



**Western Cape
Government**

Education

Complaints Management Protocol and Guidelines, 2017

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1. Definitions

In this protocol, any word or expression to which a meaning has been assigned bears the same meaning assigned to it and, unless the context indicates otherwise:

“**complainant**” means a person lodging a complaint who has a concern to raise;

“**official**” means a person employed by the Western Cape Education Department;

“**stakeholder**” means anyone who can be regarded as the WCED's partner, this includes parents, learners, educators, members of the community as well as business partners.

2. Legislative framework

Constitution of the Republic of South Africa, 1996

South African Schools Act, 1996 (Act 84 of 1996)

National Education Policy Act, 1996 (Act 27 of 1996)

Employment of Educators Act, 1998 (Act 76 of 1998)

Child Justice Act, 2008 (Act 75 of 2008)

Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)

Sexual Offences Act, 1957 (Act 23 of 1957)

Children's Act, 2005 (Act 38 of 2005)

Basic Conditions of Employment Act, 1997 (Act 75 of 1997)

Labour Relations Act, 1995 (Act 66 of 1995)

Employment Equity Act, 1998 (Act 55 of 1998)

Skills Development Act, 1998 (Act 97 of 1998)

Skills Development Levies Act, 1999 (Act 9 of 1999)

Occupational Health and Safety Act, 1993 (Act 85 of 1993)

Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

3. Purpose

The purpose of this protocol is to:

- a) ensure the efficient and effective management of complaints;
- b) guide staff when handling complaints; and
- c) inform WCED stakeholders of its commitment to managing complaints efficiently.

4. Scope

This protocol applies to all district officials, school management teams, principals of public and independent schools, members of governing bodies and parents.

5. Introduction

5.1 The Western Cape Education Department (WCED) needs to be open, accountable and responsive to the public's needs. To do this it needs a complaints management system that is underpinned by an effective complaints management protocol. This should guide staff when handling complaints and inform stakeholders of the WCED's commitment to managing complaints efficiently.

5.2 The WCED believes that complaints:

- a) are about accountability;
- b) are an important part of customer service;
- c) are inevitable and must be managed effectively;
- d) reflect badly on the WCED if they are not handled properly and timeously; and
- e) should lead to improvement.

5.3 Furthermore, the WCED:

- a) acknowledges the right of the public to complain when dissatisfied with a service and encourages feedback from stakeholders and the public;
- b) wants staff to be "complaint friendly" and not defensive or negative about feedback and complaints lodged; and
- c) recognises that properly handled and analysed complaints and feedback will help to improve relationships with stakeholders, and therefore time spent on handling complaints is an investment in better service to the public.

6. Complaints management system

The WCED has developed a system that informs the public of the following aspects of complaints management:

- a) Where to complain
- b) How to complain – the procedure
- c) What information is required
- d) How the complaint will be managed (time frames, progress reports, feedback)

7. Investigation and resolution process

7.1 Within the WCED, complaints are lodged at various levels. All these levels must be adhered to, failing which the complainant must be referred back to the level where the complaint should have been addressed and resolved. Complainants should not attempt to skip a level because they believe this will resolve their complaint quicker.

7.2 Complaints should be lodged with designated complaints officials authorised to resolve complaints.

7.3 If the complainant is not satisfied with the handling or outcome at school level, the matter may be escalated to the circuit inspector at the relevant district office. If the complaint cannot be resolved at district level it may be escalated to WCED Head Office. Some complaints could be resolved on the spot while others will need to be investigated by WCED officials.

7.4 Level 1: Handling of a complaint at school level

7.4.1 These are cases that can be handled at school level and should not be escalated to a higher level unnecessarily. Examples of such cases are issues relating to the following:

- a) Bullying
- b) End-of-year results
- c) Minor cases
- d) Complaints against educators or support staff at the school
- e) Miscommunication
- f) Management and governance at the school
- g) Learner discipline
- h) Admissions

7.4.2 If the complainant has not approached the school, they should be directed to the school to make an appointment to see the relevant official at the school (e.g. first the educator concerned, then the supervisor (departmental head)/deputy principal and then the principal). Where circumstances permit the complainant may approach the principal directly and an appointment should be made with the principal to lodge the complaint.

7.4.3 Only if the complainant is not satisfied with the handling or outcome of their complaint by the school, he or she may escalate the complaint to the next level.

7.5 Level 2: Handling of a complaint at district office level

7.5.1 At district office level the following are dealt with:

- a) Cases that could not be satisfactorily dealt with at school level.
- b) Complaints against the school itself.
- c) Cases referred by the school.

7.5.2 In all these instances, it is imperative that the complainant is able to prove that he/she has initially approached the school on the matter, but the complaint was not resolved to their satisfaction.

7.5.3 If it appears that the complainant has not approached the school, he/she should be directed back to the school where his/her complaint ought to have been handled first. Sometimes the complaint can be resolved by someone other than the principal and the initial receiver of the complaint may refer it elsewhere within the school.

7.6 Level 3: Handling of a complaint at Head Office level

7.6.1 At Head Office level the following are dealt with:

- a) Cases that could not be satisfactorily dealt with at district level.
- b) Complaints against the district office itself.
- c) Cases that are referred by the district office.

7.6.2 In all these instances, it is imperative that the complainants are able to prove that they initially approached the school and then the district office regarding the matter, but that the complaint was not resolved to their satisfaction.

7.6.3 If the complainant has not approached the school or the district office, he or she must be directed to make an appointment at the school or district office.

7.6.4 It should also be noted that the complainant must be informed of his/her right to appeal to the Provincial Minister of Education should they not be satisfied with the handling or outcome of their complaint.

7.7 Level 4: Handling of complaints by the Provincial Minister of Education

7.7.1 The Ministry of Education deals with the following:

- a) Cases that could not be satisfactorily dealt with at Head Office.
- b) Complaints against Head Office itself.
- c) Cases that are referred by Head Office.

7.7.2 If the complainant has not approached the school, the district office or Head Office prior to referring the matter to the Ministry, he or she must be directed to submit their complaint at the appropriate level first.

8. Responsiveness

It is imperative that:

- a) receipt of all written complaints is acknowledged and a time frame given for resolution;
- b) all stakeholders are made aware of the content of this protocol and the relevant procedures;
- c) all complaints are dealt with in a timely manner as per the timelines laid down in the procedures;
- d) some categories of complaints are dealt with more quickly than others (where necessitated);
- e) complaints are tracked;
- f) time frames for resolution are monitored; and
- g) complainants are provided with reasonable progress reports.

9. Assessment and action

The WCED requires that the following be adhered to in response to complaints.

- 9.1 The official responding to a complaint must indicate the following:
 - a) How the complaint will be assessed, e.g. urgency, seriousness, fairness, etc. or a combination of factors.
 - b) How the complaint will be acknowledged and investigated.
 - c) The basic steps that will be taken, e.g. natural justice (to ensure that both sides of the story are heard).
 - d) How outcomes will be recorded.
 - e) How privacy and confidentiality will be maintained.
 - f) How an anonymous complaint will be handled.
- 9.2 The level of investigation must be consistent with the seriousness and nature of the complaint. This includes:
 - a) identifying the true nature of the complaint and issues for investigation (this would involve contacting the complainant);
 - b) understanding the relevant legislation and policies;
 - c) identifying potential sources of information;
 - d) assessing information and sources impartially (as well as avoiding any possible conflict of interest);
 - e) properly recording the relevant information obtained during the investigation;
 - f) giving parties an opportunity to comment on information adverse to their interests;
 - g) ensuring findings are soundly based;

- h) avoiding pre-judgements and taking sides;
- i) providing adequate reasons for decisions;
- j) offering remedies where appropriate;
- k) providing the complainant with a progress report (in writing) on a weekly basis (line manager to be copied in on all correspondence); and
- l) handling all parties in a professional and sensitive manner.

10. Feedback

- a) During the investigation, complainants should be provided with a weekly progress report in writing (line manager should be copied in on all correspondence).
- b) After a decision has been made, the complainant should be advised in a written report of the final outcome within five working days.
- c) Reasons should be given for decisions taken.

11. Implementation date

This protocol comes into effect on 01 August 2017.

12. Review

This protocol must be reviewed when the need arises or in the case of changed circumstances, including changes to legislation and/or regulations and budgetary circumstances.

I,, Head of Department for Education in the Western Cape hereby approve the above protocol and guidelines.

.....(signed name)

.....(date)