



An ACT Education Complaints Commissioner

A Fair Hearing for Families



Canberra**liberals**

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Canberra families in the education system should have a right to natural justice, where they have complaints with decisions taken by officials. A number of parents and carers do have serious complaints about decisions taken by ACT Government officials in the education system, which impact upon the welfare of their children.

Under the Stanhope Government parents have little option other than to complain directly to officials who made adverse decisions, or to appeal to colleagues of the officials in question. The lack of a modern framework for dealing with complaints is not ideal and does not ensure impartial assessment of complaints.

Issues that Deserve a Fair Hearing

Complaints by parents cover a range of issues including bullying, victimisation, decisions on eligibility for enrolment in a school, notification of rights, contraventions of privacy principles and failure to meet minimum standards of service provision.


Families of students with disabilities sometimes face particular problems such as inadequate support and slow response from officials.

It does not reflect badly on our teachers if we provide for a system of complaints. Everyone recognises that teachers are very dedicated professionals and the ACT public education system is continuing to produce excellent results for the vast majority of Canberra families. Very often complaints that parents raise involve the administrative decision-making by bureaucrats and other officials who are not acting in a teaching capacity.

Tangled Lines of Responsibility

Under the Stanhope Government there is no clarity as to who is responsible for any given complaint. Under the 2006 "Complaints Resolution Policy" published by the Department of Education, there is no consistent avenue for handling complaints.

- Each school and branch in the Department of Education has a separate Complaints Officer.
- Complaints about principals go to the relevant Director of Schools.
- Complaints about managers are referred to directors in the relevant part of the department.
- And complaints can skip up the line, with some arriving on the desk of the Executive Director or the Chief Executive.



No parent can be sure where they should direct which complaint in what circumstance.

The lines of responsibility are vague and complaints against officials are usually put in the hands of their peers and close colleagues. Because every school has its own Complaints Officer, it is possible for each of these staff to apply their discretionary powers inconsistently. Each officer and school can have a different approach to the next.

The Importance of an Independent Party

What parents want most of all is an official whose impartiality is not compromised by close relationships with the subjects of a complaint. It is very hard for an immediate colleague to judge the conduct of a workmate with whom they have daily contact.

Students and parents have been telling us they need an independent authority they can turn to, because they often find they keep hitting brick walls. They need to know there is no confusion over who to complain to and no excuse for an official to buck-pass, or to sit on a complaint because it was sent to the wrong in-box. What is needed is a one-stop-shop.

An Education Complaints Commissioner

Complaints will arise in the education system come what may. There is no question over whether they should be heard, the only issue is where they should go and how they should be considered.

The ACT Department of Health has a one-stop arrangement for handling consumer complaints and feedback. The Health Services Commissioner considers complaints from patients and their families, without the need for people to complain directly to doctors, nurses or to departmental bureaucrats. This is a sensible arrangement that ensures impartiality and ensures consistency in how complaints are handled.

The same sensible mechanism should be available in the Education portfolio.

- **A Canberra Liberal Government will establish an independent Education Complaints Commissioner from within Department of Education resourcing.**
- **The Commissioner will be responsible for impartial assessment of complaints.**
- **Complaints may be made confidentially or openly, and the Commissioner may work with relevant parties to find solutions and to conciliate between the parties.**

The aim will be to provide practical solutions without a resort to legal avenues or other overly-formal mechanisms. The Commissioner will not consider complaints about assessment, or re-grading of tests and assignments.

The Commissioner will not only consider individual complaints. They will also consider any systemic areas of problems and complaints, and can provide independent advice to the Education Minister and to the Legislative Assembly on common areas of concern or areas where families say that service delivery could be improved.

This new mechanism will not remove the rights of parents or students to avail themselves of other legal rights and avenues. People may still take appropriate issues to officials like the Privacy Commissioner, or the Ombudsman. But by replacing a tangled and inconsistent arrangement for handling everyday complaints, we aim to build greater fairness into the system and rebuild confidence among families who feel aggrieved.