

Dealing with Complaints

POLICY

POLICY STATEMENT

Our organisation recognises that children, families, 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 the needs of our children and families.

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, staff, management, families, and the community can be confident that complaints and grievances are taken seriously and addressed effectively.

LEGISLATION

- National Law Act – 172, 174
- National Regulations – 168, 170–173, 176
- National Quality Standard – 2, 4, 5, 6.1, 7.1.2, 7.2.1

RELEVANT POLICIES

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| • Acceptance and Refusal of Authorisations | • Interactions with Children |
| • Enrolment and Orientation | • Payment of Fees |
| • Governance and Management | • Providing a Child-Safe Environment |
| • Health, Safety and Wellbeing | • Staffing Arrangements |
| • Incident, Injury, Trauma & Illness | |

LOCATION OF INFORMATION

- Centre Policy and Procedure Handbook
- Kids on Mullum Child Care Centre Website

MONITORING AND REVIEW

This policy is required to be reviewed at least annually by the approved provider, in conjunction with nominated supervisors, responsible persons, staff, families and children.

- Dates of Review: January 2025
January 2024
January 2023
January 2022

Dealing with Complaints

PROCEDURES

COMPLAINTS PROCESS

- When managing complaints, our organisation considers the following processes:
 - focus on children and their safety needs.
 - being able to handle all kinds of complaints and concerns, including alleged abuse by adults and by children.
 - be easily understood by all, including families with diverse languages and backgrounds.
 - be easy to find, and include who to speak to.
 - support investigations.
 - help the service learn from their mistakes and support continuous improvement.
- Guidelines detailing complaint procedures are available in the Family Handbook, Staff Handbook and also at the service.
- 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.

NOTIFICATION OF SERIOUS COMPLAINTS

- The National Law requires the Regulatory Authority to be notified of any serious complaint at the service within 24 hours. The organisation is 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.
 - The health, safety or wellbeing of a child was, or is, being compromised.

COMPLAINTS FROM FAMILIES

- Families are encouraged to discuss minor concerns with staff as soon as possible, so that the issues raised can be dealt with immediately.
- Families can make complaints verbally to the nominated supervisor or a responsible person. Alternatively, they can submit their complaint in written form via email, a written letter in our letterbox or to a room directly via email or message.
- If the grievance is more serious, families should immediately discuss it with the nominated supervisor who will investigate. The nominated supervisor will keep the family informed of the action taken and what the outcome was.
- The organisation will respond to complaints in a timely manner. Families need to be aware that the person receiving the complaint may need to discuss the situation with management or any staff that are involved, in detail, before responding to the family.
- If the family is not satisfied with the outcome, or they feel that it has not been properly addressed, they should contact the approved provider in writing, who will conduct their own investigation and assess how the situation should be resolved.



Kids on Mullum Child Care Centre

13-15 Mullum Mullum Road, Ringwood VIC 3134 – (03) 9870 7020

kidsonmullum@gmail.com

www.kidsonmullumchildcare.com.au



- Correspondence may be addressed to Trident Personnel PTY LTD and left at the service to be forwarded on. All correspondence will be treated in a confidential manner.
- Families have the option of speaking to an authorised officer from the *Department of Education & Training*. Our services fall under the North-Eastern Victoria Region.

Eastern Metropolitan
Level 4, 295 Springvale Road,
Glen Waverley VIC 3150
1300 651 940

emr.qar@education.vic.gov.au

- The service keeps an online register of grievances and complaints to ensure that issues are being immediately rectified, documented and followed up. Any documentation regarding a grievance or complaint is kept on this register.
- If a family has a complaint or grievance, they are to refrain from posting anything onto social networking sites, e.g., *Facebook*, that can be construed to have any impact on the organisation's reputation or that would offend any staff or family at the service. This includes on any Facebook community noticeboards, e.g., *Monash Noticeboard*, or on personal accounts, pages or groups.
- Families MUST ensure that their first action is to always discuss their concern with the service first so it can be rectified as soon as possible.
- Our organisation provides an inviting, safe, open and welcoming environment for all staff, families and children that attend the service. All families are required to abide by the *Code of Conduct for Families*. A breach of the *Code of Conduct for Families* may result in a child's enrolment being terminated. Families must ensure emergency contacts are aware of this code of conduct.
- Cancellation of child care due to a breach of the *Code of Conduct for Families* is at the discretion of management and may occur without notice. Management reserves the right to terminate a child's enrolment for any reason. This code of conduct can be found in the Family Handbook and the Enrolment and Orientation policy.
- If a family has a dispute regarding their account, the organisation would expect that the family will discuss the matter with the nominated supervisor prior to any escalation to a third party.

DIRECTING A COMPLAINT TO THE REGULATORY AUTHORITY

- Families can make a complaint directly to the regulatory authority where the complaint alleges that:
 - The safety, health or wellbeing of a child was or is being compromised while the child is being educated and cared for by the approved education and care service.
 - The relevant legislation has been contravened.
- Contact details for the regulatory authority are available in the service foyer and in the Family Handbook.

COMPLAINTS ABOUT A PERSON

- Should a conflict of interest arise during the complaints process that involves the approved provider, nominated supervisor or other responsible person, other management will be nominated as an alternative mediator.
- Ensure that throughout the conflict resolution process the organisation's code of conduct is adhered to.

- An investigation will consist of:
 - reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
 - discussing the nature of the complaint (or breach) and giving the accused staff member, volunteer or visitor an opportunity to respond.
 - Permitting the accused person to have a support person present during the consultation.
 - Providing the person with a clear written statement outlining the outcome of the investigation.
 - Advising the complainant, and all affected parties, of the outcome of receiving the verbal or written complaint.
- Should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant
- Keep appropriate records of the investigation and outcome and store these records accordingly.
- Monitor ongoing behaviour and provide support, as required.
- Ensure all parties involved are protected from victimisation and bullying.
- Track complaints to identify recurring issues within the organisation.
- Notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised, or about any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred, or is occurring at the service or any allegation that sexual or physical abuse of a child has occurred or is occurring, at the service.
- Should the grievance or complaint be lodged against another person(s), these persons will be interviewed separately and impartially.
- Staff need to be prepared to put their specific grievances in writing and must understand that where they are unwilling or unable to do so, the organisation may not be able to investigate their grievance to the full extent.
- Appropriate language must be used when documenting grievances. Unless used to recite or relay important parts of dialogue or an incident associated with the grievance, swearing and name calling will not be tolerated.

COMPLAINTS FROM CHILDREN

- The organisation validates any disclosures or complaints from a child, no matter how the individual receiving the disclosure might feel about it. This means listening to the child, taking them seriously and responding to and acting on the disclosure by following reporting and response procedures.
- Actions to take if a child raises a complaint or safety concern, or discloses abuse, include:
 - Let the child talk about their concerns in their own time and in their own words.
 - Give them full attention, time and a quiet space in which to do this.
 - Maintain a calm appearance with no expressions of panic or shock.
 - Use a neutral, non-judgmental tone with no urgency, and where possible, use the child's language and vocabulary.
 - Do not be afraid of saying the 'wrong' thing.
 - Be supportive, reassuring and comforting if they are upset.
 - Tell them it is not their fault and that they were right to tell you.
 - Ask open-ended questions and not leading questions.

- Do not make promises you cannot keep.
 - Let them know you will act on this information, that you may need to let other people know, and explain why that is the case.
 - Write down what the child told you as soon as you can, using their words as best as you can remember.
 - Take note of their behaviour and appearance at the time.
 - Take notes of physical evidence, e.g., *bruising if the child shows you*.
 - Help the child and their family to get appropriate support, such as counselling.
 - Thank or commend the child for helping make your organisation safer.
- It is important that a child's access to the organisation's complaints process is not restricted because of their background, characteristics or life experience. Understanding the barriers children may face in raising a complaint will help you develop an accessible process. Think about:
 - Fear of not being believed.
 - Being unable to understand or read procedures or policies.
 - The power imbalance between children and adults.
 - Feelings of mistrust.
 - Fear of getting people into trouble.
 - Cultural differences or sensitivities.
 - A lack of help or support.
 - Fear of retribution or vengeance.
 - Fear of being excluded, shamed or ridiculed.
 - A lack of access to information about their rights.
 - A lack of access to someone other than an abuser, e.g., *carer*.
 - Past experiences of racism.
 - Ensure children know they can make a complaint about any kind of harm:
 - at the service or outside it.
 - by an adult or by other children.
 - including bullying or cyberbullying and all forms of abuse.
 - Encourage children to raise concerns with a trusted adult if anything makes them feel uncomfortable or unsafe.
 - Ensure children:
 - are protected from any risk while the investigation process is carried out.
 - are heard, and that staff and volunteers take care to validate their experiences – what may seem small to an adult might not be to a child.
 - are culturally safe.

PRIVACY AND CONFIDENTIALITY

- Staff will adhere to privacy and confidentiality when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a relevant government agency will need to be informed.

ALLEGATIONS OF HARM

- Allegations of suspected harm, or risk of harm, to a child or possible victims of crime will be actioned immediately by reporting to the relevant agencies.
- Complaints alleging that a child is exhibiting harmful sexual behaviours will be actioned immediately by reporting to the relevant agency. Complainants will be kept informed about the actions being taking in regards to the complaint. Procedures on reporting processes can be found in the *Providing a Child-Safe Environment* policy.

ROLES AND RESPONSIBILITIES

Approved Provider	<ul style="list-style-type: none"> • Implement procedures for dealing with complaints. • Notify families at least 14 days before changing the policy or procedures if the changes will: <ul style="list-style-type: none"> ◦ affect the fees charged or the way they are collected. ◦ significantly impact the service's education and care of children. ◦ significantly impact the family's ability to utilise the service. • Ensure that the regulatory authority is notified within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the <i>Education and Care Services National Law or National Regulations</i> have been contravened. • Ensure the name and telephone number of the person to whom complaints and grievances may be addressed to is displayed in the registered office. • Ensure that the address and telephone number of the authorised officers at the <i>Department of Education and Training</i> regional office is displayed for stakeholders. • Respond to all complaints and grievances raised in the most appropriate manner and at the earliest opportunity. • Identify, prevent and address potential concerns before they become formal complaints or grievances • Maintain confidentiality, professionalism and integrity at all times. • Read, understand, follow and enforce the organisation's policies and procedures.
Nominated Supervisor and Responsible Persons	<ul style="list-style-type: none"> • Implement procedures for dealing with complaints. • Ensure that the regulatory authority is notified within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the <i>Education and Care Services National Law or National Regulations</i> have been contravened. • Ensure the name and telephone number of the person to whom complaints and grievances may be addressed to is displayed in the registered office. • Ensure that the address and telephone number of the authorised officers at the <i>Department of Education and Training</i> regional office is displayed for stakeholders. • Respond to all complaints and grievances raised in the most appropriate manner and at the earliest opportunity. • Identify, prevent and address potential concerns before they become formal complaints or grievances • Maintain confidentiality, professionalism and integrity at all times. • Notify the approved provider if a complaint escalates, is a notifiable complaint or is unable to be resolved appropriately in a timely manner. • Read, understand, follow and enforce the organisation's policies and procedures.
Educators and Staff Members	<ul style="list-style-type: none"> • Respond to and resolve issues as they arise, where practicable. • Maintain confidentiality, professionalism and integrity at all times. • Notify the nominated supervisor or approved provider if a complaint escalates, is a notifiable complaint or is unable to be resolved appropriately in a timely manner. • Discuss minor complaints directly with the party involved as a first step towards resolution.

	<ul style="list-style-type: none"> Read, understand, follow and enforce the organisation's policies and procedures.
Parents, Guardians and Families	<ul style="list-style-type: none"> Raise any complaints, directly with the person involved, in an attempt to resolve the concerns without matter escalating further. Raise any unresolved issues or concerns with the nominated supervisor or approved provider. Maintain confidentiality, professionalism and integrity at all times. Cooperate with requests to meet with the party involved, where required, in relation to complaints and grievances. Communicate verbally or write any concerns relating to the management or operation of the service as soon as is practicable. Read, understand and follow the organisation's policies and procedures.

SOURCES

- ACECQA – *Dealing with Complaints* – July 2023
- ACECQA – *Using Complaints to Support Continuous Improvement* – July 2023
- Australian Children's Education and Care Quality Authority
- Children, Youth and Families Act 2005 – September 2023
- Department of Education and Training
- Early Childhood Australia Code of Ethics 2016
- Education and Care Services National Law Act 2010 – July 2023
- Education and Care Services National Regulations 2011 – July 2023
- Guide to the National Quality Framework 2018 – July 2023
- Victorian Government – *Complaints Processes in Early Childhood Services* – June 2022