

Melton West Primary School Complaints and Parent Disputes Policy

Date:
September
2018
VRQA:

Melton West Primary School recognises that it is in the best interest of students for there to be a trusting and cooperative relationship between parent and school. Complaints are an important way for the school community to provide information and feedback to a school. The Department considers that every complaint provides a valuable opportunity for reflection and learning.

Melton West Primary School recognises a parent's right to make a complaint and its responsibility to provide a framework within which efforts can be made to resolve complaints.

Definition

For the purpose of this policy the following terms are defined as follows:

- a **'parent'** includes:
 - a person who has parental responsibility for 'major long term issues' as defined in the *Family Law Act 1975* (Commonwealth)
 - a person appointed as 'guardian' pursuant to the *Children Youth and Families Act 2005* (Victoria)
 - an informal carer with whom the child normally or regularly resides, and who has day-to-day care and control of the child
 - a mature minor student
 - an adult student
- a **'complaint'** is an expression of dissatisfaction with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision at a school.
- a complaint is considered to be 'resolved' when the complainant and the Department (school, region or central office) agree on an appropriate response or remedy
- a complaint is considered to be 'finalised' when the Department (Regional Director, or other delegate of the Secretary) has made a final determination on the matter after exhausting the processes set out in this policy
- a complaint is considered to be 'unresolved' when agreement cannot be reached on a course of action and/or a remedy, or if a remedy cannot be implemented.

This policy covers all students attending Melton West Primary School.

This policy does not apply to matters where rights and processes for review and appeal already exist. These include:

- student expulsions,
- complaints about staff that if upheld would constitute misconduct,

- student critical incident matters,
- other criminal matters.

Purpose

The purpose of this policy is to ensure that:

- Melton West Primary School meets its obligation to respond to parent complaints in a fair, effective and efficient manner
- parents are informed of how they can make a complaint at Melton West Primary School.

Guiding principles

The complaint-handling process must reflect the following guiding principles, which are informed by the *Australian/New Zealand Standard – Guidelines for complaint management in organizations (AS/NZS 10002:2014)*.

Visibility

Information about how and where to make a complaint, as well as how a complaint will be handled, should be regularly publicised within the school community.

The actions taken to respond to a complaint should be well documented and include the reasons underpinning any decisions made.

Accessibility

Information about how to make a complaint and the school's procedures when responding to a complaint should be easily accessible. The complaint-handling process should be flexible and include the ability to make a complaint in person, by phone and in writing. Support should also be given to parents with special needs, including translations, interpreters and enabling a parent to seek the services of an advocate.

Responsiveness

Receipt of written complaints should be acknowledged by communicating with parents as soon as possible. Complaints should be addressed promptly and the parents kept informed of the progress of their complaint when the matter is complex and will take time to bring to resolution.

Objectivity

Each complaint must be treated in an equitable, objective and unbiased manner.

Cost

There should be no cost to the parent for access to the complaint-handling process at the school, region or central office.

Protection of Privacy

Personally identifiable information concerning the parent should be actively protected from disclosure except where needed in relation to the complaint. This means that the complaint should only be discussed with those directly involved in the complaint-handling process.

Student-focused

The school should be open to feedback including complaints and should show a commitment to resolving complaints with the educational wellbeing of students as the first priority.

Accountability

Schools are required to have a fair, effective and efficient complaint-handling process. Schools are accountable, both internally and externally, for their decision making and complaint-handling performance. Schools need to be able to provide explanations and reasons for their decisions.

Continual improvement

Parent complaint-handling procedures should be regularly reviewed for improvement. Complaint data and feedback should be used to identify recurrent themes and to implement improvement measures where a need is identified

General information about handling complaints

Melton West Primary School will maintain and publicise a fair, effective and efficient complaint-handling process, so that complaints about events or decisions at the school can be addressed.

Parents of students attending Melton West Primary School who have a complaint should, in the first instance, make the complaint to the school, except when the complaint is about the principal of the school. Complaints about school principals should be referred to the appropriate region.

For further information, see:

[Complaint escalation](#)

[Role of the school](#)

[Role of the region](#)

[Role of the central office](#)

The principal is responsible for the efficient and effective organisation, management and administration of the school including the school's complaint-handling processes.

Information about how parents can make a complaint and have it resolved at their school is available on the Department's parent complaints web page. Schools must ensure that their school community is aware of the information on the Department's web page and the school's procedures for complaint handling. They must also ensure that their school community is aware of processes for complaint escalation, see:

[Parent Complaints – Government Schools](#)

When addressing a complaint it is expected that parents and school personnel will:

- show respect and understanding of each other's point of view
- operate within applicable legislation
- acknowledge that their goal is to achieve an outcome acceptable to all parties
- act in good faith and in a calm and courteous manner
- recognise that all parties have rights and responsibilities which must be balanced.

All Department staff (schools, region, central office) must observe the code of conduct for Victorian public sector employees.

For further information, please see:

[Creating Respectful and Safe School Communities](#)

[Code of Conduct for Victorian Public Sector Employees](#)

Protected disclosures

Where a parent has real and substantial concerns that, as a result of raising a complaint, they may suffer a detriment and the allegations relate to corrupt conduct, they may have access to protection under the provisions of the *Protected Disclosure Act 2012* (PD Act). The PD Act defines the types of complaints that

may be accepted as complaints under this Act. For further information, see: [Protected Disclosure Act 2012 - Making and Handling Protected Disclosures](#)

Unreasonable complainant conduct

All complaints should be considered in accordance with the school's complaint-handling procedures including when parent behaviour is thought to be unreasonable.

While a decision maker considers a range of factors and views, they may at any point in the process outlined in this policy consider a parent's behaviour to be unreasonable. In these circumstances, it is appropriate for the decision maker to communicate the basis on which the conclusion was made to the parent in writing. The decision maker may also indicate an acceptable procedure for future communication with the parent about their complaint.

The Department considers behaviour to be unreasonable when:

- it is clearly and significantly outside the expectations of cooperation, courtesy and respect
- it calls for staff resources and time unjustified by the nature or significance of the complaint
- an action or complaint is brought without merit, often to cause annoyance to another person
- it is oriented towards conflict.

Anonymous complaints

The Department requires all complaints to be considered. However, it recognises that its staff might not be able to fully consider a complaint if they cannot effectively liaise with the parent. Furthermore, anonymous complaints raise natural justice issues for respondents who have a right to know particulars of the allegations made against them.

Department staff responsible for handling parent complaints should determine, in consultation with other relevant personnel from the central office or region, the extent to which an anonymous complaint received by the school, region or central office shall be investigated.

Seeking advice

Principals, school staff, regional community liaison officers (CLOs) and other personnel involved in addressing parent complaints should seek advice, where necessary, from relevant Department units and external agencies to obtain appropriate technical or specialist advice.

Complaint escalation

Parents should be made aware that they are able to take their complaint to the Victorian Ombudsman if they are dissatisfied with the outcome or response from the Department, or if they feel their complaint is not being handled properly or in a timely manner.

When it is unlikely that a complaint will be resolved using the school's complaint-handling procedures the principal should consider seeking advice from the relevant region.

When a parent is not satisfied with the manner in which their complaint has been treated by the school, or their complaint is about the principal of the school, the parent can contact their local region. For further information, see: [Role of the region](#)

When a complaint remains unresolved after referral to the region, parents are able to request a review of process through the Deputy Secretary, Regional Services Group. See: [Role of the central office](#)

It may not always be possible to resolve all complaints to the parent's satisfaction. This could happen when the nature of the issues raised in the complaint is governed by the Department's policies or guidelines or if the parent has unrealistic expectations about the outcome of their complaint.

Parents should be made aware that when complaints are sent to areas of the Department not identified above, the complaint may be referred to the relevant level as identified in the following process image.

Students with a disability

Students with disabilities have rights under the *Disability Discrimination Act 1992* (Commonwealth), the *Disability Standards for Education 2005* (Commonwealth) and the *Equal Opportunity Act 2010* (Victoria) to access their education on the same basis as their peers, including the right to reasonable adjustments.

As with all complaints to which this policy applies, parents should raise any concerns or complaints regarding the treatment of a student with a disability with the school in the first instance. The community liaison officer or the regional disabilities coordinator can also provide advice to parents when they are seeking to raise a concern or make a complaint at their school.

The Department also recognises that parents of students with a disability can raise complaints or concerns regarding a student with a disability in a number of forums, including:

- the Australian Human Rights Commission – in relation to complaints regarding compliance with the *Disability Discrimination Act* or the *Disability Standards for Education*
- the Victorian Equal Opportunity and Human Rights Commission – in relation to complaints regarding compliance with the *Equal Opportunity Act*
- in consultation with the principal and any established student support group, to the Wellbeing, Health and Engagement Division of the Department. This may relate to matters arising under the Program for Students with Disabilities, including applications, Years 6-7 reviews, reappraisals and appeal procedures. See: [Program for Students with Disabilities](#)

Role of the school

All schools handle parent complaints on a range of matters. Parent complaints are best addressed in an environment where parents feel able to speak up about issues concerning the education and welfare of their children. This is reflected in open, two-way communication within the school, clear roles and responsibilities for all members of the school community, realistic expectations about what can be achieved by the school and an effective, published complaints handling procedure.

Schools should treat parent concerns seriously and reflect on the issues raised through complaints to change its practice and improve the learning opportunities for its students.

The school's initial response to an incident or issue at the school is critical. It is appropriate to acknowledge what has occurred with those involved and offer an apology or expression of regret for any upset or distress they may have experienced. Those involved in the matter should be assured that the complaint will be explored and, where possible, a full explanation will be provided once the facts are known. The school should also indicate the steps it intends to take to prevent a similar incident or issue from occurring again.

The school's Statement of Values clarifies and strengthens the roles of principals, parents, teachers and students, and helps to establish a cooperative school environment with realistic expectations of what can be achieved by the school. In such an environment, open, two-way communication, free of blame, will assist schools to handle concerns or complaints being raised by a parent. See: [Creating Respectful and Safe School Communities](#)

When a school receives a complaint (either written or verbal) from a parent, schools must follow the processes outlined next.

School responsibilities

It is the responsibility of the school to respond to and address written (letter and email) and verbal (face-to-face and phone) complaints raised by parents from their school community.

Schools are required to:

- develop and maintain fair procedures for parent complaint-handling. As a minimum the procedures must include:
 - who to contact when making a complaint
 - a description of the actions the school could take once a complaint is received
 - a time frame for acknowledging written complaints and an expected time frame for complaint resolution
 - the types of outcomes that the parent could expect
 - information about what the school will do if the complaint is not able to be resolved by the school and the options the parent has to take their complaint further
- consider all parent complaints by:
 - raising the issues in the complaint with relevant staff and/or members of the school community
 - consulting, where appropriate, with relevant sections of the Department and/or external agencies for technical or other advice
 - discussing the school's findings with the parent in an attempt to reach an agreed resolution
 - considering the engagement of a mediator where a complaint has the potential to become intractable
- publicise the school's complaint-handling procedures within the school community and make them readily available
- review the school's complaint-handling procedures regularly
- ensure that complaints received are recorded and actions taken to resolve the complaint are well documented
- ensure a school record of all complaints, both written and verbal, is maintained at the school
- seek advice from either the central office or region about the management of complaints, including complex or challenging complaints or complainants and the use of mediation/conciliation services, and seek specialist or technical advice from external agencies and/or the Department when required.

For further assistance concerning challenging or complex complaints see: Unreasonable Complainant Conduct

- ensure all school personnel are aware of the school's parent complaint-handling procedures and provide opportunities for staff to attend training/professional development activities with a focus on complaint management.
- actively assist parents with the complaint process, informing them that at any point of the complaint process they are able to be supported by an advocate/support person. The role of the advocate/support person in this process is a supportive and enabling one. A complainant's advocate/support person may be a member of the family, a friend, a community member or a person provided through an appropriate support/advocate agency. The advocate/support person in the parent complaint process does not receive a fee for service. The complainant should inform the principal if they want to include an advocate/support person in the complaint process and provide the

name of the advocate, contact details and the relationship to the complainant. An advocate/support person's role may include:

- assistance for the complainant to clarify the issues in the complaint
- discussion of difficulties being experienced by the complainant
- assistance in the development of a co-operative and collaborative working relationship between the complainant and the school community
- assistance for the complainant to understand Department policy and guidelines and the resolution being proposed for the complaint.

Resolving complaints

A principal may contact the regional director and request the region's intervention to help resolve a complaint. The principal would need to have exhausted the school's parent complaint-handling procedures and be of the belief that the complaint would not be able to be resolved at the school level. The parent should be advised that their complaint will be handled by personnel from the region.

Where a complaint is found to be justified, schools are able to resolve complaints by:

- an apology or expression of regret
- a change of decision
- a change of policy, procedure or practice
- a refund of parent payments
- offering the opportunity for student counselling or other support.

Role of the region

If a parent is not satisfied that their complaint has been resolved by the school, or if their complaint is about the principal of the school, they may refer their complaint to the relevant region. In addition, the region can provide advice:

- to schools, and support, when they are responding to parent complaints
- to parents when they are seeking to make a complaint at their school.

Responsibilities of the region

The region has responsibility to respond to parent complaints when:

- a complainant is not satisfied that the complaint has been addressed in accordance with the school's parent complaint-handling processes
- a complainant is not satisfied that an acceptable resolution has been reached
- the subject of the complaint relates to government educational policy outside the responsibility/management of the school
- a school requests assistance to resolve a parent complaint
- the subject of the complaint is the principal of a school.

Parents must be advised of the complaints process that is followed by the region (see below). The advice must include the following:

- the region's role does not include 'sanctioning' a school
- the parent is able to take their concerns about how their complaint is being handled to the Victorian Ombudsman.

Actions to be taken following the receipt of a complaint

Following receipt of a parent complaint, the regional director (or delegate) will:

- acknowledge receipt of a written complaint as soon as possible, ensuring the parent is aware of the complaint-handling procedures the region may use to respond to the complaint
- assess the complaint, which can result in the region undertaking one or more of the following processes to help resolve it:
 - allow more time for resolution at the school
 - provide assistance to reach a resolution through regional support
 - undertake a regional review
 - arrange for an independent investigation
- where necessary, seek advice from appropriate units within the Department and/or external agencies to determine how a complaint should be reviewed and whether other avenues of appeal/redress already exist (this may include seeking specialist or technical advice from external agencies and/or the Department to support the school in addressing the parent's concerns or to inform the region's decision making where a complaint involves a student with a specialist area of need)
- inform the principal of the receipt of the complaint and provide an opportunity for the principal to respond to the issues raised
- advise the parent, as soon as possible after receiving the complaint, how the complaint will be addressed
- advise the parent of any delays that may occur in the region's ability to respond within the set timeframe
- where it is considered by region to be appropriate provide the parent with an opportunity to respond to the principal's response to the matters raised prior to making a decision about the complaint
- where necessary, actively support parents with special needs in the complaint process by providing appropriate support
- provide the parent and the principal of the school with the results of the region's considered view of the complaint (The parent should also be advised they are able to take the matter to the Deputy Secretary, Regional Services Group, if they believe a fair and just process has not been followed to address the complaint by the school and/or the region.)
- keep a record of each complaint and its outcome on an agreed Department database. (The parent should be advised that a record is being maintained.)

Processes to help resolve a complaint

Allow more time for resolution at the school

An opportunity for the complaint to be resolved at the school will occur when:

- the issues haven't been raised with the school
- the school is continuing to address the issues in the complaint
- the issues raised are the responsibility of the school (e.g. school uniform)
- the issues raised are considered to be able to be resolved at the school level.

Provide regional support

Regional support to assist in the resolution of a complaint will occur when:

- support is requested by the principal and/or the parent
- it is evident that there is a disruption to the learning program of the student involved in the complaint, including non-attendance at school
- the regional director (or delegate) is of the belief the matter can be resolved with the support of the region.

Undertake a regional review

A parent complaint will be reviewed by a staff member of the region when:

- it is unclear if the school has parent complaint-handling procedures that are compliant with Department policy
- it appears that the school has not followed parent complaint-handling procedures
- the school and the parent were unable to resolve the complaint in a way that was appropriate and fair and consistent with Department policy and guidelines.

Reviews will identify:

- the issues in the complaint that will be part of the review
- opportunities for the parent and the principal to discuss their point of view with the reviewer
- what documents will be requested (e.g. school's record of the complaint)
- timelines (usually 25 school days)
- any other activities associated with the review (e.g. seeking advice from external agencies and/or other areas of the Department).

The parent must be informed about the scope and timing of the review.

All reviews will:

- provide the school principal with a copy of the complaint or a summary of the issues being raised in the complaint
- provide opportunities for the school to explain the process followed when the school addressed the complaint and how the decision, provided to the parent, was reached (The reviewer, regional director (or delegate) may ask the school to provide a response in writing.)

- provide an opportunity for the parent to clarify and respond to the matters they have raised and to comment on the school's response to the complaint
- when the issues raised in the complaint are about the principal, provide the principal with the issues raised and give 10 school days for the principal to respond to the reviewer in writing
- once the review has been completed, provide recommendations for the regional director (or delegate) to consider, in order to resolve the complaint
- write a response to the parent.

Arrange for an independent investigation

A parent complaint will be referred to an independent investigator by the regional director (or delegate) after considering the following questions.

- Is the complaint complex?
- Is there a difference of opinion about the facts in relation to the complaint?
- Are the issues raised by the parent serious and/or do they appear to be in breach of Department policy and guidelines?
- Do the issues raised in the complaint concern the ability of a child to participate fully in their educational program?
- Does the complaint indicate the existence of a systemic problem?
- Is there a more appropriate mechanism for dealing with the complaint?

An independent investigation will:

- have established terms of reference developed by the regional director (or delegate)
- have an investigation plan that defines the subject of the investigation
- comply with relevant privacy laws and maintain confidentiality
- provide procedural fairness
- gather evidence, including oral, documentary and expert (technical advice) evidence
- provide an investigation report to the regional director, which will include a summary of the investigation, its findings and recommendations (if applicable).

At the conclusion of an independent investigation, the regional director (or delegate) will consider the information provided in the investigation report to determine the outcome of the complaint. The outcome will be provided to the parent and the school principal and to any others deemed to require a response because of their involvement in the complaint.

During the investigation, a regional contact will be available to respond to questions from the parent and keep everyone involved in the complaint informed about its progress.

The Department will employ, under contract, an investigator for a specific complaint who has:

- no association with the parent or the school staff
- no knowledge of the complaint

- the skills to undertake an investigation
- a broad knowledge of schools.

Every effort should be made to ensure that there is no actual or perceived conflict of interest in the selection and appointment of an independent investigator.

For information about investigating complaints, see: the Victorian Ombudsman's guide: [Complaints: Good Practice Guide for Public Sector Agencies](#)

Possible outcomes of a parent raising a complaint with the region

The complaint is justified and advice is provided to the school for action. This could include:

- an apology or expression of regret
- a change of decision
- a change of policy, procedure or practice
- a refund of parent payments
- the provision of counselling or other support.

The complaint is not justified – the decision of the school is confirmed. This could include

- an explanation of how the decision is consistent with school policy
- that the decision taken is realistic and is supported by an external agency that specialises in the area under consideration
- Department policy and guidelines support the decision.

Please note that some outcomes are not possible:

- It is not the role of the region to 'sanction' or 'punish' a school and this is not a possible outcome of a complaint.
- Due to the Department's obligations under privacy laws, it is not appropriate for the Department to disclose details of disciplinary proceedings relating to its employees. For this reason, it may not be lawfully possible for the Department to inform a complainant of any specific action that has been taken in relation to individuals about whom parents have raised complaints.

Role of the central office

The central office of the Regional Services Group is responsible for:

- reviewing and developing the parent complaint policy on behalf of the Department
- ensuring information concerning parent complaints is readily available for parents, schools and region personnel
- ensuring training in relation to parent complaints is available to region and school personnel
- providing advice to parents who have an issue they wish to raise with their school
- ensuring that complaints that are received by the Minister's Office, the Secretary of the Department, or the Deputy Secretary, Regional Services Group, are referred to the appropriate area for review and

response in accordance with the Department's policies and processes (Principals will be notified that a complaint has been received.)

- providing advice and support to schools and the region in regard to their complaint-handling processes.

The central office has responsibility to respond to parent complaints when the parent believes that the:

- school and the region have not responded to their complaint in a fair, effective and timely manner
- response by the school and the region to their complaint is unsatisfactory.

When determining how to address a complaint the Deputy Secretary (or delegate) of the Regional Services Group will acknowledge receipt of written complaints and assess them, resulting in one of the following decisions:

- Allow more time for resolution at the region or school level
- Refer the complaint to Central Complaints Team, Regional Services Group for a process review

The central office does not need to respond when there is opportunity for the complaint to be resolved at the region or school level because:

- the issues haven't been raised with the school or region
- the school and region are continuing to address the issues in the complaint
- the issues raised are the responsibility of the school (e.g. school uniform)
- the issues raised should be able to be resolved at the school level.

Process review by the Central Complaints Team

When undertaking a process review, the Central Complaints Team, Regional Services Group will:

- review the steps taken by the school and the region to resolve the complaint ensuring they have been fair, timely and they comply with the principles of natural justice and the Department's regulatory framework
- provide a response to all parties involved (parent, region, school) explaining the findings of the review
- refer the complaint back to the region for further consideration and action where the processes used by the region to resolve the complaint were deemed to be inappropriate for the complexity of the issues raised (When this occurs the parent will be advised that the matter is undergoing further consideration by the region and the region will contact them shortly to explain the additional steps they are taking to resolve the complaint, including a revised timeline.)
- advise the parent, where the processes used to resolve the complaint are deemed to be appropriate, that the Department believes the matter has been given fair consideration and the matter is, from the Department's perspective, finalised. The parent may seek advice from an external agency such as the Victorian Ombudsman.

Possible outcomes of a parent raising a complaint with the central office

- The complaint has been investigated fully by the school and the region and the proposed resolution is endorsed.

- The complaint has not been investigated fully by the region and/or the school and will be referred back to the region and/or the school for further consideration.

Related legislation

All concerns and complaints must be addressed in line with the Department's legislative and regulatory framework which includes:

- *Education and Training Reform Act 2006*
- Education and Training Reform Regulations 2007
- *Charter of Human Rights and Responsibilities Act 2006*
- *Protected Disclosure Act 2012*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*
- *Wrongs Act 1958*

References:

<https://www.education.vic.gov.au/school/principals/spag/community/Pages/parentcomplaints.aspx>

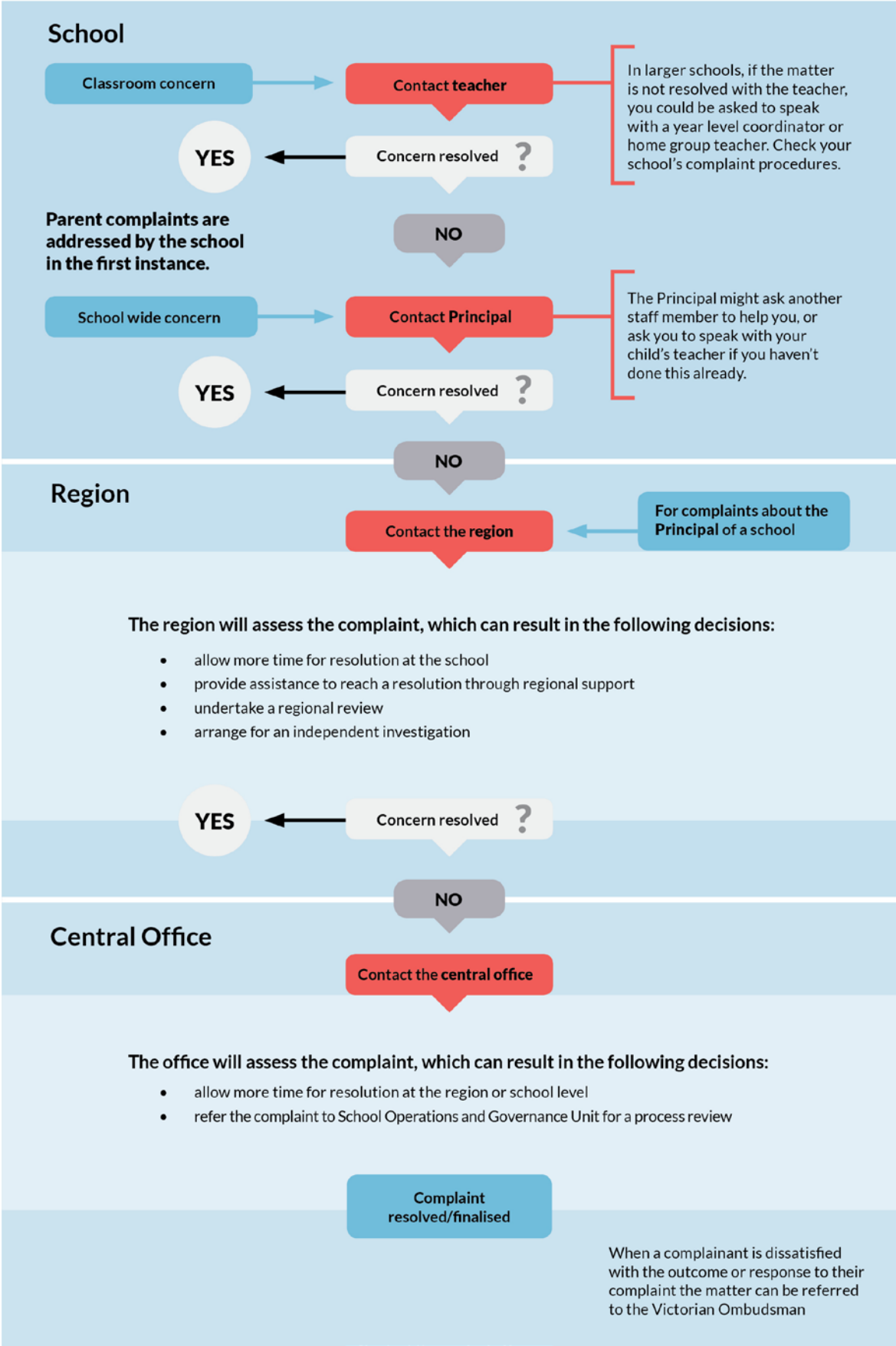
EVALUATION:

This policy will be reviewed as part of the three year cycle or more often if necessary due to changes in regulations or circumstances.

Date Reviewed: (School Council Endorsement)	October 2018
Date of Last Review	November 2018
Next Review Due Date	October 2021
Responsible for Review	Assistant Principal
Frequency of Review	Annually
References	Victorian Government Schools Policy Advisory Guide

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PARENT COMPLAINT FLOWCHART





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