



Complaints concerning Non-government Schools

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1. What can the Non-government Schools Registration Board investigate?

The Non-government Schools Registration Board (the Board) can only consider complaints concerning non-government schools¹ where the school may not be fully compliant with the Registration Standards.

It cannot make a finding or act where the complaint does not directly relate to a Registration Standard.

2. What are the Registration Standards?

A non-government school in Tasmania must meet the Registration Standards as outlined in the *Education Regulations 2017*.

For a non-government school to be registered, the Standards require that each school have certain policies and procedures developed, as well as these being fully implemented in the school environment. Evidence that these policies and procedures are practiced is sought at the time of re-registration, during an inspection, or in response to a complaint received by the Board.

These policies/procedures and the types of evidence are outlined in the *Non-government Schools Registration Board Guidelines for re-registration of a non-government school*.

It is expected that non-government schools are always fully compliant with these Registration Standards.

3. What is the Non-government Schools Registration Board?

The Non-government Schools Registration Board is an independent statutory body that is responsible for the registration of non-government schools in Tasmania.

The Board consists of 8 persons appointed by the Minister for Education. Board members are from various education sectors and stakeholders.

Given this, a conflict of interest may arise from time to time due to a current or previous association with a non-government school. The Board and the Registrar have a process to manage these situations with regular declarations of interests being made.

¹ *Non-government schools* include all independent schools in Tasmania, as well as all Catholic Schools registered through the Catholic Education Tasmania System of Schools.

4. The role of the Non-government Schools Registration Board

Under the *Education Act 2016*, the Non-government Schools Registration Board is responsible for monitoring the compliance of non-government schools with the Registration Standards as outlined in the *Education Regulations 2017*.

In respect of a complaint, the Board can only consider whether a school is not fully compliant with any of the Registration Standards.

The Board does not investigate:

- matters relating to concerns about a teacher's conduct, or capacity to teach ²
- allegations of criminal behaviour (such as alleged fraud or child abuse)
- matters relating to the statutory functions of other government agencies (such as alleged breaches of funding)
- where common law remedies may be available to the complainant (such as alleged breaches of contractual obligations).

Depending on the nature of the complaint, the Board may consider if the matters are relevant to the Registration Standards. For example, Standard 5 Student Welfare: Staff code of conduct may be relevant to matters concerning child abuse.

The Board can only act within its powers and functions as outlined in the *Education Act 2016*. The Board does not have specific investigatory powers, although it can authorise the Registrar to appoint registration officers to undertake an inspection to specifically work through matters raised in a complaint to determine if a breach of registration has occurred.

The Board is the decision maker in respect of determining if a school is in breach of a Registration Standard. Its aim is to ensure that schools are compliant, and it does not have the power to issue penalties.

5. The role of the Education Registrar

The Education Registrar is responsible for administering the non-government school registration process and for the operational aspects of the regulatory process. The Registrar then reports to and advises the Board.

The Registrar is involved in the complaint's management process to coordinate requests to Principals to respond to matters raised in a complaint, arrange for an inspection to be carried out, and to liaise with various parties to obtain information. The Registrar also provides advice and information to the Board to consider at its board meetings.

² The Teachers Registration Board is the appropriate entity with which to raise your complaint.

6. How should a complaint concerning a non-government school be managed?

First raise the matter with the school

Under Registration Standard 11, all registered non-government schools are required to have in place a Complaints Management Policy and associated procedures to resolve matters.

The first action to take is to follow the School's Complaints Management Policy to try and resolve the matter, and to make known any concerns to help come to an agreement to resolve the matter.

The principal (and any staff concerned) should first be provided with an opportunity to respond to the complaint, and where possible to resolve the matters raised.

All parties must follow the School's Complaints Management Policy. This process must be followed before a formal complaint is made to the Non-government Schools Registration Board.

If the Principal will not engage with you concerning the complaint, or it cannot be resolved, then you can escalate the matter to the Chair of the School Governing Board³. The contact details of the Chair should be readily available either in the school's complaints policy or on the school's website.

If the Principal or the School Governing body is not fully engaging with you to try to resolve the complaint, then you can raise your complaint with the Non-government Schools Registration Board.

Fully engaging with you means that all efforts are being made by the school to genuinely work with you to resolve the matters that you raise. Procedural fairness must be afforded to all parties involved. However, procedural fairness does not otherwise dictate the outcome of a complaint.

Mediation between parties is always a possibility and legal advice may be sought at any time.

If matters remain unresolved and they do not relate to a specific registration standard, then you may wish to seek arbitration through legal representation and the court system, or through other government entities such as Equal Opportunity Tasmania.

³ The Catholic Education Commission Tasmania is the recognised governance authority for 35 Archdiocesan schools and colleges. Catholic Education Tasmania (CET) is the main point of contact and may be contacted via email to ceo@catholic.tas.edu.au.

7. Process for raising concerns with the Board

Complaints about a non-government school can be made at any time provided there is clear evidence that options for pursuing the complaint at the school have been made, and that on face value, the matters outlined in the complaint indicate that there may be a breach of a registration standard.

A complaint must be made using the attached Complaint Form and include details of:

- the name, address and contact details of the individual making the complaint
- the individual against whom the complaint is being made
- the issues or matters to which the complaint relates
- evidence that options for pursuing the complaint at the school have been made without resolution
- any evidentiary material to substantiate your complaint, including copies of correspondence and any other relevant documents
- an account of any other action already taken in relation to the complaint.

A person may contact the Office of the Education Registrar for advice about this process, including information about how to proceed with a complaint on 03 6165 6135.

Complaints using the Complaint Form may be emailed to the Education Registrar at registrar@oer.tas.gov.au.

For complaints regarding government schools contact the Tasmanian Department of Education.

8. How will my complaint be managed?

Upon receipt of your complaint, an acknowledgement of receipt will be provided by the Registrar's Office. The Registrar will then review your complaint to determine if there is a potential breach of a registration standard.

Should a potential breach be identified, one of the following processes will occur.

a) **Principal to respond to the matters raised**

The complaint will be provided in full to the principal and ask that they respond to the matters that you raise, and to provide this response to the Registrar.

The principal will also be requested to provide evidence relevant to the matters raised including copies of relevant policies and procedures, and evidence of how these policies and procedures were used in respect of the matters raised. Any correspondence and documents exchanged between parties may also be requested.

This information will be provided directly to the Registrar who will then provide advice for the Board to consider whether there has been a breach of any registration standards, and whether an inspection is to be undertaken.

The principal will also be advised that the complainant will receive a full copy of their response to the matters raised in the complaint.

b) Inspection to be undertaken

The Board may request the Registrar to appoint a registration officer to undertake an inspection.

An inspection focuses on the school's compliance in terms of whether:

- the policies and procedures of the school comply with the requirements for registration
- the school has followed its policy and procedure in the context of the matters raised
- any non-compliance is part of a systemic pattern or an isolated instance.

A registration officer may request to meet with various parties during this process. A report is prepared and provided to the Registrar to enable her to provide advice to the Board.

9. What happens next?

The Board meets seven times during the year between March and December. Depending on when the complaint is received, when a response from the principal is received, or when an investigation is finalised, some time may pass before the Board is able to provide a response to you.

The Board and the Registrar will always endeavour to complete this process as quickly and efficiently as possible, whilst affording fair process to all parties concerned.

When deciding whether a school is in breach of a Registration Standard, the Board will always consider the legislative requirements as outlined in the *Education Regulations 2017*.

It will also consider the requirements outlined in the *Board Guidelines for the re-registration of a non-government school*, as these Guidelines outline the evidence required to demonstrate compliance with a Standard.

Where the Board finds that a school does not have, or did not implement the required curriculum, or did not have the required policies and/or procedures in place or did not act in accordance with their policies and procedures, the school will be required to address the compliance concerns.

Where relevant, the Board may consider imposing a condition of registration and monitor the school to ensure that the compliance concerns are addressed.

The aim of the Board is to ensure that non-government schools are meeting the Standards and to support them to do so.

When it is identified that a registration standard is not fully compliant, the Board cannot undertake punitive measures such as a monetary penalty, or to impose sanctions of any kind as this is not an option under the Act. The Board will always initially take steps to ensure compliance.

Whilst the Board may suspend or cancel a school's registration, it must first provide the school with an opportunity to rectify any matters and to demonstrate that it is fully compliant with the Registration Standards.

Both the Principal and the person making the complaint will be advised in writing regarding the outcome of the Board findings and the reasons for its decision.

10. Contact

Non-Government Schools Registration Board

admin@schoolregistration.tas.gov.au

GPO Box 104, Hobart 7001
Level 2, 45 Murray Street, Hobart 7000
03 6165 5713

Office of the Education Registrar

registrar@oer.tas.gov.au

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Level 2, 45 Murray Street, Hobart 7000
03 6165 6135

11. Authorisation

Date Authorised	22 July 2021 Board meeting
Responsible Unit/Officer	Chair, Non-government Schools Registration Board
Contact Officer	Jo Spencer
Contact	6165 5713
Date Document Last Reviewed	22 July 2021

12. History of Changes

Effective Date	Last Updated Date	Version Number	Notes
22 July 2021	-	1.0	First Issue