Government of **Western Australia**
**School Curriculum and Standards Authority**

# COMPLAINTS MANAGEMENT POLICY

**Acknowledgement of Country**

Kaya. The School Curriculum and Standards Authority (the Authority) acknowledges that our offices are on Whadjuk Noongar boodjar and that we deliver our services on the country of many traditional custodians and language groups throughout Western Australia. The Authority acknowledges the traditional custodians throughout Western Australia and their continuing connection to land, waters and community. We offer our respect to Elders past and present.

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# Contents

**Policy statement** ..... **1**

**1. Scope** ..... **1**

**2. Background** ..... **1**

**3. Policy rules** ..... **2**

**4. Responsibility for implementation and compliance** ..... **2**

**5. Recordkeeping** ..... **2**

**6. Definitions** ..... **2**

**7. Other Applicable Policy or Processes** ..... **4**

7.1 Ombudsman Western Australia ..... 4

7.2 Allegations of Division staff misconduct ..... 4

7.3 Public Interest Disclosure ..... 4

**8. Related documents** ..... **5**

8.1 Related documents ..... 5

8.2 Legislation or authority ..... 5

# Policy statement

The School Curriculum and Standards Authority (the Authority) is committed to the effective management and resolution of complaints. Complaints will be managed equitably with an emphasis on maintaining relationships and restorative approaches.

### Important note

The Authority's functions and activities as outlined in the *School Curriculum and Standards Authority Act 1997* are undertaken on behalf of the Authority by the School Curriculum and Standards Division (Division), which forms part of the Department of Education (Department).

Complaints relating to Division staff, contractors and volunteers should be made in accordance with the Department's *Complaints and Notification Policy*. (Also refer section 7.2.)

# 1. Scope

1.1 This policy relates solely to complaints received regarding the actions of the Authority's Board-appointed committees, the Board itself, an Authority policy or decision.

1.2 This policy does not apply to decisions by the Minister for Education, Director General, Department of Education or delegate, made under a legislative instrument such as, but not limited to:

a. proceedings instigated under the provisions of the *Equal Opportunity Act 1984* (WA); and

b. matters that have been referred to the Ombudsman Western Australia under the provisions of the *Parliamentary Commissioner Act 1971* (WA).

1.3 All Authority and SCS Division staff have a responsibility to be aware of this document and the Authority's commitment to satisfactory resolution of any complaint received.

1.4 Designated SCS Division staff have additional, specified responsibilities with respect to the management of complaints.

# 2. Background

The Authority recognises that its goal of continuous improvement is linked to customer feedback, and acknowledges the right of customers (both schools and students/parents) to complain if they are dissatisfied with a product or service for which the Authority is responsible.

It is an aspiration of the Authority, in the normal course of business, to minimise complaints through:

- clarity of its published documentation of its role and operations;
- timely communication of changes/revisions to its role and operations, and to requirements and deadlines associated with its operations; and
- timely responses to matters of concern or initial complaints.

The intention of this document is to clarify and promote awareness of the Authority's requirements for the management of complaints about the Authority's operations as described in the scope.

# 3. Policy rules

The Authority will:

a. manage complaints and notifications in a fair, equitable, transparent, accessible, culturally responsive, restorative and effective way;
b. apply procedural fairness in the management of complaints;
c. support individuals making a complaint;
d. ensure that all Board and Statutory Committee members will comply with the Authority's Complaints Policy; and
e. ensure that all Division staff involved with managing complaints on behalf of the Authority will comply with the Authority's Complaints Policy.

# 4. Responsibility for implementation and compliance

The Board Chair and the Division's Executive Director, School Curriculum and Standards are responsible for implementing this policy.

The Executive Director, School Curriculum and Standards, is responsible for compliance monitoring.

# 5. Recordkeeping

The Authority will maintain a Complaint Register, which will:

- assist the Authority in identifying key risk areas;
- help eliminate the underlying causes of complaints through corrective actions; and
- provide adequate data for audit purposes and the annual report.

# 6. Definitions

In the context of the operations of the Authority, the following terms have the associated definitions.

| Term | Definition |
|---|---|
| **Agent** | A person or organisation authorised to act on behalf of an individual or school and/or recognised by the tertiary or training sector as such. |
| **Complainant** | An individual who makes a complaint. |
| **Complaint** | An expression of dissatisfaction made to the Authority by any person other than an Authority or Department of Education staff member unless the complaint relates to the staff member's child, which may be general in nature or relate to matters including but not limited to:<br>• the provision of the Authority's functions, services or processes;<br>• the behaviour or actions of an employee;<br>• the application of an Authority policy; or<br>• a decision made by a Statutory Committee or the Board.<br>(Also see Formal and Informal Complaint below). |
| **Content Manager** | Content Manager (CM) is an electronic document and records management system that manages the Authority's documents and records throughout the document life cycle, from creation to destruction. |

| Term | Definition |
|---|---|
| **Corruption** | Corruption has the meaning of the term 'misconduct' as defined under section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Corruption occurs if a public officer corruptly acts or fails to act in the performance of their functions of employment; or corruptly takes advantage of their employment to obtain a benefit for themselves or another, or causes a detriment to another; or commits an offence connected to their official capacity. It also includes misconduct that is not honest or impartial, amounts to a breach of trust, or involves misuse of Authority information or assets and constitutes a breach of discipline that could result in termination of employment. |
| **Culturally Responsive** | Culturally responsive means the ability to understand, interact and communicate effectively and sensitively with people from a cultural background that is different to one's own. It is characterised by respect for culture, ongoing self-reflection, expansion of knowledge and commitment to improving practices and relationships. |
| **Formal complaint** | A complaint received by the Authority in writing that is expressing dissatisfaction that needs to be fully explained, examined, dealt with and finalised in the normal course of business through actions of the relevant officer and in accordance with the Complaints Procedures. |
| **Fraud** | Fraud has the same meaning as defined under section 409 of the *Criminal Code Act Compilation Act 1913* (WA). Fraud is defined as conduct with intent to defraud, by deceit or any fraudulent means, to obtain property or gain a benefit, pecuniary or otherwise. |
| **Informal complaint** | An oral or written statement expressing dissatisfaction which is discussed with an Authority officer and does not contain a request to have the complaint formally investigated and decided. |
| **Internal Review** | A process conducted by the Authority, on the request of the person making the complaint, to examine whether the complaints management process was fair, reasonable and appropriate.<br><br>The staff member undertaking the internal review must be separate from the original complaint management process and in a position at least equivalent to the person who managed the original complaint. |
| **Investigation** | The formal examination of a complaint by an authorised person/s. |
| **Locally managed** | A complaint managed internally by School Curriculum and Standards Division staff on behalf of the Authority. |
| **Record-keeping for Complaints Management** | The Authority's official record-keeping system located on CM supports the complaints-handling process. It consists of a Complaints Register and a filing system that is housed in a dedicated subfolder for each formal complaint received. Coordination of the processes involved in managing the complaint to its conclusion/resolution. |
| **Management of a complaint** | Coordination of the processes involved in managing a complaint to its conclusion/resolution. |
| **Public Interest Disclosure (PID)** | A public interest disclosure is a complaint or allegation made about corrupt conduct, improper conduct or detrimental action.<br><br>The *Public Interest Disclosure Act 2003* (WA), enables people to make disclosures without fear of reprisal and aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do. |
| **Unresolved complaint** | A formal complaint that is undergoing the resolution process and where a decision has not been made. |

# 7. Other Applicable Policy or Processes

In certain cases, other Authority procedures or practices may take precedence over the Complaints Management Policy and the Complaints Management Procedures document. Depending upon the circumstances, the appropriate response to customer feedback and complaint may be limited to giving advice about the relevant Authority policy, procedure or process.

## 7.1 Ombudsman Western Australia

**T**he Ombudsman Western Australia's responsibilities include investigation of the administrative practices of Western Australian agencies, including complaint handling practices. The Ombudsman Western Australia's jurisdiction would not ordinarily extend to the hearing of complaints, where a right of appeal would be available to a Court or Tribunal.

In this context, the Authority's response to a complaint reviewed under this policy should observe the following principle at minimum concerning the communication of rights of external review at the completion of the complaint handling:

a. If the application process in dispute would ultimately give rise to a reviewable decision, information should be provided to the effect that the Authority's administration of the application is reviewable by appeal to the State Administration Tribunal, once the reviewable decision relevant to the application has been made;

b. otherwise, or as well, information should be provided about the role of the Ombudsman Western Australia in the response to the complaint, the context of the role of the Ombudsman Western Australia in hearing complaints about the administrative practices of public sector agencies, including complaint handling practices.

## 7.2 Allegations of Division staff misconduct

The Department of Education, Western Australia is the employing authority for staff and contractors performing services which enable the Authority to fulfil its functions.

Information outlining how complaints about Department staff and contractors are dealt with is available on the Department of Education website at www.education.wa.edu.au/concerns-or-complaints.

## 7.3 Public Interest Disclosure

Making a complaint as a Public Interest Disclosure (PID) provides certain protections for those who are making a complaint, and for those who are subject to a complaint. However, in order for a complaint to be a Public Interest Disclosure, certain conditions need to be met.

The PID Officer should be contacted before making a complaint as a PID. Making a PID brings additional responsibilities, as well as protections. Details for the Authority PID Officer can be found at https://www.https://scsa.wa.edu.au/.

# 8. Related documents

## 8.1 Related documents

*School Curriculum and Standards Authority Public Interest Disclosure*

*School Curriculum and Standards Authority Records Management Policy*

*Department of Education Complaints and Notifications Framework*

*Department of Education Complaints and Notifications Policy*

## 8.2 Legislation or authority

*Corruption, Crime and Misconduct Act 2003 (WA)*

*Criminal Code Act Compilation Act 1913 (WA)*

*Equal Opportunity Act 1984 (WA)*

*Human Rights and Equal Opportunity Commission Act 1986 (Cth)*

*Public Sector Management Act 1994 (WA)*

*Public Interest Disclosure Act 2003 (WA)*

*State Records Act 2000 (WA)*

*Public Service Management Act 1994*

*School Curriculum and Standards Authority Act 1997*

*School Curriculum and Standards Authority Regulations 2005*

*School Education Act 1999 (WA)*

*School Education Regulations 2000 (WA)*

*Working with Children (Criminal Record Checking) Act 2004 (WA)*

*Working with Children (Criminal Record Checking) Regulations 2004 (WA)*