



Department of
Education

DISPUTES AND COMPLAINTS

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Disputes and Complaints

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

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1 POLICY STATEMENT

- a) Employees of the Department of Education (the Department) are responsible for managing the resolution of enquiries, concerns, complaints and disputes lodged by students, parents, members of the community, employees of government and non government agencies and the Department in their private capacity.
- b) Employees of the Department will make every effort to promptly resolve enquiries, concerns and complaints preferably at the local level where appropriate, in accordance with the principles of procedural fairness.
- c) Principals, directors and line managers are responsible for establishing and maintaining processes for managing and reviewing enquiries, concerns and complaints that are appropriately managed at the local level.
- d) The Executive Director, Professional Standards and Conduct is responsible for resolving complaints that cannot be resolved at a local level.

2 BACKGROUND

The Department is characterised by a commitment to responding positively to complaints. In particular, the partnership between parents and schools should be a strong and reliable feature of the public school system. Parents and other school community members must be confident that staff will listen and respond to their needs and concerns.

This policy builds on good practice in our schools and worksites. The policy has been developed in cooperation with parents, school staff and other interested parties to ensure that enquiries, concerns and complaints are dealt with promptly, fairly and contribute to continuous improvement. It is based on open and proactive Department-community relations.

The policy sets out the process for students, parents, members of the community and the Department staff in their private capacity to have enquiries, concerns and complaints addressed by the Department.

The Department mechanisms for the resolution of a range of complaints include:

- local management as outlined in this policy;
- central management as outlined in this policy;
- provisions outlined under other relevant Departmental policy for complaints specifically related to discrimination or harassment:
 - Sexual Harassment Resolution for Employees and Students, 2002
 - Anti-Racism, 2001
 - Equal Employment Opportunity Diversity Policy, 2001
- grievances lodged directly with the Minister for Education about a disputed decision concerning an individual student managed under the provisions of section 223, *School Education Act 1999*.
- Public interest disclosures pursuant to the *Public Interest Disclosure Act 2003*

Complaints of various kinds may also be lodged outside the Department of Education with agencies such as the Ombudsman (State), the Equal Opportunity Commission, the Western Australian Police and the Corruption and Crime Commission.

Principles

The following principles apply to the management of all complaints:

- The process is accessible to all aggrieved parties and is underpinned by a commitment to cooperation on the part of Department of Education staff.
- Resolution at the local level is preferred, wherever it is appropriate to do so.
- Procedural fairness is afforded to all parties.
- The subject of the complaint is informed of the substance of the complaint.
- Vexatious, trivial or previously finalised issues are not pursued.
- Warranted investigation will be pursued with or without the active involvement of the complainant.
- Confidentiality is maintained, to the extent that it is consistent with legislative requirements and the other principles outlined in this section.
- Complaints are monitored and their management evaluated so as to reduce the occurrence of systemic and recurring problems.
- In all matters, the educational well being of students is the first priority.
- All persons in the school community including students, parents, administrators, teachers and support staff, have a right to be treated with respect and courtesy.
- Complainants are able to make enquiries, raise concerns or lodge complaints about the provision of education or the conduct of Department employees and have these dealt with efficiently, fairly and promptly.
- Processes are to be straightforward and align to the Department's policies.
- Information about the process for making enquiries, raising concerns or complaints is to be available to parents, students and members of the local community.

3 PROCEDURES

3.1 WHO MAY COMPLAIN

Students, parents, members of the community, and employees of the Department in their private capacity are entitled to have their complaints addressed by a principal, director/line manager or the Director General, or their respective delegates, as appropriate.

Guidelines

Wherever the term 'complaint' is used in this document, it refers to both disputes and complaints.

For more information, see the Talking to Your School brochure available from the Our Policies website at <http://policies.det.wa.edu.au/>

3.2 WHAT MAY BE COMPLAINED ABOUT

A complaint may be made about the:

- provision of education; or
- conduct of any Department employee.

Disputes and Complaints

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

Employees who are the subject of a complaint are to be informed of the substance of the complaint.

Guidelines

The full text of the complaint is generally not provided to the person who is the subject of the complaint.

Complaints against employees should be sufficiently detailed so as to enable the employee to respond to the allegations against them. A detailed description of the incident/s, the alleged time and place when the incident/s allegedly occurred and the names of any possible witnesses to the incident/s should be provided, wherever possible.

3.3 HOW THE COMPLAINT WILL BE HANDLED

Complaints will be handled promptly, confidentially and in accordance with procedural fairness.

Persons who are the subject of a complaint, who make a complaint or provide information in the course of an investigation into a complaint shall not be subject to prejudice, intimidation, and harassment or be subject to any detriment because of their involvement.

Where disciplinary processes are commenced against an employee as a consequence of a complaint being received complainants will be informed whether the allegation was substantiated or not substantiated. Complainants are not informed of the nature of any disciplinary action taken against an employee in respect to disciplinary matters due to confidentiality requirements.

Appropriate confidentiality is to be observed in any discussion of complaints. This means that at the workplace these matters are to remain confidential between the employee and his or her line manager and any other parties who have a legitimate interest in the process.

Guideline

Such parties may include support persons, unions or professional associations and more senior line managers.

3.4 LODGING A COMPLAINT

A person is able to complain verbally or in writing to a principal, director or line manager or, in writing to the Director General. If a verbal complaint is complex or very serious the complainant may be required to restate the complaint in writing or sign a written summary prepared by the principal, director or line manager.

A written complaint which contains personal abuse, inflammatory statements or material that is clearly intended to intimidate will not be addressed and the complainant will be informed accordingly.

Similarly, a verbal complaint that contains personal abuse, inflammatory statements or comments of a threatening nature may be terminated at the discretion of the staff member after firstly warning complainants of that intention.

The Director General will only consider written complaints. The Director General must reject a complaint about an incident which occurred more than 12 months before the complaint is made unless in the Director General's opinion the person who made the complaint has shown good reason for the delay.

A person making a written complaint must provide his or her name, address and details of the complaint.

Guidelines

Where appropriate complainants should be referred to the free Telephone Interpreter Service (telephone 131450) for assistance with English as a Second Language difficulties in expressing the complaint.

3.5 WITHDRAWAL OF A COMPLAINT

A person who has made a complaint is able to withdraw the complaint at any time. A written complaint should preferably, be withdrawn in writing. However, a signed and dated notation on the complaint by an employee that it has been withdrawn by the complainant will suffice. A verbal complaint can be withdrawn verbally and a notation made to that effect.

The officer who received the complaint must give notice in writing to any parties affected by the complaint that it has been withdrawn. Complaints that warrant investigation must be pursued even though the complaint has been withdrawn.

3.6 LOCAL MANAGEMENT OF COMPLAINTS

When a verbal or written complaint is made to a principal, director or manager and the nature of the issue raised is such that it is appropriate to resolve it locally, the principal, director or manager will take action to resolve the issue at that level.

- a) Complaints made about
- b) a staff member, where appropriate to do so, will be resolved promptly at the local level (see Appendix D).
- c) At any stage following receipt of a complaint, either party is entitled to refer the complaint to another authority for resolution, eg: the Corruption and Crime Commission, Ombudsman, the Western Australian Police, or the Equal Opportunity Commission. This will not necessarily prevent the Department from pursuing an investigation.
- d) When complaints are made in writing about the conduct of any employee of the Department, only the substance of the complaint will be provided to the respondent. The full text of the complaint will not be provided to the subject of the complaint except in extraordinary circumstances. In the majority of cases, the name of the complainant will also be conveyed to the employee, unless a complainant's identity needs to be withheld for safety and/or investigative reasons.
- e) The principal, director or manager can reject a complaint that in their opinion is vexatious, trivial or without substance; or does not warrant further action taking into account the provisions of this policy.

Guideline

See Appendix A,B and C.

Details of these complaints should be recorded in case there is a pattern of complaints that warrant consideration at a later date.

3.7 RESPONSIBILITIES FOR LOCAL MANAGEMENT OF COMPLAINTS

Principals and managers must confirm that all Department employees, volunteers, visitors and external providers in child-related work have applied for or hold a valid Working with Children Check in accordance with the Department's *Working with Children Checks* policy available from the *Our Policies* website at <http://policies.det.wa.edu.au>.

3.7.1 CLASSROOM TEACHERS

Classroom teachers must:

- maintain confidentiality in dealing with each matter;
- resolve parent concerns and complaints where possible;
- communicate outcomes of parent concerns and complaints to a school administrator where appropriate; and
- refer parent enquiries, concerns and complaints to a school administrator where appropriate.

3.7.2 PRINCIPALS

Principals must:

- maintain confidentiality and impartiality in dealing with each matter;
- ensure, wherever appropriate, that concerns and complaints are resolved at the school level;
- develop and implement a process for registering, responding to and managing parent enquiries, concerns and complaints;
- ensure that the process for managing complaints includes recording and monitoring of complaints and their outcomes to enable improvements to be identified and implemented;
- ensure that enquiries, concerns and complaint procedures are communicated clearly to parents and community members;
- ensure that school policies and procedures are modified, where necessary, to address areas of concern;
- ensure that processes are consistent with all relevant Department policies;
- ensure that complainants and respondents are aware that they can have a friend or adviser present during any discussion; and
- refer the complaint, where appropriate, to the Director Schools for either resolution or, if the complaint has possible disciplinary implications for an employee, to the Standards and Integrity Directorate to manage.

3.7.3 MANAGERS, DISTRICT OPERATIONS

Managers, District Operations must:

- provide advice and support to principals;
- provide advice and support to parents;
- receive complaints on behalf of the Director, Schools referred or lodged at district level and manage/investigate these where its appropriate to do so; and
- maintain confidentiality and impartiality in dealing with each matter.

3.7.4 DIRECTOR SCHOOLS

Director Schools must:

- ensure, wherever appropriate, that concerns and complaints are resolved at the school level, with District Office assistance wherever necessary;
- maintain confidentiality and impartiality in dealing with each matter;
- ensure that procedures at school and district level, are in accordance with the Department's policies;
- refer the complaint, where appropriate, to the Standards and Integrity Directorate to manage on behalf of the Director General;
- ensure that complaints are recorded and monitored to enable improvements to be identified and implemented; and
- communicate to schools the Department's requirements regarding enquiries, concerns and complaint procedures that will assist schools to respond by incorporating the requirements into their complaints processes.

3.7.5 DIRECTORS/MANAGERS

Directors/Managers must:

- ensure wherever appropriate that concerns and complaints are resolved at the local level;
- maintain confidentiality and impartiality in dealing with each matter;
- ensure that procedures adopted in addressing complaints are in accordance with the Department's policies;
- refer the complaint, where appropriate, to the Standards and Integrity Directorate to manage on behalf of the Director General; and
- ensure that complaints are recorded and monitored to enable improvements to be identified and implemented.

3.8 VERBAL COMPLAINTS LODGED AT THE LOCAL LEVEL

When a principal, director or manager receives a verbal complaint that officer will implement strategies to resolve the complaint at the local level, if appropriate to do so.

Guideline

The principal director or manager may provide advice to the complainant on possible strategies to resolve the matter.

Documenting/recording the substance and process of resolving these complaints must occur.

Guideline

If a verbal complaint is complex or very serious the complainant may be required to restate the complaint in writing or sign a written summary prepared by the principal, director or manager.

Where appropriate complainants should be referred to the free Telephone Interpreter Service (telephone 131450) for assistance with English as a Second Language difficulties in expressing the complaint.

In this event, officers need to assess whether it is appropriate to address the complaint locally or whether, to forward it to the Standards and Integrity Directorate.

3.9 WRITTEN COMPLAINTS LODGED AT THE LOCAL LEVEL

Guidelines

All written complaints lodged with a principal, director or manager should be acknowledged within five working days.

When the principal, director or manager receives a written complaint that is more appropriately dealt with at a central level, it should be forwarded to the Standards and Integrity Directorate.

Alternatively, they may decide to reject it on the grounds that the complaint:

- *is vexatious, trivial or without substance; or*
- *does not warrant further action.*

Please note, that if the complaint relates to the conduct of an employee the Director, Standards and Integrity should be consulted before rejecting the complaint.

If it is appropriate to manage the complaint locally, every endeavour should be made to resolve it within 14 days. If the circumstances warrant a longer timeframe for management of the complaint the complainant needs to be informed of the reasons for the delay in addressing the matter and of the likely time frame required to conclude the matter.

Documenting/recording of complaints must occur at the local level in accordance with normal complaints processes and confidentiality requirements.

3.10 CENTRAL MANAGEMENT OF COMPLAINTS

The Standards and Integrity Directorate manages complaints on behalf of the Director General. The Directorate is under the direct line management of the Executive Director, Professional Standards and Conduct.

The Standards and Integrity Directorate must:

- ensure, wherever appropriate, that concerns and complaints are resolved at the local level;
- manage complaints on behalf of the Director General;
- maintain confidentiality and impartiality in dealing with each matter;
- ensure that procedures adopted in addressing complaints are in accordance with the Departments' regulatory framework;
- provide clarification to line managers as to the most appropriate means of addressing a complaint;
- develop and implement a process for recording and monitoring complaints that are registered at Department sites to enable improvements to be identified and implemented; and
- communicate to schools/districts the Department's requirements regarding enquiries, concerns and complaint procedures.

The Standards and Integrity Directorate will acknowledge written complaints lodged with the Director General within five working days of receipt in the Directorate. However, where the Director General or the Executive Director, Professional Standards and Conduct determines a matter will be addressed as a disciplinary matter, the complainant will be advised within five days of the decision being taken.

The Standards and Integrity Directorate will endeavour to address the complaint within 14 days.

Guidelines

This timeframe may be extended for a further period if the circumstances warrant a longer timeframe for management of the complaint. This is often the case when dealing with complaints relating to the conduct of employees that have disciplinary implications. In these instances, legislative requirements impact upon the timeframe for completion of the process.

Complainants will be notified of a decision made under 6.11.

Documentation must be retained at central office in accordance with central office records management and confidentiality requirements.

3.11 WHEN THE DIRECTOR GENERAL WILL CONSIDER A COMPLAINT

The Director General or their delegate will consider a complaint if in the Director General's opinion, the complaint may constitute a breach of discipline by an employee and it is not appropriate for local level resolution (see Appendix D); or, if the complaint is conveyed through an outside agency such as the Equal Opportunity Commission, the Corruption and Crime Commission, the Office of the Commissioner for Public Sector Standards or the Ombudsman (State).

When the Director General or their delegate receives a written complaint that may require formal consideration under the disciplinary provisions of the *Public Sector Management Act 1994*, the Director General or their delegate may within 14 days give the subject of the complaint notice in writing of the substance of the complaint; and give a reasonable opportunity of no less than seven days for the respondent to provide an explanation.

After considering any response, the Director General or their delegate may:

- decide the complaint is not worthy of investigation and advise the respondent that no further action is warranted. The complainant will be notified that the complaint is concluded; or
- decide to investigate the complaint.

If the Director General or their delegate decides to investigate the complaint:

- the respondent will be advised that the complaint will be investigated; and
- an investigating officer will be appointed to conduct the investigation.

If the Director General or their delegate initiates an investigation of an employee whom the Director General suspects has committed a breach of discipline, the investigation will be in accordance with the provisions of Part 5 Division 3 of the *Public Sector Management Act 1994* or, where that Act is not applicable to that category of employee, a 'mirrored' process as far as is applicable.

3.12 APPOINTMENT OF INVESTIGATOR

If a complaint is referred for investigation, the Director General or their delegate will assign an investigator from the Standards and Integrity Directorate to perform this function.

The investigator will conduct the investigation in line with procedures and guidelines and subject to any direction from the Director General or their delegate and procedural fairness requirements.

3.13 REPORT BY INVESTIGATOR

The investigator must report regarding his/her findings of factual matters to the Director General or their delegate within a reasonable time, normally within 20 working days. Variations to this timeline will be monitored by the Director, Standards and Integrity.

The report must include details of the investigative process and findings of fact.

3.14 OUTCOME OF DISCIPLINARY PROCESS

The Director General or their delegate will inform the respondent and relevant line management of the outcome of the disciplinary process. The complainant will be informed when the formal disciplinary process has been concluded and whether the allegation was substantiated or not substantiated. However, because disciplinary proceedings against an employee are strictly confidential between the employer and the employee, complainants will not be informed of the nature of any disciplinary action taken against an employee.

4 RELEVANT LEGISLATION OR AUTHORITY

School Education Act 1999, sections 61, 63 and 118

School Education Regulations 2000, regulations 54, 55, 56, 57

Scheme for Dealing with Disputes and Complaints, published in the Government Gazette

Public Sector Management Act 1994

Equal Opportunity Act 1984

Public Interest Disclosure Act 2003

Racial Discrimination Act 1975 (Cwlth)

Human Rights and Equal Opportunity Commission Act 1986 (Cwlth)

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Regulations 2005

4.1 RELATED DEPARTMENT OF EDUCATION POLICIES

Anti-Racism, 2001

Sexual Harassment Resolution for Employees and Students, 2002

Staff Conduct

Equal Employment Opportunity Diversity Policy, 2001

Managing Unsatisfactory and Sub-Standard Performance of Teaching Staff and School Administrators – Policy and Procedures, 2000

Employee Complaints 2003

Working With Children Checks

4.2 RELATED DEPARTMENT OF EDUCATION DOCUMENTS

Talking to Your School brochure

5 DEFINITIONS

5.1 ALTERNATIVE COMPLAINT RESOLUTION PROCESSES

Formal methods of complaint resolution including mediation and line management adjudication that may be utilised in the resolution of local level complaints.

5.2 BREACH OF DISCIPLINE

Acts by employees as defined in section 80 of the *Public Sector Management Act 1994*.

5.3 CENTRALLY MANAGED COMPLAINT

A complaint lodged in writing with the Director General and managed at the central level.

5.4 COMPLAINANT

A student, parent, member of the community, or employee of the Department in his or her private capacity who has a complaint.

5.5 COMPLAINT

The expression of dissatisfaction with any aspect of government education and training. It may be general in nature or relate to particular staff, a part of the organisation, a policy or a decision. Any person may lodge a complaint, however staff employed by the Department cannot use this process if they are acting in an official capacity. A complaint must contain sufficient detail to enable it to be addressed and recorded.

5.6 DIRECTOR GENERAL

The chief executive officer of the Department of Education.

5.7 DISPUTE

The expression of a pursued unsatisfied complaint against action taken by an employee of the Department acting on behalf of the Department; it may be general in nature or relate to particular staff or part of the organisation; and it may be lodged by any person other than staff employed by the Department and acting in their official capacity.

5.8 ENQUIRY/CONCERN

A request for service that can generally be addressed at the time of being raised without the need for more involved consideration.

5.9 INVESTIGATION

Formal examination of a complaint by an authorised person.

5.10 LOCALLY MANAGED COMPLAINT

A verbal or written complaint made in relation to a school, district or directorate, which is appropriately managed by or on behalf of, a principal, director or line manager.

5.11 LOCAL LEVEL

Means a school, district or central office directorate/branch.

5.12 MANAGING A COMPLAINT

Coordinating all the processes involved in addressing the complaint to its conclusion/resolution.

5.13 PROCEDURAL FAIRNESS

The concept of procedural fairness is derived from the principles of natural justice.

A process that demonstrates procedural fairness is one in which:

- decision makers act fairly and provide reasons for decisions;
- the person affected is given a fair hearing;
- all parties to a matter have an opportunity to put their case where an adverse decision or finding is made; and
- all relevant arguments are considered and irrelevant arguments are excluded.

5.14 REFERRING A COMPLAINT

Forwarding the complaint to a more appropriate person or level to manage.

5.15 RESOLUTION

An outcome of a complaint that is satisfactory to both parties.

5.16 UNRESOLVED COMPLAINT

A complaint which has not been resolved to the satisfaction of the complainant.

6 CONTACT INFORMATION

The Department of Education
Standards and Integrity Directorate
Phone: (08) 9264 4740

Written complaints should be sent to:

Private and Confidential
Executive Director
Professional Standards and Conduct
Department of Education
151 Royal Street
EAST PERTH WA 6004

Telephone Interpreter Service
Free call for assistance with English as a Second Language difficulties in expressing
the complaint
131450

APPENDIX A GUIDELINES FOR LOCAL MANAGEMENT OF COMPLAINTS

The following guidelines may assist principals, directors and managers to establish and implement processes for managing and reviewing enquiries, concerns and complaints at the local level in schools, district offices and directorates.

When managing and reviewing enquiries, concerns and complaints at the local level:

- a) identify current practice;
- b) evaluate current practice against the:
 - *Australian Standard 4269* (refer to Appendix E for further information);
 - Department of Education's core values of Learning, Excellence, Equity and Care;
 - *Disputes and Complaints* policy;
 - *Employee Complaints* policy; and
 - Complaints Management Toolkit.
- c) consult with stakeholders to identify improvements to current practice. In the case of schools, involve the School Council and consult with relevant groups, including the Aboriginal Student Support and Parent Awareness Committee, the Parents and Citizens' Association, and, where appropriate, the Student Council;
- d) develop processes and procedures to meet the needs of the individual school, district or directorate. These could include a code of practice that establishes the standards for all contact with customers and clients;
- e) the process should take into account:
 - receiving, clarifying and documenting enquiries, concerns and complaints;
 - seeking and documenting further information;
 - deciding how and at what level the matter should be dealt with;
 - taking action about the matter;
 - communicating the action to the complainant and ensuring the issue is resolved;
 - documenting the issue, the action and the outcome; and
 - reviewing processes and procedures.
- f) regularly communicate the processes and procedures to all parents and staff:
 - refer to Appendix B: Useful Information for Staff; and Appendix C: Useful Information for Parents;
 - monitor, evaluate and review processes and procedures;
 - sample process for responding to verbal enquiries, concerns and complaints.
 - maintain confidentiality at all times;
 - take the matter seriously.;
 - be non-judgemental;
 - listen attentively and courteously;
 - determine whether the matter is an enquiry, a concern, a request or a complaint;
 - if necessary, ensure access to an Aboriginal Liaison Officer, Aboriginal and Torres Strait Islander Education Officer or an interpreter; and

- complainants should be provided the opportunity to have a friend or adviser present during any discussion;
 - repeat your understanding of the problem, acknowledging the complainant's feelings and clarifying the problem. It is important to focus on the problem and not on finding fault or blame;
 - respond to all issues raised by the complainant;
 - agree on action and timelines;
 - record the complaint, the action and the outcome;
 - review the situation and confirm with the parent/responsible person that the matter is resolved; and
 - If necessary, review relevant school/office policy or procedures.

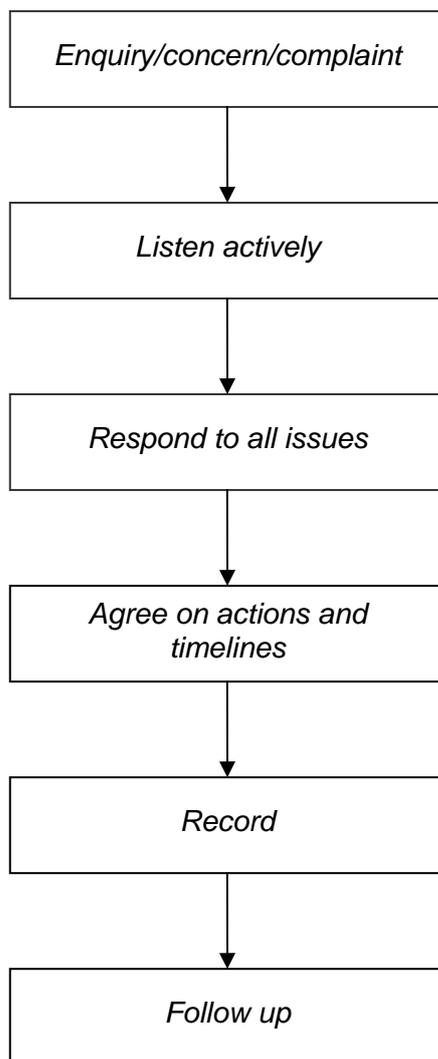


Figure 1: Sample process for responding to written enquiries, concerns and complaints

- g) maintain confidentiality at all times;
 - the seriousness of a complaint should be assessed:
 - if it is capable of resolution at the local level, action should be taken to resolve the issue and appropriate records entered on the complaints management database. (The assistance of district office staff may be sought in the case of a complaint concerning a school);

- if it is not capable of settlement at the school level, action should be taken to resolve the issue at the district level, if appropriate, and relevant records entered on the complaints management database; and
 - if the complaint is regarding a possible breach of discipline by an employee the Standards and Integrity Directorate should be consulted in order to determine whether it should be forwarded to the Director General or their delegate for consideration;
- acknowledge the enquiry, concern or complaint with a prompt written reply within five working days, even if a resolution is not available at this stage. As soon as possible, clarify your understanding of the problem, identify action and timelines in writing and include a name and contact number. Respond to all issues raised;
- take action within stated timelines;
- record the complaint, the action and the outcome on the complaints database;
- review the situation and confirm with the parent that the matter has been resolved; and
- if necessary, review relevant school/office policy or procedures.

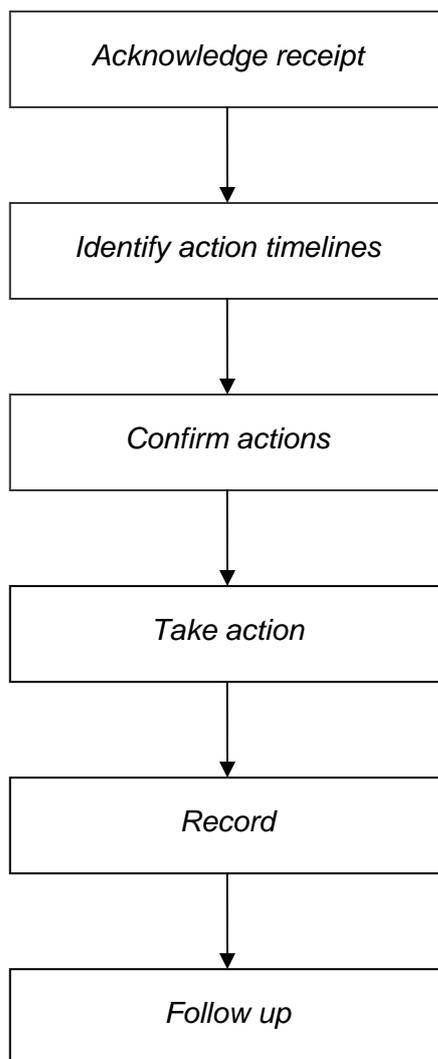


Figure 2: Process for responding to written enquiries

APPENDIX B USEFUL INFORMATION FOR STAFF

B.1 POSITIVE OUTCOMES FROM HANDLING COMPLAINTS WELL

Quality management of a complaint goes beyond simply complying with policy. When a complaint is handled well it gives expression to the Department's core values of Learning, Excellence, Equity and Care.

A complaint is a sign that something is wrong even if we think the complainant is mistaken. Although we need to distinguish misunderstandings from valid complaints, both indicate real problems that must be solved.

We should not be afraid of complaints. Complaints are a valuable source of feedback on the service we provide. The fact that a complaint has been made suggests that the complainant trusts us to respond in a positive way.

How well we handle complaints can be critical to the image of our schools and the Department and our relationship with the community.

A badly handled complaint can result in both a dissatisfied parent and bad word of mouth or informal publicity.

When we handle a complaint well we not only satisfy the complainant, we improve our relationship with the complainant and increase confidence in government schools. Handling a complaint properly shows that we listen, we learn from our mistakes, we are committed to continuous improvement and we care.

Further, processes for handling complaints should provide feedback to school or office leadership to support improvement in our policy and operations.

B.2 PRINCIPLES FOR HANDLING COMPLAINTS

B.2.1 ACT PROMPTLY

Find out as quickly as possible both the nature of the complaint and the outcome the complainant wants. Determine who is the appropriate person to handle the complaint to ensure there is no conflict of interest or perception of bias.

B.2.2 LISTEN CAREFULLY, DISCUSS THE ISSUES CALMLY AND MAINTAIN CONFIDENTIALITY

- Treat complainants with respect and courtesy.
- Approach the complaint with an open mind, taking the person seriously and letting them have their say.
- We should welcome complaints and assure complainants that they will be dealt with properly.
- Record all relevant details.
- Maintain confidentiality to protect complainants, their children and the staff involved.

B.2.3 FOCUS ON RELEVANT ISSUES

- Keep the discussion to relevant issues and check the facts.
- It is important to hear all sides of the story and keep everyone involved informed of the progress and outcome of the complaint.
- Be clear about current policy and processes.

B.2.4 GIVE PERSONAL AND SPECIFIC RESPONSES

- Give the complainant your name. Let them decide whether the matter is really an enquiry, a concern or a complaint.
- Be clear about what solutions we can actually offer.
- Explain what will happen next and what steps and support are available.
- Make sure written responses address all of the issues, contain correct information and use plain English.

B.2.5 KEEP A RECORD OF COMPLAINTS, TIMELINE FOR ACTION, ACTION TAKEN AND OUTCOMES

- Recording details helps to ensure that we deal with each complaint satisfactorily. In many cases some brief diary points and/or a note on the student's file is all that is required.
- A clear record is helpful where there are subsequent enquiries, concerns, complaints or investigation.
- Tracking complaints will help us improve our policies and operations both in managing complaints and in the areas of operations about which we receive complaints.
- The emphasis should be on learning rather than attributing blame. We need information to plan for improvement.

B.3 STRATEGIES THAT MAY BE USEFUL FOR DEALING WITH COMPLAINTS AT A LOCAL LEVEL**B.3.1 MEDIATION**

The primary focus of mediation is to reach a fair and workable agreement between the parties in conflict. It should be a voluntary process with parties agreeing to mediation and taking responsibility for making decisions through the process.

B.3.1.1 THE MEDIATION PROCESS*Pre-Mediation*

The process of pre-mediation involves:

- The mediator meeting with each party individually and listening to their perspective on the situation
- Checking the person's 'emotional readiness' to participate in mediation
- Discussing and finalising the agenda for the mediation; what are their primary concerns and what requests do they wish to make of the other party? How best might they phrase these concerns and requests to ensure the best possible outcome?
- Anticipating what the other party might raise and how the individual will respond
- Discussing the ground rules for successful mediation
- Seeking commitment to the mediation process

If parties are in agreement, then mediation proceeds. Only two people are generally involved in mediation. Therefore, with three parties, either two or three mediations will be required.

Note that pre-mediation may identify other organisational needs and appropriate interventions will be discussed following pre-mediation. It is also common for the line manager's role to be discussed in pre-mediation, which may involve feedback to the line manager, either by the parties directly or the Mediator, if that person is not the line manager.

Mediation

- Brief meetings are held with each party immediately prior to joint meeting to confirm the parties readiness to proceed and that agenda is still appropriate
- Mediator introduces the process to the parties
- Ground rules developed and/or reinforced
- Each party presents a statement or request from their agenda in turn and clarifies as necessary
- Parties develop options to address/resolve the point being discussed (only move on to next point when some agreement or understanding is demonstrated)
- A written document is developed stating the outcome of mediation, agreement reached between the parties and recommendations for further action
- A review period is agreed.

If appropriate, the line manager can be invited in at the end of the mediation meeting to be advised of the outcome, discuss their role in monitoring the agreement and to clarify any outstanding organisational issues.

Refer to the mediation flowchart below.

B.3.2 LINE MANAGEMENT ADJUDICATION

This strategy requires the line manager to clarify the complaint in the context of the Department's policies and, if a mutually satisfactory solution is not achievable, to impose a resolution which may include the issuing of a formal directive to an employee.

B.4 FURTHER INFORMATION

Disputes and Complaints policy;

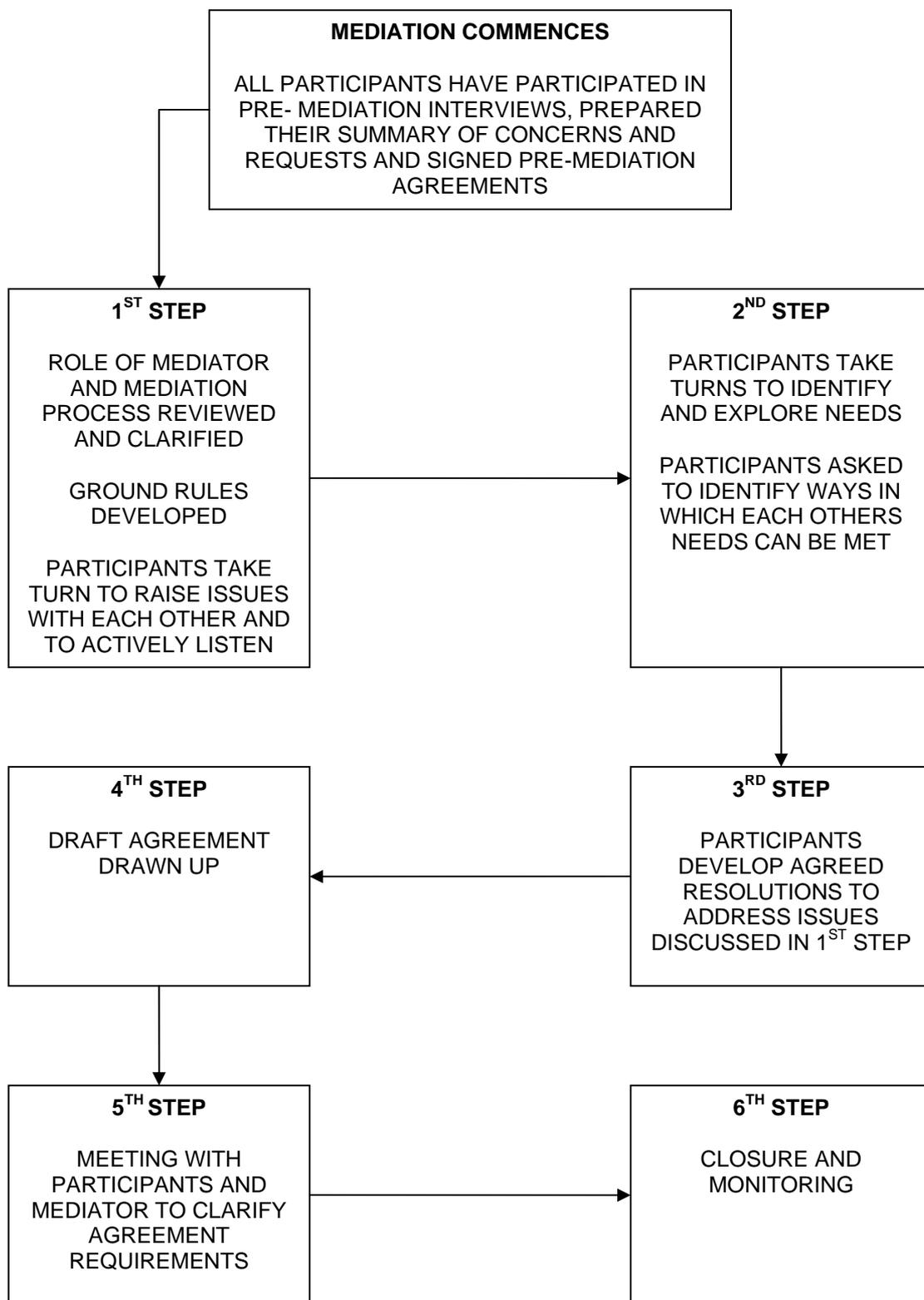
Talking To Your School;

Managing Unsatisfactory and Sub-Standard Performance of Teaching Staff and School Administrators: policy;

Discipline policy; and

Being Fair: A Procedural Fairness Manual for Australian Schools (1999),
National Children's and Youth Law Centre

Note: Some times staff members need support in dealing with difficult situations. All staff should feel confident in seeking the support of line managers. It is also possible to access free confidential counselling through the Department's Employee Assistance program by telephoning 9446 0800 or 1800 674 188 (country). Staff who are Union/Association members can also seek assistance and support from their Union/Association.



APPENDIX C USEFUL INFORMATION FOR PARENTS

C.1 TALKING TO YOUR SCHOOL

C.1.1 INTRODUCTION

The relationship between the home and the school plays a very important part in a child's education.

We can not overestimate the critical role parents play in successful learning: parents contribute much to their child's development and are among the most important influences on the way in which the child approaches learning.

Teachers are responsible for the more formal aspects of children's learning, and successful teaching builds on the home experiences of the child. This is most effective where there is an active partnership with parents.

Two-way communication is a critical factor in the partnership between parents and the school. Where a partnership exists, it is easier for parents to feel confident about the teaching and learning taking place in the classroom and to solve problems.

C.1.2 WHAT MIGHT YOU TALK TO YOUR SCHOOL ABOUT?

Issues particular to your child:

- attitude;
- academic progress;
- participation;
- behaviour;
- how he/she gets along with teachers and other students socially and emotionally;
- physical development and well-being;
- development of responsibility;
- non-attendance or truancy; and
- learning program issues.

School or class issues:

- quality of teaching;
- homework;
- learning environment;
- general student behaviour;
- pastoral care for students;
- school policies and procedures; and
- conduct of staff.

Access to support services:

- school and district level student services;
- visiting teachers for students with disabilities;
- visiting teachers for ESL students;
- specialist facilities – language development centres, intensive language centres, socio-psycho educational research units, education support schools, centres and units;

- programs for students experiencing difficulties with learning;
- programs for gifted and talented students; and
- instrumental music program.

C.1.3 HOW YOUR SCHOOL COMMUNICATES WITH YOU

Your school may communicate to you through the following:

- reports on student progress;
- regular information about the school through newsletters;
- parent-teacher interviews;
- notes;
- surveys;
- displays of children's work;
- assemblies;
- special events and celebrations;
- specialised learning programs;
- parent information booklets;
- parent information sessions; and
- learning journeys.

You are welcome to talk to your child's teacher whenever you need to. However, you should make an appointment to talk with the teacher, to avoid disrupting the learning program.

C.1.4 INFORMATION THAT IS AVAILABLE FROM YOUR SCHOOL

The school should provide you with the following information:

- Department of Education policies and policy changes;
- what is expected in relation to homework;
- school implementation plan of the Behaviour Management in Schools policy;
- course details;
- information about participation in the School Council, Parents and Citizens' Association, Aboriginal Student Support and Parent Awareness (ASSPA) program committee, and other support groups;
- school contributions, charges and fees;
- excursions; and
- the school dress code.

C.1.5 WHAT CAN YOU DO IF YOU HAVE A PROBLEM?

- Seeking information as early as possible can solve many problems. If you have any questions or concerns about your child's progress, the homework set or the assessment procedures, contact the class teacher. The best way to do this is to contact the school office to arrange a mutually convenient time for a telephone conversation or meeting.
- Interpreters, Aboriginal and Torres Strait Islander Education Officers, and Aboriginal Liaison Officers are available to assist parents in communicating with their school. Please contact your local school or district education office if you would like the assistance of an interpreter, Aboriginal and Torres Strait Islander Education Officer or an Aboriginal Liaison Officer. You can have a friend or adviser present during any discussion.

- Parents have the opportunity for greater involvement in the school through the Parents and Citizens' Association, Aboriginal Student Support and Parent Awareness committee and the School Council. These provide the opportunity for parents to express opinions on policy issues in the school.

C.1.6 WHEN YOU HAVE A PROBLEM

- Try to identify the problem clearly before going to the school. If there is more than one problem, list them to ensure that the extent of the problem is clear to the school.
- Decide whether the problem is a concern, an enquiry or a complaint. This will help in finding a solution.
- Make an appointment to talk with the teacher. This can be arranged through the school office. If your concern is about the conduct of a staff member, you may prefer to discuss the matter with a school administrator.
- Try to stay calm. Even if you don't feel it, being calm will help to get your concerns across more clearly than if you are upset or angry. It may help to take someone with you.

C.1.7 PROCEDURES FOR MAKING COMPLAINTS

At all stages, staff will work with you to work out an agreed plan of action and timeline.

C.1.8 IF YOU NEED ASSISTANCE IN RESOLVING A CONCERN OR COMPLAINT

Staff will help you:

- obtain information about school policies and procedures
- make enquiries about student programs, performance and behaviour
- clarify a problem and register a concern with the school
- direct letters of enquiry or complaint.

C.2 STEPS FOR PARENTS

C.2.1 SCHOOL LEVEL RESOLUTION

Stage 1: Discussion with staff member

Contact the class teacher or other relevant staff member to discuss your complaint. This is best done by making an appointment through the school office. The staff will work with you to resolve the problem.

Stage 2: Review or investigation at the school level

Contact the principal who will work with you and the staff member to resolve the problem. You may wish to formalise your complaint. To do this, you may write to the principal who will acknowledge the complaint with a written reply as soon as possible, even if a resolution is not available at this stage.

The principal will consider the issue and identify what action is to be taken and by when, and will clarify the process if a formal complaint is to proceed. The principal may seek the support of the Manager District Operations or other relevant district staff.

This action and timeline will be confirmed with you in writing.

You should be aware that when a complaint is made in writing about the conduct of an individual staff member, that staff member will receive documentation of the substance of the complaint and, in most cases, the name of the complainant.

C.2.2 DISTRICT LEVEL RESOLUTION

Stage 3: District resolution

If resolution is not reached at the school level, contact the Manager, Operations at your district education office for assistance in resolving the issue. This will involve an independent review of the situation and may include mediation.

The Managers, Operations can be contacted through your District Education Office. Addresses and telephone numbers for the District Offices are listed below:

Albany District Education Office
85 Serpentine Road
ALBANY WA 6330
Tel: 9841 0333

Bunbury District Education Office
5th Floor Bunbury Tower
61 Victoria Street
BUNBURY WA 6230
Tel: 9791 0300

Canning District Education Office
Mason Bird Building
303 Sevenoaks Street
CANNINGTON WA 6107
Tel: 9258 5622

Esperance District Education Office
PO Box 738
86 Windich Street
ESPERANCE WA 6450
Tel: 9071 9100

Fremantle/Peel District Education Office
PO Box 63
184 Hampton Road
SOUTH FREMANTLE WA 6162
Tel: 9336 9563

Fremantle/Peel District Education Office (Peel Office)
PO Box 1050
24 Sutton Street
MANDURAH WA 6210
Tel: 9550 2555

Goldfields District Education Office
PO Box 385
Federal Road
KALGOORLIE WA 6430
Tel: 9093 5600

Kimberley District Education Office
PO Box 2142
10 Coghlan Street
BROOME WA 6725
Tel: 9193 6488

Midlands District Education Office
PO Box 394
McIver House
297 Fitzgerald Street
NORTHAM WA 6401
Tel: 9622 0200

Mid West District Education Office
PO Box 63
GERALDTON WA 6531
Level 2 SGIO Building
45 Cathedral Avenue
GERALDTON WA 6530
Tel: 9956 1600

Narrogin District Education Office
PO Box 535
Homer Street
NARROGIN WA 6312
Tel: 9881 0000

West Coast District Education Office
Po Box 741
JOONDALUP WA 6919
110 Shenton Avenue
(cnr McLarty Avenue)
JOONDALUP WA 6027
Tel: 9202 7333

Pilbara District Education Office
PO Box 384
Cnr Searipple & Welcome Roads
KARRATHA WA 6714
Tel: 9185 0111

Swan District Education Office
18 Blackboy Way
BEECHBORO WA 6063
PO Box 95
BEECHBORO WA 6063
Tel: 9442 6666

Warren-Blackwood District Education Office
49 Rose Street
MANJIMUP WA 6258
Tel: 9771 7100

C.2.3 CENTRAL RESOLUTION

Stage 4: Formal complaints

In those exceptional circumstances where a formal disciplinary process may be required, the complaint should be forwarded to:

PRIVATE AND CONFIDENTIAL
Executive Director
Professional Standards and Conduct
Department of Education
151 Royal Street
EAST PERTH WA 6004

Wherever possible matters will be dealt with at the local level.

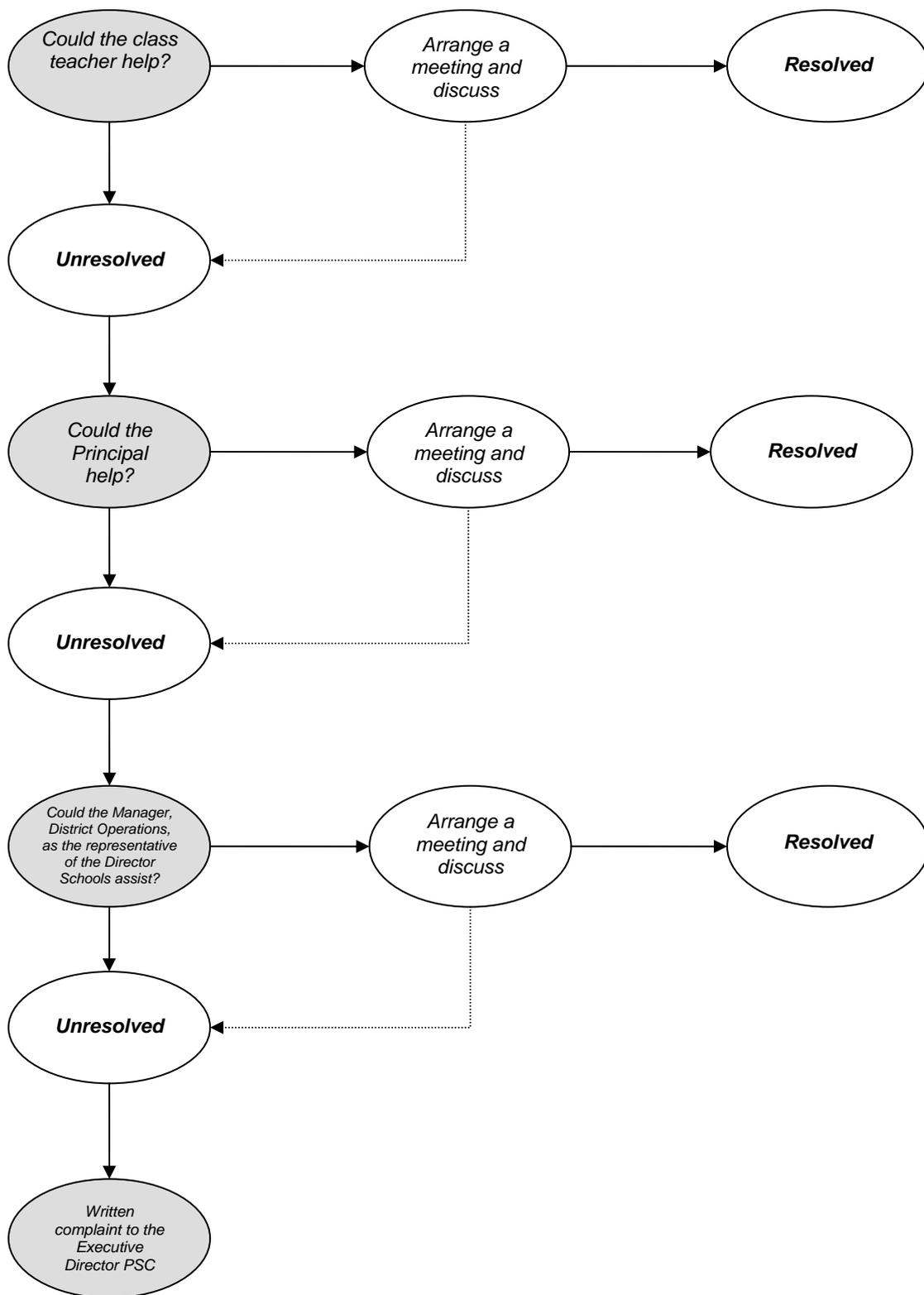


Figure 3: Complaint resolution flowchart

Disputes and Complaints

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

APPENDIX D CONDUCT MATTERS - LOCAL RESOLUTION OR CENTRAL MANAGEMENT

Complaints can be made about the provision of education or the conduct of any employee of the Department of Education. In general terms, local resolution of the majority of complaints concerning the provision of education is preferred, wherever it is appropriate to do so, with the 'local level' being defined as a school, district or central office directorate/branch. However, complaints/information received relating to the conduct of employees that may constitute a breach of discipline on the part of an employee, are generally more appropriately managed by the Standards and Integrity Directorate on behalf of the Director General.

The Director General has the discretion as to whether to treat suspected breaches of discipline in accordance with the appropriate disciplinary provisions.

In exercising their discretionary power, the Director General must adhere to the Australian Standard with respect to Compliance and ensure that staff are aware that they are expected to comply with laws, regulations, codes of conduct and organisational standards.

It is not possible to provide a definitive list of all breach of discipline matters that ought to be dealt with centrally vis a vis those matters that can be dealt with locally by alternative complaints resolution procedures such as mediation, line management adjudication, formal grievances procedures etc.

However, the table below identifies examples of breaches of discipline that generally ought to be dealt with in one or the other category. As with all matters, the Director General reserves the right to depart from these guidelines in extraordinary circumstances.

Notwithstanding the above, Managers, District Operations will be able to assist principals in clarifying the most appropriate foci of management for any matter that may arise, as deemed necessary. Managers, District Operations may liaise with the Director, Standards and Integrity Directorate in respect of more complex matters.

Question	Answer	Management Locus	EXAMPLES
Does the matter constitute misconduct as defined by section 4 of the <i>Corruption and Crime Commission Act 2003</i> ?	Yes	Standards and Integrity Directorate [The Director General is required under section 28 of the <i>Corruption and Crime Commission Act 2003</i> to report such matters – this obligation must be performed by the Director General	<ul style="list-style-type: none"> • <i>Corruptly acts or corruptly fails to act in the performance of their functions.</i> • <i>Corruptly takes advantage of position to obtain a benefit for themselves or another person or to cause a detriment to any person.</i> • <i>Whilst acting in official capacity, commits an offence punishable by 2 years imprisonment.</i> • <i>Involves the performance of their function in a manner that is not honest or impartial.</i> • <i>Adversely affects, or could affect, directly or indirectly, the honest or impartial performance of the functions of the department or departmental officer whether or not acting in the performance of their function at the time.</i> • <i>An act that involves a breach of trust.</i>
Is it an issue that, if proven, warrants a penalty as outlined in Part 5 of the <i>Public Sector Management Act 1994</i> ?	Yes	Standards and Integrity Directorate [Pursuant to Part 5 <i>Public Sector Management Act 1994</i> or a 'mirrored' process where the Act is not applicable]	<ul style="list-style-type: none"> • <i>Disregard or disobedience of a lawful order/ directive.</i> • <i>Negligent or careless behaviour that may have the potential to involve the Department in litigation or requires the involvement of other agencies or adversely affects the safety and welfare of other persons.</i> • <i>Attempted intimidation, coercion and reprisal against a complainant who discloses unlawful or unethical behaviour.</i> • <i>Improper use or disclosure of official and personal information.</i> • <i>Unauthorized use of departmental property for private purposes.</i> • <i>Wilful damage to departmental property.</i> • <i>Misconduct relating to alcohol abuse.</i> • <i>Accessing pornographic websites.</i> • <i>Verbal, inappropriate physical contact or emotional abuse of students.(Consultation should occur with the Director, Standards and Integrity Directorate in respect of this potential breach of discipline as the response and severity of offence may vary considerably).</i>

Question	Answer	Management Locus	EXAMPLES
Is criminal conduct involved, i.e. have/or could the police be contacted to investigate or have they laid a charge and/or convicted the employee?	Yes	Standards and Integrity Directorate [Pursuant to Part 5 <i>Public Sector Management Act 1994</i> or a 'mirrored' process where the Act is not applicable]	<ul style="list-style-type: none"> • <i>Fraud, dishonesty, theft or misappropriation of money.</i> • <i>Assault/physical abuse of students and/or staff.</i> • <i>Illegal substance abuse and/or possession.</i> • <i>Possession of child pornography.</i>
Does the issue go to the core of the Employer – Employee relationship?	Yes	Standards and Integrity Directorate [the Director General is the employing authority, and needs to assess the damage to the contract]	<ul style="list-style-type: none"> • <i>Abuses of privileges and/or entitlements of employment such as sick leave.</i> • <i>Engaging in activities unrelated to the employment contract such as working for another employer or engaging in another business without approval. (Refer to section 102 of the <i>Public Sector Management Act 1994</i>)</i>
Is an external agency, such as the: <ul style="list-style-type: none"> • Office of the Public Sector Standards Commission • Equal Opportunity Commission • State Ombudsman formally involved?	Yes	Standards and Integrity Directorate [because the Department as an agency is being represented]	<ul style="list-style-type: none"> • <i>Claim of a breach of Public Sector Standards in HR Management (after following relevant local procedures for the management of claims alleging a breach of Public Sector Standards).</i> • <i>A formal claim lodged with the Equal Opportunity Commission alleging sexual harassment, race discrimination etc.</i>
Is the matter one involving adult to adult communication and one more likely to result in desirable short and long term behaviour changes if addressed through alternative resolution procedures as distinct from applying penalties outlined in Part 5 of the <i>Public Sector Management Act 1994</i> ?	Yes	Local [Options available: <ul style="list-style-type: none"> ▪ <i>Formal grievance processes</i> ▪ <i>Mediation</i> ▪ <i>Line Management Adjudication</i>] 	<ul style="list-style-type: none"> ▪ <i>Issues arising from breaches of the Public Sector Code of Ethics /Code of Conduct relating to Respect for Persons including use of abusive, insulting or obscene language and workplace bullying.</i>
Does the matter relate to sexual/racial harassment between adults but is not of a criminal nature? (such as sexual assault or racial vilification, for instance)	Yes	Local [address according to policy]	<ul style="list-style-type: none"> • <i>Sexual/racial harassment.</i> • <i>Inappropriate posters being displayed at the workplace</i> • <i>Offensive comments</i>
Does the complaint relate to an administrative decision affecting a student?	Yes	Local [address according to policy]	<ul style="list-style-type: none"> • <i>Provision of homework</i> • <i>Suspension/exclusion</i> • <i>Managing student behaviour</i>

APPENDIX E OVERVIEW OF THE AUSTRALIAN STANDARD FOR COMPLAINTS HANDLING AS4269 - 1995

It is mandatory for all government agencies to have in place a complaints management process that reflects the *Australian Standard for Complaints handling*. The Standard sets out the essential elements for the management of complaints and the guidelines for the implementation of a complaints handling process.

The Standard requires all Department worksites to have an established complaints handling process. The Standard recommends that the process should:

- increase the level of client satisfaction with the delivery of service;
- recognise, promote and protect client rights;
- provide an efficient, fair and accessible mechanism for resolving client complaints;
- provide information to clients on the complaints handling process; and
- monitor complaints in an endeavour to improve the quality of services.

The Standard states that all worksites should demonstrate a commitment to resolving complaints. This should be based on the premise that:

- clients have the right to complain and to have the complaint addressed fairly;
- complaints provide feedback about a service; and
- a complaint gives the worksite, and the Department as a whole, the opportunity to maintain confidence in its services.

The Standard identifies the need for complaints to be managed in a timely manner and wherever possible, acknowledging that it is desirable to provide effective remedies at the first point of contact. However, it must be recognised that the nature of some complaints is such that they may not be dealt with at the local level, for example, matters which may constitute a breach of discipline. For further assistance on which complaints should not be dealt with at the local level refer to Appendix D or, contact the Standards and Integrity Directorate on (08) 9264 4740.

More information regarding the Standard can be found in the Departments Complaint Management Toolkit document at the Our Policies website:
http://policies.det.wa.edu.au/our_policies/.