

25. Complaints Handling



Introduction

We welcome any compliments, complaints and suggestions as they help us to continuously improve the services we offer to our children and their families. We encourage families to communicate with us if they are not happy with any aspect of our service. We strongly believe that we need to work in partnership with our families to best meet their children's needs and to provide a high quality service. We take complaints seriously and aim to manage them in a confidential, timely, transparent and meaningful way. We aim to achieve this by:

- Maintaining the confidentiality of all parties involved as per 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 professional, 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.
- Handle complaints objectively and ensuring that complainants do not suffer any reprisals from making a complaint.

Purpose

To provide a clear guideline for families, staff, educators and management when dealing with complaints

Goals – What are we going to do?

Value the feedback of educators, staff, families and the wider community as a mechanism to support the continuous improvement of our service. To ensure that our policies and procedures for managing complaints reflect a child-focused approach. This will include the management of a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child.

Strategies – How will it be done?

Making a Complaint

Written guidelines detailing complaint procedures are available in our centre family information book. This is also displayed in the foyer for easy reference. Families may make a complaint directly to the child's educator, the Nominated Supervisor or the Approved Provider.

Families may make a complaint directly to the Regulatory Authority, if their complaint is not or cannot be resolved by the centre or families can make a complaint directly to the Regulatory Authority if it relates to a child's health, safety, or wellbeing, or if the service is contravening the law.

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

The approved provider and nominated supervisor will ensure privacy and confidentiality procedures are maintained.

What should you do?

- Talk to your child's educator or a staff member immediately or;
- Talk to the Nominated Supervisor.
- **Only** if the Nominated Supervisor is unable to resolve your complaint or the complaint is about the Nominated Supervisor then you can.
- Talk to a member of the Management Team or the Approved Provider or make a time to talk to a member of the Management Team or the Approved Provider of the service.
- If a member of the Management Team or the Approved Provider is on the premises at the time of the complaint and deems it necessary, she/he may assist the Nominated Supervisor or other authorised person to manage the complaint.
- Put your problem or complaint in writing using the *Detailed Complaints Form*
Name: Donna MacIntyre Phone: 49300832 Address: 84 Paterson Rd, Bolwarra, NSW, 2320

How long will it take to get an answer?

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:

www.acecqa.gov.au/resources/applications/notification-types-and-timeframes

Managing a complaint of sexualised behaviour

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. Refer to Child Protection Policy and Procedure and Traffic Light Brochure – Sexual Behaviours in Child and Young People.

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 regulatory authorities.
- The complainant will be asked to provide information regarding how the situation could be rectified to their satisfaction.
- 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 arranged to discuss the issue.
- If the issues are complex or allege that the safety, health or well-being of a child was or is being compromised then the complainant will be asked to put their concerns in writing.
- All parties involved in the complaint will be given the opportunity to have their say.
- A copy of the agreed action or written response will be provided to the parent/guardian or person making the complaint.

Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- any other relevant information.

Written notification of complaints must be submitted via the NQAITS Portal which can be found on the ACECQA website: www.cecqa.gov.au

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 in writing within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

Refer to the service's 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.

Approved Providers 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 can make a complaint directly to the Regulator 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 family information book and displayed in the foyer of the service.

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 Approved Provider or a member of the management team 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 will:

- When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify the 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.
- Identify, prevent and address potential concerns before they become formal complaints/grievances.
- Ensure 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.
- Ensure that the address and telephone number of the Regulatory Authority is displayed prominently at the main entrance of the service.
- Advise parents/guardians of the complaints and grievances policy and procedures upon enrolment.
- Ensure that this policy is available for inspection at the service at all times.
- Provide a Complaints and Grievances Register.

Nominated Supervisor will:

- Respond to and resolve issues as they arise where practicable.
- Discuss minor complaints directly with the party involved as a first step towards resolution.
- Inform complainants of the service's complaints and grievances policy recording all complaints and grievances in the complaints and grievances log.
- Notify the approved provider if the complaint escalates or is unable to be resolved appropriately in a timely manner.
- Provide information as requested by the approved provider or member of the management team e.g. Written reports relating to the grievance.
- Comply with the service's privacy and confidentiality policy and maintain confidentiality at all times.
- Work co-operatively with the approved provider or member of the management team, in any investigations related to a complaint made.

Educators will:

- 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 Nominated Supervisor and maintain all relevant documentation.
- As requested, support the Nominated Supervisor and Approved Provider or member of the management team in the above roles.

Families will:

- Raise a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures.
- Communicate any concerns relating to the management or operation of the service as soon as is practicable.
- Raise any unresolved issues or serious concerns directly with the approved provider, via the nominated supervisor or staff.
- Maintain complete confidentiality at all times.
- Co-operate with requests to provide relevant information when requested in relation to complaints and grievances.

Related Legislation

- Education and Care Services National Law Act: Section 172, 174, 174A
- Education and Care Services National Regulations: Regulations 168-173, 174 -176
- Privacy and Personal Information Protection Act 1998 (NSW)
- Health Records and Information Privacy Act 2002
- Privacy Act 1988 (Cth)
- Privacy Regulation 2013

Links to other policies and documents

- Complaints Log
- Detailed Complaints Form
- Grievance Procedure
- Complaints Procedure
- Child Protection Policy and Procedures
- Traffic Light Brochure – Sexual Behaviours in Child and Young People.

Links to Education and Care Services National Regulations:

168-173, 174-176

Links to National Quality Standards/Elements:

7.1

Sources

- Donna MacIntyre – Approved Provider
- Community Early Learning Australia – CELA
- 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: Complaint handling guidelines <https://www.childsafety.gov.au/resources/complaint-handling-guide-upholding-rights-children-and-young-people>
- ACECQA: Reporting requirements about children: www.acecqa.gov.au/resources/applications/reporting#reporting%20requirements%20under%20other%20laws
- Traffic Light Brochure – Sexual Behaviours in Child and Young People.

Complaints Procedure



What should you do?

- Talk to your child's educator or a staff member immediately or;
- Talk to the Nominated Supervisor;
- **Only** if the Nominated Supervisor is unable to resolve your complaint or the complaint is about the Nominated Supervisor then you can;
- Talk to a member of the Management Team or the Approved Provider or make a time to talk to a member of the Management Team or the Approved Provider of the service.
- If a member of the Management Team or the Approved Provider is on the premises at the time of the complaint and deems it necessary, she/he may assist the Nominated Supervisor or other authorised person to manage the complaint.
- Put your problem or complaint in writing using the Centre Complaints Form
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What actions will be taken?

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.

- The complaint will be documented on our centre Complaints Log by the person receiving the complaint.
- The complainant will be asked to provide information regarding how the situation could be rectified to their satisfaction.
- 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.
- If the issues are complex or allege that the safety, health or well-being of a child was or is being compromised then the complainant will be asked to put their concerns in writing on the centres Detailed Complaints Form.
- All parties involved in the complaint will be given the opportunity to have their say.
- A copy of the agreed action or written response will be provided to the parent/guardian or person making the complaint.
- The Regulatory Authority will be notified of all complaints made to the service that alleges the safety, health or well-being of a child was or is being compromised within 24 hours of the complaint being made and the follow up required/ action taken by the centre.

How long will it take to get an answer?

- All complaints will be acknowledged and responded to as soon as practicable, immediately if possible. Complaints will be dealt with in a timely manner and complainants will be kept informed about the progress of their complaint and anticipated timeframes. Final resolution will be achieved with 14 days, where possible. 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.

Regulatory Authority for NSW

Early Learning Commission

Toll Free: 1800619113 Fax: 0286331810 Email: information@earlylearningcommission.nsw.gov.au
Locked Bag 5107, PARRAMATTA NSW 2124 Website: <https://education.nsw.gov.au/early-childhood-education/regulation-and-compliance>

ACECQA

Toll Free: 1300422327 Email: info@acecqa.gov.au Website: <http://www.acecqa.gov.au/contact-acecqa>