



Government of South Australia

Department for Education and  
Child Development

# Parent concerns and complaints procedure

Solving concerns in  
public education  
schools and preschools

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## 1. Title

Parent concerns and complaints procedure

## 2. Purpose

For the purpose of this procedure the following definitions apply:

- 'School' refers to DECD preschools, schools, and other educational sites and settings.
- 'Parent' includes a guardian and every person who has parental responsibility for the child including parental responsibility under the *Commonwealth Family Law Act 1975* and any person with whom a child normally or regularly resides. These procedures may also apply to student complaints.
- A 'concern' is an issue of interest (because of its importance and effect) which is raised informally in order to improve or change a situation.
- A 'complaint' is an expression of grievance or resentment where the parent is seeking redress or justice.

These procedures detail the DECD processes for addressing school-related concerns or complaints, including, how to make a complaint, how complaints will be managed by the department and how the people involved will be supported.

These procedures are based on the Australian Standard – 'Customer Satisfaction – Guidelines for Complaints Handling in Organisations (ISO 10002:2006, MOD) and the expectations of all parties involved in parent complaint management as specified in the *Parental concerns and complaints policy*.

## 3. Scope

These procedures apply to parent concerns and complaints in relation to government schools. These procedures do not apply to matters where there are legislated requirements or existing policies and processes of appeal, such as:

- appeals relating to student suspension and expulsion
- complaints made under the *Education and Early Childhood Services (Registration and Standards) Act 2011* that are within the scope of the Education and Early Childhood Services Registration and Standards Board
- concerns and allegations of misconduct by staff, volunteers and service providers at government schools and preschools (criminal matters, child protection, corruption etc)
- employee disputes and grievances (employees should refer to *HR17 Complaint resolution for employees 2000* for these types of complaints)
- mandatory reporting responsibilities
- some occupational health, safety and welfare related issues
- health support planning
- governing council members, decisions and functions (ie, uniforms, OSHC, canteen operations).

Where it becomes apparent that the issue relates to any of these matters the appropriate procedures will be applied.

Complaints against governing councils are to be referred to the regional director or assistant regional director with responsibility for the site. The regional director will then determine what advice or action is required.

#### **4. Objectives**

The objectives of these procedures are to:

- provide clear, transparent and responsive complaint management processes, that assist parents to make a complaint when dissatisfied with the level or quality of educational services provided by the department
- ensure that parent complaints are resolved in a consistent, systematic, impartial, fair and timely manner, to the satisfaction of all parties
- encourage, wherever possible, the resolution of complaints at the school level
- ensure parent complaint management processes are fair, non-adversarial, easily accessible and simple to understand and use
- ensure that parent complaints are acknowledged and addressed promptly within agreed timelines
- ensure that parent complaints management processes reflect, from beginning to end, procedural fairness
- provide parents with appropriate avenues of redress, where necessary
- provide an opportunity for an independent and impartial review of a parent complaint management process to occur, where necessary.

#### **5. Impartiality**

The department considers impartial investigation to be vital to the credibility and success of its parent complaint management system. All complaints will be considered on their merits and without prejudice arising from any previous contact between the complainant and the department.

Complaints received by the Parent Complaint Unit will be fully and objectively evaluated based on the facts or evidence provided in support of a complaint. Evidence provided by DECD staff will not be given added weight or be presumed to be correct. If one version of events is preferred over another, an explanation as to the reasoning for this will be provided.

DECD staff must disclose to their line managers any matters that might affect, or could be seen to affect, their management of the complaint.

Complainants will not be victimised or suffer negative treatment because they have made a complaint.

## 6. Confidentiality

The aim of the Parent Complaint Policy is to ensure positive relationships between parents, schools and children are maintained.

Observing confidentiality helps to ensure the protection of the rights of everyone by limiting knowledge of the details of the complaint to those who will work together for a resolution. In addition, it helps to limit damage to any existing trust between the parties, thereby facilitating resolution. By preserving confidentiality there will be greater chance of a positive resolution as everyone will have greater confidence in each other when involved in the complaint resolution process.

Confidentiality should be adhered to throughout the complaint resolution process. Confidentiality in the complaint resolution process means that a complaint should only be discussed with those people directly involved in the complaint or resolution process.

Everyone involved in a complaint however is entitled to advice and support. This may involve confiding in a partner or spouse, a close friend or the staff of the Parent Complaint Unit and for staff it also includes a senior departmental officer. It is expected these people will also maintain confidentiality. See 8.2.

## 7. Rights and responsibilities

Parents lodging a concern or complaint with DECD can expect to:

- be treated with respect, courtesy and consideration
- have their complaint dealt with in an efficient and timely manner
- have access to appropriate and easily understandable information regarding the complaints management process
- have personal information treated as confidential
- have their complaint considered impartially and in accordance with due process and principles of natural justice.

In return DECD requests that parents making a complaint will:

- treat all parties with respect and courtesy and maintain confidentiality
- raise the concern or complaint as soon as possible after the issue has arisen
- provide complete and factual information about the concern or complaint
- ask for assistance or further information as needed
- act in good faith to achieve an outcome acceptable to all parties
- have realistic and reasonable expectations about what course of action is required.

## 8. The complaint management process

A concern or a complaint may be made by a parent in relation to the type, level or quality of DECD services, the behaviour and decisions of department staff or policy, procedures and practices.

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. This information should include:

- guiding school principles/values that relate to parent complaint resolution
- concerns and complaints covered
- ownership and scope of the policy and procedures (who is covered by the policy and procedures and how the school community will be consulted in relation to their development/review)
- how complaints can be made
- expectations of all parties involved in parent complaint management
- contact details of who complaints can be made to
- support available to parents, including:
  - the free-call parent support phone number
  - the right of parents to involve a support person in meetings about the complaint
- the processes of making a complaint, including:
  - links to the overarching DECD policy, procedures and guides
- information about when complaints can be referred to the regional office or corporate office
- contact details for the regional office.

## **8.1 Raising a concern or complaint**

A parent may raise a concern or complaint verbally or in writing. Parents can call the DECD Parent Complaint Unit hotline at any stage on 1800 677 435 for information, advice and support.

Parents may be asked to put the complaint in writing or to sign a written summary prepared by the principal, regional director or a Parent Complaint Unit staff member. Alternatively parents may choose to utilise a parent complaints form that can be forwarded to the principal or the regional director.

## **8.2 Support**

Parties involved in a complaint can expect that they will be supported by the department throughout the complaint management process (from the making of a complaint right through to being advised of the outcome of their complaint).

All parties involved in a complaint management process can bring a support person to any of the meetings held in relation to the complaint. The role of the support person is to provide advice and support during the process and not to answer questions or speak on behalf of any of the parties or interfere with the discussion. If at any point during the complaint management process a party engages legal representation then the process will be referred to the department's Legislation and Legal Services Unit.

### 8.3 Timeframes

The timeframes referred to in these procedures are indicative (i.e. as soon as reasonably possible), to guide timely action. The time taken to review the complaint will vary due to a range of factors, including:

- range and complexity of the complaint
- emergence of other unexpected additional issues as a result of the review
- need for further inquiries to be made and the number of people involved
- need to refer the matter (or parts thereof) to other areas within or external to DECD
- school holidays/school closures.

If, at any stage of the complaint management process, there is to be a delay and a longer timeframe is required, then the staff member managing the complaint is responsible for notifying the parent of the reasons for the delay and the likely timeframe within which the matter will be concluded.

### 8.4 Recording of complaints

#### At the school

Each school must have a process for effectively and appropriately documenting parent complaints and the action taken to resolve the complaint (for further information refer to the *Responding to concerns and complaints from parents and caregivers - Information Guide 12: Record keeping*).

In instances when the complaint is easily resolved over the phone or by front line staff then recording of the issue may not be required. Schools may, however, wish to record a brief note of these issues and the resolution in order to monitor all parent concerns and complaints to identify common or reoccurring issues requiring attention.

Schools may acknowledge the complaint in the form it was made (ie, phone call is acknowledged with a return phone call) and/or use a standard parent complaint form that staff can fill in at the end of a meeting or telephone call with a parent. This will help to ensure that the parent and the school have the same understanding of what was discussed and agreed. Brief notes of meetings and telephone calls may need to be kept (depending on the nature of the concern or complaint) along with copies of any written information provided by the parent.

Key pieces of information to record are:

- the contact details of the parent
- the way the complaint was communicated to the school (i.e. verbally, over the phone, email, letter etc)
- the nature of the complaint and the requested remedy
- the staff member responsible for managing the complaint
- practices or procedures relevant to the complaint

- actions taken, time taken and outcome
- recommendations for improvements to school policy, procedures or practices
- potential improvements that could be made to school policy, procedures or practices that would resolve the parent's complaint and prevent a reoccurrence of similar complaints.

### **At the regional office and Parent Complaints Unit**

Regional offices must have a process for effectively and appropriately documenting parent complaints. This process must enable clear tracking of parent complaints and the identification and analysis of trends/issues to drive system improvement.

Where appropriate (depending on the nature of the concern or complaint), a confidential record is to be kept of parent complaints received by the regional office. This record must include the written complaint (or notes taken from a verbal account), any relevant supporting information provided by the parent or the school (copies of school records kept in relation to the complaint). This is to be a complete record of the action taken in relation to the complaint, which documents every step taken, including dates, discussions, phone calls, interviews, decisions, conclusions drawn and copies of correspondence. This information is to be stored securely, to ensure confidentiality and the prevention of unauthorised access. When a complaint is referred to the Parent Complaint Unit a copy of this information is to be forwarded to the Parent Complaint Unit. Upon receipt of a parent complaint, the Parent Complaint Unit will create a confidential file to ensure that documentation of the complaint continues until it is concluded.

### **8.5 How parent concerns and complaints will be assessed**

A number of key questions will be taken into consideration by DECD staff when assessing a parent concern or complaint:

- What has happened to date and who has been involved?
- What is the nature of the complaint and what aspects remain unresolved?
- Does the parent need to be contacted to clarify the information received in relation to the complaint?
- Does the complaint need to be referred elsewhere for action (ie, the principal/director, regional office or Parent Complaint Unit)?
- Is it more appropriate that the complaint is dealt with under specific legislative provisions or another existing policy or procedure?
- What are the parent's expectations in relation to possible outcomes? Can this be achieved quickly and effectively?
- Is the complaint vexatious or unsubstantiated?
- Has a serious or significant injustice been alleged or is apparent?

If any action has been taken to resolve the concern or complaint was it:

- reasonable and just?
- non-discriminatory?
- based on a clear understanding of the concern or complaint and/or appropriate application of a policy or procedure?



- based on/with regard to relevant grounds or considerations?
- unbiased?
- lawful?
- flexible, a good choice and complete?
- timely?

Are the parties involved agreeable to reaching resolution of the complaint?

## **8.6 Possible approaches/remedies**

The approach taken to resolve a parent's concern or complaint may include:

- an acknowledgement that the complaint is valid and requires investigation
- identification of areas of agreement between the parties involved
- opportunities for all the parties involved to express their concerns, explain their point of view and clarify any misunderstandings
- an opportunity for an apology, where warranted, to be made by any of the parties involved for any behaviour/actions that may have caused distress to another party
- acknowledgement that the situation could have been better handled (this does not constitute an admission of negligence)
- a change of decision, policy, procedure or practice
- recognition that the situation presents an opportunity for changes or alternative arrangements to be made to resolve the complaint
- discussion with the parties about the steps that will be taken to ensure that the event complained about will not reoccur
- an undertaking to review school policy, procedures or practices.

## **9. Concerns and complaints received by a school**

Schools and preschools are to attempt to resolve parent concerns at the local school level, wherever possible, before formal complaint management procedures are utilised. The availability of a formal complaints procedure should not in any way replace attempts to resolve the concern at the school level. Teachers and other staff delivering programs are often approached first by parents with a concern or complaint and it is expected that staff will continue to make the first attempt to resolve these matters.

Any parent concerns or complaints referred to the regional office or Parent Complaint Unit that have not first been raised at the local school level will be referred back to the school for resolution except in circumstances where it is not appropriate or possible for the school to manage the concern or complaint. The Parent Complaint Unit will work with parents to ensure that they are supported to raise the complaint with the appropriate person.

In circumstances where it is not appropriate that a school or regional office manages a parent concern or complaint (ie, allegations of serious staff misconduct, departmental policy or procedure issue, broader government policy issue) and the matter is to be referred to Central Office then the parent is to be advised of where the matter will be referred to and why.

## 9.1 School staff

Parents are, in the first instance, to raise any concerns or complaints in relation to their child's education with their child's teacher. It is expected that teachers will:

- make a time available as soon as reasonably possible (ie, within five working days), to discuss with the parent (face-to-face, by phone) their complaint
- listen to the parent
- consider relevant legislation, departmental policy and guidelines and school/preschool procedures and/or seek advice/support
- identify and discuss with the parent possible courses of action that could be taken to resolve their complaint and the timeframe within which this will occur
- follow up with the parent(s) after a reasonable period of time has elapsed for any changes to take affect to ensure that the parent is satisfied with the outcome(s)
- if appropriate (depending on the nature of the concern or complaint), keep a written record of the complaint, its progress and outcomes
- If appropriate, refer the complaint in line with the school's complaint management procedure.

Concerns and complaints received by a school staff member in relation to another staff member or an issue outside their responsibility or beyond their authority to resolve are to be referred in line with the school complaint management process. The staff member who receives the initial complaint is to advise the parent of the reason(s) why the matter is to be referred elsewhere, direct them to the school's complaint resolution procedure and assist, if required, the parent to make their complaint.

If a parent is not satisfied with the outcome of this stage of the complaint management procedure, or decides that it is more appropriate to discuss their complaint directly with a member of the school leadership team (ie, deputy principal/principal/director), then the parent is to contact the school to make a time to meet with the appropriate site leader. If a complaint is in relation to the principal/director then the parent is to contact the relevant regional director. School office staff can provide the parent with the relevant regional director's contact details.

## 9.2 Leadership team (deputy principal/principal/director)

It is expected that a leadership team member will:

- wherever possible, make every reasonable effort to resolve parent concerns or complaints at the school level in a timely and effective manner
- ensure that the school has an up-to-date school parent complaint policy and procedures that are consistent with the department's *Parental concerns and complaints* policy and these procedures and which is reviewed every two years
- ensure that the school parent complaint policy and procedures are communicated to all school staff and volunteers in appropriate languages and formats, accessible to all families and available on the school's website

- ensure all staff understand the school's complaint policy and procedures and have access to appropriate training
- ensure that when parents lodge a complaint they are made aware of the relevant policies and procedures for responding to complaints, the dedicated parent support free call number and their right to a support person
- acknowledge receipt of a written parent complaint in writing as soon as reasonably possible (ie, within five working days)
- advise all relevant parties of the complaint (refer to *When a parent wants their identity to remain confidential* section of this procedure)
- determine if support needs to be provided to the parent or staff member involved while the complaint is considered
- consider relevant legislation, departmental policy and guidelines and school procedures.
- seek advice and support, as required, from Central Office
- assess the complaint and its management to date (refer to 5.6 *How parent concerns and complaints will be assessed* section of this procedure). Can the complaint be resolved effectively at the local level or does the complaint need to be referred to the regional director?
- investigate, consider and determine the most appropriate action to be taken to resolve the complaint in a fair and prompt manner, including negotiation between the parties and whether the parent complaints unit's mediation services are required
- document the complaint process and outcome
- communicate the outcome to all the parties involved verbally, and if appropriate, in writing (ie, within 15 working days of receipt of the complaint)
- advise the parent of their right to refer the matter to the regional office if they are dissatisfied with the outcome, and then to the Parent Complaint Unit if necessary
- recommend to the regional director any system improvements at a broader level that would reduce the likelihood of similar complaints.

If the principal/director is unable to resolve the complaint to the satisfaction of the parent then the formal complaint management process is to be utilised. The principal/director is to forward all relevant information recorded by the school, in relation to the complaint, to the regional office for action.

## **10. Complaints received by the regional office**

Regional office first point of contact staff are to be provided with a clear, up to date procedure for responding to parent complaints received by the regional office along with contact details for first point of contact staff in schools that parents can be referred to in the first instance. Regional office procedures will include a follow up process (to ascertain progress) with the school or parent, for complaints that are referred back to a school for resolution.

If a complaint cannot be resolved in an effective and timely manner by the school (ie, the parent is not satisfied with the outcome of the principal's/director's attempt to resolve the matter) then the parent is to be invited to put their complaint in writing to the regional office. In circumstances where a written account cannot be provided, a regional office staff member will, in the first instance, take notes of and act on verbal information provided by the parent. The parent will, where possible, at a later stage, be asked to sign a written summary of their verbal account prepared by the regional office. The parent is to be asked to include key pieces of information in their written complaint, specifically:

- the specific details of the situation (who is involved and what is the nature of the complaint being made)
- action taken by the school to resolve the complaint and why the parent believes this has not been sufficient to resolve their complaint
- what outcome(s) the parent wants as a result of their complaint.

For complaints in relation to a principal/director, it is recommended that the regional office requests that the Parent Complaint Unit subsequently reviews the process undertaken by the regional office (including all relevant documentation and the decision made) in order to minimise any perceptions of bias.

It is expected that the regional office will:

- assist in the timely and efficient resolution of parent concerns or complaints at the school level
- have an up-to-date parent complaint policy and procedures for resolving parent concerns and complaints which are consistent with the *Parental concerns and complaints* policy and these procedures, and are reviewed every two years and available on the regional office website
- ensure all staff understand the school's complaint policy and procedures and have access to appropriate training
- review and manage complaints that are escalated to the regional office in accordance with the framework of relevant policies and legislative requirements
- record and manage parents' expectations in relation to desired outcomes/remedies.

### **10.1 Receipt of a complaint by a regional office**

Upon receipt of a complaint the regional office will:

- listen to the parent and clarify the nature of the complaint, including what expectations the parent has in relation to outcomes
- refer, where appropriate, any complaint that has not been raised at the school level back to the school
- wherever possible, make every reasonable effort to resolve parent concerns or complaints at the school level in a timely and effective manner
- refer the complaint to the relevant regional office staff member to manage the complaint

- provide written acknowledgement of receipt of a written complaint to the parent as soon as reasonably possible (ie, within five working days), which includes information in relation to the formal complaint management process, the parent support free call number and their right to a support person. This can be a standard issued letter
- keep a record of the complaint (refer to section 5.5 *Recording of complaints*)
- determine if support needs to be provided to the parent or to the school while the complaint is considered
- contact the relevant principal/director to advise them of the complaint
- request any information collected by the school to date in relation to the complaint
- review the information provided by the school in relation to the complaint to ensure that it is sufficient to undertake an initial assessment of the complaint. Seek further clarification from the school as required
- access advice and support as required from Central Office
- provide appropriate support to the parent or school whilst the complaint is being considered
- consider relevant legislation, departmental policy and guidelines
- make an assessment of the complaint and its management to date (refer to 5.6 *How parent concerns and complaints will be assessed*) by determining that:
  - an informal outcome can be reached (ie, the facts are clear and undisputed).
  - further clarification or information gathering is required. This may simply involve follow up conversations with those involved.
  - mediation support could be offered to the principal/director and parent in order to resolve the complaint at the school level
  - a review and negotiation process could be undertaken

The outcome of the assessment process (action to be taken) is to be communicated to all the parties as soon as reasonably practicable (ie, within seven working days of receipt of the complaint).

If the complaint can be managed at the school, with the assistance of the regional office, then an attempt to resolve it within 15 working days from receipt of the complaint will be made.

## **10.2 Review and negotiation process**

The review and negotiation process involves an in-depth review by the regional office of the complaint, followed by an attempt to work with all of the affected parties to negotiate a solution or agreement.

### **10.2.1 Review**

In undertaking a review of the complaint it is expected that regional office staff will act reasonably, fairly and objectively. An in-depth review of the complaint may include the following steps:

- Information gathering and recording (e.g. conduct documented interviews with all the parties involved, inspection of the school site, a review of school policy, procedures and practices)
- Provide, where appropriate, relevant information to those involved in the complaint in order to provide an opportunity for all the parties to comment in writing on the information (procedural fairness)
- Consider the need for any other policy or procedures to be utilised concurrently with the resolution of the complaint (performance management, behaviour management etc)
- Identify and consider the factors that gave rise to the complaint
- Consider all of the information provided by the school and the parent
- Identify possible courses of action that can be presented to the affected parties for consideration.

### 10.2.3 Negotiation

There is no requirement (compulsion) for any or all of the parties involved in the complaint to agree to participate in a negotiation process. If a party does not wish to be involved in, or continue with, a negotiation process then the regional office staff member is to move to the next stage – *Making a decision*. This process should be discontinued at anytime the regional office staff member decides that the:

- matter would be more appropriately handled by Central Office and/or another agency (child protection-related matter, employee misconduct, criminal activity)
- complaint cannot be resolved by the regional office as it is about a matter that is not negotiable at the regional level (departmental or government policy, legislative provision, or workplace related policy or procedure)
- complaint is unsubstantiated, vexatious or it is clear that one of the parties involved are resistant to or not committed to working towards a negotiated solution. The regional office staff member is to move to the next stage – *Making a decision*).

The regional office staff member managing the complaint is responsible for arranging negotiation meetings, phone calls or email discussions between the parties involved in the complaint in an attempt to come to a mutually agreeable solution. This can occur separately or jointly. Parties can be accompanied to face to face meetings by a support person. The regional office staff member may also choose to offer all the parties the opportunity to utilise the services provided by the Parent Complaint Unit to assist with the negotiation process. Information relevant to the resolution process may be used to support negotiations, such as:

- copies of relevant policies and procedures
- school level information and documentation (forms, reports, student records).
- copies of correspondence
- advice from Central Office (ie, Legislation and Legal Services or the Parent Complaint Unit).

All parties involved in the complaint must be made aware of the negotiation process and expectations in relation to respectful behaviour and a genuine willingness to resolve the complaint. The process could include all parties being provided with the opportunity to present their view, clarification of misunderstandings and parties work together to develop mutually agreeable options to address/resolve the complaint. A written agreement could be developed by the regional office which states the outcomes from the discussion(s), areas of agreement between the parties, the recommended actions for further action and a timeframe for review. (For further information refer to part 1, section B of the *Responding to concerns and complaints from parents and caregivers – Information guides* document).

### **10.3 Making a decision**

In situations where the parties cannot resolve the complaint the regional office staff member will make a decision in relation to the complaint, based on the weight of the evidence and the balance of probabilities. The regional office staff member is responsible for documenting their decision and associated outcomes.

The parties are to be advised in writing of the regional office's decision in relation to the complaint as soon as reasonably possible, (ie, within 20 working days from receipt of the complaint).

The regional office, in advising the parties of the decision is to provide details in relation to the decision, including where possible, supporting information on which the decision was based and of any changes made to school policy, procedures or practice changes and how these will be monitored. The parent is also to be advised of their right to refer the matter to the Parent Complaint Unit if they are dissatisfied with the regional office's decision.

## **11. Referring a complaint to the Parent Complaint Unit**

If a complaint cannot be resolved as a result of the parent, school and regional office working together, then the matter can be referred to the Parent Complaint Unit for an independent review.

Any complaint that is referred to the Parent Complaint Unit (directly or via the Minister or CE) that has not been raised with the school and the regional office will be directed back to the school or regional office for resolution except in circumstances where it is not appropriate or possible for the school or regional office to manage the complaint. The Parent Complaint Unit will work with parents to ensure they are supported in making the complaint to the appropriate person.

### **11.1 Parent Complaint Unit functions**

The Parent Complaint Unit manages parent complaints on behalf of the Chief Executive, Department for Education and Child Development (DECD). The Parent Complaint Unit is part of the Office for Schools which is under the direct management of the Head of Schools.

Parents can call the Parent Complaint Unit hotline at any stage on 1800 677 435 for information, advice and support.

The Parent Complaint Unit has a dual function, to provide advice and support to parents regarding their concern or complaint and to undertake objective and impartial reviews of complaints that have not been resolved at the local or regional level. The Parent Complaint Unit review process is undertaken independently of the initial decision-makers.

Complaints submitted to the Parent Complaint Unit must be in writing and state the reasons why the complaint remains unresolved and an outline of what reasonable action could be taken to resolve the complaint.

The Parent Complaint Unit is responsible for:

- referring, where appropriate, any complaint that has been raised with Central Office back to the school or regional office for appropriate attention
- developing and maintaining departmental policy, procedures and guidelines in relation to best practice complaint management
- disseminating information to the school and broader community in relation to the department's parent complaint policy and procedures
- responding to enquires made via the dedicated free call phone number
- supporting school leaders and regional directors to effectively implement the parent complaint management policy and procedure. This may include verbal or written advice, the provision of mediation services or training or assisting leaders to manage significant and complex complaints or complaints that relate to broader departmental or government policy issues
- co-ordinating and managing complaints escalated to the Parent Complaint Unit
- undertaking impartial reviews of complaints escalated to the Parent Complaint Unit
- making recommendations to the Head of Schools or Head of Early Childhood Development in relation to action to be taken
- reviewing parent complaint information to identify and, where necessary, make recommendations to the Head of Schools or Head of Early Childhood Development in relation to system improvements (departmental policy, procedures or practices).

In circumstances where a complaint appears to require the attention of other sections within Central Office, the Parent Complaint Unit will co-ordinate the referral of the relevant parts of the matter within Central Office and will monitor progress of the matter until it is concluded. Similarly, if multiple complaints are received concerning similar incidents involving the same person or school then co-ordination within the Parent Complaint Unit will be required. One staff member will be assigned responsibility for managing the matter.



## **11.2 Receipt of a complaint by the Parent Complaint Unit**

Upon receipt of a written request for a Parent Complaint Unit review of the complaint, the Parent Complaint Unit will record receipt of the request and will provide written acknowledgement of receipt of the complaint, which includes information in relation to the Parent Complaint Unit complaint review process.

The Parent Complaint Unit will then inform the regional office that a complaint has been made and request all relevant documentation be forwarded to the Parent Complaint Unit. The Parent Complaint Unit will then assess the complaint as soon as reasonably possible (ie, within 10 working days) and make a recommendation to the Head of Schools or Head of Early Childhood Development that either:

- a review of the complaint by the Parent Complaint Unit is not warranted and that the parent or regional director is to be advised that no further action is considered necessary and that the complaint is now concluded, or
- a review of the complaint (in part or in full) by the Parent Complaint Unit is necessary, or
- the complaint should be referred to an external agency for investigation or review.

## **11.3 Assessment and review of a complaint by the Parent Complaint Unit**

### **11.3.1 Assessment**

When assessing the complaint and formulating recommendations for the Head of Schools or Head of Early Childhood Development the Parent Complaint Unit will review the manner in which the school's complaint management processes were utilised and the resulting outcomes to determine whether there is any evidence to suggest that:

- the school and/or DECD complaint management policies and procedures were used incorrectly to the detriment of any of the parties involved (issue with procedural fairness)
- the outcome/decision is unreasonable, unfair, or inconsistent, made without obvious consideration of all the facts or circumstances or is unsubstantiated.

The Head of Schools or Head of Early Childhood Development will make a decision in relation to the Parent Complaint Unit recommendations as soon as reasonably practicable (ie, within five working days of receipt of the Parent Complaint Unit advice), to ensure that the parent is notified in writing, as soon as reasonably possible (ie, within 15 working days) of lodging the complaint with the Parent Complaint Unit of the decision.

### **11.3.2 Review**

If the Head of Schools or Head of Early Childhood Development determines that a review of the complaint is warranted then the Parent Complaint Unit will:

- review all the relevant material provided by the school, regional director and the parent in a fair, objective and impartial manner. Key points for consideration by the Parent Complaint Unit will be:

- Have some parts of the complaint been resolved and concluded? These matters should only be reopened in circumstances where there is sufficient evidence to suggest that the procedure followed to reach the decision was unsound or new information that would have altered the outcome has become available.
- How much time has elapsed since the events being complained about occurred?
- Who else has been/is involved in the review, investigation or resolution of the complaint?
- have there been/are there any other similar complaints in relation to this matter?
- make further inquiries if necessary
- consult with and seek advice from other DECD staff, as appropriate
- review the assessment process to determine if this procedure's assessment criteria has been utilised appropriately and any other relevant DECD policy or procedure, and document the findings
- provide recommendations based on review findings and in relation to action to be taken.

The review process is to be finalised by the Parent Complaint Unit and the findings and recommendations forwarded to the Head of Schools or Head of Early Childhood Development within a reasonable period of time (ie, 10 working days of approval being given by the Head of Schools to proceed with a Parent Complaint Unit review).

The Head of Schools or Head of Early Childhood Development will make a decision in relation to receipt of the Parent Complaint Unit recommendations as soon as reasonably practicable (ie, within five working days).

### **11.3.3 Decisions**

Upon reviewing the advice provided by the Parent Complaint Unit the Head of Schools or Head of Early Childhood Development may decide that the complaint (in full or in part):

- can be resolved (an appropriate outcome can be negotiated between the Parent Complaint Unit, parent, school and regional office)
- should be dismissed (the Parent Complaint Unit review of the matter has found that the complaint cannot be substantiated, is vexatious, clearly outside of reasonable expectations in relation to confidentiality, cooperation, courtesy and respect or is orientate toward conflict)
- remains unresolved and that an independent review by an external agency is required.

The Parent Complaint Unit will, as soon as reasonably possible (ie, within five working days): document the Head of Schools or Head of Early Childhood Development's decision and its outcome. The Parent Complaint Unit will:

- notify all parties involved in the complaint, including advising the parent that if they are dissatisfied with the outcome(s) achieved as a result of these procedures then they may seek an independent review of the decision by various external bodies, as set out in the relevant legislation

- advise the Chief Executive and the Minister (when the complaint has been raised directly with the Minister or Chief Executive), via the Head of Schools or Head of Early Childhood Development, of the decision and the outcome of the complaint.

Wherever possible the parent is to be notified in writing within 35 working days of lodging the complaint with the Parent Complaint Unit of the final decision. If new time limits need to be set the Parent Complaint Unit must advise the parent of the new deadline and provide an explanation for the delay.

## **12. External review**

The Head of Schools or Head of Early Childhood Development may determine that part of or all of a complaint requires an independent review undertaken by an external agency, to assist them to make a decision.

At the conclusion of the parent complaint management process, where a resolution has not been reached, the Head of Schools or Head of Early Childhood Development will advise the parent of their right to refer the matter to an external agency, such as the South Australian Ombudsman.

### **The South Australian Ombudsman**

A complaint can be made to the SA Ombudsman about any action or inaction by an agency within the Ombudsman's jurisdiction.

Ombudsman SA may conduct investigations to determine whether the government agency's process was reasonable and fair, and that the decision is not unreasonable or unlawful. Further information is available at [www.ombudsman.sa.gov.au](http://www.ombudsman.sa.gov.au) and section C, part 6 - *Responding to concerns and complaints from parents and caregivers – Information guides* document).

## **13. Vexatious complaints and unreasonable complainant conduct**

### **13.1 Vexatious complaints**

The Head of Schools or Head of Early Childhood Development can decline to act upon the resubmission of a complaint that has previously been finalised in accordance with these procedures, unless new information has been received that could alter the outcome.

In circumstances where, despite all stages of these procedures being followed, a parent remains dissatisfied and attempts to reopen a complaint that is considered by the Head of Schools to be closed, the Parent Complaint Unit will:

- consult within DECD as appropriate to develop a plan of action for addressing the parent and their interaction with the school, regional office and Central Office staff

- inform the parent in writing that the Head of Schools or Head of Early Childhood Development has determined that the DECD school complaint management procedure has been exhausted, the matter is now closed and that a planned approach for responding to the parent will be instigated in the future in response to any attempts to reopen the matter (details of the plan will be provided to the parent).

### **13.2 Unreasonable complainant conduct**

Any written or verbal complaints that contain personal abuse, inflammatory statements, and/or comments of a threatening nature or are intended to intimidate will not be addressed and the parent will be advised accordingly. At the discretion of DECD staff verbal communication will be terminated after firstly warning the parent that this will occur if the inappropriate behaviour continues.

## **14. When a parent wants their identity to remain confidential**

A parent may request that their identity remain confidential when making a complaint. The staff member responsible for managing the complaint must advise the parent that every effort will be made to keep the parent's identity confidential but this may limit options for negotiating a resolution. For example, an apology is unlikely to be forthcoming if the identity of the complainant is not known.

These circumstances also raise issues in relation to procedural fairness for those who have a complaint made about them as they have a right to know the particulars of the complaint. Further, while every effort will be made to comply with a request to keep the parents identity confidential, *Freedom of Information* requirements may result in a parent's identity becoming known. A parent must be advised to write their complaint with the knowledge that other parties may gain access to the written complaint. The staff member managing the complaint is responsible for ensuring that all complaints are documented in the knowledge that the identity of the parent may be revealed. More information about confidentiality in the complaint management process is detailed in the *DECD Complaint resolution for employees procedure*.

## **15. Anonymous complaints**

The department will assess every complaint that is made. The extent to which an anonymous complaint can be investigated will be limited, as staff cannot liaise with the parent about the complaint. Anonymous complaints also raise issues in relation to natural justice for those who have a complaint made about them as they have a right to know the particulars of the complaint.

The principal/director, regional director or Parent Complaint Unit will determine upon receipt of an anonymous complaint to what extent the complaint will be investigated. Where the complaint is in relation to a principal, the relevant Regional Director will make the determination and for Regional Directors the Head of Schools will make the final decision.

## 16. Withdrawal of a complaint

A complaint can be withdrawn by a parent at any stage during the complaint management process. A written complaint should preferably be retracted in writing by the parent. Alternatively a signed and dated notation on the original written complaint that the complaint has been withdrawn by the parent can be made by a departmental staff member. A verbal complaint can be withdrawn verbally and a notation made to that effect. The staff member managing the complaint must notify in writing all affected parties that the complaint has been withdrawn.

## 17. Monitoring and evaluation

Schools and regional offices are required to establish and maintain a system to record and monitor parent complaints and the action taken to resolve the complaint (see 7.4). In instances when the complaint is easily resolved over the phone or by front line staff then recording of the issue may not be required. Schools and regional offices should record a brief note of these issues and the resolution in order to monitor all parent concerns and complaints to identify common or reoccurring issues requiring attention.

The Parent Complaint Unit will maintain information regarding parent complaints referred to the unit and feedback received from stakeholders. The information will be used to identify common or reoccurring issues and, where necessary, inform recommendations to the Head of Schools, Head of Early Childhood Development or the Chief Executive in relation to DECD service or performance improvements.

This policy and associated procedures will be reviewed after the first year of operation and then every two years thereafter.

## 18. Timelines

The timeframes referred to in these procedures are indicative (ie, as soon as reasonably possible), to guide timely action.

ACTION	TIMEFRAME(S)
Parent raises concern or issue with their child's teacher	Child's teacher makes a time within 5 working days to discuss with the parent (face to face, by phone) their complaint Teacher and parent work to resolve the complaint over a reasonable and mutually agreeable timeframe.
Parent concern or complaint cannot be resolved by the child's teacher and the matter is referred to a leadership team member (deputy principal/principal/director).	The principal/director: <ul style="list-style-type: none"><li>• acknowledges receipt of the complaint in writing, where appropriate, as soon as reasonably possible (within 5 working days).</li><li>• communicates the outcome to all the parties involved verbally, and if appropriate, in writing, within 15 working days of receipt of the complaint.</li></ul>

<b>ACTION</b>	<b>TIMEFRAME(S)</b>
Complaint cannot be resolved and is referred to the regional office for resolution.	<p>The regional office will:</p> <ul style="list-style-type: none"> <li>• where appropriate, acknowledge receipt of the complaint in writing within 5 working days.</li> <li>• notify all parties of the outcome of the assessment process (action to be taken) within 7 working days of receipt of the complaint.</li> </ul>
	<p>If the complaint can be managed at the school, with the assistance of the regional office, then an attempt to resolve it within 15 working days from receipt of the complaint is made.</p> <p>Advise all the parties in writing of their decision in relation to the complaint, within 20 working days, from receipt of the complaint.</p>
A complaint cannot be resolved as a result of the parent, school and regional office working together and is referred to the Parent Complaint Unit.	<p>The Parent Complaint Unit assesses the complaint and makes a recommendation to the Head of Schools within 10 working days.</p> <p>The Head of Schools makes a decision in relation to the Parent Complaint Unit's recommendations within five working days of receiving their advice.</p> <p>Parent notified in writing of the Head of Schools' decision regarding the assessment of the complaint. This will occur within 15 working days of lodging the complaint with the Parent Complaint Unit.</p> <p>If the complaint is to be reviewed by the Parent Complaint Unit – this process will be finalised and the findings and recommendations forwarded to the Head of Schools. This will occur within 10 working days of approval being given by the Head of Schools to proceed with a Parent Complaint Unit review.</p> <p>The Head of Schools makes a decision in relation to receipt of the Parent Complaint Unit recommendations within five working days.</p> <p>The Parent Complaint Unit will within five working days:</p> <ul style="list-style-type: none"> <li>• document the Head of Schools decision and its outcome</li> <li>• notify all parties involved in the complaint</li> </ul>

ACTION	TIMEFRAME(S)
Complaint cannot be resolved and is referred to the regional office for resolution.	<p>The regional office will:</p> <ul style="list-style-type: none"> <li>• where appropriate, acknowledge receipt of the complaint in writing within 5 working days.</li> <li>• notify all parties of the outcome of the assessment process (action to be taken) within 7 working days of receipt of the complaint.</li> </ul>
	<p>If the complaint can be managed at the school, with the assistance of the regional office, then an attempt to resolve it within 15 working days from receipt of the complaint is made.</p> <p>Advise all the parties in writing of their decision in relation to the complaint, within 20 working days, from receipt of the complaint.</p>
	<ul style="list-style-type: none"> <li>• advise the Chief Executive (CE) and the Minister (when the complaint has been raised directly with the Minister or CE), via the Head of Schools, of the decision and the outcome of the complaint.</li> </ul> <p>Wherever possible the parent is to be notified in writing within 35 working days of lodging the complaint with the Parent Complaint Unit of the Head of Schools final decision.</p>

## 19. Definitions and abbreviations

Term	Meaning
Complaint management	The process used to resolve the complaint (coordination, review, negotiation etc).
Confidentiality	<p>All those involved in the complaint management process, including the parent are expected to keep the matter confidential.</p> <p>Information in relation to the complaint is to be restricted to only those who genuinely need to know the details of the complaint.</p> <p>Information collected by DECD staff in relation to a complaint is to be stored in a secure and confidential manner.</p>
DECD	Department for Education and Child Development
Impartial	Decisions made in relation to complaints must be based strictly on the facts and not, without appropriate corroborating evidence, an automatic acceptance of the DECD version of events when it conflicts with the parent's version.i
Mediation	The primary goal of mediation is to achieve a fair and workable agreement between the parties involved in the complaint. For the purposes of this procedure mediation processes are voluntary and based on the expectation that all parties are agreeable to mediation and will be respectful and meaningful way and accept responsibility for making decisions throughout the process.
Must	Indicates that a statement is mandatory.
Parent	Includes a guardian and every person who has parental responsibility for the child including parental responsibility under the <i>Commonwealth Family Law Act 1975</i> and any person with whom a child normally or regularly resides.
Procedural fairness	The principles of natural justice require that the resolution process is fair and free from bias. Procedural fairness includes the right for all parties to be heard, treated without bias and provided with full information about resolution and support options. This means that the subject of the complaint (the respondent) must be fully informed of the allegation(s) and given adequate opportunity to respond.



Term	Meaning
School	Refers to preschools, schools, and other educational sites and settings.
Should	Indicates a recommendation.

## 20. Associated documents

Responding to *Concerns and complaints from parents and caregivers; A guide for DECD preschools and schools*, Department for Education and Child Development, Government of South Australia, 2011.

DECD information for staff

[www.decd.sa.gov.au/portal/staffinfo.asp](http://www.decd.sa.gov.au/portal/staffinfo.asp)

Your regional support services team

[www.decd.sa.gov.au/supportservices/pages/Sites/sites/](http://www.decd.sa.gov.au/supportservices/pages/Sites/sites/)

DECS Child and Student Wellbeing

[www.decd.sa.gov.au/speced2/pages/default/](http://www.decd.sa.gov.au/speced2/pages/default/)

School care

[www.schoolcare.sa.edu.au](http://www.schoolcare.sa.edu.au)

Crisis management

[www.crisis.sa.edu.au/pages/welcome](http://www.crisis.sa.edu.au/pages/welcome)

Making our sites safer: Guidelines for site leaders

[www.crisis.sa.edu.au/pages/welcome](http://www.crisis.sa.edu.au/pages/welcome)

Making our sites safer – fact sheets

<http://www.crisis.sa.edu.au/default.asp?navgrp=EM05>

DECS Legislative and Legal Services: 8226 1555

[www.decd.sa.gov.au/services/pages/leglegal/32148/](http://www.decd.sa.gov.au/services/pages/leglegal/32148/)

Leaders and the law: Legal issues in preschools and schools – a guide to understanding: rights, requirements, obligations

<http://www.decd.sa.gov.au/docs/documents/1/>

On the same basis – Disability Discrimination Act (DDA): Education standards

<http://www.DECD.sa.gov.au/speced/pages/specialneeds/OnthesamebasisDDAEducationStandards/>

Education standards

<http://www.decd.sa.gov.au/speced/pages/specialneeds/>

Bullying and harassment, cyber safety

[www.decd.sa.gov.au/speced2/pages/bullying/](http://www.decd.sa.gov.au/speced2/pages/bullying/)

Child protection

[www.decd.sa.gov.au/speced2/pages/childprotection/](http://www.decd.sa.gov.au/speced2/pages/childprotection/)

The Workforce Development Quality Leadership team

<http://www.decd.sa.gov.au/ods/pages/Leadership/>

DECD Employee assistance program: Counselling service

1300 360 364

Relevant DECD policies and guidelines:

[www.decd.sa.gov.au](http://www.decd.sa.gov.au)

Policies

A-Z Topics eg:

- Attendance
- Compulsory notification of child abuse
- Countering racism policy and guidelines
- Drugs and schools: Intervention matters: policy and procedural framework
- Health support planning
- Information sharing guidelines
- Intervention matters: A policy and procedural framework for the management of suspected drug-related incidents in schools
- Keeping schools safe guidelines for site leaders
- Learner wellbeing framework for birth to year 12
- National safe schools framework
- Occupational health, safety and welfare and injury management
- Procedures for suspension, exclusion and expulsion of students from attendance at school
- Protective practices for staff in their interaction with students
- Responding to abuse and neglect education and care training
- Risk management
- School discipline
- Sexual harassment

- Students with disabilities
- Suicide prevention guidelines.

*Public Sector Act 2009*

<http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009/CURRENT/2009.37.UN.PDF>

*Public Sector (Honesty and Accountability) Act 1995*

[http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20\(HONESTY%20AND%20ACCOUNTABILITY\)%20ACT%201995/CURRENT/1995.39.UN.PDF](http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20(HONESTY%20AND%20ACCOUNTABILITY)%20ACT%201995/CURRENT/1995.39.UN.PDF)

*Children's Services Act 1985 and subordinate Regulations*

<http://www.legislation.sa.gov.au/LZ/C/A/CHILDRENS%20SERVICES%20ACT%201985/CURRENT/1985.21.UN.PDF>

*Education Act 1972, and subordinate Regulations*

<http://www.legislation.sa.gov.au/LZ/C/A/EDUCATION%20ACT%201972/CURRENT/1972.154.UN.PDF>

*Equal Opportunity Act 1984*

<http://www.legislation.sa.gov.au/LZ/C/A/EQUAL%20OPPORTUNITY%20ACT%201984/CURRENT/1984.95.UN.PDF>

*Racial Discrimination Act (1984)*

<http://www.comlaw.gov.au/Series/C2004A00274>

*Racial Vilification Act (1996)*

<http://www.legislation.sa.gov.au/LZ/C/A/RACIAL%20VILIFICATION%20ACT%201996/CURRENT/1996.92.UN.PDF>

Code of Ethics for the South Australian Public Sector

[http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)

## 20. References

*Addressing parents' concerns and complaints effectively: policy and guides*, Group Coordination Division, Department of Education and Early Childhood Development, Melbourne, 2009

*Better practice guide to complaint handling*, Commonwealth Ombudsman, Canberra, April 2009

*Complaints management – State schools*, (21 June 2011)

<http://education.qld.gov.au/strategic/eppr/community/cmrpr001/>

*Countering racism policy and guidelines*, Department of Education and Children's Services, Government of South Australia, 2007

*Effective complaints management self-audit checklist*, the State of Queensland (Office of the Ombudsman), December 2006

*Good practice guide*, Ombudsman Victoria's guide to complaint handling for Victorian Public Sector Agencies, Ombudsman Victoria, Melbourne, November 2007

*Guide to developing effective complaints management policies and procedures*, the State of Queensland (Office of the Ombudsman), December 2006

ISO 10002:2004 *Customer satisfaction – Guidelines for complaints handling in organizations*

National Quality Standards for Early Childhood Education and Care and School Age Care, Council of Australian Governments, December 2009

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