

Education Ombudsman

An Ombudsman is an independent authority which examines the activity of a government agency or department, in the interest of the public and is empowered to investigate complaints regarding improper behaviour by such a department. Being completely external to the department and government, an Ombudsman avoids the conflicts of interest that can be inherent in self-policing.

There are a number of distinct Ombudsmen – both federal and state – specifically appointed to protect the public interest. These include:

- The State Ombudsman
- Energy Ombudsman
- WorkCover Ombudsman
- Telecommunications Ombudsman
- Financial Services Ombudsman

We have an Ombudsman for most areas of life – except for education.

Despite education being both a government and private service, which every single Australian will use for more than a decade and despite being the second largest government employer, there is no independent person or body to go to if you or your child are being treated unfairly. Currently, if a person is dissatisfied with the conduct of the education department, their only option is to make a complaint to the education department. An Education Ombudsman would instead provide an independent body for these people to turn to with their concerns.

In 2004, the state opposition revealed that the number of education-related complaints to the State Ombudsman had risen by 25% in the previous year¹. In response, the Liberal Party introduced the *Education Ombudsman Bill 2005*. The Bill was “to provide for the making and resolution of complaints against education service providers; to make provision in respect of the rights and responsibilities of people involved in the education system; and for other purposes”².

Following the failure of the Liberal’s 2005 Bill, the Hon Robert Brokenshire MLC introduced the *Education (Ombudsman and School Discipline) Amendment Bill 2008* - which would make the existence of an Education Ombudsman part of the Education Act. In March 2009, a second reading of the Bill referenced ‘appalling’ tales from the education system; including neglect of children, disregard for parents concerns and inappropriate treatment of teachers³. The Bill “appoints an education ombudsman independent of government with the powers of a royal commission, as is the case with the state ombudsman”³.

Reports of problems in our education system are all too common; from teacher’s union complaints about stress placed on under-resourced staff, to parents feeling pressured to vote for school closures, to a seeming epidemic of bullying, to the ongoing complaints SAASSO receives from parents and Governing Councils across the state - we may be free to complain to the government, but they are free to ignore us.

Recommendation

- The State Government acknowledge the need for an independent watchdog for education, to ensure that those South Australians who use public education, contribute to public education or are stakeholders in public education are treated fairly and with respect.
- The State Government support the creation of an Education Ombudsman.

1. ABC News, 2004, ‘Call made for SA education ombudsman’, 27 December 2004, URL: <http://www.abc.net.au/news/stories/2004/12/27/1272619.htm>

2. Education Ombudsman Bill 2005, South Australian Bills, URL: <http://www.austlii.edu.au/au/legis/sa/bill/eob2005207/>

3. Education (Ombudsman and School Discipline) Amendment Bill 2008, Second Reading, 4 March 2009, URL: http://hansard.parliament.sa.gov.au/pages/loaddoc.aspx?eD=2009_03_04&c=40&e=2