

Complaints Handling

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

Policy Statement

Our education and care service affirms that people have a right to question and influence decisions made and services provided. We take complaints seriously and manage them in a confidential, timely, transparent and meaningful way. We achieve this by:

- Maintaining the confidentiality of all parties in line with policy and legislative requirements.
- Acknowledging that the common goal is to achieve an outcome acceptable to all parties.
- Acting in good faith and in a calm and courteous manner.
- Showing respect and understanding of each other's point of view and value difference, rather than judge and blame.
- Recognising that all parties have rights and responsibilities which must be balanced.
- Handling complaints objectively and ensuring that complainants do not suffer any reprisals from making a complaint.

Background

The *Education and Care Services National Regulations* require approved providers to have policies and procedures about dealing with complaints which reflects a complaint handling system at the service that is child focused. This also includes the management of a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child.

Providers and educators play an important role in making informed professional judgements regarding sexualised behaviour involving children. Not all sexual behaviour involving children poses a risk to their safety. It may be age-appropriate and expected sexualised behaviour.

Informed judgements regarding sexualised behaviour help to ensure the health, safety and wellbeing of children by:

- supporting healthy sexual development (age-appropriate sexualised behaviour)
- protecting them from harm or abuse (inappropriate or problem sexualised behaviour).

Note that in some cases, sexualised behaviour involving children may fall within reporting requirements under other laws.

Managing a Complaint

Where possible, complaints will be dealt with immediately, by the child's educator as this is usually the person with the closest relationship with the family. If the complaint is about an issue that the educator considers to be outside their control, or the family does not feel they wish to share it with the educator, the complainant will be directed to the appropriate person for their complaint to be resolved.

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

- Committee will be informed for serious complaints, or complaints involving the Responsible Person or Nominated Supervisor
- The educator will attempt to diffuse emotions by acknowledging what they are feeling, and state positively that you wish to seek a solution to the issue that is causing concern.
 - ask questions to help identify or clarify their concerns. For example, the statement, “I never know what is happening with my child” may be further clarified by asking questions such as, “What things would you like our service to share with you about your child’s day?”
 - ask the complainant if they have any strategies or solutions that they feel could be put in place to resolve their issues.
- If possible, the problem will be resolved immediately. If this is not possible, the complainant will be advised that the issue will be given high priority and dealt with as soon as possible and a suitable time and place will be organised to discuss the issue.
- If the issues are complex the complainant will be asked to put their concerns in writing.
- The complaint will be documented and any legal requirements in relation to the complaint considered, such as the need to notify regulatory authorities.
- The Responsible Person will be made aware of the documentation and inform the Nominated Supervisor. If necessary, the Management
- Where mediation is required all parties will have the right to agree to the appointment of the mediator.

Notifiable Complaint

Complaints alleging that the safety, health or wellbeing of a child was or is being compromised, or that the law has been breached must be reported by the Approved Provider to the Regulatory Authority within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

Refer to the service Child Protection procedures.

Complaints, incidents and serious incidents must be notified to the Regulatory Authority through the National Quality Agenda IT System (NQA IT System). Log in to access the portal where you can select the incident or complaint type and enter the required information.

Persons with Management and Control (Management Committee and Nominated Supervisor) are required to notify the Regulatory Authority of a complaint that alleges:

- A serious incident has occurred or is occurring while a child is being educated and cared for by a service.
- The National Law and/or National Regulations have been contravened.

A serious incident can include:

- Any incident where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.
- Any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.

- The death of a child while that child is being educated and cared for at the service or following an incident while that child was being cared for by the service.
- A serious injury or trauma while the child is being educated and cared for, which:
 - Required urgent medical attention from a registered medical practitioner; or
 - The child attended or should have attended a hospital.
- Any incident involving serious illness at the service, where the child attended, or should have attended a hospital (e.g. severe asthma attack, seizure or anaphylaxis).
- Any circumstance where a child appears to be missing or cannot be accounted for.
- Any circumstance where a child appears to have been taken or removed from the service premises by someone not authorised to do this.
- Any circumstance where a child is mistakenly locked in or locked out of the service premises or any part of the premises .
- Any emergency for which emergency services attended. NOTE: It does not mean an incident where emergency services attended as a precaution.

A serious injury, illness or trauma includes but is not limited to:

- Amputation
- Anaphylactic reaction requiring hospitalisation
- Asthma requiring hospitalisation
- Broken bone/Fractures
- Bronchiolitis
- Burns
- Diarrhoea requiring hospitalisation
- Epileptic seizures
- Head injuries
- Measles
- Meningococcal infection
- Sexual assault
- Witnessing violence or a frightening event

Direct Complaints

Families and staff can make a complaint directly to the Regulatory Authority where the complaint alleges that:

- The safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service.
- The relevant legislation has been contravened.

Contact details are available in the Welcome Booklet and in the Information notice board on the veranda.

Follow-Up and Review

Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with:

- We will analyse the complaint to determine if any policy or procedural changes need to be implemented.
- The Management Committee and NS will follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction. The complainant will be contacted to determine if they were satisfied with the way the issue was resolved, and educators' will be consulted about the outcome from an operational viewpoint.

Roles and Responsibilities

Role	Authority/Responsibility For
Management Committee/ Approved Provider	• When a complaint or grievance has been assessed as 'notifiable', the Management Committee must notify Regulatory Authority within 24 hours. • In instances where the complainant reports directly to the Regulatory Authority, the Management Committee will still have responsibility for investigating and dealing with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by the Regulatory Authority. • Identifying, preventing and addressing potential concerns before they become formal complaints/grievances. • Ensuring that the name and telephone number of the person to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service. • Ensuring that the address and telephone number of the Regulatory Authority displayed prominently at the main entrance of the service. • Advising parents/guardians and any other members of the service community of the complaints and grievances policy and procedures upon enrolment. • Ensuring that this policy is always available for inspection at the service. • Providing a Complaints and Grievances Register.

Role	Authority/Responsibility For
Director/ Nominated Supervisor	• Responding to and resolving issues as they arise where practicable. • Discussing minor complaints directly with the party involved as a first step towards resolution. • Informing complainants of the service's complaints and grievances policy recording all complaints and grievances in the Complaints and Grievances Register. • Notifying the Management Committee if the complaint escalates or is unable to be resolved appropriately in a timely manner. • Providing information as requested by the Management Committee e.g. Written reports relating to the grievance. • Complying with the service's privacy and confidentiality policy and always maintaining confidentiality. • Working co-operatively with the Management Committee, in any investigations related to a complaint made.
Early Childhood Educators	• Ensure that grievances and complaints are dealt with in accordance with this policy. • Listen to and aim to resolve complaints and grievances in a positive way. • Report any grievances and complaints to the Responsible Person and/or Nominated Supervisor and maintain all relevant documentation. • As requested, support the Nominated Supervisor and Management Committee in the above roles.
Families	• Raising a complaint directly with the person involved, to resolve the matter without recourse to the complaints and grievances procedures. • Communicating any concerns relating to the management or operation of the service as soon as is practicable. • Raising any unresolved issues or serious concerns directly with the Management Committee, via the Nominated Supervisor or staff. • Always maintaining complete confidentiality. • Co-operating with requests to provide relevant information when requested in relation to complaints and grievances.

Monitoring, Evaluation and Review

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every two years. Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved. In accordance with R. 172 of the *Education and care services National Regulations*, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

Approved by Management Committee	Signature:
Date Approved:	Date of Review:
Date Adopted:	Review Cycle: Bi-annual

Related Guidelines, Standards, Frameworks

- National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1

Related Legislation

- Education and Care Services National Law Act 2010: Sections 172, 174, 174A
- Education and Care Services National Regulations: Regulations 143B, 168 - 173, 176
- Privacy Act 1988 (Cth)
- Privacy Regulation 2013

Sources

- ACECQA – www.acecqa.gov.au
- ACECQA: Using Complaints to Support Continuous Improvement - www.acecqa.gov.au/sites/default/files/2023-10/QA7_UsingComplaintsToSupportContinuousImprovement%20-%20September.pdf
- Australian and New Zealand Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014 - <https://store.standards.org.au/product/as-10002-2022>
- Commonwealth Ombudsman: Better practice complaint handling guide - www.ombudsman.gov.au/_data/assets/pdf_file/0019/112276/Better-Practice-Guide-FINAL-v6-A2111312.pdf
- ACECQA: Dealing with Complaints Policy Guidelines - www.acecqa.gov.au/media/31941
- NSW Ombudsman: Effective complaint handling guidelines - www.ombo.nsw.gov.au/guidance-for-agencies/effective-complaint-handling
- ACECQA: Reporting requirements about children: www.acecqa.gov.au/resources/applications/reporting#reporting%20requierments%20under%20other%20laws