

HELEN'S WAY POSITION PAPER

Somewhere to turn: the case for an independent complaints body for school students

When a school and a family reach a deadlock over a student's support, there is no independent umpire with the expertise and the power to resolve it. This paper sets out why that gap matters, who is already calling for it to be closed, and the models that show it can be done.



Position paper · Reform Priority 4



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Australian school education

About this paper. This is a position paper of Helen's Way. Helen's Way advocates for neurodivergent learners in mainstream education settings across Australia whose intellectual ability is on par with their peers — students whose barrier is the *way* learning and support are delivered, not the *what*. An independent complaints body would serve these students, and every other student and family who reaches a deadlock they cannot resolve.

AT A GLANCE

- When a family and a school disagree about a student's support, the complaint is usually handled by the very institution being complained about.
- No existing body combines independence, education and neurodivergence expertise, the authority to investigate the substance of a dispute, and the power to require a change. Even the children's and youth commissioners are systemic advocates that do not resolve individual cases.
- This reform is already called for by three formal inquiries and at least five advocacy organisations — nationally and across states.
- The model already exists: an independent complaints body runs federally for university students, another runs in Victoria for government schools, and independent oversight of school complaints is the international norm.
- Helen's Way calls for a genuinely independent complaints function for school students — whether a new body or an existing office given the powers — with investigatory powers, the authority to mandate outcomes, and a low-barrier process families can actually use.

01 The problem: families hit a wall

Every day, families of neurodivergent students work to get the right support in place at school. Most issues are resolved through goodwill and good practice. But when they are not — when a family and a school reach a genuine deadlock about adjustments, inclusion, or how a student is being treated — the family discovers there is nowhere independent to turn.

In New South Wales, for example, a parent can approach the Australian Human Rights Commission, Anti-Discrimination NSW, or the NSW Ombudsman. Each of these has real value, but none is a fit for the problem. The Ombudsman covers public schools only, and generally examines how a complaint was *handled* rather than the substance of the complaint itself. The discrimination bodies can only conciliate a matter that can be framed as discrimination. None of these bodies has expertise in neurodivergence or education, the authority to investigate the actual decision about a student's support, or the power to compel a school or department to change course. The situation is broadly similar across Australian jurisdictions.

There are also dedicated offices for children and young people — the NSW Advocate for Children and Young People and, nationally, the Children's Commissioner. It is reasonable to ask whether a family should simply go to them. But by design these are *systemic* advocates: their statutory role is to speak up on children's issues in general, and they are directed to focus on systemic matters and refer individual concerns elsewhere — not to take, investigate, or resolve one family's dispute with a school. They are valuable, but they are not the independent umpire this gap requires.

The result is a system that, in practice, investigates itself. Families describe the effect plainly:

"Complaints are useless as education department does not follow them up. There is no accountability by schools or teachers who are breaking disability discrimination law."

— A parent, quoted in Parents for ADHD Advocacy Australia, *Parent & carer experiences of ADHD in Australian schools: Critical gaps* (2018), p.15. In the same survey, just 2% of parents had ever lodged a discrimination-in-education complaint.

This is not only how families feel — it is what the independent umpire found. When the **NSW Auditor-General** examined the Department's complaint handling in 2024, it identified the same conflict of interest: students with disability and their families *"may be reluctant to make complaints about their school, to their principal, perceiving a conflict of interest and risk of negative consequences."* The audit also found the Department *"does not have oversight of the number, type or trends in complaints arising at the school level,"* and pointed to the Disability Royal Commission's call for complaints offices that *"operate within educational authorities at arm's length from schools"* — a recommendation all governments accepted in principle in July 2024. The audit went on to direct the Department to enhance its support to families to resolve conflicting views *"in a timely manner"* — a recommendation it set for delivery by **January 2026**. That deadline has now passed, and the independent avenue families need is still not in place. (NSW Auditor-General, *Supporting students with disability*, 2024, pp.62–63; recommendation and timeframe at p.7.)

The current problem

- ✗ Complaints are handled by the institution being complained about
- ✗ No independent body with investigatory power over the substance exists
- ✗ Children's commissioners can advocate on systemic issues but cannot resolve individual cases
- ✗ Outcomes are rarely binding
- ✗ The process is slow, bureaucratic, and inaccessible to most families

What we're calling for

- ✓ A genuinely independent complaints function — a new body, or an existing office given the mandate and powers — separate from education departments
- ✓ Investigatory powers and the authority to mandate outcomes
- ✓ Expertise in education and neurodivergence (which can be built or brought in)
- ✓ An accessible, low-barrier process with transparent public reporting

02 Why it matters

The families who eventually get somewhere are those with the persistence, the knowledge, and the resources to navigate a complex and discouraging system. Families who do not have that time or confidence — and they are the majority — absorb the outcome quietly, because there is nowhere else to go. That is not a fair test of whose child deserves support.

The stakes are not abstract. In CYDA's 2024 education surveys, "three in four reported being bullied (75%)" and nearly the same number "were excluded from school activities or events (72%)" — both figures up on 2022 (70% and 65%) (CYDA, *Snapshot of children and young people with disability in Australia, 2026, p.29*). When harm and exclusion at this scale are rising, and complaints are still handled by the schools involved, an independent umpire is not a luxury.

An independent umpire changes the equation for everyone. It gives families a credible avenue that does not depend on their capacity to fight. It gives schools and teachers a fair, expert process rather than an adversarial standoff. And it gives the system something it currently lacks: transparent, aggregated evidence of where disputes arise, so problems can be fixed at their source rather than one exhausted family at a time. Whether that umpire is a brand-new body or an existing office given the mandate and powers matters far less than the powers themselves: expertise can be built or brought in, but the authority to investigate and to compel change has to be legislated.

"A complaints body with genuine independence, investigatory authority, and the power to mandate outcomes would change this equation fundamentally."

03 This is already widely called for

This is not a fringe idea. An independent complaints or oversight mechanism has been recommended by successive formal inquiries and is actively championed by advocacy organisations nationally and across states — including groups whose focus is *all* students, not only those with disability.

Formal inquiries and advocacy organisations calling for independent complaints or oversight in school education (verified against each source, July 2026).

Who	Level	What they call for
Disability Royal Commission (2023)	National	A full volume dedicated to independent oversight and complaint mechanisms for people with disability.
NSW Reports 37 (2017) & 52 (2024)	State	Parliamentary inquiries into disability in NSW education pointing to stronger, more independent complaint handling.
All Means All	National	An independent tribunal or commission established by national harmonised legislation, plus an independent national oversight body with "own motion" powers to run systemic inquiries.

Who	Level	What they call for
Children and Young People with Disability Australia (CYDA)	National	Clear, independent and accountable mechanisms for students and families to raise concerns safely, backed by independent oversight.
Family Advocacy (NSW)	State	An independent complaints process with an independent review panel and appeal rights, requiring legislation.
Queensland Advocacy for Inclusion (QAI)	State	An independent complaints body able to investigate, issue binding decisions, and monitor systemic issues across all school sectors.
SAASSO (SA state-school parents)	State · all students	An independent Education Ombudsman for all public-school students — a position it has held since 2009.

04 The model already exists

The strongest answer to "is this realistic?" is that independent education complaints bodies already operate in Australia — just not for most school students. Two working examples show both the federal and the state path.

FEDERAL · HIGHER-ED STUDENTS

National Student Ombudsman

Opened in February 2025 as an independent national complaints body for higher-education students, with powers to investigate and make recommendations. It shows the Commonwealth can establish an independent student complaints body — it simply does not yet extend to schools.

STATE · GOVERNMENT SCHOOLS

Victoria — Independent Office for School Dispute Resolution

Operating since 2017, this independent office uses external dispute-resolution experts to review complex, deadlocked complaints in Victorian government schools, separate from the department. A working state-level template.

The international picture points the same way. The OECD found that around two-thirds of OECD countries had an ombudsman or agency to receive complaints related to public schools (*Education at a Glance 2010*) — the figure SAASSO cites in its own campaign. Independent oversight has only become more common since. By 2023 the OECD reported that "almost all OECD countries have in place a person

or an office that serves as a children or youth ombudsperson" (*Child participation in decision making*, OECD Education Working Paper No. 301, 2023), and in Europe the network of children's ombudsman institutions (ENOC) now spans 44 bodies across 34 countries.

One honest caveat matters here, and it sharpens the point rather than softening it: a general children's or youth ombudsperson is not the same as a dedicated, powered umpire for individual school disputes. Independent oversight of children's rights is now the international norm — what Australia's school students still lack is a body with the expertise *and* the power to resolve their specific dispute. On that measure, they are the outlier, not the model.

05 What a good complaints body looks like

Drawing the common threads from the inquiries and advocates above, an effective independent complaints body for school students would be defined by a handful of features. Independence and expertise are what make it credible; investigatory power and binding outcomes are what make it useful.

→ **Genuinely independent**

Structurally separate from education departments and schools.

→ **Expert**

Real expertise in education and in neurodivergence, not just process.

→ **Investigatory**

Able to examine the substance of a decision, not only how a complaint was handled.

→ **Empowered**

Authority to mandate outcomes, so findings lead to change.

→ **Accessible**

A low-barrier process families can use without legal help or insider knowledge.

→ **Transparent**

Public, aggregated reporting so systemic problems surface and get fixed.

06 Helen's Way's position

Helen's Way calls for the establishment of a genuinely independent complaints function for school students — whether a new body or an existing office given the mandate and powers — with investigatory powers, the authority to mandate outcomes, expertise in education and neurodivergence, and a process families can actually access. We do not mind, in the long run, whether the answer is a new office or an expanded remit for an existing one: expertise can be learned or brought in, but the powers must be real. Because complaints and accountability span both federal and state responsibilities, both levels of government need to act.

The state and national Children's and Young People's Commissioners cannot resolve individual disputes, but their mandate to advance children's rights at a systems level makes them natural allies for this change. We would welcome working alongside them to campaign for it.

This reform is not radical. It is already recommended by inquiries, already championed by advocates across the country, and already working in two forms in Australia today. What is missing is the will to give *school* students, and the families beside them, somewhere independent to turn. That is the gap this reform closes.

Add your voice. You can endorse this reform, and the three others in our agenda, on the Helen's Way Reform Agenda.

07 Sources

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability — *Final Report, Volume 11: Independent oversight and complaint mechanisms* (2023). disability.royalcommission.gov.au

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Positions were verified against each organisation's own published source in July 2026.

Helen's Way — a volunteer-led advocacy initiative for neurodivergent learners in mainstream education settings across Australia. Every fact and figure is verified against its primary source before publication; our resources are researched, written and checked by volunteers with the help of AI tools. Prepared July 2026. An advocacy resource, offered in a spirit of partnership with governments — general information only, not legal advice. helensway.au