal complaints, not just written complaints

- it should be easy to understand the process for making complaints
- it should be easy to actually make a complaint, for example by filling out a specific form on a website, sending an email to a dedicated email address, or contacting a well-publicised telephone number
- as required by the Privacy Act, an option to make a complaint anonymously or by using a pseudonym must be provided wherever practicable. Information about the complaints process should also include a note to advise that making anonymous complaints may impede the ability to fully investigate the complaint and/or provide feedback on any findings.
 - Making a complaints handling process accessible to students includes:
 - seeking input from students on its design, implementation and ongoing improvement
 - considering what barriers students at the school may face when making a complaint or when participating in the complaints handling process, and making reasonable adjustments to meet students' needs
 - ensuring that there are multiple and age appropriate avenues for students to make a complaint that are based on their feedback about how they prefer to communicate
 - ensuring that support, based on students' advice about their needs, is available to assist students to participate in the process.

Resource Allocation

To ensure that the complaints handling process operates effectively and efficiently, a school needs to allocate the resources necessary to document, establish and maintain the process, 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 that assist management in their decision-making.

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, how to handle a complaint at first instance or "on the frontline", 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, including complaints that involve child protection-related issues, privacy or serious misconduct, or are about the principal or a member of the governing body.

CompliSpace has developed the L.E.A.R.N. Complaints Handling Technique which is designed as an easily remembered aid for all staff in handling complaints, whether they be frontline or formal complaints.

L.E.A.R.N. stands for:

Listen

Empathise

Acknowledgement

Respond

Notify

The L.E.A.R.N. mnemonic is used because the acronym itself is an important element of the complaints handling process. Each complaint is an opportunity to learn and find new ways to improve a school's services and operations.

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 as 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. The designated individual will need to be able to identify the different regulatory, human resources, and reputational issues that are involved.

In particular, complaints that involve child protection-related issues (including in particular complaints about staff or volunteer conduct or about an incident alleged to have occurred at the school or a school-related event) will need to be managed by a senior member of staff who understands the legal obligations with respect to external reporting and investigations and who has the authority to take immediate and longer term actions.

Privacy related complaints should be referred to the school's Privacy Officer.

8. Managing a Complaint

Once a school's complaints handling framework has been established, clear systems and procedures need to be established to manage the complaints. This involves the steps set out below.

Capturing a Complaint

The process of capturing a complaint may not be as easy as it may first seem. The school should use a clear definition of "complaint" so that all staff who have received the training understand what a complaint is. If the definition from the Australian Standard is adopted, this means that any issue raised that is an expression of dissatisfaction made to or about the school, related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required should be considered a complaint and managed in accordance with the school's complaints handling procedures.

Acknowledging a Complaint

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

Generally, it is only more serious complaints that require a formal acknowledgment, investigation and response. 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. A contact person should be appointed for the complainant at this stage, particularly for complaints by (or on behalf of) students.

Planning the Involvement of the Student

The trigger for considering the involvement of a student in a complaints process should be whether they are affected by the complaint. This question of involvement should not be based solely on whether or not the student initiated the complaint, although this is an important factor in assessing how to first engage with them.

Regardless of the nature of a complaint, and any specific requirements in relation to the timing of when a student is involved, it is good practice to develop a simple plan for involving them throughout the complaints process, and seeking the views of their parents/carers, including about their own involvement.

A plan for involving a student in a complaints process should also include how to deal with any ethical issues that may arise. This plan should also be flexible enough to deal with unexpected developments.

Tracking

All complaints need to be recorded on a school's complaints register, whether they are serious or not. This is because many informal complaints received over time may indicate a systemic issue which, if not resolved, can lead to escalating dissatisfaction among key stakeholders such as parents or students.

However, it may not be appropriate for the details of child protection related complaints to be included in the same complaints register as other complaints. This is discussed further below, in the Record Keeping section.

More serious complaints 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 time frames, or where there are legislatively mandated time frames for managing complaints and reporting the outcomes to external authorities (for example, complaints involving "reportable conduct" by staff or volunteers).

Tracking complaints, usually through the allocation of a status indicator (for example, new complaint, under investigation, resolved etc) also provides valuable information to assist a school to identify key risks and make appropriate decisions.

Responsiveness

Responsiveness is another key principle of complaints management. This includes effective acknowledgment, establishing clear timelines for investigating and responding to more serious complaints, and providing feedback on the action that the school decides to take. The complainant should also be advised if the school decides not to take action, and the reasons for that decision.

The school's responsiveness to complaints is a critical factor in building trust in the school's complaints process. Where the school community believes that the school is serious about listening and responding to feedback, there is a lower risk of disgruntled parties turning immediately to alternative channels such as social media or regulatory bodies.

Objectivity

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

Confidentiality

Finally, any personally identifiable information concerning the complainant, or the person who is the subject of the complaint, should only be used for the purpose of addressing the complaint. Information about the complaint must remain confidential and only be disclosed to staff within the school on a need-to-know basis. This mitigates the risk of the matter escalating out of control, featuring on the school "rumour mill", or becoming the subject of legal action.

It is also possible that a complaint that relates to serious misconduct could trigger the confidentiality protections under the whistleblower law.

9. Record Keeping, Reporting and Corrective Action

Record Keeping

Records should be kept of every complaint including the description of the complaint, supporting documents (if any), immediate action taken, the investigation (including any witness statements) and the outcome.

Complaints Register

All complaints should be recorded on a complaints register and classified and analysed to identify systemic, recurring and single incident problems and trends so that key risk areas are clearly understood and the underlying causes of complaints can be addressed through corrective actions.

It may not be appropriate for the details of child protection related complaints to be included in the same complaints register as other complaints, for reasons of privacy and confidentiality. However, these details still need to be recorded. It might be appropriate for them to be recorded in a school's child protection incident or concern record keeping system.

Judgment should also be exercised when recording matters that may need to be de-identified for the purposes of reporting while they are still under investigation.

Management Reporting

A school's governing body and leadership team should receive regular reports on the status of existing complaints, any underlying statistical trends and corrective actions that have been put in place.

Continuous Improvement

The Standards require regular review and continuous improvement of a complaints handling process.

Continuous improvement of a process means following a cycle of identifying problems, working out how to address them, implementing the solution and then reviewing the changes to determine if they are working. If the review identifies areas for further improvement, the cycle begins again.

10. Legal Framework for Complaints Handling in Non-Government Schools

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

A summary of schools' legal obligations to manage complaints is set out in the Schedule. Notable inconsistencies between jurisdictions include those set out below.

Referencing the Standards

Each state and territory's registration/accreditation requirements for non-government schools require a school to have complaints policies and procedures. None of them explicitly references either the Australian or the International Standard as the benchmark for compliance with the requirement.

Definition of Complaint

The term "complaint" is not always defined in state and territory non-government school registration requirements and guidelines. Additionally, the terms "complaints" and "grievances" are occasionally used interchangeably. It is recommended that the term "grievance" be used only in a human resources context (e.g. staff grievances) and "complaints" be used for the broad range of matters discussed in this paper.

Scope of Complaints Policy

In most jurisdictions the scope of a school's complaints handling policies clearly extends beyond parental complaints to encompass complaints from other key stakeholders, including members of local communities.

In some jurisdictions (e.g. Tasmania) a school's complaints policy must include separate procedures for different types of complaints. The standard on complaints management in the Education Regulations 2017 (Tas) requires that complaints by staff and parents are processed separately and that complaints against the principal are processed separately from other complaints.

Application of Ancillary Laws

In addition to their obligations under the relevant registration requirements, schools may need to comply with other legislative and regulatory requirements that create an obligation to implement complaints handling policies and procedures.

In addition to the child protection and privacy requirements discussed in this paper, schools may be required to fulfil further complaints handling requirements under laws and regulations relating to early childhood education and after-school care, overseas students, the provision of boarding facilities and vocational education and training.

11. Summary and Conclusion

There can be little argument that the proactive management of complaints in schools has considerable benefits.

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, including 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 vexatious complaints and they can't afford to allocate resources to this process. Unfortunately, this approach amounts to letting vexatious complainants control the agenda, while the legitimate feedback of other stakeholders that really does reflect on a school's standard of services is not captured effectively. A similar reason – fear of frivolous or vexatious complaints - is often given for not extending the complaints handling system to students.

A properly designed complaints system will actually enable a school to identify and effectively manage frivolous and vexatious complainants. This was illustrated by a story that was recently told to CompliSpace. At a school with a junior, middle and senior school, the various heads of school only became aware by a 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 (coordinated) investigation, the source of the parent's issues was traced back to a recent separation and managed with appropriate sensitivity.

It is suggested 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 per cent), fit another school. Rather than have regulators produce 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
- the appointment of complaints officers to ensure consistent delivery of key educational outcomes
- 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 would also allow regulators to benchmark performance between schools and identify key risks before they become substantial issues.

12. Schedule – Executive Summary of Complaints Handling Obligations of Non-Government Schools in Australia

Australian Capital Territory

The [Education Act 2004 \(ACT\) section 94](#) provides that a non-government school must develop and implement a complaints policy for the school and that the school 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.

The registration guidelines for ACT non-government schools (Registration of Non-Government Schools in the ACT: Information for applicants, proprietors, principals and registration coordinators) require a copy of a school's policies relating to complaints management as evidence of compliance with section B (ii)(a) of the guidelines – Safety and welfare related policies.

New South Wales

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](#), or the [Registration Systems and Member Non-government Schools \(NSW\) Manual](#).

The Individual Schools Manual at 3.6.2 and the System Schools Manual at 5.6.2 provide 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 (3.10.1/5.10.1) in its annual report to provide a summary of its policy for managing complaints and grievances, including changes made to the policy during the year as well as information on how the policy is made publicly available.

Each school is also required (3.6.1/5.6.1) to “set clear guidelines and expectations for stakeholders regarding complaints or allegations of staff misconduct or reportable conduct” and to “publish the school's complaint handling procedures regarding allegations of staff misconduct or reportable conduct”.

There are also specific requirements

- (3.6.3/5.6.3) for a school whose students undertake all or a significant part of their courses by means of distance education to make available to stakeholders in a student's education communication mechanisms and processes for handling complaints
- (3.11.3/5.11.3) for a school providing boarding facilities to have in place and implement policies and procedures that include "a process for handling 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

The [Education Act 2015 \(NT\)](#) section 125 sets out the registration requirements for a non-government school in NT. One of the requirements is for the school to have appropriate policies and procedures to deal with complaints and disputes.

According to the Department of Education Guidelines for Registration of a Non-Government School, a school's complaints and disputes policy should include the principles that underpin the policy and strategies for dealing with complaints and disputes.

Queensland

The Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) (Regulation section 7) requires a school to have and implement written processes about receiving, assessing, investigating and otherwise dealing with complaints made by its staff, students or a student's parent or guardian. The processes must include principles of procedural fairness, including, for example, the right for interested parties to the complaint to be heard. Additionally, a school's governing body must ensure that staff, students, parents and guardians are made aware of the processes and that the processes are readily accessible by staff, students, parents and guardians.

Regulation section 16(5) and 16(6) also require a school to have a specific written complaints procedure to address allegations of non-compliance with their child protection processes, which can form part of any other written procedure of the school for dealing with complaints.

Guidance with respect to these obligations are published in the [Non-State Schools Accreditation Board Review Program Guidelines](#) which are largely based around the concept of self-assessment and continuous improvement.

South Australia

The South Australian Standards for Registration and Review of Registration of Schools in South Australia Criterion 3.9 requires a school to have in place and implement policies and procedures for managing complaints and grievances from students, parents, caregivers and the community.

Tasmania

The Education Regulations 2017 (Tas) (Schedule 4, clause 12) have a dedicated Standard for complaints handling. Schools are required to have a complaints management policy and procedures that ensure that complaints are addressed fairly, objectively and in a timely manner. A school must also ensure that the complaints policy and procedures provide that complaints by staff and parents are processed separately, and that complaints against the principal are processed separately from other complaints.

The Guidelines for Re-Registration of a Non-Government School state that, as evidence of their compliance with Standard Eleven – Complaints Management, schools may also be requested to provide their complaints records and copies of complaints and subsequent investigations.

The Guidelines also state that a school's complaints management system, which includes its policies and procedures as well as complaints records, should demonstrate that:

- the school welcomes complaints
- there is a clear process for dealing with complaints from students, parents, staff and the principal, including the allocation of responsibility
- staff are aware of the process and how to respond to a complaint
- all staff are enabled to resolve or refer a complaint
- complaints are acknowledged promptly
- the assessment phase enables prompt resolution where possible and, where it is not, a prompt decision is made to determine how to proceed
- the complainant receives information as to how the school proposes to deal with the complaint and the proposed time frame and the school takes into account the complainant's view
- the school informs the complainant of the outcome of the complaint with an explanation of the reasons and information on any further avenues of redress that may be available
- the school maintains a record of complaints received, action taken, decisions made and outcomes
- the school reviews its complaints records regularly with a view to assessing both its services and its complaints management system
- mediation is always a possibility and legal advice may be sought at any time.

The Guidelines also require a school's complaints management policy and procedures to be clear, open and accessible to all members of the school community. They include requirements dictating that procedural fairness be accorded to both the complainant and the person against whom the complaint is made.

Victoria

Non-government schools in Victoria are required to comply with the [Guidelines to the minimum standards and other requirements for school registration](#). The minimum standards are taken from Schedule 4 to the Education and Training Reform Regulations 2017 (Vic). The standard for the care, safety and welfare of students requires, as evidence of compliance with this standard, policies and procedures with respect to the managing of complaints or grievances, including how the school's policies and procedures ensure procedural fairness and are accessible to the school community and consistent with the school's enrolment agreement.

Western Australia

Non-Government schools have comprehensive requirements for complaints management that are sourced from the School Education Act 1999 (WA) under section 159(k). The Guide to the Registration Standards and Other Requirements for Non-Government Schools under Standard 9 also provides further requirements for non-government schools.

Standard 9 of the Guide to Registration Standards requires a school to have and implement a complaint handling system that satisfies each of the key action areas of Principles 6 and 9 of the National Principles for Child Safe Organisations and conforms to the rules of procedural fairness and includes a system for review. In monitoring schools' compliance with Standard 9, the Director-General's considerations include:

- complaints need not be in writing. Students should know that their complaints can be made to anyone in the school they trust or feel safe to speak to and will be taken seriously and that anonymous complaints will be accepted, recorded, evaluated and actioned to the extent possible in relation to any information they may contain

- a school’s published complaints policy and procedures should clearly outline how the school will satisfy Standard 9, detailing the roles and responsibilities of school staff in handling complaints and the roles and responsibilities of staff and leadership in recording, investigating and resolving complaints and analysing them to identify causes and inform continuous improvement
- schools should maintain a detailed complaints register that records all the details set out in the Guide
- culturally safe complaints management
- schools are required to publish information about the role of the Director General, noting that any student, parent or community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint.

The Guide includes a recommended statement on the role of the Director General. The statement includes the information that, while the Director General may consider whether the school has breached the Registration Standards, the Director General does not have power to intervene in a complaint or override the school’s decision.

Schools with Overseas Students

Those schools with overseas students are also required to comply with [The National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Standard 10: Complaints and appeals](#). This Standard sets out detailed obligations with respect to complaints handling policies and procedures. Notably, schools must advise an overseas student within 10 working days of their right to access an external appeals process and provide contact details for the Overseas Student Ombudsman, if the overseas student is not satisfied with the outcome of the internal complaints and appeals process. They must also immediately implement any decision or recommendation in favour of the overseas student through the internal or external appeals process.

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”.

Schools with Boarding Facilities

The Boarding Standard for Australian schools and residences AS 5725:2015, under section 3.4(n) requires a school that provides boarding facilities to have a policy and procedure for raising, receiving, acknowledging and responding to matters of concern, including complaints from boarders, parents and the boarding community.

A school that provides boarding facilities for students must also implement processes to increase boarders’ understanding of the school’s effective response to grievances and complaints.

Under section 4.2(d)(vi) of the Boarding Standard a school is also required to ensure that boarding staff understand and respond to grievances and complaints relevant to the boarding school.

A school must also, as part of their engagement with boarding parents and families under section 5.2(a)(iv), provide clear and convenient avenues for parent contact and communication, and timely and effective responses including in relation to when complaints are made.

Privacy Act Requirements

Schools are required to have policies and procedures for dealing with privacy-related inquiries and complaints as well as procedures for managing personal information that is collected in the general complaints handling process.

Schools must ensure that there is an option for making these inquiries and complaints anonymously or using a pseudonym. The school must also consider placing collection notices on any complaint forms, referencing the school's privacy policy. Personal information that is part of the complaint and that is collected during the subsequent complaint management process must be managed in accordance with the Australian Privacy Principles.

The Australian Privacy Commissioner provides resources for organisations that are required to comply with the Privacy Act 1988 (Cth) and the Australian Privacy Principles, including [this checklist for addressing privacy complaints](#).

Disclaimer

This Briefing Paper is a guide to keep readers updated with the latest information. It is not intended as legal advice or as advice that should be relied on by readers. The information contained in this briefing paper may have been updated since its posting, or it may not apply in all circumstances. If you require specific advice, please contact us on 1300 132 090 and we will be happy to assist.

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