

Enquiries and Complaints Management Policy

TABLE OF CONTENTS

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1.	Purpose.....	3
2.	Policy Statement.....	3
3.	Complaints Management Model.....	6
4.	Related policies.....	7
5.	Related procedures.....	7
6.	Supporting information.....	7
7.	Definitions.....	7
8.	Legislation.....	8
	Attachment 1 – Inside the operation of DECYP, but NOT within scope of this Policy.....	9
	Attachment 2 – Outside of the scope of DECYP, and the scope of this Policy.....	10
	Attachment 3 - Complaints Management Model.....	11

1. Purpose

This policy applies to all government schools and Child and Family Learning Centres (CFLCs).

The purpose of this document is to provide a clear policy position on how government schools, CFLCs and Learning Services will manage enquiries and complaints and to ensure that all parties involved have a clear understanding of the approach taken in managing complaints.

2. Policy Statement

Schools and CFLCs are constantly engaging with parents, guardians, carers, families, students, and the wider community. The Department for Education, Children and Young People (DECYP) recognises and understands that constructive and inclusive relationships between schools, families and the wider school community is the foundation for a positive learning environment for our learners and leads to better learning outcomes. Sometimes, during these interactions, schools and CFLCs receive a wide range of feedback, which consists of enquiries, feedback (compliments or comments) and complaints.

What is an enquiry?

An enquiry is a request for information or a question needing clarification.

A person who has an enquiry is encouraged to:

- Contact the [school](#) or [CFLC](#) direct, or
- Check the [DECYP website](#)
- Complete an online [Enquiry Form](#).

When an enquiry is received the school, CFLC will assist by providing accurate and timely information either verbally or in writing.

What is a complaint?

A complaint is an expression of dissatisfaction, either verbally or in writing, from a person who has been directly affected by an action, a decision, or service by a school or CFLC or the failure to take an action, make a decision or provide a service by the school or CFLC. Complaints are a form of feedback and provide an opportunity to identify issues and take action to improve service delivery and drive continuous improvement.

Complaints about staff misconduct will not be managed through the processes associated with this policy and will be managed in accordance with [Human Resources](#) process.

Some complaints received by DECYP are outside of the scope of this policy and need to be managed in a different way. These are complaints that are:

- Part of the operation of the DECYP but are subject to another review or statutory process ([Attachment 1](#)); or,
- Outside of the scope of the DECYP and may be the subject of a different agency or a different statutory process (see Attachment 2).

If a complaint is received that is not considered within the scope of this policy or should not be addressed through the [Enquires and Complaints Management Policy](#), the complainant will be informed and, where appropriate, will be redirected to the correct process.

Complaints need to be:

- Presented in good faith, with the aim of seeking a realistic outcome and not be frivolous or vexatious in nature.

When complaints are raised by a student, parent, carer, family, or community member, all parties should aim to resolve these as early as possible at the local level, with the learner's education as the most important consideration.

In managing complaints, employees **MUST** comply with this policy and associated procedure and resources. In managing complaints, employees **MUST**:

- Adhere to the complaints process, with the aim of resolving complaints as early as possible.
- Recognise that a complaint can be made by anyone who is directly impacted by a school or CFLC's decision, action and service or the failure to take an action, make a decision or provide a service, and that each complaint should be treated on its merits, including anonymous complaints.
- Manage complaints consistently in alignment with the complaints management principles of procedural fairness, accessibility, responsiveness, efficiency, and effectiveness for all parties, as outlined in Attachment 1.
- Treat complainants courteously, with respect and dignity, regardless of the nature of the complaint and inform all parties (responders, complainants and employees working to resolve the complaint) of their rights and responsibilities during the process.
- Maintain a focus on learner outcomes when resolving complaints.
- Recognise that complaints are a source of feedback, they provide an opportunity to learn and grow, as well as contribute to continuous improvement.
- Maintain the confidentiality of all parties when managing complaints in alignment with policy and legislative requirements.

Complaints Management Principles

DECYP applies the following principles to the management of complaints:

Principle	In practice this means:
Procedural fairness, also referred to as natural justice	<p>Procedural fairness requires a fair and proper process be used in making decisions that may adversely affect the interests of an individual or a group of people. The rules of procedural fairness require:</p> <ul style="list-style-type: none"> • a hearing appropriate to the circumstances • lack of bias • evidence and reasons to support a decision • inquiry into matters of dispute. <p>This means that:</p> <ul style="list-style-type: none"> • The subject of the complaint (respondent) will be informed of the nature of the complaint. • Complaints will be managed in an impartial, objective, and unbiased manner. • Complainants will not be adversely affected because they have made a complaint.
Accessibility	<p>The complaints management process is free and is accessible to all parties.</p> <p>Information on how and where to raise a complaint will be made publicly available.</p> <p>The process will be simple, clear, and easy to use.</p>
Responsive	<p>Complaints will be acknowledged and responded to in a prompt and timely manner.</p> <p>Complaints will be resolved as soon as possible and practicable. In general:</p> <ul style="list-style-type: none"> • Early Resolution process can take up to 45 working days to reach resolution, excluding school holidays. • Internal Review process can take up to 90 working days to complete, excluding school holidays. <p>If there are delays the complainant will be informed.</p> <p>All parties will be kept informed about the progress of the complaint, including the outcome and the reasons for any decisions.</p> <p>Complaints are recorded and tracked to monitor trends timeframes and resolutions.</p>
Efficient/Effective	<p>Complaints will be managed efficiently and effectively so that all parties have confidence in the process.</p> <p>The complaint process and level of resources allocated to a complaint, will be determined by the DECYP based on the substance of the complaint.</p> <p>Staff have a duty to all complainants and respondents to deal efficiently and effectively with their complaints.</p>

3. Complaints Management Model

There is a clear three stage model (Attachment 3) to manage complaints which consists of Early Resolution, Internal Review and External Review.

In the Early Resolution, the complaint will be managed by the school or CFLC with assistance from Community Liaison Manager if required. An online [Complaint Form- Early Resolution](#) is available to assist with this. If the complainant is dissatisfied with the outcome of their complaint and/or the way their complaint was handled during Early Resolution, they may request Learning Services to conduct an Internal Review. An online [Internal Review Form](#) is available to assist with this. If a complainant remains dissatisfied after an Internal Review, they may seek an External Review to [Ombudsman Tasmania](#).

If a complaint is raised about the conduct of a Principal, this MUST be referred to Learning Services who will manage the complaint in alignment with Human Resources policies and procedures.

All complaints MUST be managed according to this Model. This ensures that:

- Complainants are clear about the way that their complaint will be managed.
- All staff are clear about their roles and responsibilities in responding to complaints from complainants.
- Staff are empowered to resolve complaints promptly, effectively, and efficiently.
- Complaints are managed consistently.

Rights and responsibilities:

Staff have the responsibility to comply with the [Enquires and Complaints Management Policy](#), Enquiries and Complaints Management Procedure and [Internal Review Procedure](#). Staff MUST act professionally in accordance with the [State Service Act 2000](#). This also includes treating complainants with courtesy and respect, keeping the complainant informed of progress, the outcome and providing information on the reasons for any decisions.

Complainants also have a set of responsibilities when they raise a complaint. This includes clearly identifying the complaint, providing all information relevant to the complaint in an organised way at the time of making the complaint, cooperating with the school or Learning Services during the process and treating all staff with courtesy and respect. The complainant also has other responsibilities that are broadly outlined within the school *Respectful Visitor and Volunteer Behaviour Policy* and are also outlined within the definition of Unreasonable Complainant Conduct (UCC).

Complainants are to cooperate with the process, focus on learner outcomes and work collaboratively to resolve the complaint.

UCC will not be tolerated. This includes but is not limited to behaviours that are abusive, threatening, demanding and persistent or based on irrational claims. If UCC is displayed, staff safety and wellbeing will be prioritised, and DECYP will take appropriate steps to manage UCC.

Data and Reporting

Learning Services must record data on complaints to identify trends and emerging issues, identify effective solutions and measure performance. Information will be reported quarterly to the Learning Services Directors and annually to DECYP Executive, to inform future planning, policy, and continuous service improvement.

Monitoring and Review

This policy will be reviewed every three years and the following information will inform this review:

- Feedback from parties on the complaint management process.
- The results of any audits, evaluations, internal feedback, or feedback from external agencies.
- Any changes in contemporary practice, standards, policy, legislation, or organisational structure.

4. Related policies

- Professional Standards for Staff - [Policy](#) and [Guidelines](#)
- [Respectful School Volunteer and Visitor Behaviour Policy and Process - Template](#)
- [Respectful Student Behaviour Policy](#)

5. Related procedures

- [Enquiries and Complaints Management Procedure](#)
- [Complaints Management - Internal Review Procedure](#)
- [Enquiries and Complaints Management Resources and Templates](#)
- [Occupational Violence and Aggression](#)
- [Conflict of Interest Procedure](#)
- [Respectful School Visitor and Volunteer Procedure](#)

6. Supporting information

- [Online Enquiry Form](#)
- [Online Complaint Form- Early Resolution](#)
- [Online Internal Review Form](#)
- [Enquiries and Complaints – Information for Parents](#)

7. Definitions

Complainant

A complainant is the person/party making the complaint, or an organisation or advocate representing the complainant.

Enquiry

An information request or a question requiring clarification. This may also include comments or compliments.

Frivolous complaint

A frivolous complaint is one that is trivial or meritless in nature and does not justify the resources that would be required to action it.

Parent

Parent has the same meaning as in the [Education Act 2016 \(Tas\)](#) which is:

- (a) A legal guardian of a child; and
- (b) Another person who has the care, control, or custody of a child; and
- (c) Another person who generally acts in the place of a parent of a child and has done so for a significant length of time.

Resolution

A complaint is resolved when the complaint raised is dealt with in line with [Enquiries and Complaints Management Procedure](#). The resolution may or may not be to the parties' satisfaction.

Resolutions may include:

- An explanation, an apology, changing or reconsidering a decision or action, expediting a decision, reaching a compromise resolution, identifying a different action, addressing, or referring for continuous improvement, concluding that the complaint has been resolved or dismissal of the complaint.

Unreasonable complainant conduct (UCC)

Conduct is likely to be unreasonable if it involved actions or behaviours which, because of the nature or frequency, raises substantial health, safety, resource or equity issues for DECYP, its staff, other service users or the complainant themselves.

Examples include unreasonable:

- Persistence (e.g. excessive and unnecessary phone calls, letters, emails, or other correspondence).
- Demands (e.g. demanding more reviews than DECYP procedures allow or demanding a different outcome without showing the original decision was incorrect).
- Lack of cooperation (e.g. refusing to identify the issue of complaint or providing disorganised information).
- Arguments (e.g. making irrational claims).
- Behaviour (e.g. aggression or violence to staff or threatening to harm self and others).

Vexatious complaint

A vexatious complaint is a complaint that is not brought in good faith, and is instead designed to harass, annoy, or create a resource burden for DECYP.

8. Legislation

The following legislation and policy provide the context for this policy.

- [Anti-Discrimination Act 1998 \(Tas\)](#)
- [Disability Discrimination Act 1992 \(Commonwealth\)](#)
- [Disability Standards for Education 2005 \(Australian Government, Department of Education\)](#)
- [Education Act 2016 \(Tas\)](#)
- [Education Regulations 2017](#)
- [Integrity Commission Act 2009 \(Tas\)](#)
- [Ombudsman Act 1978 \(Tas\)](#)
- [Personal Information Protection Act 2004 \(Tas\)](#)
- [Police Offences Act 1935 \(Trespass Law\)](#)
- [Public Interest Disclosures Act 2002 \(Tas\)](#)
- [Teachers Registration Act 2000 \(Tas\)](#)
- [Secretary's Instruction No 3 for Unacceptable Behaviour of Students and Volunteers at, and Visitors to, State Schools or School Activities](#)
- [State Service Act 2000 \(Tas\)](#)
- [State Service Principles](#)
- [Work Health and Safety Act 2012 \(Tas\)](#)
- [United Nations Convention on the Rights of the Child](#)

Attachment I – Inside the operation of DECYP, but NOT within scope of this Policy

The below are within the remit of DECYP and have either a specific formal review process, or legislative process. Therefore, they will not be considered as a matter to be resolved through this policy.

Topic	Detail
Complaints about a child safety mandatory report	All staff members and volunteers MUST make a report directly to the Strong Families, Safe Kids Advice and Referral Line 1800 000 123 (ARL) or make an online notification when they believe or suspect, on reasonable grounds that a child is suffering, has suffered or is likely to suffer abuse or neglect in order to prevent the occurrence or further occurrences of the abuse or neglect.
Trespass Notices issued by a Principal	Individuals subject to a Trespass Notice need to seek their own independent advice and remedy through the Courts.
Out of Area Enrolments	Parents seeking a review of an OoA enrolment decision must send a written request to Learning Services (Northern Region) or Learning Services (Southern Region) .
Complaints about decisions made under legislation or policy*	A decision made in line with legislation and policy, for example application of the school uniform policy. Speak to your school or CFLC.
Suspensions, Exclusion, Expulsion or Prohibition*	Review rights associated with a sanction are limited <ul style="list-style-type: none"> • Application for Review or Revocation of Exclusion • Application for Review or Revocation of Expulsion • Application for Review or Revocation of Prohibition.
School Association Dispute	In the first instance, contact the chair of the School Association. Alternatively, contact schoolassociations@decyp.tas.gov.au or Tasmanian Association of State School Organisations info@tasso.org.au
Family Law matters	Family or carer disagreements about the learner is for those parties (and the learner if over the age of 18 years old) to reach agreement on. This agreement must then be communicated to the School or CFLC.
Student Class Placements	Please contact your school Principal to discuss a class placement decision. Alternatively, Contact Ombudsman Tasmania . Telephone 1800 001 170.

*A complaint can be made on whether the established process has been followed.




Attachment 2 – Outside of the scope of DECYP, and the scope of this Policy

Complaints that are outside of the scope of the Department for Education, Children and Young People and this policy are:

Topic	Detail
Incidents outside of school	Schools do not have duty of care for learners outside of established school hours. Dependent on the nature of the incident contact Tasmania Police. For emergencies contact 000 and for non-emergencies contact 131 444.
Complaints about other parents or members of the school community	If you have a complaint about a member of the school community, this is a civil matter, and you would need to seek your own independent advice.
Restraining Orders	Where a Restraining Order is obtained and it impacts the school community, a copy of the Restraining Order should be provided to the School.
Complaints about a Child Safety matter (such as abuse or neglect of a child).	Contact Advice and Referral Line on telephone 1800 000 123. For complaints about Child Safety Services contact complaints.caf@communities.tas.gov.au
Public Interest Disclosure Act 2002	Contact Ombudsman Tasmania on telephone 1800 001 170
Complaints about Conveyancing Allowance	Contact the Department of State Growth in writing at the following address: Manager Regulations and Concessions, Passenger Transport, Department of State Growth, GPO Box 1242, Hobart TAS 7001.
School Buses	The Department of State Growth is responsible for school bus contracts in Tasmania. Please contact the Department of State Growth, Transport Services directly - School bus services – Transport Services

Attachment 3 - Complaints Management Model

A three-stage model has been developed to manage complaints. All complaints MUST be managed according to this approach.

Stage	Who is involved?	Activity	Alternative Dispute Resolution	
Early Resolution - School				
1	Complainant and School 	The best place to raise a complaint is at the point where the issue first arose. <ul style="list-style-type: none"> Schools work with the complainant to achieve Early Resolution. Schools refer to Enquiries and Complaints Management Policy, Procedure, Resources and Templates. If a complaint is related to the reasonableness of a decision or the process followed by the Principal, this WILL be referred to Learning Services. 	Dispute Resolution Services Where all parties agree, the Principal can engage the services of a dispute resolution provider through Learning Services.	
		If the complainant is dissatisfied with the complaint outcome or with the complaint management process, proceed to Internal Review (<i>subject to assessment</i>).		
Internal Review – Learning Services				
2	Complainant and Learning Services 	Learning Services will conduct an Internal Review using the Internal Review Procedure		
		If the complainant is dissatisfied after the Internal Review.		
External Review				
3	Complainant 	If the complainant remains dissatisfied, they can seek an External Review by contacting Ombudsman Tasmania . Learning Services will advise the complainant of their right to seek an independent External Review once the complaints process has been finalised.		

Escalation

if not resolved and complainant still dissatisfied

Authorised by: Trudy Pearce, Deputy Secretary, Learning

Contact: Community Liaison Manager community.liaison@decyp.tas.gov.au

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This Document Replaced: [Grievances Guidelines for Parent and the Community](#)