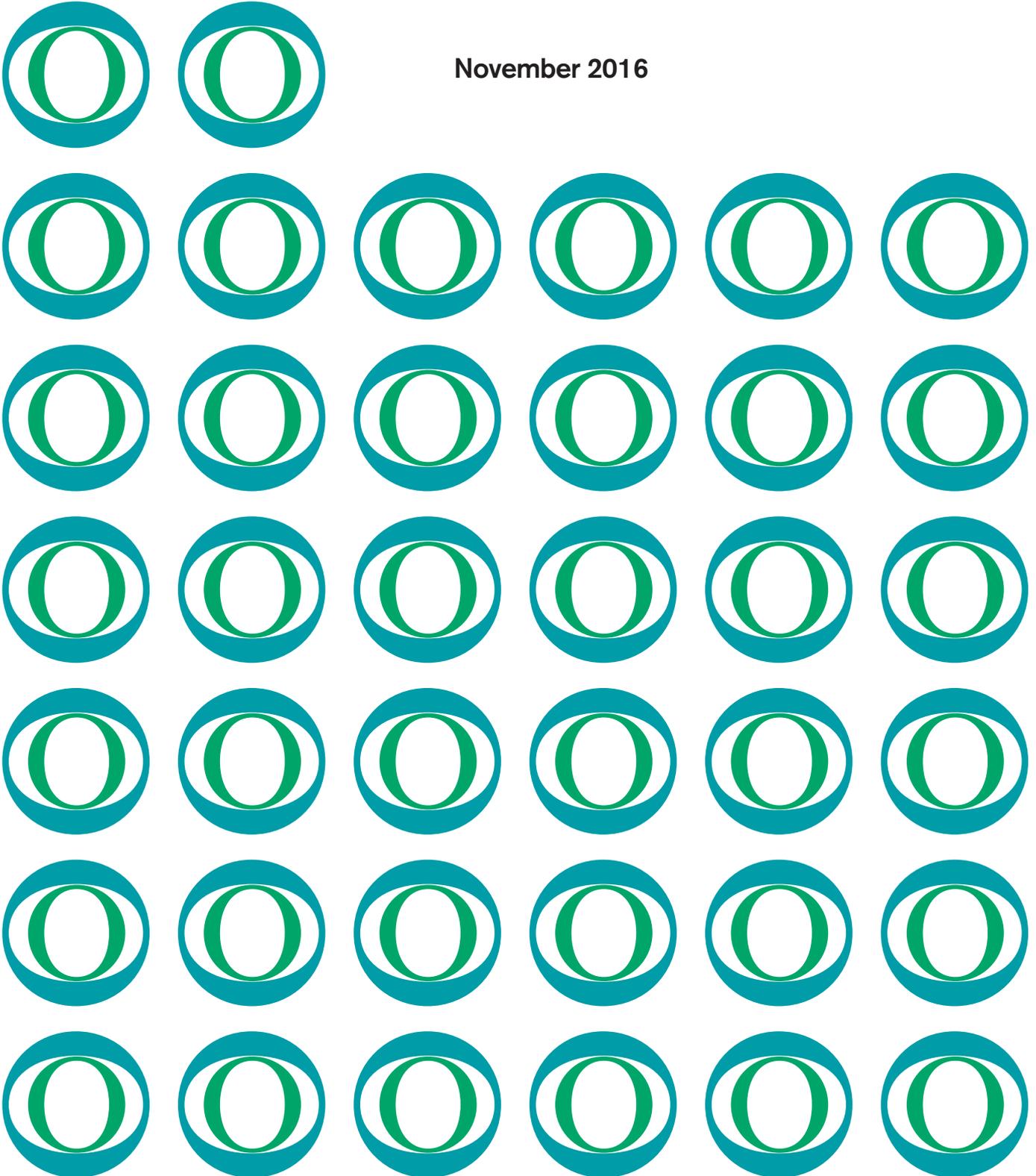


Ombudsman SA

An audit of the
Department for Education and Child Development's
education related complaint handling practices

November 2016



Ombudsman SA
PO Box 3651
Rundle Mall
Adelaide SA 5000

Telephone 08 8226 8699
Toll free 1800 182 150 Outside metropolitan area only
Facsimile 08 8226 8602
ombudsman@ombudsman.sa.gov.au
www.ombudsman.sa.gov.au

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EXECUTIVE SUMMARY

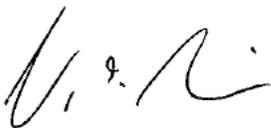
This Audit Report (**the report**) comprises an investigation into complaint handling in the State School sector administered by the Department for Education and Child Development (**DECD** or **the department**).

The report reveals:

- complaint handling is, to a large extent, unplanned and inconsistent across education sites
- complaints are not always recorded or reported to DECD by schools
- staff are not provided with adequate training in complaint handling
- there are inconsistent policies published by a number of schools
- staff at school sites often have difficulty identifying complaints
- many school sites do not have a trained contact person responsible for handling complaints
- the Australian Standard for complaint handling was not broadly recognised across DECD as the appropriate authority for a customer focused approach to complaint handling
- few sites had clear, concise information about making a complaint available on their main website and often relied on a brochure which pre-dated the implementation of the Consumer Complaints Management and Resolution Policy and the Consumer Complaints Management and Resolution Procedure published on 25 August 2015 (**the policy and procedure**)
- the advent of the Education Complaints Unit (**ECU**), (formally the Parent Complaint Unit) appears to have caused some school sites, if not a majority, to rely heavily on the second level of complaint handling, rather than applying resolution skills at first or subsequent point of contact, which the Australian Standard recognises as being the optimum or best practice.

The evidence from this audit shows that the ECU, as the second level of complaint handling under the policy and procedure, has been effective in managing complaints. However, unless level one practices are substantially improved, it will be unable to perform the complete role and suite of responsibilities which the policy and procedure allocates to its function. The report highlights the deficiencies, but recognises that as steps are taken to implement the policy and procedure in its totality, improvement will take place incrementally. Nevertheless, I have made a number of recommendations.

I look forward to observing the improvement in complaint handling across the State school sector of the department in the short to medium term.



Wayne Lines
SA OMBUDSMAN

November 2016

SUMMARY OF RECOMMENDATIONS

Following receipt of my provisional audit report dated 12 July 2016, the department responded, acknowledging my provisional recommendations, and accepting recommendations 1 and 2 in their entirety, but only accepting recommendations 3 to 5 (inclusive) in principle.

Following discussion with the Chief Executive of the department, I agreed to remove provisional recommendation 3 from the final report on the basis of an undertaking that targeted training of school based senior staff in complaint handling, record keeping and improvement monitoring had already been implemented and was continuing.

Further discussion took place with the Chief Executive, both in person and by correspondence, about the utility of implementing a change to an existing electronic incident report management system to accommodate complaint reporting and management at school level. The department declined, citing the procurement of a new Education Management System (**EMS**), which may have the capacity to accommodate a complaint handling module. It is anticipated that the EMS will be implemented between the years 2018 and 2020. In the meantime, I expect that a gradual improvement in complaint handling, record keeping and improvement monitoring will take place in terms of the policy and procedure, utilising existing record keeping practices sufficient to allow the extraction of relevant statistics and compliance with the provisions of the *State Records Act 1977* (**State Records Act**).

In addition, the department through its Chief Executive was concerned to adopt a more precise definition of what complaint statistics should be recorded. In the result, the following definition proposed by my Office has been agreed by the department:

- (A) complaint made to a school or other education site becomes a matter for the record when:
- (a) it is not resolved at first point of contact; and
 - (b) it is not resolved by a simple verbal response, but requires a response in writing, accompanied by an explanation of reasons for a certain decision and an opportunity for the complainant to be heard.

The complaint statistics recorded in terms of this definition include complaints that are not resolved at school or site level, but are escalated for resolution by the ECU.

In consequence, and taking into consideration the department's submissions, the draft recommendations made in the provisional report have been amended, and in the case of provisional recommendation 3, removed. Nevertheless, five recommendations are embodied in the final report, as appear below. They are directed at achieving improvement in education related complaint handling practices across sites, and the department as a whole, and aim to:

- address administrative deficiencies
- guide sites to implement changes that can improve administrative processes
- achieve system reform in the area of public contact
- ensure compliance with the recognised Australian Standard.

RECOMMENDATION 1

That the departmental brochure entitled 'Parental Guide to Raising a Concern or Complaint' is amended or replaced by a new document, to reflect the current policy and procedure and to carry contact information about individual schools. That information should include telephone numbers, names of contact persons at each site, and an email address to which complaint forms may be directed. The brochure should be accessible on each school's website and in loose form at each administrative office.

That as and from 1 January 2017, the amended or new brochure is mandated for use in all schools and education sites, save for the inclusion of local contact information and a schedule (if necessary) that contains any additional information about local staff responsibilities and procedures for complaint management and consequential practices.

RECOMMENDATION 2

That as and from 1 January 2017, each school and education site must ensure that any internal procedures for managing complaints in accordance with the policy and procedure are in place and published on its website.

RECOMMENDATION 3

That prior to the commencement of the 2017/2018 financial year, each school or site manager shall ensure that proper and consistent record keeping of all complaints received is implemented in accordance with the departmental policy.

RECOMMENDATION 4

That consideration is given to developing and introducing, prior to the commencement of the 2019 school year, an adjunct module to the proposed EMS computer system for recording and reporting complaints and accompanying information, in relation to all complaints recorded, as defined on page 2 of this report.

RECOMMENDATION 5

That school or site managers monitor and record complaint handling compliance, statistics and trends at least once annually. Particulars of the volume, nature and results of complaint handling, including whether resolution occurred locally, or was referred to the ECU for determination, should be included in the relevant annual report for the school or site. In addition, the ECU should provide an analysis of this information to the Senior Executive Group as part of the department's annual reporting requirements.

PART 1

THE AUDIT PROCESS

Audit context and Ombudsman jurisdiction

1. In the budget year 2014-2015 additional funds were allocated to Ombudsman SA by the Attorney-General over four years to promote administrative oversight of and improvement in the department in the wake of the DeBelle Royal Commission (2012-2013). In light of this history and complaints received by the Ombudsman's Office about the department, the former Acting Ombudsman determined that an audit of complaint handling in the education system was warranted.
2. This audit was conducted by the Ombudsman pursuant to section 14A(1) of the Ombudsman Act as an administrative improvement initiative. It concentrated on complaint handling at school sites and centrally at the ECU, as it is now known. The audit excluded complaints made to Families SA, which shares the same policy and procedure, but remains operationally separate to the education system. Section 14A(1) relevantly provides:

[[I]f the Ombudsman considers it to be in the public interest to do so, the Ombudsman may conduct a review of the administrative practices and procedures of an agency to which this Act applies.
3. The department's core purpose is to lead and manage South Australia's education system and to provide early childhood development and wellbeing services to the community. The department provides some services previously delivered by Families SA and SA Health via the Women's and Children's Health Network, and is responsible for the state's statutory child protection framework. As at the end of March 2016, there were 21,861.22 Full Time Equivalents (**FTEs**) employed across the department, including schools and pre-schools (but excluding Families SA, the headcount of which was 1,672.86 FTEs, at the material time).¹
4. In November 2014, the Ombudsman finalised an audit of state government complaint management systems. The audit recommended that:
 1. the State government issue a Department of the Premier and Cabinet Circular requiring all agencies to have in place a complaint management system that conforms to the Australian standard for complaints management
 2. all state government departments should have a department-wide complaints management policy in place by 31 March 2015
 3. all state government departments should be required to provide annual reporting of complaints from members of the public, and that this should be included as a mandatory reporting item in agency annual reports
 4. an amendment to the *Civil Liability Act 1936* should be made to prescribe that an apology does not constitute an admission of liability
 5. commencing 30 June 2015, the Senior Management Council of agency Chief Executives conducts an annual review of agency complaint management systems.
5. As a result, on 18 December 2014, the Senior Executive Group of the department endorsed the policy and structural consolidation of Families SA and Education complaints processes, although the new consolidated policy and procedure was not approved and released until 25 August 2015.
6. The centrally located Parents Complaints Unit (**PCU**) was the forerunner of the ECU, and was established on 16 March 2012 in response to the Cossey Report (published May 2011) into bullying and violence in schools and findings by the Ombudsman in 2010.

¹ Personal communication with Manager, HR systems and Workforce Information, DECD, 13 May 2016.

7. The Cossey Report made a number of recommendations following a critical incident at a high school. The Cossey Report touched upon (amongst other matters) the role of what was then the School Care Unit and its evolution as a repository for information, including the use of the Incident Reporting and Management System (IRMS), citing the fact that IRMS was not 'user-friendly'. A number of observations made in the Cossey Report strike a familiar chord:

Not every incident of anti-social behaviour towards students by other students meets the definition of a critical incident. However, incidents that are not critical may well be the forerunners of incidents that are. This is particularly so given the likelihood of social media 'conversations' between students, including 'conversations' that occur outside of school hours and which can lead to escalation.

For reasons associated with a school's duty of care obligations, this review regards it as essential that every incident of which a school staff member is aware be formally recorded, reported to the leadership of the school and filed securely in the school.

The review is aware that schools have their own approaches to this, with local forms and procedures. However, they vary in the detail recorded of the incident and of follow-up action taken.

A strong case exists for guidance from the DECS State Office by way of a template which indicates the minimum information that should be recorded including:

- name of person providing the report
- date, time and location
- incident details
- students involved
- witnesses, if any
- communication with parents or other designated contact person (as appropriate) and other action taken.²

8. At the time of its inception, the PCU constituted the third level of the complaint process, the second being the offices of regional directors. In 2014, regional directors became education directors and their former function in the complaints process was removed. The new policy and procedure established the ECU as the second level in complaint resolution in the department, the third level being constituted by relevant statutory authorities, including the Ombudsman, subject to a right of internal review overseen by the Chief Education Officer.
9. The audit was preceded by selected school visits in the metropolitan and outer metropolitan areas and in one country town, by members of the Ombudsman's Office. The school sites visited ranged, according to the Indices of Social Disadvantage, from category 1 to category 7. The school visits were important from the perspective of gauging, in a general way, how complaints were received and processed at a school level, taking into account student population, general social/economic factors in play and the approach of individual school principals and other senior staff to complaint management.
10. The audit commenced with a letter addressed to the Chief Executive of the department on 10 August 2015, informing him of the audit survey and that one school in each government region in the State would receive a questionnaire, as well as each regional office of education. The Ombudsman's Office also liaised with the Executive Director, Pre-School and School Improvement, to obtain her support and consent to the process.
11. The Minister for Education and Child Development was also informed by letter that the survey was being conducted.

² Cossey Report, May 2011, pages 9-10.

Complaints to Ombudsman SA

12. A primary role of the Ombudsman is to independently investigate administrative decisions of government agencies. The office is one of last resort and a complainant is encouraged to exhaust all remedies available with the agency before contacting Ombudsman SA. All complaints received are assessed against documented criteria to determine if an investigation should be conducted.³
13. Ombudsman SA receives complaints about the department. In the 2012-2013 period there were 96 complaints about education matters. In the 2013-2014 period there were 120 complaints and 6 investigations conducted about the department. In the 2014-2015 period there were 102 complaints and 8 investigations conducted about the department. In the period from 1 July to 31 December 2015, 57 complaints were received of which 3 were investigated. The consistency is obvious. In general terms, these complaints can be categorised as being about unreasonable complaint handling practices or inadequate or flawed investigations. As shown at Figure 8 (page 29), the Ombudsman is also part of the third level under the policy and procedure, including providing an avenue of external review.
14. The vast majority of these matters were dealt with in one or more of the following ways:
 - referred by Ombudsman SA back to the department for assessment and action
 - declined after an assessment or a preliminary investigation as a result of there being little substance to the complaint, or, on the ground that further investigation was not justified
 - delayed as the complaint was premature because the department was still dealing with the complainant.
15. However, several complaints were considered for full investigation and proceeded on that basis. By way of illustration, the following matter was investigated:

A complaint was received from C who complained that he was not cleared as a regular volunteer at the school which his son attended. He had previously been a school bus driver with the department, but had been dismissed some years previously. In the course of the investigation, my Office assessed the information received from C and the department, both initially and subsequent to providing the Provisional Report. My Office also considered the department's Screening and Suitability - Child Safety Policy (policy), *Children's Protection Act 1993 (CPA)*, *Children's Protection Regulations 2010 (Regulations)*, and the DECD Probity Screening Panel - Terms of Reference. C had earlier sought driver accreditation from the Department for Planning, Transport and Infrastructure (DPTI) and lodged an application with the Department for Communities and Social Inclusion (DCSI) for a screening clearance. The effect of section 8B of the CPA and regulation 6 of the Regulations was considered, as well as the role of the panel. C obtained a clearance from DCSI for the purpose of obtaining driver accreditation from DPTI to drive a bus. However, DCSI did not clear C to act as a volunteer with school children, citing his previous criminal history. C had made submissions to DCSI about that history, in an endeavour to demonstrate that it was, as far as convictions were concerned, of a minor nature. The panel only had the DCSI assessment before them, but refused C's request. No reasons were given to C, and this attracted my criticism. Subsequently, C sought a review which was conducted by the Executive Director, Preschools and School Improvement. The policy did not provide a process for a review of a panel decision and I considered that it should. In any event the review confirmed the panel decision, but advanced no reasons for the finding on review. In summary, I found that the department in conducting the assessment did not act in a manner that was unlawful, unreasonable or wrong within the meaning of section 25(1) of the Ombudsman Act. Similarly, I did not find error in the conduct of the review, but found that the department, in failing to properly explain the reasons for its decision, acted in a

³ Ombudsman SA Annual Report 2012-2013 at page 6.

manner that was wrong within the meaning of section 25(1) of the Ombudsman Act. To remedy this error, I recommended under section 25(2) of the Ombudsman Act that the department establish a practice of providing sufficient information (but not so much information as to breach any statutory obligations) to enable an applicant to have a level of understanding of the reason(s) for a decision.

16. The education matters referred to in paragraph 13 do not include complaints about Families SA (child protection). It is worth noting that some complaints, specifically about child protection, are made to the Health and Community Services Complaints Commissioner.

The audit group

17. The audit encompassed one school in each of the twelve government regions in South Australia and all the Education Directors engaged in various regional Education Offices (20 in all).
18. The audit group consisted of the following sites:
 - Nuriootpa Primary School
 - Renmark Primary School
 - Ceduna Area School
 - Clare High School
 - Findon High School
 - Kangaroo Island Community Education
 - Millicent High School
 - Mount Barker High School
 - Port Augusta High School
 - Renmark Primary School
 - Salisbury High School
 - Willunga High School.
19. Some regional Education Offices provided one response by office, rather than by Director, and some failed to provide a response. As a result, the audit group consisted of the Education Directors for the following regions:
 - Murray and Mallee Region (x2)
 - Yorke and Mid North Region (x2)
 - Eastern Adelaide Region (x2)
 - Western Adelaide Region
 - Barossa, Light and Lower North Region
 - Adelaide Hills Region (x2)
 - Murray and Mallee Region
 - Southern Adelaide Region (x2)
 - Northern Adelaide Region (x2)
 - Eyre and Western Region.
20. The schools vary in size from 309 to 1533 students, and in range of the Index of Social Disadvantage, from 2 to 6. Regional Directors line-manage a number of sites (or partnerships) and each office usually consists of two directors and a personal assistant who may only be a 0.50 FTE. I understand that the regional structure is undergoing review and it is mooted that personnel from central office will be moved to the regions to provide a more comprehensive and integrated service.

Terms of Reference

21. I determined the scope of the audit to be an assessment of:
- complaint handling processes and practices relating to education, including the roles of sites, regional offices and the ECU in the complaint handling process
 - the policies, practices and procedures established to ensure appropriate standards of complaint handling at individual sites
 - the extent to which the sites have in place accessible information for the public to understand what might happen if they complain
 - the systems and staff management approaches which sites have in place for ensuring best practice complaint handling and service improvement outcomes
 - the extent to which data about complaints is recorded and reported in order to lead to improvements, and
 - whether recommendations are needed to improve complaint handling practices and systems improvement across the education system.

Audit methodology

22. The audit process was designed to proceed in several stages. Key tasks included:
- determining which sites and regional offices were to be the audit group
 - reviewing and comparing education related complaint handling standards and systems across Australia
 - designing a questionnaire to assess the complaint handling systems and practices of sites and regional offices
 - assessing the current DECD complaint handling policy and procedure
 - assessing different approaches to complaint handling across sites
 - seeking information from the ECU
 - liaising with relevant staff from the department
 - recommending changes in relation to the systems and practices of the department subject to the audit
 - recommending changes to the policy and/or legislative framework relevant to complaint handling
 - preparing a provisional report for the department's feedback
 - following that feedback, publishing the final report.
23. As already noted, the audit obtained the cooperation of the Executive Director, Pre-School and School improvement, of the department as well as the support of the then Chief Executive, Mr Tony Harrison.
24. In each case, the school Principal and Regional Director were contacted by letter explaining the nature of the audit and enclosing a comprehensive questionnaire (a copy is attached at Appendix 1 of the report).
25. A copy of the current policy and procedure, namely the *Consumer Complaints Management and Resolution Policy* and the *Consumer Complaints Management and Resolution Procedure* (the policy and procedure) is annexed at Appendix 2.
26. In addition, a desk top survey has been completed about complaint handling policies and procedure in Queensland, New South Wales, Victoria, Western Australia, Tasmania, Northern Territory and the Australian Capital Territory. A summary of the current policies and procedure operating in those States and Territories follows in Part 3 below.

27. In order to elicit sufficient information, including complaint handling statistics and ancillary information, and recording and reporting of complaints from schools and Regional Education Offices, a questionnaire was developed consisting of eight separate parts, comprising 41 questions in all. The questions were drafted with the view of capturing all the relevant complaint handling information from each site, in accordance with the current policy and procedure.
28. A copy of the questionnaire was provided to the department's Chief Executive as part of the process. Similarly, the proposal was put to the Executive Director, Preschool and School Improvement, and consent sought to send the survey questionnaire to a school in each of the twelve government regions in the State, as well as each Regional Office (twenty in all).
29. Ultimately the participation rate amounted to 100%, but some work was required to encourage those sites lagging in response to complete the survey. Once all the questionnaires were received, the answers were analysed and tracked by use of spreadsheets. An overall summary and analysis of the results of the audit survey are set out in Part 5 of this report below.
30. In addition, the ECU was requested to provide the following information under the auspices of the Assistant Director, Incident Management Division⁴:
 - data about complaints made to the ECU for each financial year since the ECU was established, including:
 - the number of complaints
 - the time taken to finalise complaints
 - the sources of the complaints
 - the methods of resolution of the complaints
 - the issues complained about
 - the number of complaints referred back to a site for local resolution
 - the number of complaints referred to the Investigations Unit
 - the number of complaints determined to be outside the scope of the department's Consumer Complaints Management and Resolution Policy, including where the latter complaints were referred
 - the number of formal internal reviews conducted, including the outcome of the reviews
 - any other relevant data.
 - a description of the process for regular reporting about the complaint management system and data
 - copies of any reports from the ECU to Senior Executives about the operation of the complaint management system, including significant complaints, systemic issues, service trends and recommendations for improvement
 - a description of the internal and external escalation mechanisms for unresolved disputes
 - a copy of all internal review reports
 - a description of any internal and public reporting undertaken on key performance indicators in complaints management
 - a description of how complaints data has been utilised by the department to inform policy and program development
 - a description of how issues of concern identified through the complaint management system are reported to staff and other stakeholders

⁴ By letter from the Ombudsman to the DECD Assistant Director, Incident Management Division, dated 20 October 2015.

- details of any training provided to staff about complaint management and record keeping, particularly details of any relevant training provided to Site Managers
 - results of any monitoring undertaken of compliance with the department's policy and procedure across sites.
31. A request was also made for a minimum of 12 case studies of complaints that have been investigated by the ECU, including a summary of facts, the action taken and the outcome.

Publication of report

32. Pursuant to section 26(2) of the Ombudsman Act, I consider it is in the public interest to release this report to the Parliament and the public. I will release the report for the following reasons:
- parents, guardians and other caregivers have an expectation that the department will listen and respond appropriately to their grievances about educational related matters
 - to provide a resource for the department to use in further developing and refining its complaint handling systems compliance, consistent with the public interest.
33. I will forward this report to the Minister for Education and Child Development, the President of the Legislative Assembly and the Speaker of the House of Assembly, in addition to a general release on the Ombudsman SA and AustLII websites.

PART 2

COMPLAINT HANDLING STANDARDS

The Australian Standard - guidelines for complaint handling

34. Standards Australia is an independent, not-for-profit organisation recognised by the Australian Government as the peak standards body in Australia. Standards Australia has developed internationally recognised Guidelines for complaint handling in organisations: AS/NZ ISO 10002-2014.⁵ This Standard was prepared by the Joint Standards Australia/Standards New Zealand Committee QR, Complaint Handling, to supersede AS ISO 10002 - 2006, Customer satisfaction - Guidelines for complaints handling in organizations (ISO 10002:2004, MOD). The Australian Standard (the standard) is currently recognised by government, non-government and business organisations across Australia.
35. The objective of the standard is to provide guidance on complaint management within an organisation, including the planning, design, operation, maintenance and improvement of the organisation's complaint management system.
36. The standard defines a complaint as:

[An] expression of dissatisfaction made to or about an organization, related to its products, service, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.⁶

The standard outlines guiding principles for effective complaint handling. They are:⁷

People focus: [E]verybody has a right to complain.

Ensuring no detriment to complainant: [T]he organisation should take all reasonable steps to ensure that complainants are not adversely affected because of a complaint.

Visibility and transparency: [T]he organisation should ensure that information about how and where a complaint may be made to about the organisation is well publicised.

Accessibility: [T]he organisation should ensure that its complaint management system is accessible to everyone, particularly people who might require assistance.

No charges: A complainant should not be charged a fee to complain.

Responsiveness: [T]he organisation should promptly acknowledge each complaint received. The organisation should assess complaints and give appropriate priority in accordance with the urgency of the issues raised.

Objectivity and fairness: [Each] complaint should be managed in an objective and unbiased manner.

Equity: [All] complaints should be addressed in an equitable manner and in accordance with organisation's complaint management policy.

Privacy and disclosure: [P]ersonally identifiable information about any individual should only be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.⁸

Communication: [T]o minimise complaints and facilitate early resolution, the organisation should provide explanations for policies, procedures and decisions in its

⁵ Guidelines for complaints managing in organizations (AS/NZ ISO 10002 -2014). Standards Australia, 2014.

⁶ Ibid page 6.

⁷ Ibid pages 6-9.

⁸ Agencies should always comply with confidentiality legislation in complaint handling (including FOI legislation), Cabinet directives and the common law.

communication with complainants and its staff, particularly frontline staff and staff handling complaints.

Conduct of parties: [T]he organisation should implement policies or guidelines, or both, that make clear the behaviour expected of both its staff and complainants.

Work health and safety: [T]he organisation should develop, adopt and implement appropriate policies, procedures and practices to ensure the health and safety of its staff in complaint management, including identity protection if required.

Complaint involving multiple parties: When a complaint involves multiple organisations, consideration should be given to options for coordinating communication with the complainant. Subject to privacy and confidentiality obligations, communication and information exchange between the organisations should be pre-arranged, where practical and appropriate, to facilitate investigation and response to a complaint. Where a complaint involves multiple areas within the organisation, responsibility for communicating with the complainant should be coordinated between the areas involved.

Empowerment of staff: [T]he organisation should ensure that staff are properly empowered to implement its complaint management system.

Accountability: [T]he organisation should ensure that accountability for the operation of its complaint management system is clear.

Continuous improvement: [R]esponding to and learning from complaints should be an essential part of an organisation's commitment to continual quality improvement.

Prevention of ongoing disputes: [T]he organisation should develop and implement systems that minimise the possibility of complaints escalating into ongoing disputes.

37. In addition to these principles, most complaint handling procedures should stipulate that reasonable efforts will be made to investigate all relevant circumstances and information surrounding a complaint; and that appropriate corrective action or resolution is important for closure if a grievance is found to be justified.
38. The standard also looks to:
 - clearly assign responsibility to the Chief Executive and other officers for the complaints handling framework
 - factor in an external review mechanism when planning a framework. This also includes continuously reviewing complaints management resources
 - promote the early resolution of complaints and communication with the complainant at all stages of the assessment process
 - emphasise reporting and monitoring on the outcome of a complaint
 - highlight the need to manage complainant expectations
 - ensure appropriate staff training.
39. The standard includes information to aid its effective implementation. Guidance is provided in relation to issues such as data collection, unreasonable complainant conduct and the use of apologies and other options for redress.

PART 3

COMPLAINT HANDLING IN INTERSTATE JURISDICTIONS

An overview of education related complaint handling in interstate jurisdictions

40. There are a variety of approaches taken to education related complaint handling throughout state and territory jurisdictions in Australia. The following paragraphs provide a summary of practices in other jurisdictions.

Australian Capital Territory

41. In the Australian Capital Territory section 22 of the *Education Act 2004* (ACT) requires the Director-General to develop and implement a complaints policy for public schools and to investigate complaints about the administration, management and operation of ACT public schools.
42. The policy, entitled 'Complaints Policy - Education and Training Directorate' does not encompass complaints by parents about out of area enrolments/placements, suspensions and exclusions. Aggrieved parents may appeal these decisions to the Office for Schools.
43. The policy has three attachments, namely 'Guide to making a complaint about an ACT public school'; 'Guide to making a complaint about a decision or process of the Education and Training Directorate' and 'Complaints Form'.
44. No mention is made of the standard, but a complaint is defined as '[a] dispute grievance or an expression of dissatisfaction about the administration, management or operation of a school or the Directorate'. Resolution at local level is encouraged. There is no relevant material in the policy about the training of staff in complaints handling.
45. A liaison unit in the Directorate is responsible for assisting complainants to raise a concern or complaint initially at local level and coordinating responses to written complaints made to the Directorate about decisions at local level and, if necessary, making arrangements for internal reviews.

New South Wales

46. In New South Wales the current policy was implemented on 19 November 2007. However, the very comprehensive document 'Complaints Handling Policy guidelines' was updated on 28 November 2011.
47. The policy applies to all staff of the Department of Education and Training, including TAFE NSW and Community and Migrant Education staff and operations. It also applies to NSW DET students, parents, carers, and community members. The guidelines to the policy run to 43 pages.
48. The Director-General and Minister have legislative responsibilities and functions that include ensuring that educational establishments are efficient and effective. The policy is a tool to assist in meeting these requirements. The National Code of Good Practice for responding to Complaints about Vocational and Education Training Quality has been adopted, detailing the rights of education and training clients to the principles of fairness, accessibility, transparency, responsiveness, accountability and constructiveness. The standard is not referenced.

49. Relevant legislative provisions include the *Children and Young Persons (Care and Protection) Act 1993* (NSW), *Work Health and Safety Act 2011* (NSW), the *Ombudsman Act 1974* (NSW) and the *Protected Disclosures Act 1994* (NSW).
50. All senior executives, senior officers, principals, managers and supervisors are responsible for monitoring and evaluating the operation of this policy within their area of responsibility. The same employees will comply with all mandatory reporting requirements detailed in the guidelines to this policy.
51. The policy itself is relatively brief, while the guidelines are comprehensive but perhaps do not dwell sufficiently on the rights of individual complainants and respondents, although it does provide references for assistance to those caught up in complaints. The length of the guidelines is a product of the fact that the procedures deal with all conceivable complaints including employee grievances.
52. There is no flexibility for site preferred policy adoption, which is welcome from the view of consistency. However, there is no centralised complaints unit or body which a disgruntled complainant may approach in the event of dissatisfaction at a site or regional level. This may be a weakness, as is the breadth of the matters covered by the policy and guidelines. There is also a lack of attention to the training of officers who are tasked with responding to complaints.

Northern Territory

53. In the Northern Territory, the *Education Act 2015* (NT) does not specifically mention complaints management. However, complaints relating to education and care services are managed in accordance with the provisions of the *Education and Core Services (National Uniform Legislation) Act 2011* (NT). The regulatory authority is Quality Education and Care NT (QECNT).
54. The Department of Education's current policy was approved in March 2014 and must be read in conjunction with Complaints Management for Schools Guidelines (effective March 2015).
55. Pursuant to the policy, complaints will be referred for resolution at local level. Complaints may be escalated to the Chief Executive in writing, but will be 'de-escalated' to local or regional level (that is, closer to the point of origin) if no attempt has been made to resolve a complaint at first or subsequent level.
56. Under the policy, a complaint is defined as '[t]he expression of dissatisfaction with any aspect of the service provided, or not provided or regulated by the department. It may include the behaviour or decisions of staff, or practices, policies or procedures. A complaint must contain sufficient detail to enable it to be recorded and addressed.
57. Under the Guidelines, Executive and Regional Directors must ensure that schools have written policies, procedures and guidelines that are consistent with the Education and Core Services National Law and regulations.
58. Although no direct reference is made to the standard, the Policy and Guidelines appear to follow the standard. However, training of staff in complaint handling does not seem to be a priority. The policy does not apply to vocational or higher education, or to employment related matters.

Queensland

59. In Queensland, the current policy was implemented on 24 March 2015 as version 2.3. The scope of the policy encompasses students, parents/carers and members of the public. The policy does not extend to alleged staff misconduct, criminal activity or employee complaints.
60. The standard is applied. State Schools Division staff have an ongoing responsibility to respond to complaints as a matter of priority. Complaints statistics are used as a mechanism for improving services to students, parents, carers and members of the public.
61. Schools have an obligation to develop a process for managing complaints according to the intent of the published policy and a template document published on the website. Principals may refer a complaint to the Regional Director by agreement. An electronic complaints management system is employed in regional and central office units.
62. Officers of State Schools Division are tasked to inform the school and broader community about the process for managing complaints, deal with school complaints at the appropriate level in the first instance, and maintain accurate and up to date records.
63. Complainants must:
 - provide a State Schools division with complaint details
 - provide complete and factual information in a timely manner
 - not include deliberately false or misleading information
 - not threaten or make frivolous or vexatious complaints.
64. The Queensland Education complaints handling policy and procedure allows considerable flexibility at school level. Even allowing for the fact that local and regional policies operate 'within the intent' of the head policy, this opens up complaint handling at the local level to the risk of divergence, and of course systemic difficulties.
65. The hierarchy of complaints management is not clear, nor is there evidence of a specialised training regime, but rather supporting training documents such as 'Complaints Management Guideline for Regional and Central Offices', 'Making a Complaint' and 'Record of Verbal Complaint' template. The policy does not articulate where a complainant may go for a review or appeal against the decision of a 'nominated action officer'. These are inherent weaknesses in the policy.

Tasmania

66. In Tasmania the *Education Act 1994* (TAS) makes no reference to complaints handling in government schools. The Education Department has published a policy 'Grievances Guidelines for Parents and the Community' (27 August 2012). This one page policy statement encourages resolution at school level. It does not, however, oblige Tasmanian schools to implement a complaints handling policy and procedure, nor does it reference the standard. The Education Act is due to be reviewed in 2016.

Victoria

67. The *Education and Training Reform Act 2006* (VIC) regulates all schools and education providers (including vocational and higher education). It makes no reference to complaints handling or the standard. However, the Victorian Registration & Qualifications Authority has published a 'guide to minimum standards and other requirements for school registration'. That guide says in part that there must be evidence in the form of school policies and procedures about managing complaints or grievances. The Department of Education and Early Childhood Development complaints policy is published as 'Addressing parents' concerns and complaints effectively: policy and guides' (April 2009). This is an integrated document comprising both policy and guidelines and occupies 52 pages.
68. As a result of implementing the policy, the Office for Government School Education, its central divisions, regional offices and schools are obliged have procedures in place to address concerns and complaints promptly, consistently and fairly.
69. Scope:
 - the management of an incident between students at school
 - the education or other progress of their child
 - the development and implementation of school and general education policy.
70. The policy applies to the Office for Government School Education, including its divisions, regional offices and schools. However, the policy does not apply to matters where there is an existing right of review or appeal, nor where a complainant has legal or other representation.
71. School based complaints must be raised at school level first. A school principal must determine the most appropriate method to address a complaint by using the school's procedures (developed in line with departmental policy) or as outlined in legislated and other complaints processes. A reference guide deals with employee complaints, complaints against staff that may constitute misconduct, student critical incidents and other criminal matters. Complex complaints should be escalated to the regional office if the complainant is dissatisfied with the outcome at school level. If the regional office is unable to resolve a complaint, the complainant may refer the matter to the Deputy Secretary, Office for Government School Education. If the Deputy Secretary cannot resolve the complaint and all the departments resources have been exhausted, referral to an external agency such as Ombudsman Victoria is likely.
72. Resolution requires agreement between the parties and may include an apology, waiver of debt, undertaking in respect of behaviour or the provision of counselling or other support. A complaint can only be dismissed following an investigation and a finding that the complaint cannot be substantiated. If a complaint remains unresolved after full consideration and escalation, it may be referred to an external agency, for instance Ombudsman Victoria.
73. A school should establish and maintain a system to record and monitor complaints and their resolution, even if the complaint seems minor. Information recorded should be used in consultation with surveys in undertaking a review of the school's policies, procedures and operations.
74. This is an example of a broad policy base, brought into focus by 14 'guides' which appear, in aggregate, to be more akin to a training guide.
75. No mention is made of the applicable standard, but generally the policy appears to comply. The complaints policy is three tiered, with rights of external review to, for

instance, Ombudsman Victoria. The problems that might be experienced are the possibility of divergence from the general policy at school level, perhaps leading to inconsistency and systemic failure, the lack of a reporting regime to head office and a curious statement that the department will, where appropriate, follow the principles of natural justice. It is not clear whether that is code for suggesting that in some cases, those principles may be negated by the terms of a particular statute.

Western Australia

76. The *School Education Act 1999* (WA) makes provision for a regulation about complaints handling to be made. The *School Education Regulations 2000* (WA) (R55) provides that the Chief Education Officer is to ensure that a scheme dealing with disputes and complaints complies with the requisite Australian Standard, updated or amended from time to time.
77. The Department of Education has published a policy and guidelines (updated 9 May 2011) entitled 'Disputes and complaints' which is a comprehensive document that notes that principals, directors and line managers are responsible for establishing and maintaining processes for managing and reviewing enquiries, concerns and complaints at a school level which align with the standard. The term complaint is defined as 'the expression of dissatisfaction with any aspect of government education and training'.
78. The escalation of complaints for review to the Director-General of Education is also part of the process, as is the consideration of complaints externally, for instance, by the Ombudsman.
79. The policy and guidelines appear to follow the standard closely and *prima facie* are effective.

How interstate jurisdictions compare to South Australia

80. The three tiered South Australian complaints procedure for schools is embodied in two documents, 'Consumer Complaints Management Policy' and a similarly named 'Procedure' (see Part 4 and Appendix 2). The policy and procedure was approved on 13 August 2015 and published on 25 August 2015.
81. An analysis of the policy is contained elsewhere in this report, but its main feature is a central Complaints Unit, namely the ECU. However, the policy emphasises the desirability of resolving complaints, if possible, at local or school level. The design of the complaints procedure follows the standard, and mandates the use of policy and procedure at school level that complies completely with the central policy and procedure. However, the procedure asserts:

[[It is recognised that DECD is a large Department, comprising 29,000 staff across more than 1000 sites, supporting more than 190,000 children across South Australia. For this reason, the procedure for frontline resolution of complaints specifies the functions that must be undertaken in managing and resolving complaints. The mechanisms by which those functions can be achieved may be determined by the site in accordance with their governance structures.⁹
82. Nevertheless, on the evidence adduced by the survey, a potential weakness exists in the understanding of the application of the policy and procedure that may encourage

⁹ Consumer Complaints Management and Resolution Procedure, August 2015, page 4.

practices at the local level that are not in the best interests of complaint resolution. For example, the audit revealed inconsistencies in the understanding of the overall thrust of the policy and procedure, as well as the use of documents that are now superseded.

83. There is cogent evidence to suggest that mandating the use, at level 1, of a centrally produced and approved complaint handling brochure (amongst other measures) would assist school and other education sites to understand and deal uniformly with complaint handling. I understand, from enquiry, that such a brochure is in the course of being developed centrally by the department. This is a step that is welcomed and this report seeks to reinforce that endeavour. I also acknowledge the wide diversity of schools and other education sites across the State, and the need for individual sites to determine, internally, how the policy and procedure will be observed and managed. Provided there is overall compliance with the policy and procedure, the measures adopted internally in compliance are matters peculiar to site management.
84. There appears to be a common hiatus in policy terms both in interstate jurisdictions and in South Australia. The policy platform in the Australian Capital Territory has no relevant material about the importance of training staff in complaint handling. The same criticism can be levelled at the policy framework in New South Wales, which does not reference the standard. Similarly in the Northern Territory, staff training does not appear to be a priority. In Queensland there is no evidence of a specialised training regime, while the policy does not articulate where a complainant may go for a review of a decision. In Victoria, there is no obvious reporting regime in place for the edification of the central Education office. In South Australia the policy and procedure ensures that the responsibility for the implementation and maintenance of the complaint management system, including recruitment and training of staff, falls to the Manager of the ECU. Under the policy, site managers are tasked with ensuring (amongst other matters) that appropriate records and documentation are kept of complaints received at their respective sites.
85. While the various areas of responsibility are set out in the policy and procedure, what is lacking is specific training for those undertaking complaint management at level 1. Any training that should be delivered should also, of necessity, provide the basis of skills relevant to proper record keeping. Fortunately, as mentioned on page 2 of this report, the deficiency is now being addressed.
86. Notwithstanding any identified practical difficulties, in terms of clarity of purpose and scope, the South Australian Policy and Procedure compares more than favourably with its counterparts interstate. With the possible exception of Western Australia and the Northern Territory, South Australian policy does not have the complexity and officialism of complaint handling policies subsisting in other States. The scope and operation is clear and any existing operational problems should be addressed with the passage of time, as education and monitoring/improvement takes place in accordance with the standard that is reflected in the policy and procedure.
87. I note that with the exception of Western Australia, no State or Territory legislation governing education mandates the implementation of complaint handling policies.
88. It should be acknowledged that South Australia enacted, as part of the national reform of education and early childhood development, the *Education and Early Childhood Services (Registration and Standards) Act 2011* which came into force on 1 January 2012. This Act established a regulatory system overseen by the *Education and Early Childhood Services Registration and Standards Board of South Australia*. The Board's website notes (inter alia) that '[T]he Board is obliged under legislation to refer complaints regarding the delivery of educational services to the registered school to be dealt with in accordance with the school's complaint handling procedures'.

PART 4

DECD AND SITE COMPLAINT HANDLING POLICIES, PROCEDURES AND GUIDELINES

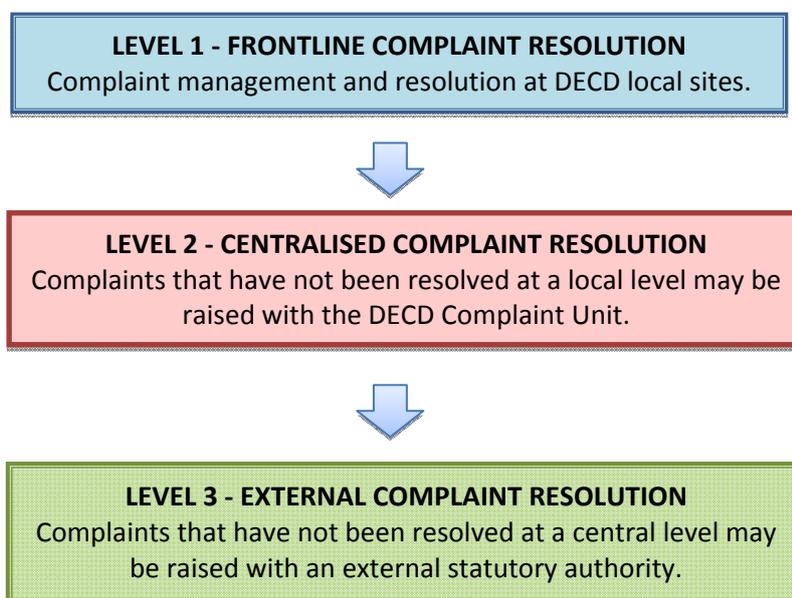
DECD Consumer Complaints Management and Resolution Policy; Consumer Complaints Management and Resolution Procedure

89. The current policy, entitled 'Consumer Complaints Management and Resolution Policy' and the ancillary 'Consumer Complaints Management and Resolution Procedure', together with appendices (the policy and procedure) were approved by Senior Executive Group on 13 August 2015 (but published on 15 August 2015) and are due to be reviewed on 13 August 2018.

The DECD Consumer Complaints Management and Resolution Policy (the policy)

90. The purpose of the policy is twofold. First, it is to ensure that the department manages complaints in a fair, efficient and effective manner. Secondly, the policy provides the foundation for the DECD complaints management system and a framework for subordinate procedures, guidelines and other documentation that complements the policy.
91. The policy does not apply to matters that are subject to judicial determination, or determination by a statutory authority, including the Equal Opportunity Commission or the Australian Human Rights Commission. Moreover, the policy does not apply to decisions by the Minister or the Chief Executive Officer made pursuant to statute, or to governing councils or to employee disputes and grievances.
92. The policy endorses a three-tiered model of complaint handling, consistent with the standard and referred to in diagrammatical form at Figure 1.

Figure 1: The levels or tiers of the policy and procedure



93. The policy commits the department to enable complaints by ensuring that information about where and how a complaint can be made is accessible and transparent. Vulnerable community members and individuals with special needs should be assisted to make complaints. Respect for and unbiased treatment of complainants is mandatory.
94. Management of complaints is assured by:
- prompt acknowledgement, assessment and prioritisation
 - management and resolution taking place at local level wherever possible and only escalated in the event of failure
 - out of scope complaints are redirected to appropriate authorities
 - advising complainants of process, timeframes, contribution to process, possible outcomes and avenues for review and appeal
 - procedural fairness, objectivity and fairness
 - documenting complaints that are not resolved at the first point of contact
 - keeping personal information confidential and observing disclosure strictures in accordance with the IPP or legislation (for instance *Children's Protection Act 1993*)
 - keeping adequate records of complaints in accordance with the *State Records Act 1997*, IPP and the relevant disposal schedules
 - the provision of a legal, policy, procedural and factual basis for decisions to complainants, staff and others with an interest.
95. Departmental support is assured by:
- communicating the roles, responsibilities and expected behaviour of complainants and staff managing complainants
 - establishing policies and practices to ensure the health and safety of staff involved in complaints
 - provision of advice and consultation with site leaders managing complex and intractable disputes.
96. Continuous learning and accountability will be facilitated by:
- collection of complaints data (including number, types and sources of complaints and time taken to respond) to support performance monitoring analysis and evaluation of complaint trends
 - provision of internal and public reporting of KPIs in complaint management on a regular basis
 - utilisation of complaints data on a continuous basis to inform policy and program development.

The DECD Consumer Complaints Management and Resolution Procedure (the procedure)

97. The procedure (as part of or ancillary to the policy) applies to all staff in DECD schools, pre-schools, early childhood, care and family support services and provides a basis for policies that may be developed at DECD sites to meet local needs and reflect local systems. Where a local procedure is developed, any inconsistency in its terms will be invalid to the extent of that inconsistency with the procedure.
98. The ability of individual sites to develop local procedure at DECD sites is the subject of comment below.

99. Otherwise, the limitations in the scope of the procedure necessarily follow the policy. The other tenets of the procedure are:
- the complaint must be acknowledged promptly
 - the complaint must be assessed and prioritised according to the issues raised
 - the complainant must be redirected to alternative means of addressing his or her concerns if the complaint does not fall within the scope of the policy
 - if the complaint requires further investigation or enquiries, the complainant must be advised in a clear and informative way how their complaint was investigated/followed up, and the outcomes
 - if the complainant is not satisfied with the response, central resolution of the complaint or external review options must be offered
 - complaints and the actions undertaken to manage them must be documented
 - any systemic issues that arise as a result of a complaint must be considered and acted upon (for instance training and development for staff, changes to local policies).
100. The same criteria apply to the centralised resolution procedure, except complainants may be redirected to the site manager if reasonable efforts have not been made at that level to resolve the complaint. In addition, in cases where concurrent complaints are made to the Chief Executive or Minister and the ECU, the procedures of the former offices will prevail and the complainants advised accordingly.
101. In cases of identified systemic difficulties or error, the department complaints manager will ensure that numbers, themes, and trends arising are reported to DECD Executive on a regular basis, so that systemic issues can be acted upon. This should occur on a quarterly basis, but no less than annually prior to 1 July in each year.

Other policies and procedures used by individual sites

102. Six of the 12 schools that received the questionnaire responded with attached policies. Of those respondents, three attached the department's policy and procedure, while three attached site specific policies.
103. Thirteen of 15 Regional Directors attached the department's policy and procedure. The remaining Directors did not attach a copy policy, but asserted that the department has a policy and procedure that covers all schools and pre-schools, which is managed centrally.
104. Nine respondent schools attached complaint handling procedure. Three attached the Parents Guide to Raising a Concern or a complaints brochure. Two of those schools attached the department's policy and procedure, while four schools attached their own site-specific procedures. One school erroneously included the DECD Complaint Resolution for Employees Procedure and the DECD Guide for Resolving Grievances and Complaints for DECD Employees.
105. It is of some concern that only half of the respondent schools attached policies. Each school should be aware of the latest complaint handling policy and procedure. Four schools attached site specific policies and procedures that require examination to ascertain whether they are in conformity with the department's policy and procedure.

106. All respondent schools and sites answered the questions set out in Part B¹⁰ of the Audit Survey Questionnaire in the affirmative. However, the description of the policies and procedures that were said to be relevant varied considerably. Some responses referred to 'DECD' or 'State-wide' and one said 'refer to Education Complaints Unit'.
107. It is apparent that respondents did not understand the question about whether the site or office has a customer service charter or handbook that is made available to the public. Most responded in the affirmative, but one respondent referred to the Code of Ethics, and many referred to the department's State wide process or the department's website.

Recognition of the Australia/New Zealand Standard (AS/NZS 10002:2014) (the standard)

108. The Principals of the twelve school sites involved in the audit were asked if their local complaint handling systems recognised the standard.¹¹ Eight Principals affirmed that their complaint handling policy, procedure or charter document recognised the standard. One respondent said that she was not sure and the remaining four respondents replied in the negative. However, these responses cannot be relied on because in some instances the current policy and procedure appears to have been adopted by the school, and in other cases older local policies are in use, that may or may not conform to the policy and procedure. An analysis of the information provided on each respondent school's websites is provided in Part 5 of this report.
109. The Regional Directors involved in the audit were asked if their complaint handling systems recognised the standard. Ten Education Directors responded that their complaint handling policy, procedure or charter document recognised the standard. Three Directors failed to answer the question and two others responded that they 'assumed' the standard applied.

Compliance with the standard

110. In general terms the department's policy and procedure follows the standard. However, one aspect of the implementation and observance of the policy and procedure that causes considerable concern at a local level is a lack of proper and consistent record keeping.
111. Serious or substantive incidents are entered into IRMS, but this system is not a complaint management tool per se, although what are known as 'notifiable incidents' are documented on the system. These incidents may give rise to complaints. For instance, reports of alleged serious misconduct including matters of sexual misconduct go directly to the School Care Unit in the Incident Management Division.
112. After checking reports, advice is provided about policy and procedural requirements and thereafter the matters in issue are referred to various specialised areas in the department for assistance, for example the ECU and Legal Services.
113. Those complaints that are not recorded in IRMS may not, if they are resolved quickly, be recorded at all, but more substantive complaints are recorded in the student's hard file. The policy and procedure requires complaints to be recorded unless they have been resolved at first point of contact. However, it appears, by implication, that there

¹⁰ Pages 3 and 4 of the Audit Survey Questionnaire.

¹¹ Ibid Part B Audit Survey Questionnaire.

is considerable practice divergence across the school system. At the very least, a day book or complaints register should be used to record complaints at the lowest level and make contemporaneous notes, even if a complaint is resolved after the first point of contact without further formal intervention. As mentioned on page 2 of this report, the department has now accepted a definition of which complaints will be officially recorded, in an endeavour to bring clarity and consistency to this necessary practice. However, my former comments remain equally cogent.

Site compliance with the DECD policy and procedure

114. While sites are able to adopt their own policies and procedures, they are required to comply with the DECD policy and procedure
115. The department's policy and procedure both include the following provisions:
- 6. Monitoring, evaluation and review**
 - ...
 - Site Managers will provide ongoing monitoring of their site's/service's compliance with this policy.
 - The DECD Complaints Unit Manager will provide ongoing monitoring of compliance with the policy across sites and assist sites to support compliance with the policy.
 - ...
116. It appears that the ECU does not, currently, have the capacity to undertake formal ongoing monitoring of compliance with the policy across all sites, or to fully assist sites to support compliance with the policy and procedure. By implication, the current volume of complaints, coupled with a staffing level of 5 FTEs, precludes formal site visits, except in exceptional circumstances. However, as targeted training reaches senior school and site leaders, compliance should improve.
117. The ECU response :
- The Education Complaint Unit does not undertake formal monitoring of compliance with the Department's complaint policy and procedures. However, compliance is facilitated through the ECU's contact with schools in relation to local and central resolution of complaints.
118. It also appears that site managers are not providing ongoing monitoring of their site's compliance with this policy. For instance, there is no mandatory annual or more frequent reporting of complaint statistics and, as previously mentioned, record keeping is inconsistent.
119. The responses to question 20 in the audit survey questionnaire, about a particular site having in place a process for monitoring and review of complaints and complaint handling practices for service improvement purposes, were mixed. Six of the respondent schools answered in the negative, while five Education Directors said 'yes'. The remaining Education Directors canvassed were of the view that it was the responsibility of site managers, the ECU, or managed 'centrally'.

Review of the policy and procedure

120. Respondents were confused about the frequency of complaint policy and procedure review, which is in fact every three years. Responses varied from not at all to annually or as required. In policy terms, site managers are responsible for the ongoing monitoring of their site's compliance with the policy. The data suggests that this imprimatur is not observed or understood.

PART 5

COMPLAINT HANDLING ISSUES AND ASSESSMENT

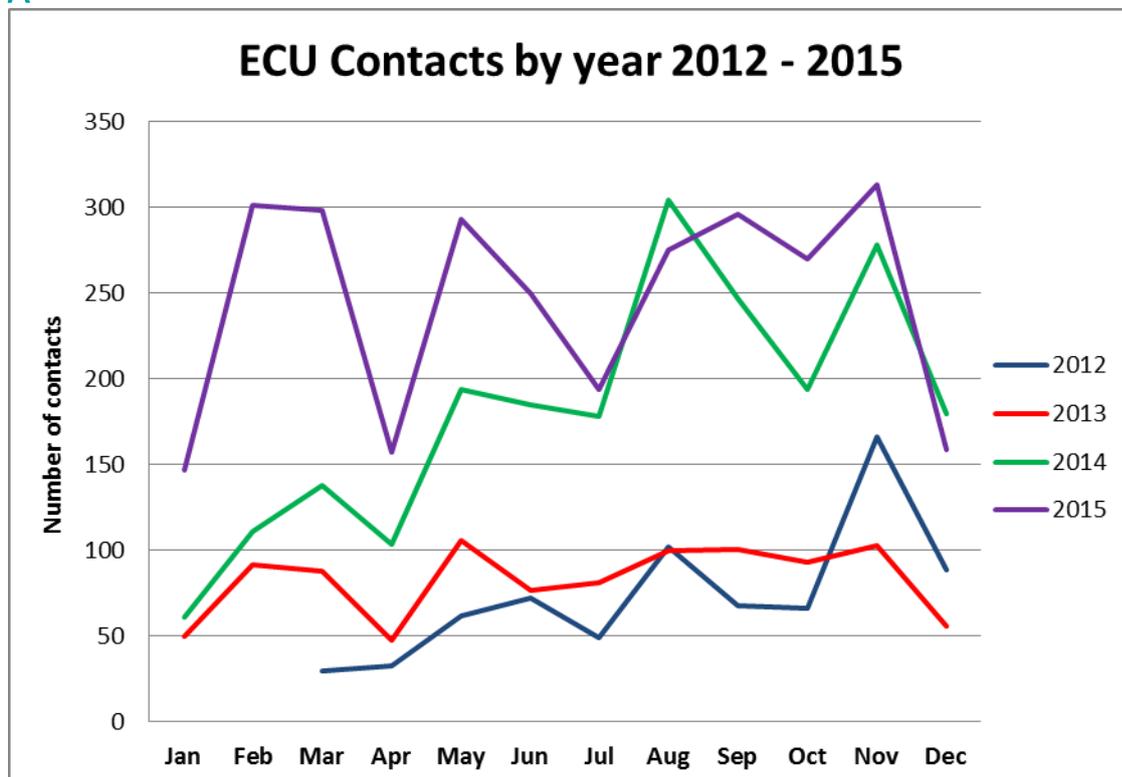
Complaints handled by the ECU and its forerunner, the PCU

121. PCU/ECU contacts by year:
- in its first year, 2012, PCU had 737 contacts
 - in 2013 it had 1000 contacts
 - in 2014 it had 2174 contacts
 - in 2015 it had 2953 contacts.
122. In 2014 regional offices were restructured and Regional Directors became Education Directors. Prior to 2014, the Regional Offices provided the second level of complaint management. The restructure removed the second level, which is now the province of the Education Complaints Unit. The statistics support this conclusion. In 2012 and 2013 after the ECU was first established, contacts referred to Regional Offices represented 29% and 32% of the total respectively, while in 2014 it was only 3%. The ECU has borne the brunt of the increase in referrals; 117% increase from 2013 to 2014 and 28% from 2014 to 2015.¹² Anecdotally, the trend for the full year 2016 is likely to see contacts rise by about 22% from 2015.
123. In the ECU' Minutes forming Enclosure to Chief Executive re Education Complaint Unit Data and Activity Report Annual Data for 2014, quarterly data for 2015', dated 5 May 2015, it was reported as follows:
- 2.1 The Education Complaint Unit has seen exponential growth in the number of contacts received by the Unit in 2014, compared to 2013 and 2012 data. The overall growth in contacts in 2014 constitutes a 117% increase on 2013 figures. However, an analysis of the figures at the end of 2014 demonstrates that the percentage increase by month is almost consistently higher than this average, with peak increases of 204% in August and 221% in December.
- ...
- 2.5 There may be multiple causes of this growth in contacts, such as the restructure of regional offices into education portfolios, and the redevelopment of the regional director roles as education directors. When the ECU was first established, the Unit provided the third tier of complaints management, after resolution at the local site and the regional office had been unsuccessful. This restructure has removed the second tier of response from the complaints resolution system. This means that many complaints that would have been previously managed by the regional office are now coming to the ECU.
- 2.6 This position is supported by the data. In 2012 and 2013, contacts that were referred to the Education Office represented 29% and 32% of the resolution methods respectively. Referral to the Education Office only represented 3% of resolutions in 2014, and 2% in the 2015 quarter, the most significant change in the resolution methods for complaints.
- ...

¹² Complaints data attached to letter from DECD 7 December 2015.

Figure 2 (A and B): ECU Contacts by Year 2012-2015

A



B

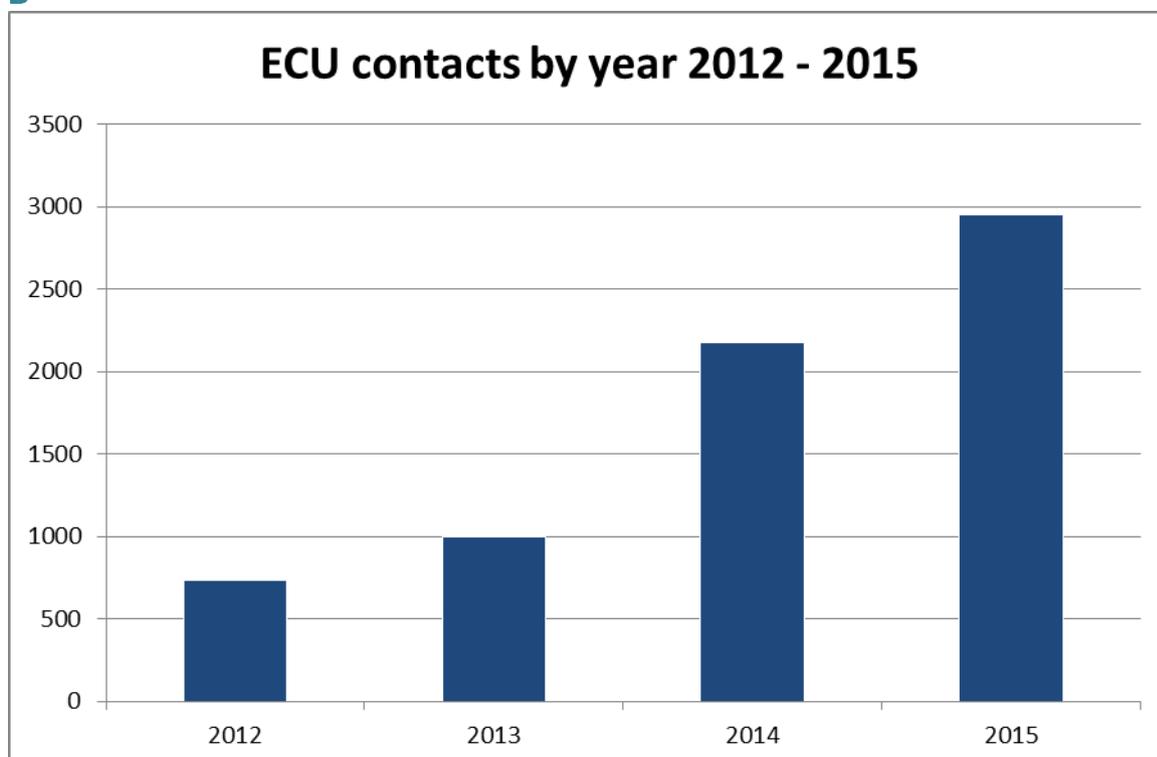


Figure 3: Issues Raised

Issues	2012		2013		2014		2015	
	Count	%	Count	%	Count	%	Count	%
Communication	84	11%	120	12%	251	12%	157	5%
Enrolment/zone	26	4%	64	6%	248	11%	343	12%
Bullying	76	10%	108	11%	214	10%	433	15%
Behaviour Mgt	91	12%	99	10%	220	10%	285	10%
School policy	55	7%	71	7%	132	6%	141	5%
Special education	52	7%	66	7%	123	6%	135	5%
Attendance	30	4%	31	3%	80	4%	125	4%
Teaching/Curriculum	104	14%	44	4%	84	4%	94	3%
Staff performance	1	<1%	57	6%	67	3%	113	4%
Child protection	19	2%	26	3%	55	3%	55	2%
School facilities	19	2%	12	1%	56	3%	48	2%
DECD policy	51	7%	46	5%	70	3%	131	4%
Unfair treatment	29	4%	23	2%	58	3%	60	2%
Family law	9	1%	17	2%	47	2%	96	3%
Duty of care	30	4%	42	4%	42	2%	46	2%
Safety/accident	19	2%	30	3%	49	2%	91	3%
Transport	3	<1%	11	1%	27	1%	16	<1%
Class placement	0	<1%	6	<1%	24	1%	53	2%
Cyber safety	2	<1%	10	1%	6	<1%	9	<1%

124. The table above at Figure 3 sets out the range of matters in issue in complaints made to the ECU over the last four years. Clearly communication, enrolments, bullying and behaviour management are the subject matter of a larger proportion of complaints, although communication complaints lessened markedly in 2015. However, bullying numbers showed a disturbing trend upwards by 5% in 2015, while teaching/curriculum complaints trended downwards by 11% over four years as a percentage of all matters in issue.

Figure 4: Timelines for completion of contacts

Time period	2012	2013	2014	2015
Same day (0 days)	53%	64%	50%	52%
One week (0-7 days)	83%	90%	84%	85%
Two weeks (0-14 days)	88%	94%	92%	92%

125. The timelines set forth above at Figure 4 demonstrate a relatively consistent cumulative completion rate, which is nonetheless commendable, having regard to the marked increase in contacts over the period.

Figure 5: Nature of contacts

Nature of contacts	2012	2013	2014	2015
Complaint	77%	77%	65%	64%
Enquiry	20%	20%	34%	35%
Other	3%	3%	1%	1%

126. While the percentage of all contacts that constitute complaints has trended downwards over the last four years, it can be seen from the table above at Figure 5 that use of the enquiry/advisory service offered by the ECU has increased over that period. The evidence suggests that the enquiry/advisory function is having some impact on rationalising the number of complaints actually received.

Figure 6: Mode of contacts

Mode of contacts	2012	2013	2014	2015
Hotline	65%	68%	82%	84%
Email	30%	27%	14%	13%
Other	5%	5%	4%	3%

127. As shown in the table above, telephone contacts have increased markedly, while email enquiries/complaints have experienced a corresponding decline (Figure 6). This evidence suggests that the hotline is providing an immediate and practical customer service that in all probability, assists to differentiate a complaint from an enquiry and ultimately to aid in resolution of matters in dispute. However, it is inevitable that hotline enquiries, while effective, are far more time consuming and a corresponding drain on the human resources of the ECU.

Figure 7: Source of contacts

Source of contact	2012	2013	2014	2015
Parent/guardian	85%	85%	76%	92%
Grandparent	2%	3%	2%	1%
Member of the public	2%	3%	3%	3%
Other	11%	9%	19%	4%

128. As expected, contacts by parents or guardians constitute a large majority of the source of ECU contacts, although contacts in the category described as 'Other' escalated alarmingly in 2014, before falling to its lowest level for four years in 2015. Contacts entitled 'Other' typically include members of the public not related to any member of a school population, or alternatively, persons only distantly related to a pupil or pupils at a particular school. (Figure 7).

Figure 8: Resolution methods

Resolution method	2012	2013	2014	2015
Info/advice	25%	30%	48%	53%
Referred to school	24%	21%	23%	18%
Referred to Education Office	29%	32%	3%	1%
Referred to other DECD unit	5%	5%	3%	5%
Other	17%	12%	23%	23%

129. The table above at Figure 8 demonstrates that the role of the ECU in providing information and advice has increased markedly, consistent with its role in providing an 'all-round' customer service. The term 'Other' in Figure 7 includes matters that are unresolved and not progressed further with the ECU, or receive alternative responses, for example case management or conciliation, or are referred to the Minister or the Chief Executive.
130. The resolution methods mentioned in Figure 8 above, evolved in 2014 in a manner described as follows:
- [I]n 2014, the ECU provided additional support to DECD sites by providing case management services in five matters that are particularly complex, contentious or where the parties have been persistent and vexatious complainants. In these matters, the ECU allocates a case manager who responds in a targeted manner to the complainant. The ECU case manager provides mediation or conciliation where appropriate and ensures consistency of information, coordination of responses, and accountability to external authorities such as Ombudsman SA.
 - [T]he ECU has also provided facilitation services to assist sites in managing difficult cases to assist in managing difficult case conferences and meetings with parents who have raised complaints. This occurred twice in 2014 (in person and via teleconference) and has continued in 2015 in other matters.
 - [T]he ECU has also experienced an increase in site leaders contacting the ECU seeking advice about managing serious or ongoing complaints. This has included advice about strategies to manage complaints, strategies to manage interactions with complainants, and how to draft formal responses to complaints. This contact is not reflected in the current ECU data.¹³
131. The evolution of resolution methods referred to in paragraph 130 (supra) continued in 2015. As noted in paragraph 31 above, a request was made of the ECU for a minimum of 12 case studies investigated by its staff.
132. Those case studies involved matters investigated or reviewed by the ECU, or the subject of internal review by the Chief Education Officer. The case studies revealed the depth, nature and complexity of some of the complaints that are not resolved at level 1 level. They also revealed the extent to which the principles of mediation/conciliation are used to determine disputes while observing the other essential tenets of administrative law.
133. The complaints reviewed ranged from disputes between parents, Family Law custody and enrolment matters and alleged assaults of students by teachers to alleged discrimination against children with disabilities.
134. In particular, one very difficult matter which escalated over a period of four years, was reviewed externally by my Office, after review by the ECU and internal review by the Chief Education Officer. The process employed, the methodology used and the conclusions reached by the reviewers respectively, were upheld and found to be justified in the circumstances.

¹³ Minute to Deputy Chief Executive by Director, Incident Management Division, 15 April 2015, page 3.

Information for the public / access to information about making a complaint

135. A key principle in best practice complaint handling is accessibility to clear and concise information upon which the public can rely in making a complaint. For instance:

It is important to make clear to the public who they should approach if they wish to complain in person, and to whom and where they should write if they wish to be more formal. It is helpful to give telephone numbers, names and expected response times.¹⁴

136. Of the 12 schools that received the audit questionnaire, seven exhibited or still exhibit a standard departmental brochure entitled 'Parent Guide to raising a concern or complaint' on their websites respectively. This guide features telephone numbers for the individual school and (amongst other things) what was previously the PCU. However, this brochure pre-dates the current policy and procedure, and advises parents or guardians to contact the relevant Regional Office if dissatisfied with the handling of a complaint by a particular school. Clearly, this brochure should be brought up to date.
137. No complaints policy could be found on two school websites, while on a third site it was mentioned, but not accessible. On a fourth site, there was no 'standard' brochure but a document providing grievance procedures for students/parents/teachers. Again, this document refers to Regional Directors and pre-dates the policy and procedure. A fifth respondent school had a one page 'Grievance Procedure' which again pre-dates the policy and procedure. On most of the websites an anti-bullying policy/harassment policy can be located, but that topic is not the subject of this report, although, of course, individual complaints may be about bullying at a school.
138. It is important that school websites display an approved complaints policy and procedure, or at least a truncated version that accords with the basic principles.

RECOMMENDATION 1

That the departmental brochure entitled 'Parental Guide to Raising a Concern or Complaint' is amended or replaced by a new document, to reflect the current policy and procedure and to carry contact information about individual schools. That information should include telephone numbers, names of contact persons at each site, and an email address to which complaint forms may be directed. The brochure should be accessible on each school's website and in loose form at each administrative office.

That as and from 1 January 2017, the amended or new brochure is mandated for use in all schools and education sites, save for the inclusion of local contact information and a schedule (if necessary) that contains any additional information about local staff responsibilities and procedures for complaint management and consequential practices.

¹⁴ New South Wales Ombudsman - *Practice Note No.9 - Complaints Management in Councils*, 2009 page16.

RECOMMENDATION 2

That as and from 1 January 2017, each school and education site must ensure that any internal procedures for managing complaints in accordance with the policy and procedure are in place and published on its website.

139. The policy and procedure emphasises (inter alia), the responsibility of site managers to ensure that complaints are responded to in a fair and consistent manner, the complaint management system is implemented at their site, appropriate records and documentation are kept of complaints received by their site and that complaint management data is kept and available for review by senior management and others.
140. The desirability of resolving complaints at first instance at a local level is obvious. For instance, the New South Wales 'Effective Complaint Handling Guidelines' state that it is important that front-line staff are aware of the policies and procedures for complaint handling and to whom a complaint should be referred.¹⁵ Further:
- It is also important that front-line staff (and other complaint handling staff) have a good understanding of the ethical issues that might arise as part of their role. These include issues in relation to:
- conflicts of interest
 - procedural fairness
 - confidentiality, privacy, and reporting obligations
 - impartiality and objectivity
 - transparency, fairness and equity in the complaints process
 - responding to cultural differences, the vulnerable and the disadvantaged appropriately
 - fiduciary obligations
 - concluding the complaints process
 - any illegal or unethical conduct of the agency.¹⁶
141. The matters canvassed above demonstrate that the management and staff of the ECU have a responsibility to educate, lead and train site managers or school principals and other frontline staff in the art of complaint handling, data collection and record keeping to ensure not only that complaints are directed to the correct quarter, but responses are prioritised and dealt with fairly and efficiently, and recorded adequately.

Systems and staff management

142. The responses from the respondent schools were not consistent. In two schools no person was identified as having the responsibility for managing and investigating complaints. In all other schools senior personnel (including Principals and Deputy or Assistant Principals) were identified. A practice of reporting complaints annually to management group attracted a negative response, except in three schools. Similarly training in complaint handling was desultory, and five schools reported no training at all. Seven schools reported no formal complaint handling policy or procedure in place, although in default, the DECD policy and Procedure applies. Eight regional offices also reported no formal complaint handling and procedure in place.

¹⁵ New South Wales Ombudsman - *Effective Complaint Handling Guidelines 2nd Edition*, December 2010, page 17.

¹⁶ Society of Consumer Affairs Professionals (SOCAP Australia), *Complaints Practice Guidelines*, May 2014.

143. Regional offices varied in responses about where complaints were made in the first instance, with many citing the ECU. Most offices reported that the practice was to report complaint handling issues to the ECU or the Education Director. Two regional offices reported that there was no such practice. Questions about complaint handling training attracted a mixed response. Two offices reported no training at all.
144. The conclusion that can be drawn from these responses is that there is no specific training in complaint handling, except where it may be an element of some other general development course/induction run by the department, to which employees are invited to attend from time to time. This is borne out in discussion under the following heading.

Complaint handling training

145. Clause 7.6 of the Guiding Principles under the standard states that '[T]he organization should ensure staff are trained in its complaint management policy and procedures prior to undertaking complaint management activities.'
146. Following training, a mentor or buddy system and assessment of competency is recommended 'to ensure staff are competent to handle complaints effectively and efficiently.'
147. There is little evidence that a concerted attempt has been made to train selected staff in schools in complaint handling techniques in accordance with the policy and procedure. In fact, the self assessment questions in the questionnaire elicited some responses from respondents that training, or more training in complaint handling, was required at a local level.
148. The ECU Report says:¹⁷
- No formal training schedule has been established for complaints management. However, the ECU has provided training in April 2015, July 2015 and September 2015 to site leaders, staff and Education Directors. Further training is scheduled for January 2016 with site leaders. A copy of the training presentation has been provided.
149. The training presentation provided in the ECU Report, while a useful overview in approaching complaints, does not provide instruction on the requirements of the policy or the process that should be followed.
150. Again I note that the procedure sets out the roles and responsibilities of key personnel in the complaint handling sphere. The Manager of the ECU is tasked (inter alia) with the responsibility of 'implementing and maintaining the complaint management system, including recruitment and training of staff, implementing infrastructure, provision of guiding documents, setting performance indicators'. As previously mentioned, the work of the ECU has escalated quite dramatically since its inception in 2012 and currently consists of 5 FTEs. It would appear that the ability of the ECU to implement training programs in schools and other education sites within the scope of the policy is necessarily limited in the circumstances (as with monitoring policy compliance), without further modest but reasonable resources, both human and budgetary. However, I now understand that further resources have now been provided to ensure, at the very least, that targeted training is implemented and continued.

¹⁷ Letter from Manager ECU, 7 December 2015.

Recording complaints and reporting to senior management

151. It is standard practice that staff involved in dealing with complaints receive appropriate training with regard to an agency's record keeping system and relevant policies and procedures. By recording, filing and reporting first contact responses and outcomes to complaints, front-line staff can assist senior management in analysing any recurring themes and trends.
152. For instance, the following comments are relevant. Records of complaints should include:
- nature of the complaint or issues raised
 - details of the complainants
 - mode of the complaint (oral, written, web-based)
 - services, programs or policies identified in the complaint
 - responsible staff member for the complaint
 - action taken and response time to the complaint
 - any outcome and systemic or policy implication.¹⁸

And:

The responsibility to record and report to senior management also falls on middle management where good records need to be maintained for 'second tier' complaint reviews and investigation outcomes. Senior management can then go on to identify any systemic issues, as well as implement any improved remedies or practices in response.¹⁹

153. It is important that the ECU is given the opportunity to carry out one of its most important functions, namely undertaking staff training in all facets of complaint handling at school or site level on a regular basis.

Complaint record keeping - sites and regional directors

154. There was a paucity of complaint handling statistics provided by respondents to the audit survey. The question of adequate record keeping arises.
155. The question about the number of complaints received and numbers upheld for financial years 2012/13, 2013/2014 and 2014/2015 was not answered by respondent schools.²⁰ Two Regional Directors purported to attach this information, but it was not attached. Only one Regional Director provided the numbers for each financial year (Barossa, Light and Lower North Region). One Regional Director provided the numbers for the 2014/2015 financial year, another Director the figures from January 2014. Part C of the questionnaire was answered and statistics provided in some cases.
156. Some difficulties were expressed by regional directors in accessing records prior to their appointment to the Office. This suggests that previous records were inaccessible or badly categorised, perhaps by reference to email records.
157. Where Regional Directors have provided particulars about how complaints are received, these statistics are hard to reconcile with the total number of complaints received in each category.

¹⁸ Commonwealth Ombudsman Better Practice Guide to Complaint Handling - April 2009 - p27.

¹⁹ Ombudsman WA - Guidance for Complaint Handling Officers, December 2010.

²⁰ Part C Audit Survey Questionnaire pages 4-7.

158. Only four schools provided any figures for complaints. Some provided estimates, all of which suggests that proper records are not kept, or are insufficient for the purposes of the State Records Act. It also suggests that a number of complaints are dealt with informally or are recorded in a desultory manner, where the records are not easy to access.
159. There is some confusion evident about what constitutes a complaint as opposed to an enquiry. Staff performance was also mentioned as a source of complaints, but that topic is not part of the scope of the policy and procedure.
160. The survey questionnaire results in this area were answered inconsistently. Some schools asserted they kept all records, irrespective of the means by which they were received (including in the IRMS) which, as already mentioned, is reserved for the most serious matters, including reports of child abuse, physical harm or schoolyard injuries. Four schools failed to answer Question 26 and its constituent parts about the use of computer programs to record complaints, or alternatively, a document filing system. Regional offices were far more consistent, although questions about how long records should be kept were not answered satisfactorily, with a wide divergence of responses, or in some cases, none at all.
161. One school's response said:
- [o]n reflection our records are poor, they tend to sit with the individual who has handled the issues. I will be working towards a central register. There are few complaints that are recorded. Often in a school there is a misunderstanding or confusion between a student's version of events and a teacher's. These issues are nearly always resolved with good communication and follow-up. There is scope to record more.
162. One of the objects of the State Records Act is to ensure that official records of enduring evidential or informational value are preserved. It is an offence to damage or alter an official record, which (inter alia) may consist of written, graphic or pictorial matter. Agencies must not dispose of official records except in accordance with a determination made by the Manager of State Records with the approval of the State Records Council, established under the State Records Act. Pursuant to these powers, approval for the commencement of General Disposal Schedule No 22, Version 3 (**GDS 22**) for Public and Primary Schools, was approved by the State Records Council and the Acting Director, State Records, effective 12 November 2013 to 30 June 2020.
163. It seems clear from the audit survey that there is no consistent method of record keeping outside of the IRMS system at school sites. This is an area that needs to be addressed. At the very least, those officers responsible for complaint handling in schools should keep a daily diary or log where contemporaneous notes about complaints that are not immediately satisfied on initial enquiry (first point of contact) are kept and preserved by transfer to a child/parent record according to GDS 22. I can now report that the department has agreed on a definition of what constitutes a complaint for the purposes of the record. The definition is set out on page 2 of this report under the heading 'Summary of Recommendations'.
164. GDS 22 is designed to be independent from organisational structures. It also aims to cater for all primary and secondary schools in the State, including any Out-of-School-Hours-Care operations. It does not authorise the destruction of records if fifty years have passed since the end of the calendar year in which those records came into existence. In the case of activities associated with the handling of complaints, enquiries and representations made by parents, teachers, unions, departmental employees, members of the public and others to the school, then relevantly:

- A. Records relating to cases that lead to a change in policy or procedure, establish a precedent, result in the reversal of a decision or require substantial investigation, retain **PERMANENTLY**.
 - B. Records relating to cases that involve a named current or former student of the school, but not resulting in action covered in A
TEMPORARY - destroy 15 years after last action.
 - C. Records relating to cases which result in a routine or form letter or other cases not covered by A or B above
TEMPORARY - destroy 7 years after last action.
165. As a matter of prudent record keeping, school administrators should, if undecided about the category of document or record under their care or control, retain that document or record until 2020 when GDS 22 will be reviewed. (see generally pages 34 and 35 of GDS 22). In addition, complaints against employees and contractors are dealt with specifically at pages 28 to 34 (inclusive) of GDS 22. A copy of GDS 22 should be retained by each administrative office at a school or site.
166. According to information provided by the Director of Operations, DECD,²¹ apart from the recording of serious or substantive matters on the IRMS system, most, if not all schools keep hard copy student files to which written material about substantive complaints involving an individual student are kept, or should be kept. These files may, in some cases, be scanned and saved in the official Education SA system. However enquiries at school or site level that may engender minor complaints that are resolved, either immediately or within 24 hours, may not be recorded. In addition, there is no compulsion for school sites to report data about complaint handling on an annual basis, or indeed, more frequently. However, there is a requirement under the policy and procedure for site managers to evaluate, monitor and review the site's compliance with that policy/procedure.
167. I note that the Manager, ECU is, in accordance with the procedure, responsible for the Unit's databases and its compliance with the Cabinet Information Privacy Principles, the State Records Act, the relevant General Disposal Schedules, and any other requirements for the collection, storage and use of information. That responsibility extends to linking documentation to a child's records at a site and ensuring retrieval through that record, as well as ensuring that a site's complaint data is linked to the same record and can be retrieved.
168. It is not apparent from the survey, other than by procedural directive involving complaint escalation, that data is provided regularly to the ECU by schools, or that trends are monitored with a view of identifying systemic problems and implementing a regime of constant improvement and review. This is certainly the case with the ECU which reports on all these matters to senior executive at regular intervals. While there are competing exigencies at school sites, there is no reason why the standard should not be observed by, amongst other things, annual reporting of complaints resolved at school level by Principals or site managers from adequate records.
169. As mentioned in paragraph 117, the ECU does not formally monitor compliance with the policy and procedure other than by periodic contact with schools in connexion with the resolution of complaints.
170. In its first half yearly report to Senior Executive Group in 2012, the Manager of the PCU reflected that:

²¹ Personal communication, 15 January 2016.

[T]here has been no systemic collection of data relating to parent complaints prior to the formation of the Parent Complaint Unit. One of the key tasks has been to establish an effective data collection system that will enable a closer monitoring of complaint trends including type and number of complaint, site involved, actions taken and outcomes. Identification of these areas of the complaint scene will enable the identification of systemic issues which may lead to systemic changes in policy or procedure.²²

171. I note that this was a comment made in the early days of the PCU. However, it still appears from the responses to the audit survey that schools have not collected or recorded data about complaints adequately, and this omission continues.

172. In the same report, the Manager asserted:

[C]urrently there is no system wide method of collecting or recording data relating to complaints. Site leaders and regional officers have been requested, as part of the Parent Complaint Policy, to record details of all complaints received. No data on this is generally available and it is not known how effectively schools and regions are carrying out this requirement. To overcome these issues it is proposed that the capability of the existing Incident & Response Management System (IRMS) be extended to include the reporting and recording of complaint data across all sites and within regional and state office. On the advice of Ms Julieanne Riedstra, Acting Deputy Chief Executive at the time, a request for the necessary funds (\$50,000) to enable the development of a suitable addition to IRMS will be submitted to the Information, Data and ICT Governance committee for approval.²³

173. It is now clear that if a submission was made to increase the capability of IRMS, it was not successful.

174. Further, the former Ombudsman's 2014' State Agencies Complaint Handling Audit' said:

DECD recognises that the current education complaint resolution process maintains a focus on specific incidents and events. It is currently considering how ECU can focus more on policy and program development and implementation. All ECU contacts, complaints, enquiries and feedback are recorded and stored. Similarly, each school and regional office is required to keep contact records, notes and all relevant supporting information.²⁴

RECOMMENDATION 3

That prior to the commencement of the 2017/2018 financial year, each school or site manager shall ensure that proper and consistent record keeping of all complaints received is implemented in accordance with department policy.

RECOMMENDATION 4

That consideration is given to developing and introducing, prior to the commencement of the 2019 school year, an adjunct module to the proposed EMS computer system for recording and reporting complaints and accompanying information, in relation to all complaints recorded, as defined on page 2 of this report.

²² Half Yearly Report: DECD Parent Complaint Unit 16 March - 30 June 2012, page 3.

²³ Ibid, page 4.

²⁴ An audit of state government agencies' complaint handling November 2014, page 41.

Self-Assessment - areas of strength and weakness

175. Perhaps perceptions or impressions of an individual school's performance are reflected in the following sample comments from the questionnaire made by representatives of respondent schools:

Develop a standard process of documentation that is easy and user friendly
Have a specific person to do the follow-up, documentation, filing

Training provided.

Improve documentation and filing of these records.

Make sure the policy is followed to ensure that from the Minister down the complaint follows the approved site policy and process. The overall majority of complaints can be resolved within an hour when handled at the local level. Complainants who go directly to the Minister and who do not follow the procedure take up valuable time and resources.

176. Only one school considered that any aspect of its complaints management was best practice or could be adopted more broadly across other divisions/units/sites.

177. In the case of Education Directors, responses included:

Direct all complaints to the ECU in the first instance.

Continued compliance with policy. Further training at local level.

Training and development for all DECD leaders and managers in conflict management and complaints resolution.

Clear compliance with policy. Consistent approach by personnel at local level.

The establishment of the Parent Complaint Unit in 2012 has seen a state wide improvement in managing concerns and complaints made by parents of children and young people attending DECD schools and pre-schools. The Unit undertakes objective and impartial reviews of complaints that have not been resolved at the local level.

178. Significantly, nine Education Directors considered that the establishment of the ECU represented an aspect of complaint management that was either best practice or particularly innovative.

179. It is clear from information obtained from the audit survey that complaint handling in schools is, at best, inconsistent and at times flawed for the reasons already outlined. The more important contributing factors are:

- a heavier reliance on the ECU to manage complaints
- inconsistent practices in recording and preserving relevant complaint information
- lack of training in complaint handling and recording at school or site level
- lack of reporting of accurate complaint statistics, trends and systemic problems in schools.

Complaint analysis and systemic improvement

180. Best practice complaint handling requires systems to be in place so that lessons are learned from mistakes made. Regular analysis and review is essential if senior management are to take real ownership of complaints practices and procedures. There should be a system in place for receiving reports on complaints and outcomes. The aim is to ensure that any learning and improvement from complaints is properly disseminated and implemented.
181. The former Ombudsman in his 2014 'State Agencies Complaint Handling Audit' said:
- The commitments expressed by the ECU to use complaints data to make systemic improvements in service delivery and of Families SA to overcome duplication in complaint handling are welcome objectives. A positive in both Education services and Families SA is the awareness of their complaint handling limitations, challenges and opportunities. There is considerable potential for both areas of the agency to learn from each other's complaint handling strengths.²⁵
182. The ECU was asked how the department uses the complaints data that the ECU collects to inform policy and program development. The ECU did not provide a response to this question.
183. The ECU was also asked how issues of concern are identified through the complaint management system and reported to staff and other stakeholders. The ECU did not provide a response to this question.
184. The following comments from the Commonwealth and New South Wales Ombudsman are relevant:
- Complaints analysis is an important tool that can be implemented as a part of an agency's continuous cycle of review and service improvement.²⁶ Complaints can provide agencies with a clear picture of weaknesses in existing procedures, programs, policies and service delivery. However, as noted, this can only be achieved if accurate and detailed records are kept in a centralised system with good retrieval access.
 - Analysis and classification of records data can be undertaken to identify any systemic problems, as well as other recurring themes, spikes or trends, which can subsequently be addressed and rectified.²⁷ For example, data revealing delays in resolving particular complaints might suggest that there is a need for greater efficiency in the agency or better liaison between units. Collection and analysis of complaint data can also be used for staff management by identifying those staff members or teams that are performing well, as well as those who may not be, and potentially some of the reasons for the difference.
 - Recurring concerns or problem areas identified can help senior management to determine development needs, as well as to refine and improve staff training. Ultimately, utilising information of this nature will help agencies to monitor their business outcomes and performance and ensure that service delivery remains dynamic and of a high standard.²⁸
185. As already noted elsewhere in this Report, the ECU is evolving in its role and the implementation of its multifaceted functions under the policy and procedure have not yet reached a state of maturity, due to competing demands. However, the expectation is that an improvement in complaint handling, in the broadest sense of that term, at level 1 will provide a further impetus to evolution.

²⁵ Ibid page 43.

²⁶ Commonwealth Ombudsman, *op cit.* page 5.

²⁷ NSW Ombudsman - Effective complaint handling guidelines - December 2010, page 27.

²⁸ Commonwealth Ombudsman, *op cit.* page 5.

ECU reporting of complaints to department executive

186. The ECU provides regular reporting of complaints data to the Deputy Chief Executive, Chief Executive and Senior Executive Group.
187. The timeframes for complaints resolution are specific KPI's and these are monitored by the Senior Executive Group and reported on quarterly and annually.
188. I note that the former Ombudsman's 2014 'State Agencies Complaint Handling Audit' said:
- ECU complaints data is reported monthly to the Deputy Chief Executive. Numbers, issues, source and timelines for resolution are all reported. However, there is currently no formal analysis of education complaints data undertaken by the agency²⁹.
189. Now, however, the Manager of the ECU renders a formal analysis of education complaints data in each report she provides to the Deputy Chief Executive, Chief Executive and Senior Executive Group.

Site monitoring and review of complaints for service improvement purposes

190. No respondent school or site answered question 20 in the Audit questionnaire in the affirmative, namely whether there is a process in place for monitoring and review of complaints and complaint handling practices for service improvement purposes.
191. Four regional offices responded in the negative, or asserted that it was a 'state-wide process'. Two regional offices said that the process was managed 'centrally' at 31 Flinders Street, Adelaide.
192. It appears that schools do not monitor and review the complaints they have received for service improvement purposes.

Public reporting of complaints

193. Recommendation 3 of the former Ombudsman's 2014 'State Agencies Complaint Handling Audit' says:

That the state government issue an update to the department of Premier and Cabinet Circular PC013 - Annual Reporting Requirements 2014 to incorporate annual reporting of complaints from members of the public. This should be included as a Mandatory Reporting Item in agency annual reports, and indicate the extent and main features of consumer complaints and any services improved or changed as a result of complaints or consumer suggestions made.³⁰

194. Recommendation 5 of the 2014 State Agencies Complaint Handling Audit says:

That, commencing by 1 July 2015, the Senior Management Council of agency Chief Executives conduct an annual assessment of agency complaint management systems. The assessment should ensure ongoing compliance with the Department of the Premier and Cabinet Circular on complaints management and annual reporting requirements. It should also be seen as an opportunity for agencies to share information and learning on significant complaint handling experiences and resource allocation issues³¹.

²⁹ Ibid, page 41.

³⁰ Ibid, page 27.

³¹ Ibid, page 71.

195. Public reporting of complaints made to schools and to the ECU is fundamentally about accountability. It shows that the department is prepared to be open and transparent about public concerns and mistakes. It also provides an opportunity to disclose what has been done and learn from mistakes made, both at level 1 and centrally. In other instances, it is an opportunity to highlight demands on service delivery responsibilities that may have led to a number of complaints.
196. The 'Department of the Premier and Cabinet Circular PC013' says in part under paragraph 3.22 'Public Complaints' :
- [I]t is acknowledged that agencies have individual policies and procedures as well as varying and different approaches to complaint management processes. The new Australian/NZ Standard *Guidelines for complaint management in organisations* (AS/NZS 100002:2014) contains advice on data collection, analysis and reporting for complaint information.
- Agencies are expected to report on complaints data for 2014/15 and to address system improvements planned for the next financial year.
197. The Chief Executive, Department of the Premier and Cabinet, gave a commitment in March 2016, for the Senior Management Council to address Recommendation 5 of the 2014 Audit Report, referred to in paragraph 196 above. The Recommendation is likely to be implemented for the 2015/2016 financial year

RECOMMENDATION 5

That school or site managers monitor and record complaint handling compliance, statistics and trends at least once annually. Particulars of the volume, nature and results of complaint handling, including whether resolution occurred locally, or was referred to the ECU for determination, should be included in the relevant annual report for the school or site. In addition, the ECU should provide an analysis of this information to the Senior Executive Group as part of the department's annual reporting requirements.

ECU - resourcing / staffing

198. Currently the ECU staff consists of five FTEs. The discussion about the adequate resourcing of the ECU is traversed in Part 5 of this Audit Report under the headings 'Systems and Staff Management' and 'Complaint Handling Training'.
199. It is sufficient to say that the ECU has coped with an enormous increase in demand, but has not had the capacity to satisfy a number of its other obligations under the policy and procedure. It is also fair to conclude that complaint handling deficiencies at education sites (as mentioned elsewhere in this report) have contributed to, or exacerbated, the demands on the ECU. An improvement in level 1 complaint handling in the broadest sense will contribute in no small way to re-establishing the correct balance in the system.

PART 6

CONCLUSIONS

Conclusions

200. Of utmost importance in increasing the all-round efficiency of complaint handling at level one is the relationship between the ECU and school and other sites within the scope of the policy and guidelines. Improving competence at level one will take a concerted effort, but once that is achieved then better results should follow.

201. The 2012 'Parent Complaint Unit Report' states:

The role of the PCU, by its very nature, requires the ability to work collaboratively with regional and school personnel. One of the key issues has been the need for the PCU to be able to support parents as they attempt to resolve their complaints and concerns. For some schools and regions this appears to have created the impression that the provision of this support is implicit criticism of the actions of a site or a region.

One of the comments made by the Ombudsman in reference to complaint management in the department reported a 'defensive' culture in response to complaints across the organisation.

It has been the general experience of staff in the unit that some schools, and staff, are defensive and reluctant to admit that the complaint is legitimate. This is not to say that staff have been actively unhelpful toward the PCU but rather they demonstrate the feeling that some complaints waste their time and some parents take up too much time which should be better spent with children and young people.

It will take time and effort to change this culture to one where complaints are seen as an opportunity to learn and improve. The PCU staff work consistently in this area to ensure that they are seen to be working collaboratively with sites and regions rather than in an adversarial manner.³²

202. The Audit has revealed that there is still a defensive culture at some school sites, but it appears to be slowly changing and many schools are referring matters to the ECU for advice and guidance. However, training is essential so schools can be more self-reliant and confident about resolution procedure and record keeping.

203. If the recommendations are adopted, I am confident that improvement in school based complaint handling will take place.

204. In concert with other initiatives, better service delivery will result. Both the Commonwealth and the State recognise that openness and transparency and a commitment to better service delivery has the potential to deliver dividends for the public at large. The state government has recently released a blueprint for a 'modern and capable public sector that works with citizens, business and communities to deliver results for South Australia'.³³ The Commonwealth Ombudsman 'Better Guide to Complaint Handling' states:

Openness and transparency in government is the key to achieving the trust and confidence of the public as they seek access to information and services. By extension, an agency that considers the people it serves and its own reputation will be committed to good complaint handling. It will have a culture that recognises the value of complaints and that requires all staff to be committed to complaint resolution.³⁴

The draft 'Charter of Public Service Guarantee' is part of that commitment to better service delivery. There is a welcome emphasis in the draft document on the development of easy-to-use complaints processes across government. The key

³² Parents Complaint Unit Half Yearly Report, 16 March 2012 - 20 June 2012, page 8.

³³ Building a Stronger South Australia *op cit.* page 2.

³⁴ Commonwealth Ombudsman - *Better Practice Guide to Complaint Handling*, 2009, page 5.

objectives are: speedy resolution of grievances; allowing people to be kept informed of the progress of their complaint; and providing reasons for decisions.

205. The DECD recognises, in its Strategic Plan under its commitment to engage children, families and communities, that a key action is to:

- [I]ntroduce a revised framework for managing incidents and complaints, including strategies for effectively and consistently sharing information.³⁵

206. As noted in this report, much of the ground work has been achieved. What is now required is a concerted effort to bring all the elements of the policy and procedure to bear in a constructive and efficient system.

³⁵ Department for Education and Child Development Strategic Plan, 2014-2017, page 8.

APPENDIX 1 - The Audit Questionnaire



DEPARTMENT FOR EDUCATION AND CHILD DEVELOPMENT
 COMPLAINT HANDLING and INVESTIGATIVE PRACTICES
 AUDIT SURVEY QUESTIONNAIRE

As part of its administrative improvement role, Ombudsman SA is undertaking an audit of complaint handling and investigative practices of the Department for Education and Child Development (**the department**).

Section 14A(1) of the *Ombudsman Act 1972* provides:

If the Ombudsman considers it to be in the public interest to do so, the Ombudsman may conduct a review of the administrative practices and procedures of an agency to which this act applies.

The purpose of the audit is to identify and assess complaint handling and investigative approaches across Divisions, Units and Sites of the department and make suggestions for improvement.

This document commences the audit process. A report will be prepared for general feedback to the department and possible publication.

Division/Unit/Site name.....

Division/Unit/Site documents required (please enclose hard copies and check the box below):

- complaint handling policy
- complaint handling procedures or guidelines
- most recent internal report of complaint handling activities within the Division/Site/Unit
- most recent public report of complaint handling activities within the Division/Site/Unit
- numbers of complaints received and numbers upheld (in part or in full) in the financial year 2012-1013
- numbers of complaints received and numbers upheld (in part or in full) in the financial year 2013-1014
- numbers of complaints received and numbers upheld (in part or in full) in the financial year 2014-1015
- any other relevant documents (if any, please describe below)

.....

.....
.....

(Please tick the relevant multiple choice boxes and add comments and additional material)

PART A: DIVISION / UNIT / SITE INFORMATION

1. Describe the nature and purpose of your Division/Unit/Site.

2. How many employees (expressed as FTEs) are currently engaged in your Division/Unit/Site?

3. If your Site comprises a school, how many members of the teaching staff have five years, or less, of experience?

4. If your Site comprises a school, how many students are enrolled at the Site?

PART B: COMPLAINT POLICIES AND PROCEDURES

5. Does your Division/Unit/Site have a policy in place for complaint handling?
- yes
 no
6. Does your Division/Unit/Site have a procedure or guideline in place for managing complaints?
- yes
 no
7. Does your Division/Unit/Site have a customer service charter/handbook or similar which is made available to the public?
- yes
 no
8. Does the charter/handbook advise people how to make a complaint?
- yes
 no
 n/a
9. If **yes** to question 5, 6 or 7, does the policy/procedure/charter/handbook recognise the Australian Standard for complaints handling (i.e. AS ISO 100002-2006)?
- yes
 no
10. Please indicate if an alternative standard or guideline is used by your Division/Unit/Site.
-
11. Please indicate how frequently the policy/procedure /charter (please specify) is reviewed.

Our policy/procedure/charter is reviewed:

- annually
- biannually
- not reviewed
- other (please specify)

PART C: COMPLAINTS DATA

12. If your Site comprises a school, how many complaints come from the governing council?

13. If your Site comprises a school, are complaints received about the governance of the school's governing council? If there are complaints about the governing council, are they dealt with separately or differently to what might be called the 'usual' complaint handling practice?

14. Of all the complaints received in your Division/Unit/Site in 2013/2014, how would you categorise them: (please specify how many there were in each category)

personal (e.g. bullying, harassment, assault, use of illicit drugs)

.....

service related

.....

school fees or other monetary matters

.....

curriculum

.....

equipment / facilities

.....

uniforms

.....

discipline

.....

employment

.....

staff performance, behaviour, decisions

.....

other (please specify)

.....

.....

.....

.....

15. Of all the complaints received in your Division/Unit/Site in 2014/2015, how would you categorise them? (please specify how many there were in each category)

personal (e.g. bullying, harassment, assault, use of illicit drugs)

-
 service related
.....
- school fees or other monetary matters
.....
- curriculum
.....
- equipment / facilities
.....
- uniforms
.....
- discipline
.....
- employment
.....
- staff performance, behaviour, decisions
.....
- other (please specify)
.....
.....
.....
.....
.....

16. Of all the complaints received by your Division/Unit/Site in 2013/2014, how were they received? (please specify how many there were in each category)

- email
- letter
- telephone

- in person
- other (please specify).....

17. Of all the complaints received by your Division/Unit/Site in 2014/2015, how were they received? (please specify how many there were in each category)

- email
- letter
- telephone
- in person
- other (please specify).....

PART D: THE COMPLAINT HANDLING SYSTEM

18. How are students/parents/carers/other complainants informed of their right to make a complaint about the Division/Unit/Site? (please tick all relevant boxes)

- web page
- brochure
- front counter
- sign in public area
- advertised 'hotline' to call
- Facebook page
- App
- feedback/complaint form
- published name of contact person
- other (please specify)

19. How are students/parents/carers/other complainants informed of the process for lodging a complaint about the Division/Unit/Site? (please tick all relevant boxes)

- web page
- brochure
- front counter
- sign in public area
- advertised 'hotline' to call
- Facebook page
- App
- feedback/complaint form

- published name of contact person
- other (please specify)

20. Does your Division/Unit/Site have a process in place for 1) monitoring and 2) review of complaints and complaint handling practices for service improvement purposes?

1. monitoring

- yes
- no

2. review

- yes
- no

If yes, please briefly describe how your process works.

1. monitoring:

2. review:

21. What is the average time taken by your Division/Unit/Site to resolve a complaint?

22. How does your Division/Unit/Site ensure fair treatment of both the complainant and the subject of the complaint?

23. How does your Division/Unit/Site keep a complainant informed about the progress of their complaint?

PART E: COMPLAINT RECORD KEEPING

24. How is a complaint recorded?

25. Complaint information can provide a picture of weaknesses in existing programs, policies and service and program delivery. Does your Division/Unit/Site keep a record of:

oral complaints:

- yes
- no

written complaints (including emails):

- yes
- no

online complaints:

- yes
- no

If yes, please briefly describe your record keeping practices.

26. If you use a computer program to record complaints:

(a) how long is the record kept?

.....

.....

(b) Is that record accessible to senior executives?.....

.....

.....

(c) Do you report or respond to senior executives about complaint handling?.....

.....
.....

(d) Is a document filing system used to keep substantive written records of complaints?.....

.....
.....

27. How is the privacy of individuals protected in terms of the Privacy Principles³⁶ and legislation, particularly the *Children's Protection Act 1993*?

28. Are you aware of the policy document 'Information Sharing Guidelines' and its contents?

PART F: SYSTEMS AND STAFF MANAGEMENT

29. To whom are complaints made in the first instance?

³⁶ Cabinet Administrative instruction 1/89.

- 30.** Is there / are there particular individual or individuals in the Division/Unit/Site who take/s responsibility for managing, investigating and making decisions about complaint handling in your Division/Unit/Site? (please indicate position/s held)

- 31.** If a complaint is not resolved initially, to whom or what body is the complaint finally escalated?

- 32.** Does your Division/Unit/Site have a practice in place for reporting complaint handling issues (e.g. reports to management group and/or annual reporting practice)?

- yes
- no

If yes, please describe how it works.

33. Is any training provided to staff in your Division/Unit/Site to support complaint handling practices?

- yes
- no

If yes, what is it and who receives it?

34. Do any job and person specification documents in your Division/Unit/Site (including executive employment contracts) identify responsibility for complaint handling?

- yes
- no

If yes, please indicate which documents are relevant (or enclose copies as appropriate)

35. Have any members of your Division/Unit/Site had instruction or training in managing unreasonable complainants? If yes, please provide details.

- 36.** If your Division/Unit/Site has no formal complaint handling policy or procedure in place, please briefly outline below (or in an attachment) how you deal with complaints from students/parents/carers/other complainants about employees, services, facilities or other matters affecting them.

PART G: SELF-ASSESSMENT - AREAS OF STRENGTH AND WEAKNESS

- 37.** If you had the capacity to improve the complaint handling system in your Division/Unit/Site, what would you do?

38. Overall, what do you think your Division/Unit/Site does well in its complaint handling?

39. What do you think could be improved?

40. Are there any major obstacles to achieving improvements?

41. Is there any aspect of your complaint management that you consider to be best practice or particularly innovative that could be more broadly adopted across other Divisions/Units/Sites? For example, solutions that address particular challenges in public administration.

PART H: AGENCY CONTACT & SIGN OFF

Please attach any other documents you believe are useful for the Ombudsman to understand the complaint handling policies, procedures or practices in your Division/Unit/Site.

Additional information may include, for example, a relevant summary 'case study' of a recent complaint handling experience.

Please nominate a senior officer for follow-up contact and discussion with Ombudsman SA on matters arising from this survey.

Name.....

Telephone.....

Email.....

Director/Principal/Manager (for survey sign-off)

Name.....

Signature.....

Date.....

THANK YOU FOR TAKING THE TIME TO RESPOND

Please return to Mr Peter Hall, Ombudsman SA, PO Box 3651 Rundle Mall SA 5000 or email to ombudsman@ombudsman.sa.gov.au - by close of business 22 September 2015.

APPENDIX 2 - The Policy and Procedure

DEPARTMENT FOR EDUCATION AND CHILD DEVELOPMENT

Policy

Consumer complaints management and resolution policy

Please note this policy is mandatory and staff are required to adhere to the content

Summary

This policy articulates the DECD Complaints Management and Resolution System, and specifies how consumer complaints about DECD's service provision in education, early childhood, care and family support settings will be managed.

Publication Date	25 August 2015
Review Date	13 August 2018
Related Legislation/Applicable Section of Legislation	Information Privacy Principles Instruction – Sept 2013 Children's Protection Act 1993, s 58
Related Policies, Procedures, Guidelines, Standards, Frameworks	- AS/NZS 10002:2014 – Guidelines for Complaint Management in Organizations - DECD Consumer Complaints Management and Resolution Procedure - DECD Unreasonable Complainant Conduct Procedure
Replaces	Education Complaint Policy Families SA Client Feedback Policy
Policy officer (position)	Manager DECD Complaints Unit
Policy officer (phone)	1800 677 435
Policy sponsor (position)	Assistant Director, Incident Management Division
Executive director responsible (position and office)	Deputy Chief Executive, Resources Office for Resources, Operations and Assurance
Applies to	All DECD staff and sites
Key Words	Complaints, Concerns, Dispute Resolution
Status	Final
Approved by	Senior Executive Group
Approval Date	13 August 2015
Version	Version 1.0

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1. Title

- Consumer Complaints Management and Resolution Policy

2. Purpose

- The purpose of the Consumer Complaints Management and Resolution Policy is to ensure that DECD manages complaints in a fair, efficient and effective manner.
- The Consumer Complaints Management and Resolution Policy provides the foundation for the DECD complaints management system, and a framework for subordinate procedures, guidelines and other documentation that complement this policy.

3. Scope

- The Consumer Complaints Management and Resolution Policy applies to complaints about decisions and actions undertaken in the provision of education, early childhood services, family support, and care services by DECD.
- This policy applies to all staff in DECD schools, preschools, early childhood, care and family support services.
- The policy does not apply to matters that are subject to judicial determination, or determination by a statutory authority including:
 - Child protection proceedings including court orders per the *Children's Protection Act, 1993*
 - Adoption proceedings per the *Adoptions Act 1988*
 - Proceedings that have been brought before the Equal Opportunity Commission or the Australian Human Rights Commission
 - Matters that are under investigation by Ombudsman SA, or the Health and Community Services Complaints Commissioner.
- The policy does not apply to decisions by the Minister, Chief Executive or delegated authority, made under a legislative instrument, such as:
 - Suspensions, exclusions and expulsions per the *Education Regulations 2012*
 - Control of trespass and misbehaviour on school premises per the *Education Regulations 2012*
 - Approval of foster carers per the *Family and Community Services Act 1972*
 - Approval of children's residential facilities per the *Family and Community Services Act 1972*
 - Family Care Meeting outcomes per the *Children's Protection Act 1993*
 - Determination of Freedom of Information applications per the *Freedom of Information Act, 1991*.
- The policy does not apply to non DECD staff and services even where there may be an interface with DECD, such as:

- The decisions, services, members and employees of Governing Councils
- The decisions, services, members and employees of external agencies who may be utilising DECD premises
- The policy does not apply to employee disputes and grievances, or complaints of misconduct by staff, volunteers and services providers. Employee grievances are managed through the [Complaint Resolution for Employees Procedures \(staff login required\)](#).
- The policy does not apply to matters that are subject to civil litigation.
- Where it becomes apparent that the issue relates to a matter that is out of the scope of this policy, the complainant will be advised, and assisted to redirect their complaint where possible.

4. Policy detail

4.1. Policy

- The Department for Education and Child Development will ensure that there is an effective complaints management system in DECD that supports the educational attainment and wellbeing of children and young people.
- The Department is open and responsive to receiving complaints from children, young people, parents, families and members of the community as a means of promoting continuous service improvement.
- Staff of the Department will make every effort to resolve complaints, preferably at the local level, in accordance with policy, procedures and guidelines.
- Where the Department is unable to resolve complaints internally, complainants will be provided with information about their avenues for seeking resolution and/or appeal externally.

4.2. Principles

DECD is committed to fair, effective and efficient complaint management, and DECD staff will demonstrate this commitment through their service delivery to children, families and community members.

DECD endorses a Three Level Model of Complaint Handling recognised as best practice in the Australian / New Zealand Standard (Guidelines for complaint management in organisations) AS/NSZ 10002:2014.

The Department will **enable** complaints by ensuring:

- Information about how and where a complaint may be made is accessible and transparent. Complainants are able to raise complaints through different means, including face-to-face at DECD sites, via telephone and email.
- Vulnerable populations and individuals with special needs are assisted to make complaints. People from non-English speaking backgrounds and cultures with strong oral traditions (such as Aboriginal and TIS people), people with disabilities, people who struggle with literacy, and children (especially children in care) may require assistance to formulate and document their complaint. They may also need to be connected to an advocate or support person who is able to assist them to pursue their complaint.

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- The right for individuals to raise complaints is acknowledged, and complainants are treated with respect.
- Complainants are not adversely affected because they have made a complaint.

The Department will **manage** complaints by ensuring:

- Complaints are promptly acknowledged, assessed and prioritised in accordance with the urgency of the issues raised.
- Complaints management and resolution occur at a local level where-ever possible, and are only escalated where local resolution has not been successful.
- Complainants are advised if their matter is out of the scope of the Policy and are redirected to appropriate authorities where possible.
- Complainants are advised of the complaint process, expected timeframes, how they are able to contribute to the complaints management process, the possible outcomes, and avenues of review and appeal.
- Procedural fairness, objectivity and fairness requirements are adhered to.
- Unless resolved at the first point of contact, complaints will be documented (including information about the issues raised, any supporting documentation provided, the enquiries undertaken, and the outcomes achieved).
- Personal information is treated confidentially and is only used and disclosed in accordance with the Information Privacy Principles, confidentiality requirements in the *Children's Protection Act 1993*, and other legal and ethical obligations regarding privacy.
- Records of complaints will be documented, stored and managed in accordance with the Department's obligations under the *State Records 1997*, the Information Privacy Principles (Cabinet Administrative Instruction 1/89), and the relevant General Disposal Schedules.
- The legal, policy, procedural and factual basis for decisions are provided in communications with complainants, staff and others.

The Department will **support** parties involved in complaint resolutions by ensuring:

- The roles, responsibilities and expected behaviour of complainants and staff managing complaints are communicated.
- Policies and practices are established to ensure the health and safety of staff involved in complaint management.
- Policies and practices are established to manage unreasonable complainant conduct.
- Consultation and advice is provided to Site Leaders managing complex and intractable disputes

The Department will utilise the complaints management system to ensure **continuous learning** and accountability by:

- Collecting complaints data (including the number and types of complaints received, sources of complaints, time taken to respond) to support performance monitoring, analysis and evaluation of complaint trends.
- Providing internal and public reporting on key performance indicators in complaints management on regular basis.
- Utilising complaints data on a continuous basis to inform policy and programmatic development

5. Roles and responsibilities

Role	Authority/Responsibility for
Chief Executive	<ul style="list-style-type: none"> • Ensuring the establishment, maintenance and promotion of an effective complaints management system in DECD. • Ensuring that information about the policy is accessible to members of the public • Ensuring the appointment of a Complaints Manager with clearly defined responsibilities and authority • Ensuring there is a process in place for timely and appropriate notification to the Senior Executive of any significant complaints, or systemic issues identified through complaints. • Ensuring that there is a process for regular reporting on the complaint management system and data.
DECD Complaints Unit Manager	<ul style="list-style-type: none"> • Ensuring that information about the complaint management system is easily accessible by staff, clients and members of the public, especially vulnerable populations (including Aboriginal people, people from CALD background, people with disabilities). • Ensuring that complaints are responded to in a fair and consistent manner, in accordance with the policy and procedures. • Ensuring that appropriate records and documentation are kept of complaints received by the Complaints Unit. • Establishing a process of performance monitoring, evaluation and reporting of complaints data including the number and types of complaints received, sources of complaints, and time taken to respond to complaints. • Reporting to Senior Executive on the operation of the complaint management system, including significant complaints, systemic issues, service trends and recommendations for improvement. • Reporting to staff and other stakeholders about issues of concern identified through the complaint management system • Implementing and maintaining the complaint management system, including recruitment and training of staff, implementing infrastructure, provision of guiding documents, setting performance indicators. • Implementing internal and external escalation mechanisms for unresolved disputes. • Providing advice, consultation and support to Site Managers to respond to complex and contentious complaints, and unreasonable complainant conduct.

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Role	Authority/Responsibility for
Site Managers including Families SA Managers, Principals, Early Childhood Directors (or their delegate)	<ul style="list-style-type: none"> • Ensuring that information about the complaint management system is easily accessible by staff, clients and members of the public, especially vulnerable populations (including Aboriginal people, people from CALD backgrounds, people with disabilities). • Ensuring that complaints are responded to in a fair and consistent manner, in accordance with the policy and procedures. • Ensure the complaint management system is implemented at their site, including any subordinate local policies and procedures • Ensuring that appropriate records and documentation are kept of complaints received by their site. • Working with the Complaints Unit staff to resolve any disputes that have been escalated to the Complaints Unit. • Ensuring that complaint management data is kept and available for review by Senior Management and others.
DECD Senior Managers (Directors, Executive Directors)	<ul style="list-style-type: none"> • Ensuring the promotion of an effective complaints management system within DECD. • Supporting Site Managers to respond effectively to complaints • Considering complaints data and systemic issues arising from complaints as a part of DECD's strategic planning. • The Chief Education Officer and Executive Directors have the authority to approve formal reviews that have been escalated to them, and oversee the review and its outcomes.
Staff	<ul style="list-style-type: none"> • Ensuring that they are familiar with the DECD complaints management system, and their local site's procedures. • Ensuring that complaints raised with them are acknowledged and responded to in a fair and consistent manner, or referred to the appropriate party for a response, in accordance with the policy and procedures. • Enabling clients and community members to make complaints through the provision of information and advice.

6. Monitoring, evaluation and review

- This policy will be reviewed every three years (in accordance with the DECD Policy Framework) or earlier if required by legislative or organisational imperatives.
- Site Managers will provide ongoing monitoring of their site's/service's compliance with this policy.

- The DECD Complaints Unit Manager will provide ongoing monitoring of compliance with the policy across sites and assist sites to comply with the policy.
- The DECD Complaints Unit Manager will monitor and evaluate the adequacy of the policy in meeting legislative, Departmental and other requirements on an ongoing basis.

7. Definitions and abbreviations

Term	Meaning
Carer	Family members, guardians or friends who have an interest in, or are responsible for the care of a client
Client	Someone who receives, relies upon, is the subject of, or benefits from DECD education, early childhood, care and family support services. Interchangeable terms used are “consumer” and “customer”.
Complainant	Person or their representative making a complaint
Complaint	Expression of dissatisfaction made to or about DECD related to its services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly required.
Complaint Management System	Encompasses all aspects of the policies, procedures, practices, staff, and infrastructure used by DECD in the management of complaints.
DECD	Department for Education and Child Development
Disputes	Unresolved complaints escalated within DECD or externally, or both.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about DECD, its services, staff or its handling of a complaint.
HCSCC	Health and Community Services Complaints Commissioner
Open Disclosure	The approach and principles used within the Complaint Management System to communicate with clients who have experienced harm. The main elements of Open Disclosure are: <ul style="list-style-type: none"> - An acknowledgement and factual explanation of what has occurred - An expression of regret or apology for harm experienced - An opportunity for the client to recount their experience of the event - A discussion of the steps being taken to manage the event and its potential consequences, and to prevent recurrence.
Procedural fairness	Procedural fairness requires a fair and proper process be used with making decisions that may adversely affect the interests of an individual. The rules of procedural fairness require: <ul style="list-style-type: none"> - a hearing appropriate to the circumstances - lack of bias

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Term	Meaning
	<ul style="list-style-type: none"> - evidence and reasons to support a decision - inquiry into matters of dispute <p>Used interchangeably with “natural justice”.</p>
Vulnerable populations / vulnerable complainants	<p>It is recognised that some sections of the community may find it difficult to make complaints. This may be due to:</p> <ul style="list-style-type: none"> - language barriers (including not speaking, reading or writing English proficiently, oral traditions being stronger), - cultural barriers (lack of familiarity with making complaints, lack of experience or fear in dealing with government departments, cultural inhibitions about making complaints or discussion personal matters) - developmental barriers (eg. Children, adults with intellectual disabilities and delays) - Other issues such as some mental health conditions.

8. Supporting documents

- DECD Consumer Complaints Management and Resolution Procedure
- DECD Unreasonable Complainant Conduct Procedure
- Guide to raising a complaint in DECD brochure

9. References

- Directive Documents
 - Information Privacy Principles Instruction – September 2013
 - AS/NZS 10002:2014 Guidelines for Complaint Management in Organizations
 - DECD Strategic Plan 2014 – 2017
 - Children, young people, families and the wider community will be included in our planning and decision making processes
 - The South Australian public education and care system will be effective, efficient and transparent, with high public trust and credibility.
 - Building a High Performing System – a business improvement plan for the Department for Education and Child Development
 - Change Priority 11: Education System Performance
 - Families SA Service Plan
 - Safety and Quality of Services

Procedure

Consumer Complaints Management and Resolution Procedure

Please note this procedure is mandatory and staff are required to adhere to the content

Summary

The procedure articulates the steps that will be undertaken to manage and resolve complaints received by DECD across its sites, and the local and central levels of complaints management.

Publication Date	25 August 2015
Review Date	13 August 2018
Related legislation/applicable section of legislation	Information Privacy Principles Instruction – Sep 2013 <i>Children’s Protection Act 1993, s 58</i>
Related policies, procedures, guidelines, standards, frameworks	- AS/NZS 10002:2014 – Guidelines for Complaint Management in Organizations - DECD Consumer Complaints Management and Resolution Policy - DECD Unreasonable Complainant Conduct Procedure
Replaces	- Education Complaints Policy: a guide to raising a concern or complaint - Education concerns and complaints procedure - Education concern or complaint brochure: a guide to raising a concern or complaint - Families SA Client Feedback Policy
Policy officer (position)	Manager DECD Complaints Unit
Policy officer (phone)	1800 677 435
Policy sponsor (position)	Assistant Director, Incident Management Division
Executive director responsible (position and office)	Deputy Chief Executive, Resources Office for Resources, Operations and Assurance
Applies to	All DECD staff and sites
Key Words	Complaints, Concerns, Dispute Resolution
Status	Final
Approved by	Senior Executive Group
Approval Date	13 August 2015
Version	Version 1.0

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1. Title

- Consumer Complaints Management and Resolution Procedure.

2. Purpose

- The purpose of the Consumer Complaints Management and Resolution Procedure is to ensure that DECD manages complaints in a fair, efficient and effective manner. The procedure outlines the steps that must be taken to manage complaints, and complement the Consumer Complaints Management and Resolution Policy.

3. Scope

- The Complaints Management and Resolution Procedure apply to complaints about decisions and actions undertaken in the provision of education, early childhood services, family support, and care services by DECD.
- This procedure applies to all staff in DECD schools, preschools, early childhood, care and family support services.
- The procedure applies to complaints that are within the scope of the DECD Consumer Complaints Management and Resolution Policy.
- The procedure provides a basis for policies that may be developed at DECD sites to meet local needs and reflect local systems. Where no local procedure is developed, the Frontline Resolution procedure in this document will prevail. Where a local procedure is developed, any inconsistencies in the local policies will be invalid to the extent to any inconsistency with this procedure.

4. Procedure Detail

- DECD endorses a Three Level Model of Complaint Handling recognised as best practice in the Australian / New Zealand Standard (Guidelines for complaint management in organisations) AS/NSZ 10002:2014.

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4.1. Frontline Resolution Procedure

It is recognised that DECD is a large Department, comprising 29 000 staff across more than 1000 sites, supporting more than 190 000 children across South Australia. For this reason, the procedure for frontline resolution of complaints specifies the functions that must be undertaken in managing and resolving complaints. The mechanisms by which those functions can be achieved may be determined by the site in accordance with their governance structures.

The complaint must be acknowledged promptly

- Complaints are acknowledged within two working days of their receipt. Generally, acknowledgement of the complaint may be in the same mode as the complaint was received (eg. complaints received verbally may be acknowledged verbally). Where complaints are serious or complex, written acknowledgement should occur.
- The acknowledgement should outline:
 - The nature of the complaint received
 - The complaint process that will be undertaken (including approximate time frames)
 - The name and details of a contact person for the complaint
 - When the complainant is likely to be next contacted
- Where a complaint can be quickly resolved, it may be possible to provide the acknowledgement and resolution of a complaint in the same interaction (verbally or in writing).
- Where responses are provided in writing to vulnerable complainants, consideration should be given to calling the complainant and going through the contents of the written response to ensure that it is understood.

The complaint must be assessed and prioritised according to the issues raised

- Early assessment of the complaint is essential for effective complaint handling. Assessment of the complaint should consider:
 - Whether the complaint falls within the scope of the complaint policy, or whether some or all of the complaint needs to be redirected elsewhere.
 - Whether the complaint raises concerns that need to be addressed immediately to ensure the safety and protection of individuals
 - Whether there are factors that should raise the priority of the complaint eg. the issues raised in the complaint are serious or there are time frames or limits associated with the complaint that cannot be altered.
- The substance of a complaint dictates the priority it receives, not the complainant's demands or behaviour.

The complainant must be redirected to alternative means of addressing their concerns if the complaint does not fall within the scope of DECD's Complaints Management and Resolution Policy.

- Where a complaint does not fall within the scope of DECD Consumer Complaints Management and Resolution Policy, the complainant will be advised:
 - that their complaint is out of the scope of the policy
 - the reason why the complaint is out of scope
 - the details of where or how the complainant is able to raise their issue through the appropriate avenue / authority.
- Where a matter is quickly identified as being out of scope, it may be possible to provide the redirection at the same interaction as receiving and acknowledging the complaint. Where the issue is complex, the complaint should be advised in writing within a week of receipt of the complaint.
- Where a complaint relates to a professional who is subject to a registration authority, or an organisation that is subject to a regulatory authority, complainants should be advised of the relevant registration / regulatory authority so that they can pursue that avenue of resolution.
- Where there is a statutory or policy obligation upon the DECD employee receiving the complaint, they will ensure that the matter is reported to the proper authorities in accordance with that obligation.

If the complaint requires further investigation or enquiries, the complainant must be advised in a clear and informative way how their complaint was investigated / followed up, and the outcomes.

- Site managers will investigate / follow up complaints in accordance with the principles of procedural fairness and open disclosure, and the "Individual rights and mutual responsibilities of the parties to complaint" (Appendix A).

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- Site Managers will ensure that complaints are investigated in a planned, logical and consistent manner. This includes determining:
 - What are the substantive issues of concern?
 - What are the relevant requirements about these issues (legal, policy or procedural requirements)?
 - Where are the available sources of information about these issues (parties directly involved, witnesses, documentation, in some situations CCTV footage) and how can these be obtained?
- Once this information has been obtained, the staff member managing the complaint will consider:
 - what are the facts that can be determined?
 - what issues remain in dispute?
 - what conclusion can be drawn based on the application of the legislation / policy/ procedures to the facts?
 - what options are available to resolve the issue?
- This information will be provided to the complainant to the maximum extent possible, within the requirements of legislative and other requirements regarding privacy and confidentiality.
- Where a matter can be quickly resolved, it may be possible to provide the outcomes of the investigation at the same interaction as receiving and acknowledging the complaint.
- The outcomes of a complaint process should be provided within a month of receiving the complaint, and no more than six weeks for complex and contentious issues. If a matter is complex and contentious, or there has been some unexpected delay, the complainant should be kept updated as to the progress of their complaint, the reasons for the delay, and the likely timeframe for resolution. As a guide, these updates should be provided every two weeks.
- Where the outcomes of the complaint are detailed, or where the issue is complex and contentious, it is appropriate to provide the outcomes to the complainant in writing (either singularly, or in addition to verbal feedback). Where a complainant requests a response in writing, it should be provided in this form.

If the complainant is not satisfied with the response, central resolution of the complaint or external review options must be offered

- Where complainants have indicated their dissatisfaction with an outcome of a frontline resolution process, they must be advised of their avenues to escalate the complaint through the DECD Complaints Unit for central resolution, or externally through Ombudsman SA or the Health and Community Services Complaints Commissioner (Families SA matters only). Complainants may be advised that external review authorities may require that the complainant undertaken frontline and centralised resolutions processes first.
- Where the complaint is complex and contentious, it is appropriate to provide these avenues for escalation and review to the complainant in writing (either singularly, or in addition to verbal feedback).
- Frontline resolutions are not considered finalised unless they have been managed by the Site Manager, or the Site Manager has endorsed the process and outcomes undertaken by other staff at their site.

Complaints and the actions undertaken to manage them must be documented.

- Site Managers must ensure that complaints and the actions undertaken to manage and respond to complaints are documented at their site. The Site Manager is able to determine the means through which this documentation occurs, and must ensure:
 - that the documentation complies with the Cabinet Information Privacy Principles, the *State Records Act 1997*, the relevant General Disposal Schedules, and any other legal requirements for the collection, storage and use of information.
 - that the documentation is linked to the child / family who is the client of the site, and can be retrieved through accessing the child's / family's records.
 - that the documentation is linked to the site's complaints data and can be retrieved through accessing the site's complaints records.

Any systemic issues that arise as a result of a complaint should be considered and acted upon.

- Site Managers must ensure that any systemic issues that arise as a result of a complaint should be considered for a broader response across the site (eg. training and development for staff, changes to local policies). Site Managers should also ensure that their complaints data is considered on an annual basis by the Site Leadership (eg. Management team, Governing Council) to identify themes, trends and issues that may assist in business planning and service development.

4.2. Centralised Resolution Procedure

The complaint must be acknowledged promptly

- The DECD Complaints Unit will ensure that complaints are acknowledged within two working days of their receipt. Generally, acknowledgement of the complaint may be in the same mode as the complaint was received (eg. complaints received verbally may be acknowledged verbally). Where complaints are serious or complex, written acknowledgement should occur.
- The acknowledgement should outline:
 - The nature of the complaint received
 - The complaint process that will be undertaken (including approximately time frames)
 - The name and details of the contact person for the complaint
 - When the complainant is likely to be next contacted
- Where a complaint can be quickly resolved, it may be possible to provide the acknowledgement and resolution of a complaint in the same interaction (verbally or in writing).

The complaint must be assessed and prioritised according to the issues raised

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- Early assessment of the complaint is essential for effective complaint handling. The DECD Complaints Unit will assess the complaint and will consider:
 - Whether the complaint falls within the scope of the complaint policy or whether some or all of the complaint needs to be redirected elsewhere.
 - Whether reasonable efforts have been made to resolve the complaint at a local level, and if not, to refer the matter to the Site Manager for frontline resolution.
 - Whether the complaint raises concerns that need to be addressed immediately to ensure the safety and protection of individuals
 - Whether there are factors that should raise the priority of the complaint eg. the issues raised in the complaint are serious or there are time frames or limits associated with the complaint that cannot be altered.
- The substance of a complaint dictates the priority it receives, not the complainant's behaviour.

Contact with the Office of the Chief Executive or Minister

- Where a complainant makes a concurrent complaint about the same issue to the Chief Executive or Minister as well as contacting the DECD Complaints Unit, the processes of the Office of the Chief Executive and Minister will take precedence. The complainant will be advised that the issue will be managed via their correspondence to that office.

The complainant must be redirected to alternative means of addressing their concerns if the complaint does not fall within the scope of DECD's Complaints Management and Resolution Policy, or if reasonable efforts have not been made to resolve with issue with the Site Manager.

- Where a complaint does not fall within the scope of DECD Consumer Complaints Management and Resolution Policy, or reasonable efforts have not been made to resolve the complaint through frontline resolution, the complainant will be advised:
 - that their complaint is out of the scope of the policy, and the reason why the complaint is out of scope or
 - that they need to attempt local resolution with the site manager
 - the details of where or how the complainant is able to raise their issue through the appropriate avenue / authority.
- Where a matter is quickly identified as being out of scope, it may be possible to provide the redirection at the same interaction as receiving and acknowledging the complaint. Where the issue is complex, the complainant will be advised by the DECD Complaints Unit in writing within a week of receipt of the complaint.
- Where a complaint relates to a professional who is subject to a registration authority, or an organisation that is subject to a regulatory authority, complainants should be advised of the relevant registration / regulatory authority so that they can pursue that avenue of resolution.
- Where there is a statutory or policy obligation upon the DECD employee receiving the complaint, they will ensure that the matter is reported to the proper authorities in accordance with that obligation.

If the complaint requires further investigation or enquiries, the complainant must be advised in a clear and informative way how their complaint was investigated / followed up, and the outcomes

- The Complaints Unit will investigate / follow up complaints in accordance with the principles of procedural fairness and open disclosure, and the “Individual rights and mutual responsibilities of the parties to a complaint” (Appendix A).
- The DECD Complaints Unit will ensure that complaints enquiries are undertaken in a planned, logical and consistent manner. This includes determining:
 - what are the substantive issues of concern?
 - what are the relevant requirements about these issues (legal, policy or procedural requirements)?
 - where are the available sources of information about these issues (parties directly involved, witnesses, documentation, in some situations CCTV footage) and how can these be obtained?
 - what steps have been undertaken by the Site Manager to resolve the complaint at the local level?
- Once this information has been obtained, the staff member managing the complaint will consider:
 - what are the facts that can be determined
 - what issues remain in dispute
 - what conclusion can be drawn based on the application of the legislation / policy/ procedures to the facts
 - what options are available to resolving the issue
- This information will be provided to the complaint to the maximum extent possible, within the requirements of legislative and other requirements regarding privacy and confidentiality.
- Where a matter can be quickly resolved, it may be possible to provide the outcomes of the investigation in the same interaction as receiving and acknowledging the complaint.
- The outcomes of a complaint process should be provided within a month of the Complaints Unit receiving the complaint, and no more than six weeks for complex and contentious issues. If a matter is complex and contentious, or there has been some unexpected delay, the complainant will be kept updated as to the progress of their complaint, the reasons for the delay, and the likely timeframe for resolution. As a guide, these updates should be provided every two weeks.
- Where the outcomes of the complaint are detailed, or where the issue is complex and contentious, the DECD Complaints Unit may provide the outcomes to the complainant in writing (either singularly, or in addition to verbal feedback). Where a complainant requests a response in writing, it should be provided in this form.

If the complainant is not satisfied with the response, formal internal review or external review must be offered.

- Where complainants have indicated their dissatisfaction with an outcome through the DECD Complaints Unit, the complainant must be advised of their avenues to escalate the complaint through:

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- formal internal review overseen by the Chief Education Officer, or the Executive Director of the relevant area for non-school sites/services
- external review through Ombudsman SA or the Health and Community Services Complaints Commissioner (Families SA matters only).
- Where the complaint is complex and contentious, it is appropriate to provide these avenues for escalation and review to the complaint in writing (either singularly, or in addition to verbal feedback).

Internal Formal Review

- Where a complainant makes a written application for a formal review, the Complaints Unit will provide a briefing to the Chief Education Officer (or Executive Director of the relevant area for non-school sites/services) assessing the merits of the complainant's application for formal review. Formal review will only be recommended where:
 - there has been procedural error demonstrated in the complaints resolution process
 - where the staff involved have acted outside of their authority
 - there the decisions that have been made have been unreasonable in the circumstances
- The Chief Education Officer / Executive Director may determine that there is no basis for further review of a complaint. In these circumstances, the Chief Education Officer / Executive Director will provide written reasons as to why further review has not been authorised.
- Where a formal review is authorised by the Chief Education Officer or Executive Director, the Resolutions Officer managing the review will be different from the person who initially managed the central response to the complainant.
- The Reviewing Officer will consider:
 - What are the substantive issues of concern?
 - What are the relevant requirements about these issues (legal, policy or procedural requirements)?
 - Where are the available sources of information about these issues (parties directly involved, witnesses, documentation, in some situations CCTV footage) and how can these been obtained. Further interviews can be conducted with the parties involved, and the Reviewing Officer may access Departmental records as required to follow logical lines of enquiry for the purposes of the review.
- Once this information has been obtained, the Reviewing Officer will consider:
 - what are the facts that can be determined?
 - what issues remain in dispute?
 - what conclusion can be drawn based on the application of the legislation / policy/ procedures to the facts?
 - what options are available to resolving the issue?
- This information will be documented in a review report that will be provided in draft to all the parties involved for their comment. Third party information in the report will be redacted in the version provided to the complainant to ensure compliance with the Information Privacy Principles, the *Children's Protection Act 1993* and any other legal requirements. Upon receipt and consideration of any feedback from the parties, the Reviewing Officer will provide the completed

review to the Chief Education Officer or Executive Director for their consideration, and if appropriate, endorsement. If endorsed, the final review may be provided to all parties involved in the complaint (with redactions where legally required for confidentiality requirements).

- Formal reviews should be completed within four months of authorisation by the Chief Education Officer or Executive Director, and no more than six months after authorisation. Where unexpected delays occur, the reasons for these delays will be documented and communicated to the complainant.
- The final report of formal review will be provided to all parties to the complaint, recognising that third party information may be required to be redacted to ensure the Department's compliance with the Information Privacy Principles and other legislative confidentiality requirements.
- The Chief Education Officer or Executive Director may determine how they wish to use the report to respond to the complainant, or to implement local or systemic changes.

Complaints and the actions undertaken to manage them should be documented.

- The DECD Complaints Unit will ensure that complaints and the actions undertaken to manage and respond to them are documented through the Unit's databases. The DECD Complaints Manager will ensure that:
 - that the documentation complies with the Cabinet Information Privacy Principles, the *State Records Act 1997*, the relevant General Disposal Schedules, and any other legal requirements for the collection, storage and use of information.
 - the documentation is linked to the child / family who is the client of the site, and can be retrieved through accessing the child's / family's records
 - the documentation is linked to the site's complaints data and can be retrieved through accessing the site's complaints records

Any systemic issues that arise as a result of a complaint should be considered and acted upon.

- The DECD Complaints Manager will ensure the number, themes, and trends arising from complaints are reported to the DECD Executive on a regularly basis, so that any systemic issues may be considered and acted upon. This should occur on a quarterly basis and no less than annually, prior to 1 July each year.
- The DECD Complaints Manager will also ensure that complaints data is available for reporting through the DECD Annual Report, to ensure transparency and public accountability.

5. Roles and responsibilities

Role	Authority/Responsibility for
Chief Executive	<ul style="list-style-type: none"> • Ensuring the establishment, maintenance and promotion of an effective complaints management system within DECD. • Ensuring that information about the policy is accessible to members of the public • Ensuring the appointment of a Complaints Manager with clearly defined responsibilities and authority • Ensuring there is a process in place for timely and appropriate notification to the Senior Executive of any significant complaints, or systemic issues identified through complaints. • Ensuring that there is a process for regular reporting on the complaint management system and data.
DECD Complaints Unit Manager	<ul style="list-style-type: none"> • Ensuring that information about the complaint management system is easily accessible by staff, clients and members of the public, especially vulnerable populations (including Aboriginal people, people from CALD background, people with disabilities). • Ensuring that complaints are responded to in a fair and consistent manner, in accordance with the policy and procedures. • Ensuring that appropriate records and documentation are kept of complaints received by the Complaints Unit. • Establishing a process of performance monitoring, evaluation and reporting of complaints data including the number and types of complaints received, sources of complaints, and time taken to respond to complaints. • Reporting to Senior Executive on the operation of the complaint management system, including significant complaints, systemic issues, service trends and recommendations for improvement. • Reporting to staff and other stakeholders about issues of concern identified through the complaint management system • Implementing and maintaining the complaint management system, including recruitment and training of staff, implementing infrastructure, provision of guiding documents, setting performance indicators.

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Role	Authority/Responsibility for
	<ul style="list-style-type: none"> • Implementing internal and external escalation mechanisms for unresolved disputes. • Providing advice, consultation and support to Site Managers to respond to complex and contentious complaints, and unreasonable complainant conduct.
Site Managers including Families SA Managers, Principals, Early Childhood Directors (or their delegate)	<ul style="list-style-type: none"> • Ensuring that information about the complaint management system is easily accessible by staff, clients and members of the public, especially vulnerable populations (including Aboriginal people, people from CALD background, people with disabilities). • Ensure the complaint management system is implemented at their site, including any subordinate local policies and procedures • Ensuring that complaints are responded to in a fair and consistent manner, in accordance with the policy and procedures. • Ensuring that appropriate records and documentation are kept of complaints received by their site. • Working with the Complaints Unit manager and staff to resolve any disputes that have been escalated to the Complaints Unit. • Ensuring that complaint management data is kept and available for review by Senior Management and others.
DECD Senior Managers (Directors, Executive Directors)	<ul style="list-style-type: none"> • Ensuring the promotion of an effective complaints management system within DECD. • Supporting Site Managers to respond effectively to complaints • Considering complaints data and systemic issues arising from complaints as a part of DECD's strategic planning. • The Chief Education Officer and Executive Directors have the authority to approve formal reviews that have been escalated to them, and oversee the review and its outcomes.
Staff	<ul style="list-style-type: none"> • Ensuring that they are familiar with the DECD complaints management system, and their local site's procedures. • Ensuring that complaints raised with them are acknowledged and responded to in a fair and consistent manner, or referred to the appropriate party for a response, in

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Role	Authority/Responsibility for
	<p>accordance with the policy and procedures.</p> <ul style="list-style-type: none"> Enabling clients and community members to make complaints through the provision of information and advice.

6. Monitoring, evaluation and review

- This policy will be reviewed every three years (in accordance with the DECD Policy Framework) or earlier if required by legislative or organisational imperatives.
- Site Managers will provide ongoing monitoring of their site's/service's compliance with this policy.
- The DECD Complaints Unit Manager will provide ongoing monitoring of compliance with the policy across sites and assist sites to support compliance with the policy.
- The DECD Complaints Unit Manager will monitor and evaluate the adequacy of the policy in meeting legislative, Departmental and other requirements on an ongoing basis.

7. Definitions and abbreviations

Term	Meaning
Carer	Family members, guardians or friends who have an interest in, or are responsible for the care of a client
Client	Someone who receives, relies upon, is the subject of, or benefits from DECD education, early childhood, care and family support services. Interchangeable terms used are "consumer" and "customer".
Complainant	Person or their representative making a complaint
Complaint	Expression of dissatisfaction made to or about DECD related to its services, staff or the handling of a complaint, where a response or resolution is explicitly or implicit required.
Complaint Management System	Encompasses all aspects of the policies, procedures, practices, staff, and infrastructure used by DECD to the management of complaints.
DECD	Department for Education and Child Development
Disputes	Unresolved complaints escalated within DECD or externally, or both.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about DECD, its services, staff or its handling of a complaint.
HCSCC	Health and Community Services Complaints Commissioner
Open Disclosure	The approach and principles used within the Complaint Management System to communicate with clients who have experienced harm. The main elements

Term	Meaning
	<p>of Open Disclosure are:</p> <ul style="list-style-type: none"> - An acknowledgement and factual explanation of what has occurred as it relates to the complainant - An expression of regret or apology for harm experienced - An opportunity for the client to recount their experience of the event - A discussion of the steps being taken to manage the event and its potential consequences, and to prevent recurrence.
Procedural fairness	<p>Procedural fairness requires a fair and proper process be used with making decisions that may adversely affect the interests of an individual. 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>Used interchangeably with "natural justice".</p>
Vulnerable populations / vulnerable complainants	<p>It is recognised that some sections of the community may find it difficult to make complaints. This may be due to:</p> <ul style="list-style-type: none"> - language barriers (including not speaking, reading or writing English proficiently, oral traditions being stronger), - cultural barriers (lack of familiarity with making complaints, lack of experience or fear in dealing with government departments, cultural inhibitions about making complaints or discussion personal matters) - developmental barriers (eg. Children, adults with intellectual disabilities and delays) <p>Other issues such as some mental health conditions.</p>

8. Supporting documents

- DECD Consumer Complaints Management and Resolution Policy
- DECD Unreasonable Complainant Conduct Procedure
- Guide to raising a complaint in DECD brochure

9. References

- Directive Documents
 - Information Privacy Principles Instruction – September 2013
 - AS/NZS 10002:2014 Guidelines for Complaint Management in Organizations
 - DECD Strategic Plan 2014 – 2017

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- Children, young people, families and the wider community will be included in our planning and decision making processes
- The South Australian public education and care system will be effective, efficient and transparent, with high public trust and credibility.
- Building a High Performing System – a business improvement plan for the Department for Education and Child Development
 - Change Priority 11: Education System Performance
- Families SA Service Plan (Safety and Quality of Services)

Appendix A – Individual Rights and Mutual Responsibilities of the Parties to a Complaint

In order for the Department for Education and Child Development to ensure that all complaints are dealt with fairly, efficiently and effectively and that occupational health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaints process.

RIGHTS

Complainants have the right:

- to make a complaint and to express their opinions in ways that are reasonable, lawful and respectful
- to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality and/or privacy rights or obligations that may apply
- to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case
- to a fair hearing
- to a timely response
- to be informed in at least general terms about the actions taken and outcome of their complaint
- to be given reasons that explain decisions affecting them
- to at least one right of review of the decision on the complaint
- to be treated with courtesy and respect
- to communicate valid concerns and views without fear of reprisal or other unreasonable response.

Staff have the right:

- to determine how a complaint will be dealt with
- to finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances
- to expect honesty, cooperation and reasonable assistance from complainants
- to expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint
- to be treated with courtesy and respect
- to a safe and healthy working environment
- to modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant.

Subjects of a complaint have the right:

- to a fair and impartial assessment and, where appropriate, investigation of the allegations made against them
- to be treated with courtesy and respect by DECD staff who are managing the complaint
- to be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated
- to be informed about the substance of any proposed adverse comment or decision
- to be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made
- to be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them
- to be protected from harassment by disgruntled complainants acting unreasonably.

RESPONSIBILITIES

Complainants are responsible for:

- treating DECD staff with courtesy and respect
- clearly identifying to the best of their ability the issues of complaint
- providing to the best of their ability all the relevant information available to them at the time of making the complaint
- being honest in all communications with DECD
- informing DECD of any other action they have taken in relation to their complaint
- cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, DECD may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

DECD has a zero tolerance policy in relation to any abuse and threats directed towards our staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

Staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint.
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially
- Understanding how their responses and approaches may contribute to the conduct of complainants, and act in a way that supports de-escalation of UCC.

- giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant
- giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any enquiries and before any final decision is made
- informing the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address
- keeping complainants informed of the actions taken and the outcome of their complaints
- giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them
- treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances
- taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint
- giving adequate warning of the consequences of unacceptable behaviour.
- If the DECD or its staff fail to comply with these responsibilities, complainants may complain to Ombudsman SA and the Health and Community Services Complaints Commissioner (Families SA complaints only).

Subjects of a complaint are responsible for:

- cooperating with the DECD staff who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction
- providing all relevant information in their possession to DECD or its authorised staff when required to do so by a properly authorised direction or notice
- being honest in all communications with DECD and its staff
- treating DECD staff with courtesy and respect at all times and in all circumstances

APPENDIX 3 - Glossary of Terms

The Audit Report	the report
Department for Education and Child Development	DECD or the department
Consumer Complaints Management and Resolution Policy	the policy
Consumer Complaints Management and Resolution Procedure	the procedure
or collectively;	the policy and procedure
Education Complaints Unit	ECU
Full time employees	FTEs
General Disposal Schedule No 22, Version 3	GDS22
Incident Report Management System	IRMS
The Australian/New Zealand Standard - Guidelines for complaint management in organisations	
AS/NZS 10002:2014	the standard
Parent Complaint Unit	PCU



OmbudsmanSA