Complaints management in schools - policy

Read this document with the Complaints management for schools guideline which can be found at the Department of Education School Policies webpage in the complaints section.[[1]](#footnote-2)

# Policy

The department will manage complaints in accordance with this policy, and the Complaints management for schools guidelines,1 to ensure a fair process, and appropriate and timely resolution. There are exceptions and these are listed in the Scope section below.

Complaints may be made in regard to any aspect of service:

* provided by the department, including practices, policies, guidelines or procedures, and the conduct or decisions of staff
* that is regulated by the department, including legislative compliance with approval to operate, and the provision of services for children.

In managing complaints, the principles of procedural fairness must apply to all processes, requiring that:

* if a complaint is against a person, the person is informed of the allegations against them, has an opportunity to be given a fair hearing before a decision is made, and is given the opportunity to consider the information that the decision is based upon
* decision makers are fair and impartial and address complaints in a timely manner
* the decision must not be pre-determined and must be objective, measured, and based on all the information gathered from as many sources as possible.

All business areas of the department must create and maintain appropriate records of complaints and actions taken in response to complaints. Staff must manage complaint records in accordance with the internal records management guidelines.

# Business need

The department is committed to improving its services. A key element of service improvement is prompt resolution of complaints in relation to services, or actions taken by employees. This policy and supporting guidelines assist with that goal.

Where a school also operates a preschool service or other education and care service regulated under the National Quality Framework, the department is obliged to ensure regulatory requirements are maintained at all times in accordance with the Education and Care Services National Law[[2]](#footnote-3) and Education and Care Services National Regulations[[3]](#footnote-4). This includes ensuring that complaints are handled in a way which is child focused; provision for the management of a complaint alleging harmful sexual behaviours exhibited by a child; and notifying Quality Education and Care NT (QECNT) within 24 hours of any complaints alleging that a serious incident has occurred.

# Scope

This policy applies to Northern Territory Government schools.

This policy does not apply to complaints relating to:

* breaches of privacy - privacy complaints are to be handled in accordance with the privacy complaints policy and guidelines[[4]](#footnote-5)
* vocational education and training (VET) quality and regulation, which are to be referred to the Australian Skills Quality Authority (ASQA)[[5]](#footnote-6)
* higher education, which are to be referred to the Tertiary Education Quality Standards Agency (TEQSA)[[6]](#footnote-7)
* non-government schools, which are to be referred to the relevant non-government provider
* department employees in relation to issues affecting them in the course of their employment. Department staff acting in an official capacity may raise their concerns with the person, workplace manager or seek advice from their Human Resources consultant on how best to manage concerns or actions of another employee. Employees also have recourse to the grievance provisions under section 59 of the Public Sector Employment and Management Act 1993. [[7]](#footnote-8)

# Definitions

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| Term | Definition |
| Approved early childhood education and care services | Refers to long day care services, family day care services, outside school hours care services, preschool programs and early childhood programs. |
| Complaint | The 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. |
| Quality Education and Care NT (QECNT) | The regulatory authority for early childhood education and care in the Northern Territory. |
| Serious incident | Defined under regulation 12 of the Education and Care Services National Regulations.[[8]](#footnote-9) |
| Workplace manager | The immediate supervisor of a workplace. |

# Related policy, legislation and documents

## Legislation and resources

* *Anti-Discrimination Act 1992* – <https://legislation.nt.gov.au/en/Legislation/ANTIDISCRIMINATION-ACT-1992>
* *Care and Protection of Children Act 2007* – <https://legislation.nt.gov.au/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007>
* *Education Act 2015 –* <https://legislation.nt.gov.au/Legislation/EDUCATION-ACT-2015>
* *Education and Care Services (National Uniform Legislation) Act 2011*2 is the legislation that adopts the National Law in the NT. The Schedule to the Education and Care Services National Law Act 2010 (Vic) sets out the National Law - <https://legislation.nt.gov.au/en/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
* Education and Care Services National Regulations3 – <https://www.acecqa.gov.au/nqf/national-law-regulations/national-regulations>
* *Information Act 2002* – <https://legislation.nt.gov.au/Legislation/INFORMATION-ACT-2002>
* Ombudsman NT Effective Complaints Management Fact Sheets - <https://www.ombudsman.nt.gov.au/agencies/effective-complaints-management-fact-sheets>
* *Public Sector Employment and Management Act 1993*7 – <https://legislation.nt.gov.au/en/Legislation/PUBLIC-SECTOR-EMPLOYMENT-AND-MANAGEMENT-ACT-1993>

## Department policy and guidelines

* Bullying, harassment and violence policy – staff access
* Complaints management for schools guidelines – <https://education.nt.gov.au/policies/conduct#complaints_management>
* Grievance management policy – staff access
* Records management policy and guidelines – staff access
* Sexual behaviour in children guidelines – <https://education.nt.gov.au/policies/health-safety#sexual_behaviour>

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| Acronyms | Full form |
| ASQF | Australian Skills Quality Authority |
| NQF | National Quality Framework |
| QECNT | Quality Education and Care Northern Territory |
| TEQSA | Tertiary Education Quality Standards Agency |
| TRM | Territory Records Manager |
| VET | Vocational Education and Training |

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| Version | Date | Author | Changes made |
| 3.1 | 30 June 2020 | Operational Policy Coordination Unit | Minor amendment for NTG template, branding and publishing standards |
| 3.1 | July 2020 | Resolution Unit | Inclusion of preschools within the scope of the policy |
| 3.2 | 4 September 2020 | Operational Policy Coordination Unit | Minor review and updates for accessibility and NTG publishing standards |
| 3.3 | July 2023 | Resolution Unit | Minor review and updates for post-alignment language and compliance with NQF and child safe organisation principles |

1. <https://education.nt.gov.au/policies/complaints> [↑](#footnote-ref-2)
2. <https://legislation.nt.gov.au/en/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011> [↑](#footnote-ref-3)
3. <https://www.acecqa.gov.au/nqf/national-law-regulations/national-regulations> [↑](#footnote-ref-4)
4. <https://education.nt.gov.au/policies/privacy> [↑](#footnote-ref-5)
5. <https://www.asqa.gov.au/> [↑](#footnote-ref-6)
6. <https://www.teqsa.gov.au/> [↑](#footnote-ref-7)
7. <https://legislation.nt.gov.au/en/Legislation/PUBLIC-SECTOR-EMPLOYMENT-AND-MANAGEMENT-ACT-1993> [↑](#footnote-ref-8)
8. [https://www.legislation.nsw.gov.au/#/view/regulation/2011/653](https://www.legislation.nsw.gov.au/%23/view/regulation/2011/653) [↑](#footnote-ref-9)