

# COMPLAINTS HANDLING

## POLICY STATEMENT

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

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

## GOALS

To ensure the feedback of children, educators, staff, families and the wider community is a mechanism to support the continuous improvement of our service.

## STRATEGIES

### Making a complaint

Written guidelines detailing complaint procedures are available in our enrolment handbook. This is also displayed in the office for easy reference.

Families may make a complaint directly to the child's educator, the Approved Provider or the Nominated Supervisor.

Educators will discuss complaints procedures with children and encourage them to raise any issues they have.

### Responsiveness

All complaints will be acknowledged and responded to as soon as practicable. Complaints will be dealt with in a timely manner and complainants will be kept informed about the progress of their complaint and anticipated timeframes.

Allegations of suspected harm or risk of harm to a child or possible victims of crime, will be actioned immediately by urgent referral or reporting to the relevant agency.

Refer to ACECQA for relevant timeframes:

<http://www.acecqa.gov.au/resources/applications/notification-types-and-timeframes>

### 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 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, they will inform the family of the need prior to any further discussions on the matter.

The complaint will be documented and any legal requirements in relation to the complaint considered, such as the need to notify regulator authorities.

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.

If possible, the problem will be resolved immediately. If this is not possible, the complainant will be advised that the issue will be given 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.

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).

Approved Providers are required to notify the Regulatory Authority of a complaint that alleges:

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

A serious incident can include:

1. 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.
2. 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.
3. 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.
4. A serious injury or trauma while the child is being educated and cared for, which:
  - a. Required urgent medical attention from a registered medical practitioner, or

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- b. The child attended or should have attended a hospital.
5. Any incident involving serious illness at the service, where the child attended, or should have attended a hospital (ie: Severe asthma attack, seizure or anaphylaxis).
6. Any circumstance where a child appears to be missing or cannot be accounted for.
7. Any circumstance where a child appears to have been taken or removed from the service premises by someone not authorised to do this.
8. Any circumstance where a child is mistakenly locked in or locked out of the service premises or any part of the premises.
9. Any emergency for which emergency services attended (not including precautionary or educational visits).

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

1. Amputation
2. Anaphylactic reaction requiring hospitalisation
3. Asthma requiring hospitalisation
4. Broken bone / fractures
5. Bronchiolitis
6. Burns
7. Diarrhoea requiring hospitalisation
8. Epileptic seizures
9. Head injuries
10. Measles
11. Meningococcal infection
12. Sexual assault
13. Witnessing violence or a frightening event

## Direct Complaints

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

1. 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.
2. The relevant legislation has been contravened.

## Follow-up and Review

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

1. We will analyse the complaint to determine if any policy or procedural changes need to be implemented.
2. The Approved Provider will follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction. Families 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

### Approved Provider:

When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify Regulatory Authority within 24 hours.

In instances where the complainant reports directly to the Regulatory Authority, the Approved Provider 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 available for inspection at the service at all times.

Providing a Complaints and Grievances Register.

### 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 retained accordingly.

Notifying the Approved Provider if the complaint escalates or is unable to be resolved appropriately in a timely manner.

Providing information as requested by the Approved Provider, eg; written reports relating to the grievance.

Complying with the service's privacy and confidentiality policy and maintaining confidentiality at all times.

Working co-operatively with the Approved Provider, in any investigation related to a complaint made.

### Educators:

Raising a complaint directly with the person involved, in an attempt 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 practicable.

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Raising any unresolved issues or serious concerns directly with the Approved Provider, via the Nominated Supervisor or staff.

Maintaining complete confidentiality at all times.

Co-operating with requests to provide relevant information when requested in relation to complaints and grievances.

## RELATED GUIDELINES, STANDARDS, FRAMEWORKS, LEGISLATION

### National Quality Standards

Quality Area 7: Governance and Leadership – Standard 7.1

### Office of the Childrens Guardian: Child Safe Standards

Standard 3: Families and communities are informed and involved.

Standard 5: People working with children are suitable and supported.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur.

Standard 10: Policies and procedures document how the organisation is child safe.

### Legislation

Education and Care Services National Law Act 2010: Section 172, 174, 174A

Education and Care Services National Regulations: Regulations 143B, 168-173, 176

Privacy Regulation 2013

## RESOURCES / USEFUL LINKS

ACECQA – dealing with complaints policy guidelines

[www.acecqa.gov.au/media/31941](http://www.acecqa.gov.au/media/31941)

NSW Ombudsman: Effective complaint handling guidelines

[www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

## 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.