

Need help in making a complaint?

Information about support persons and advocates

This guide helps families, parents, carers, support persons and advocates understand the role of a support person and advocate and how they can assist during the complaint process.

Some people have more difficulty than others in making a complaint or participating in the complaint process.

While families do not need a support person or advocate, it can be helpful to ask someone else to assist. When making a complaint, another person or agency can help with making and progressing a complaint.

Anyone aged 18 or older can be a support person or advocate for a parent, carer, student or family member making a complaint.

The role of a support person or advocate is to help make the complaint process easier for the person making the complaint. This includes reasonable help and support to understand:

- The process that will be followed to handle the complaint
- The likely time it will take to handle the complaint
- What is going to happen next and when
- Who to contact if there are any questions or concerns
- What to do if the person making the complaint is unhappy with the way the complaint is being handled or the outcome of the complaint.

A support person or advocate should not be used as an interpreter. If an interpreter is needed, the complaint manager can arrange onsite and telephone interpreting and translation services for meetings or interviews – just ask beforehand.

Before a support person or advocate gets involved, it can be helpful to think about their role - are they there to only provide support and assistance to the person making the complaint, or are they there to help to resolve the complaint issues?



The role of a support person

A support person is someone 18 years or older who assists in resolving a complaint by providing practical and emotional support to the person making the complaint. A support person can:

- Attend meetings
- Speak at meetings if they have information that is relevant to the situation
- Provide advice to the person making the complaint about rights and entitlements
- Clarify the process or proceedings
- Suggest a pause during meetings to support the person making the complaint and provide advice or assistance
- At the request of the person making the complaint, hold a private conversation with them during a meeting
- Take notes
- Help with implementing outcomes.

A support person can ask questions and provide information. For example, if they were directly involved in a situation and have information about what happened, or if they have ideas about the way forward.

It is not appropriate for a support person to provide information that the person making the complaint has told them – the support person's role is to help the person making the complaint to tell their own story.



The role of an advocate

An advocate is someone 18 years or older who is authorised to speak for the person making the complaint, to reach a resolution. In most cases this will be when the person making the complaint does not have the capacity to speak effectively or fully understand the actions arising from the meeting. In addition to providing the same assistance as a support person, an advocate can also:

- Provide any input into the discussions relating to the complaint, and
- Agree to action being taken or not taken.



Working with schools – some tips

Schools want to resolve issues quickly and at the local level. We encourage parents, carers, family members, support persons and advocates to work cooperatively with the person managing the complaint and school representatives to resolve complaints.

- It can help to focus on the facts relevant to the issue and the outcomes for students
- Communicate reasonably, rather than using rude or abusive language
- While any person age 18 or over can potentially support or advocate for a person making a complaint, the complaint manager can decide not to engage with someone nominated by the person making a complaint if they have reasonable grounds. For example, if it is reasonably perceived that the person may pose a risk to the health or safety of others, or where their entitlement to information about a child has been restricted by law
- If a legal representative is acting as a support person, it is important they allow the complainant to be heard and don't dominate the process. Remember that the role of a support person is as a witness or adviser, not as an advocate
- Generally, one person will be nominated to manage the complaint process. In schools, the complaint manager may be the principal or another member of the school staff

- The complaint manager may decide to have another person present at meetings - to support them, provide expert advice in any discussion, observe, or take notes
- Unless otherwise agreed, all details of the complaint and its resolution should remain confidential

There are times when a person who is nominated as a support person or advocate may not be the best person to be involved in the complaint resolution process. For example:

- When the support person or advocate has been directly involved in the situation and may not be able to act in the best interests of the person making the complaint
- Other family members or significant people may be included in the complaint process where it is appropriate. If a partner or family member is being considered as a support person, keep in mind that personal information may be disclosed during the meeting that the person may not have previously been aware of.

Meetings or discussions may be terminated if a person behaves in an unreasonable or unacceptable way. Unacceptable behaviour may include but is not limited to:

- Aggressive or intimidating actions and language such as violence, threatening gestures, use of obscenities and making sexist, racist or derogatory comments
- Redirecting the meeting away from its stated purpose
- Inappropriate and time wasting communication
- Making an electronic recording of a meeting or phone call without the consent of all of the people who are participating in the meeting or phone call.