The Rock Central School

Policy for the handling of complaints

From time to time members of the school staff will receive complaints from members of the school community. In all instances it is important that complaints are acted on promptly and effectively.

In the case of all complaints assessed as less serious, unless the complaint falls into the area of special cases, informal resolution should be attempted in the first instance

What can a complaint be about?

A complaint can be about:

- any aspect of the service provided, or not provided, in any Department of Education and Training site
- the behaviour or decisions of staff, or
- practices, policies or procedures.

Who can make a complaint?

Any person can make a complaint, including a student, parent or caregiver, a community member who uses the services of the Department, any employee, contractor or volunteer in a location where Department services are provided, including TAFE NSW.

How can I make a complaint?

A complaint can be made orally or in writing. Oral complaints that cannot be resolved informally may need to be put in writing and help will be provided if needed by the person receiving the complaint. You can have a support person present when making the complaint and at any related meeting.

It is preferable but not essential that the complainant’s name and signature are included in the complaint. You should be aware that, in some instances, a complaint cannot proceed if it is anonymous or if you request that your identity be withheld.

A complaint can be made in any form. However there is a Complaint Form available for your convenience. There are no associated fees.

Where possible, your complaint should be resolved informally with the relevant
employee. If you feel that the issue has not been resolved or it would be inappropriate to raise it with the employee concerned, then you can make the complaint to their supervisor or the principal at the site where the problem occurred (e.g. the office, or school). If you have concerns about the local supervisor, the complaint should be made to the next supervisory level.

If your complaint cannot be resolved in an informal way, we may ask you to put it in writing. It is important that you include specific details of the situation and tell us what you would like to happen as a result of your complaint.

Where the complaint is about the principal, the complaint must be made to their Director.

Complaints about a policy, procedure or guidelines can be made to the directorate or unit responsible for that policy, procedure or set of guidelines, where possible, or with the principal. If you have a complaint about a departmental policy, contact the directorate identified in the internet web page relating to that policy.

In certain cases, you may want to contact the section of the department or outside agency that deals with particular kinds of complaints.

**Can I get help to make a complaint?**

The person receiving or managing the complaint should provide you with any help you need to make your complaint. Please ask for it, if it is not offered initially.

In addition, the following arrangements are in place to ensure that all persons who wish to make a complaint are able to do so:

- In schools, it is the responsibility of the principal to assist school community members with special needs to make complaints about school or schooling. This may involve consultation with regional office personnel.
- Support for Aboriginal and Torres Strait Islanders
- Aboriginal and Torres Strait Islanders will be offered the opportunity to have a support person and, if needed, an interpreter when making a complaint.
- Support for the Hearing Impaired
- Interpreting services are provided for hearing impaired parents and carers who use sign language.
- Support for Children and Young People
Who can receive a complaint?

Any Department employee can receive a complaint. In general, the complaint should be made where the problem occurred (e.g. the school or college) unless there are concerns about the local principal, manager or supervisor, in which case the complaint should be made to the next supervisory level.

How will my complaint be handled?

The person who receives your complaint must consider the nature and seriousness of the issues you raise.

The person managing the complaint should always try to resolve those complaints assessed as ‘less serious’ by informal means first.

Sometimes complaints termed ‘special cases’ will be referred to certain parts of the department or to outside agencies. If this is the case, you will be advised where the matter was referred and the name and contact number of the person managing it.

If your complaint is considered to be serious or not appropriate to be managed informally, there are three types of formal procedures used, depending on the nature of the complaint – remedy and systems improvement, negotiation, and investigation.

What about confidentiality?

All parties to a complaint are expected to treat the matter confidentially. This requires everyone, including the complainant, to ensure that information is restricted to those who genuinely need to know. Furthermore, those people should only be told as much as they need to know and no more. For example, some people may need to know of the issue so that they can provide advice, but not of the identities of the persons involved.

An employee making a protected disclosure has strong confidentiality rights under the Protected Disclosures Act 1994. However, even these have limitations and confidentiality can never be guaranteed, as there are situations (e.g. during disciplinary or court procedures) where procedural fairness requires that the respondent must be supplied with information that identifies the person who has given evidence against them.

What if I need support during the process?

We understand that people may be affected by a complaint and the process related to it. If you need support, you could approach the person dealing with the matter for a
recommendation as to who might be available to support you or you might consider seeking support from the following bodies, as appropriate:

- Employee Assistance Program (EAP).
- Complainant and Witness Support Program - (02) 9561 8761
- Regional Staff Support Officers
- Regional OHS Liaison Managers
- Human Resources Directorate - (02) 9561 8523
- Employee Performance and Conduct Directorate - (02) 9266 8070
- Student Welfare (on (02) 266 8936
- Union officers (e.g. Teachers Federation - (02) 9217 2100 or 1300 654 369, PSA - (02)9290 1555.

**What if I am not satisfied with the outcome?**

It is possible that, at the end of the process, you will not receive the outcome that you wanted. If you feel that you have not been treated fairly or that the result is unreasonable, you can request that the matter be reviewed either internally or externally. This is explained on pages 37 and 39.

External bodies that may be able to assist include:

- NSW Ombudsman
- Anti-Discrimination Board of NSW (ADB)
- Human Rights and Equal Opportunity Commission (HREOC)

**Assessing the Complaint:**

When a complaint is made, the person receiving it must assess what action needs to be taken.

Steps taken in assessing a complaint are:

- Identifying whether or not the complaint is a special case
- Assessing the level of seriousness of the complaint
- Selecting the appropriate course of action

Certain kinds of complaints are treated as special cases because they are covered by specific legislation, policies and procedures, and must be dealt with accordingly.

All complaints must be checked to ensure that the correct policy and procedure is followed and this must occur before any further action is taken. Seek assistance from
the contact person nominated below if in doubt.

Any complaint covered by the following special cases must be referred even when there is a suspicion that the complaint may be false, vexatious or misconceived.

If assistance is needed to decide whether or not a complaint is “serious”, advice should be sought from a supervisor. Support is also available from the Staff Efficiency and Conduct Team.

Assessment of complaints is to be documented and decisions not to act on a complaint must be recorded.

If the complaint is considered less serious, informal resolution is appropriate.

The complainant’s expectations:

A person making a complaint will have expectations as to how their complaint should be handled and may require assistance in making the complaint.

To manage complainant expectations, you should:

- explain the complaint handling process to the complainant or tell them where to get information about it
- if the matter is to be referred, explain why and to whom
- confirm with them that you have fully understood their complaint and ask them what outcome they are seeking
- outline the possible outcomes, including whether or not the outcome they are seeking is reasonable
- provide realistic timeframes for dealing with the matter
- ensure that any promises made are followed through.

SAS staff dispute and grievance resolution

The Crown Employees (SAS Staff) Award 2005 specifies procedures that are to be used to resolve any dispute that arises which involves such a staff member. Refer to Section 15 of that award.

Policy to be reviewed August 2012