



# Dealing with Complaints Policy



<b>Policy Number</b>	QA 7/9	<b>Title</b>	Dealing with Complaints Policy
<b>Revision</b>	1.2	<b>Written By</b>	Nominated Supervisor
<b>Reviewed By</b>	EHOOSH Management Committee	<b>Approved By</b>	EHOOSH Management Committee
<b>Supersedes</b>	Version 1.1	<b>Effective Date</b>	April 2024

The ***Dealing with Complaints Policy*** should be read in conjunction with related policies, procedures and plans including:

- Incident, Injury, Trauma, and Illness Policy
- Providing a Child Safe Environment Policy
- Child Safe Policy
- Child Safe Reporting Policy
- Child Protection Policy
- Conditions of Employment Policy
- Interactions with Children Policy
- Enrolment and Orientation Policy
- Governance and Management Policy

### The main regulatory requirements related to complaints are:

- The approved provider must notify the regulatory authority in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached and a child's health, safety or wellbeing has been compromised.
- The name and telephone number of the person to whom complaints can be made must be clearly displayed at the service (Regulation 173, Section 172).

## 1. Policy Statement

We recognise that children, families, educators, other staff and the community need to feel confident that any concerns or issues they may raise will be handled promptly and professionally. We will provide effective complaints management which meets our family's needs.

An effective complaints and grievance management system confirms to staff, families and the community that complaints and grievances are taken seriously and investigated promptly, fairly and thoroughly. Effective management of complaints may inform quality improvement processes and is an efficient way of considering and acting on feedback from families.

Children's safety, health and wellbeing is our key priority. In line with regulatory requirements, we notify the regulatory authority of any complaints alleging the occurrence of a serious incident or contravention of the *Education and Care Services National Law*.

Our families are integral to our service. We welcome their input into all aspects of our service's operation, including any complaints they may have.

We welcome complaints as an opportunity to enhance the quality of our education and care practices. We reflect on each complaint received, identifying any issues or areas of improvement for our service.

All complaints will be dealt with promptly and confidentially in a manner that:

- Values the opportunity to be heard
- Promotes conflict resolution
- Encourages the development of harmonious partnerships
- Ensures that conflicts and grievances are mediated fairly, and is transparent and equitable

## 2. Background

The *Education and Care Services National Regulations* require approved providers to ensure their services have policies and procedures in place for dealing with complaints.

Our *Dealing with Complaints Policy* is child focused and means our children, educators, management, coordinators, other staff, families, and the community can be confident that complaints and grievances are taken seriously and addressed effectively.

The *Guide to the National Quality Framework* describes how an effective system for dealing with complaints confirms to children, educators, staff, families, and the community that complaints and grievances are taken seriously and investigated promptly, fairly, and thoroughly.

Effective complaints management is an efficient way to consider and act on feedback from families and inform quality improvement. Complaints offer service leaders a valuable opportunity to improve the quality practices of their education and care. Each complaint can serve as a catalyst for reflection on the service's processes, procedures and practices, allowing for meaningful change.

## 3. Procedures

### 3.1. Preparing for Complaints

The service's written procedures for managing complaints are made available to families. They are provided on the 'Policy' page of our website and included in our Family Handbook.

We communicate with children and families regarding our complaints procedures through the following measures:

- The complaints policy and procedures are discussed with families during the enrolment and orientation process.
- Children and families are encouraged to discuss concerns as soon as possible, so that the issues raised can be dealt with immediately.
- Our staff and educators remain responsive to feedback from both children and families.
- Signs for families on how to raise concerns are displayed at the entry.
- A QR code for accepting feedback or raising concerns is displayed at the entry, with the option to make complaints anonymously.

## 3.2. Receiving Complaints

We have a clear process for receiving complaints regardless of how the complaint is received.

All complaints, even straightforward matters that are easy to resolve, are to be communicated to the Nominated Supervisor. Straightforward matters can be resolved by the Responsible Person in Charge with more serious or complex matters escalated to the Nominated Supervisor or in their absence, the Leadership team and/or the Approved Provider.

Complaints or concerns raised by families or children that cannot be addressed immediately are documented in our *Children and Families Complaints Form*. This includes complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached.

Complaints in the nature of a suspicion, allegation or disclosure of child abuse, or a complaint of unacceptable behaviour against an employee, volunteer, or persons with management control within the organisation will be documented immediately in the *Complaints and Allegations Record Form*.

Complaints alleging that a child is exhibiting harmful sexual behaviours will be documented immediately in our *Child Protection Concern Report*. The complaint will be welcomed, and the complainant thanked for bringing it to the Service's attention.

All complaints will be received calmly and in a professional manner. Staff are asked to actively listen to the complainant and ask questions to clarify or improve their understanding of the issues. We will support people to feel safe or comfortable when making a complaint, including children. The service's *Receiving complaints Checklist* is available for supporting people to receiving complaints.

### 3.3. Managing Complaints

The Nominated Supervisor, Leadership Team, or Approved Provider will:

- Document the complaint and adhere to any legal requirements associated with it.
- Communicate with the complainant at all stages of the process, providing clear timeframes and details on how the complaint could be resolved.
- Prioritise the issue and address it as soon as possible.
- Discuss the complaint with the complainant and document the discussion in the appropriate form. The complainant will be invited to suggest how the situation could be resolved to their satisfaction.
- Aim to resolve the problem immediately whenever possible. If immediate resolution is not feasible, the complainant will be informed accordingly.
- Determine, on a case-by-case basis, who will be responsible for investigating complaints if necessary.
- Ensure that complaints are promptly, fairly, and thoroughly investigated.
- If the complaint involves a staff member, consider standing the staff member down during the investigation, ensuring confidentiality as outlined in our reporting policy.
- Keep the complainant's details confidential if the complaint involves another child and/or their family, while providing support to both families.
- Allow all parties involved to agree to the appointment of a mediator if mediation is necessary.
- If the issue is beyond the control of the Service, explain this to the complainant and provide information on who they can contact if they wish to escalate the matter further.
- Ensure that paper records related to complaints are securely stored.

### 3.4. Reporting Complaints

- The nominated Supervisor, or in their absence, the 2IC, will notify the regulatory authority within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached.
- Other reporting obligations and timelines are outlined in our *Child Safe Reporting Policy*.

### 3.5. Review and Evaluation of the Service

Each complaint will be viewed by the Service as an opportunity for improvement. After the complaint or grievance has been dealt with, it will then be further analysed to find out how or why the problem occurred with a view to determining whether the Service should implement any changes to policy or operational procedures to avoid similar problems in the future.

Continuous improvement is an essential practice for education and care services and an underpinning requirement of the National Quality Framework. Complaints and grievances can be used to identify a focus for critical reflection of practices, programs, and team performance.

Complaints can be used as a positive resource for self-assessment and can inform the service's philosophy, quality improvement plan, policies, and procedures. Services require the constant review of a changing environment to enable continuous improvement and using the complaint or grievance as the basis could assist in achieving continuous improvement.

### 3.6. Confidentiality

All conversations with families and children pertaining to complaints will take place in a quiet area away from children, other families and educators.

Where a family wishes their grievance to remain confidential this will be honoured. However, families must be conscious of the fact that issues cannot always be resolved if they choose to remain anonymous.

Where an educator believes they will have to share a confidence with another person in order to resolve an issue, or if the nature of a complaint requires that a third party has to be informed in order to meet legislative requirements, the educator will inform the family of this need prior to any further discussions on the matter.

### 3.7. Child Focused

Ensure that the provision of the complaint handling system is child focused, with processes for children to understand who to talk to if they are feeling unsafe and know what will happen if they do.

Ensure that educators, staff, volunteers and students are aware of their responsibilities under child protection law and gain an understanding of the different ways children express concern or disclose harm.

### 3.8. Supporting Staff and Educators

The service will:

- Ensure all educators and other staff understand their responsibilities in relation to complaints, as well as the processes for responding to disclosures from children.
- Provide induction training for the educators and other staff in complaints management.
- Provide regular updates and reviews at team meetings on complaints management and the procedures.
- Provide training in investigation best practice to the individuals who will be asked to lead as part of their role/responsibilities.
- Consider what complaints may require an external investigation (if a conflict of interest exists or if no one at the service holds the requisite skills).
- If a complaint has impacted the wellbeing of any staff member, we will seek opportunities to offer support.

## 4. Roles and Responsibilities

### Approved Provider

- Ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Take reasonable steps to ensure that nominated supervisors, educators and staff follow the *Dealing with Complaints Policy* and procedures.
- Ensure that copies of the policy and procedures are readily accessible to nominated supervisors, coordinators, educators and staff, and available for inspection.
- Ensure educators, staff, volunteers and students are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures.
- Notify families at least 14 days before changing the policy or procedures if the changes will:
  - Affect the fees charged or the way they are collected or
  - Significantly impact the service's education and care of children or
  - Significantly impact the family's ability to utilise the service
- Regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly.

### Nominated Supervisor

- Ensure that regulatory obligations are met in relation to dealing with complaints.
- Ensure the name and contact number of the person to whom complaints can be made is clearly displayed at the service.
- Ensure that the regulatory authority is notified in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached.
- Discuss the complaint with the complainant and make notes from the meeting or discussion.
- Ensure the inclusion of policies and procedures for managing complaints alleging that a child is exhibiting harmful sexual behaviours.



- Ensure policies and procedures dealing with complaints include matters relating to the provision of a complaint handling system that is child focused.
- Ensure educators, staff, volunteers and students are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures.
- Implement procedures for dealing with complaints.
- Inform families and the broader service community of the dealing with complaints policy and procedures.
- Discuss the complaint with the complainant.
- Ensure the approved provider is aware of the complaint, if it is a notifiable complaint, or if a complaint cannot be resolved.
- Ensure the complaint is documented.
- Work co-operatively with the approved provider, educators, staff and/or the complainant during the investigation or resolution of a complaint.
- Ensure educators, staff, volunteers and students are well informed about their child protection responsibilities and reporting and privacy obligations.
- Ensure educators, staff, volunteers and students are well informed about the different ways children express concerns or distress and disclose harm, as well as processes for responding to disclosures from children.
- Regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly.
- Ensure that complaints result in reviews of relevant policies, procedures and practices.

#### **Educators**

- Understand and implement the *Dealing with Complaints Policy* and procedures.
- Report all complaints received to the nominated supervisor and/or approved provider promptly so timeframes can be adhered to.
- Support the nominated supervisor and approved provider in the investigation and/or resolution of complaints.

	<ul style="list-style-type: none"> <li>• Understand and are aware of child protection law and their individual responsibilities.</li> <li>• Are aware of the different ways children express concerns or distress and disclose harm, as well as the processes for responding to disclosures from children.</li> <li>• Support children to know who to talk to if they are feeling unsafe and understand the complaint handling processes.</li> </ul>
<p><b>Families</b></p>	<ul style="list-style-type: none"> <li>• Be familiar with and follow the <i>Dealing with Complaints Policy</i> and procedures.</li> <li>• Raise any issues or complaints in line with the policy and procedures.</li> <li>• Cooperate with service representatives dealing with complaints.</li> </ul>

## 5. Key Terms

Term	Meaning	Source
<b>ACECQA – Australian Children’s Education and Care Quality Authority</b>	The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.	<a href="http://acecqa.gov.au">acecqa.gov.au</a>
<b>Complaint</b>	Expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.	Australian and New Zealand Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014
<b>Complaints handling</b>	Effective resolution of a problem before it becomes worse and providing a remedy.	Commonwealth Ombudsman – Better practice complaint handling guide
<b>Investigation</b>	<p>A formal and systematic inquiry to establish facts about a complaint by collecting, documenting, examining and evaluating evidence.</p> <p>An investigation is not an end. Throughout an investigation, the investigator should keep an open mind about the possible outcomes of the investigation, such as education, compliance action, or a decision not to pursue the matter.</p>	Guide to the NQF (Regulatory Authority Powers – Monitoring, compliance and enforcement)
<b>Personal information</b>	Information or an opinion about an identified individual, or an individual who is reasonably identifiable:	Privacy Act 1988 (Cth)

	<ul style="list-style-type: none"> <li>a. whether the information or opinion is true or not; and</li> <li>b. whether the information or opinion is recorded in a material form or not.</li> </ul>	
<p><b>Serious incident</b></p>	<p>Any incident involving serious injury or trauma to a child occurring which a reasonable person would consider required urgent medical attention from a registered medical practitioner: or for which the child attended, or ought reasonably to have attended hospital. For Example, a broken limb.</p> <p>Any circumstance where a child appears to be missing or cannot be accounted for; or appears to have been taken or removed from the premises in a manner that contravenes these Regulations; or is mistakenly locked in or locked out of the premises.</p>	

## 6. Legislative Requirements

Section 172	Offence to fail to display prescribed information
Section 174	Offence to fail to notify certain circumstances to Regulatory Authority
Regulation 84	Awareness of child protection law
Regulation 167	Record of service's compliance
Regulation 168	Education and care services must have policies and procedures
Regulation 170	Policies and procedures to be followed
Regulation 171	Policies and procedures to be kept available
Regulation 172	Notification of change to policies or procedures
Regulation 173	Prescribed information to be displayed
Regulation 176	Time to notify certain information to Regulatory Authority

## Revision Chronology

Version Number	Date	Reason for Change
1.0	April 2018	Endorsed by OOSH executive committee
1.1	April 2021	Review and evaluation
1.2	April 2024	New format. Includes guidance from <a href="#">ACECQA's Policy and Procedure Guidelines</a>