

DEALING WITH COMPLAINTS POLICY

Feedback from families, educators, staff and the wider community is fundamental in creating an evolving Out of School Hours Care Service working towards the highest standard of care and education.

It is foreseeable that feedback will include divergent views, which may result in complaints. This Policy details our Service's procedures for receiving and managing informal and formal complaints. Parents, educators, visitors, students and members of the community can lodge a grievance or complaint, with the understanding that it will be managed conscientiously and confidentially.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 6: COLLABORATIVE PARTNERSHIPS		
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.
6.2	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.2.1	Continuous Improvement	There is an effective self-assessment and quality improvement process in place.

LEGISLATIVE REQUIREMENTS / EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
Sec. 172	Offence to fail to display prescribed information
Sec.174	Offence to fail to notify certain information to Regulatory Authority
168(2)(o)	Education and care service must have policies and procedure... for dealing with complaints
173(2)(b)	Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at the service
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

RELATED POLICIES

<p>Child Safe Environment Policy Code of Conduct Policy Dealing with Complaints Policy (Family) Dealing with Complaints Policy (Staff) Enrolment Policy Family Communication Policy Governance Policy</p>	<p>Incident, Injury, Trauma and Illness Policy Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Record Keeping and Retention Policy Respect for Children Policy Responsible Person Policy Student and Volunteer Workers Policy</p>
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PURPOSE

The *Education and Care Services National Regulations* requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170).

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We will ensure that all persons making a complaint are guided by the following policy values:

- procedural fairness and natural justice
- code of ethics and conduct
- culture free from discrimination and harassment
- transparent policies and procedures
- opportunities for further investigation
- adhering to our OSHC Service philosophy

PROCEDURAL FAIRNESS AND NATURAL JUSTICE

Our OSHC Service believes in procedural fairness and natural justice that govern the strategies and practices which include:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision maker
- The right to have the decision based on relevant evidence

SCOPE

This policy applies to children, families, staff, management, and visitors of the OSHC Service.

IMPLEMENTATION

Grievances and complaints can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious, and productive work environment. ~~The Grievance Policy~~ Our *Dealing with Complaints Policy* ensures that all persons are presented with procedures that:

- Value the opportunity to be heard
- Promote conflict resolution
- Encourage the development of harmonious partnerships
- Ensure that conflicts and grievances are mediated fairly
- Are transparent and equitable.

DEFINITIONS

Complaint: 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. [AS/NZS 10002:2014 Complaint Management Standard]

Complaints and Grievances Management Register: Records information about complaints and grievances received at the Service, along with the outcomes. This register includes documents that must be kept in a secure file, accessible only to **management and the Regulatory Authority**. The register can provide valuable information to the Approved Provider and Nominated Supervisor of the service to ensure children and family's needs are being met.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. A *workplace grievance* is a complaint raised towards an employer by an employee due to a violation of legalities (workplace policies, employment contract, national standards).

Mediator: A person who attempts to assist and support people involved in a conflict come to an agreement.

Mediation: An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

Notifiable complaint: A complaint that alleges a breach of *the Education and Care Services National Law and Regulations*, National Quality Standard or alleges that the health, safety, or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved

Provider or Nominated Supervisor to the Regulatory Authority within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If the Approved Provider/Nominated Supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact the [Regulatory Authority](#) for confirmation. 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)
- contact details of a nominated member of the Grievances Subcommittee (or Nominated Supervisor)
- any other relevant information

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au and logged using [NQA ITS](#) (National Quality Agenda IT System).

Serious incident: An incident resulting in the death of a child, or an injury, trauma, or illness for which the attention of a registered medical practitioner, emergency services, or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations, or is mistakenly locked in/out of the centre premises (Regulation 12).

A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2)(a)). These records are required to be retained for the periods specified in Regulation 183. The Approved Provider will notify the regulatory authority of 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.

Privacy and Confidentiality

Management and educators will adhere to our *Privacy and Confidentiality Policy* when dealing with complaints and grievances. However, if a complaint involves a staff member or child protection issues, a

relevant government agency will need to be informed. (See: Reportable Conduct Scheme in *Child Protection Policy*) [Responding to incidents, disclosures and suspicions of child abuse or harm NSW](#)

Conflict of Interest

It is important for the complainant to feel confident in

- being heard fairly
- an unbiased decision-making process.

Should a conflict of interest arise during a grievance or complaints that involves the Approved Provider or Nominated Supervisor, other Management will be nominated as an alternative mediator. Our Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Services Code of Conduct is be adhered to.

The Approved Provider/Nominated Supervisor/Responsible Person will:

- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service
- ensure information about our *Dealing with Complaints* Policy is easily accessible to all families, visitors and volunteers
- treat all grievances and complaints seriously and as a priority
- ensure grievances and complaints remain confidential
- ensure grievances and complaints reflect procedural fairness and natural justice
- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint.
- investigate and document the grievance or complaint fairly and impartially

The 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 educator, staff member, volunteer, or visitor an opportunity to respond
- permitting the accused person to have a support person present during the consultation (for example: Union Representative or family member; however, this does not include a lawyer acting in a professional capacity)
- providing the employee with a clear written statement outlining the outcome of the investigation.
- Advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.

- management will provide a written response outlining the outcome and provide a copy to all parties involved
- if a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflects the resolution and sign in agreeance.
- 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 in accordance with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- monitor ongoing behaviour and provide support as required
- ensure the parties are protected from victimisation and bullying
- request feedback on the grievance and complaint process using a feedback form
- review the effectiveness of the Service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally
- track complaints to identify recurring issues within the Service
- notify the Regulatory Authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Notification must include 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.

Conflict of Interest

It is important for the complainant to feel confident in

- being heard fairly
- an unbiased decision-making process.

Should a conflict of interest arise during a grievance or complaint that involves the Approved Provider or Nominated Supervisor, other Management will be nominated as an alternative mediator. Our OSHC Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Services Code of Conduct is be adhered to.

Continuous Improvement

- Complaints provide our Service with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community.
- Our Service is committed to resolving complaints through prompt investigation, open communication, and transparent processes.

SOURCE

Australian Children’s Education & Care Quality Authority. (2014).
ACECQA-Using Complaints to support continuous improvement. (2018).
https://www.acecqa.gov.au/sites/default/files/2018-04/QA7_UsingComplaintsToSupportContinuousImprovement.pdf
Australian Human Rights Commission: <https://www.humanrights.gov.au>
Education and Care Services National Regulation. (2011).
Guide to the National Quality Framework. (2017). (Amended 2020)
National Quality Standard. (2017).
Revised National Quality Standard. (2018).