

Quality Area 7: Governance and leadership

Complaints and Feedback



Introduction

Kootingal and District Preschool 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.

Goals – What are we going to do?

Our service values the feedback of educators, staff, families, and the wider community as a mechanism to support the continuous improvement of our service.

Our service has a duty of care to ensure that all persons provided with a high level of equity and fairness in relation to grievances and complaints management and procedures. In meeting our duty of care, management and educators agree to implement and endorse this policy and abide by the Code of Conduct for Staff Members, Parent/Guardian Code of Conduct & Child Safe Code of Conduct.

We will ensure 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

Strategies – To achieve our goals

It is important for the complainant to feel confident in:

- Being heard fairly
- An unbiased decision-making process
- That the process of procedural fairness will occur

Making a complaint

- Written guidelines detailing complaint procedures are available in our services family handbook.
- Families may make a complaint directly to the child's educator, the Nominated Supervisor or the management committee.
- Educators will discuss complaints procedures with children and encourage them to raise any issues they have

Recognising a complaint

Complaints can be received in several different ways, sometimes they may not be clearly identified as a complaint. People may make comments, provide feedback, or share concerns rather than directly stating that they are making a complaint. A complaint may be received by our service:

- In writing, such as on a complaint form, survey form or in an email or letter
- In person, such as during a verbal exchange with an educator, staff member or committee member
- Via the service's management committee email

Some people may complain to another person or organisation, such as directly to the Regulatory Authority, or another government department or to the local council.

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.

Managing a Complaint

We will follow the six stages of complaints management:



Step 1: Acknowledge

Receipt of a complaint should be acknowledged quickly. This demonstrates to the complainant the matter is being taken seriously.

The acknowledgement should:

- Outline the complaint process
- Invite the complainant, and any representatives if they have them, to participate in the resolution process (if appropriate)
- Provide contact details including the name of the contact person dealing with the complaint
- Reassure that confidentiality will be respected during the process
- Give an estimate of how long it is likely to take to resolve the complaint and when the contact person will next contact the complainant.

Written acknowledgement is recommended but is not always necessary. The details of all complaints should be documented.

Sometimes complaints arise due to the complainant not having a full understanding of the requirements of the National Law and Regulations or the National Quality Framework. Clear and consistent communication with families about how we are compliant and continuously striving for quality improvement (through our newsletter or social media) may help to minimise these kinds of complaints.

Step 2: Assess

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.

Early assessment of a complaint is essential for effective complaints management. The assessment should include:

- Checking if the complaint is notifiable and alerting the Approved Provider, so they can notify the Regulatory Authority within required timeframes.
- Checking if the complaint should be reported under mandatory reporting requirements.
- Collecting relevant information from the complainant - name, contact details, details of concerns, dates of incidents, people involved, witnesses etc.

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 policy.

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:

- 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 (eg. severe asthma attack, seizure or anaphylaxis).
- Any circumstances where a child appears to be missing or cannot be accounted for.
- Any circumstances 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.

Step 3: Plan

If the complaint requires investigation, it can be useful to prepare a plan. The plan should:

- Define the concerns needing examination
- Identify the resolution the complainant is seeking and whether the service can meet this expectation
- List the possible source and types of information to gather
- Identify people involved e.g. complainants, staff, witnesses
- Provide an estimate of the time it will take to resolve the complaint
- Note any special considerations that apply — for example, if there is sensitive or confidential information involved and how to store this securely.

The amount of detail in your plan should reflect the complexity and seriousness of the complaint.

Investigate

The purpose of an investigation is to gather relevant information and evidence that can be used to substantiate the complaint, identify any breaches of the National Law or National Regulations, identify actions required to resolve the complaint and areas for improvement to minimise the risk of the issue re-occurring in future.

Principles of fair investigation include:

Impartiality: approach each complaint with an open mind and ensure findings are objective

Confidentiality: investigate a complaint in private. Respect the confidentiality of the complainant and child (if relevant), and share information on a 'need to know' basis only

Transparency: tell the complainant about the steps in the complaint process. Maintain regular contact with all parties to the complaint

Timeliness: conduct the investigation in a timely manner

Standing: all stakeholders including the complainants should have a voice and be given the opportunity to present their point of view. This includes giving them an opportunity to comment on information or claims from other sources.

Written records of any information or findings uncovered during the investigation will be maintained. It's reasonable and good practice to ask complainants to assist by providing any documentation they may have in relation to the complaint.

Step 4: Respond

Once a decision has been reached, it will be communicated clearly to the complainant in writing. It might be appropriate to talk with the complainant first and to let them know that they will receive a more detailed written explanation.

In situations where the complaint has been notified to the Regulatory Authority, the Regulatory Authority may contact the complainant or other families at the service in the course of an investigation, to inform a complainant of the outcome of their investigation or if the Approved Provider has been found to have not upheld their responsibilities under the National Law and National Regulations.

Step 5: Follow up

It's good practice to ask complainants for feedback on how their complaint was handled and resolved. Encourage complainants to consider providing feedback when responding to their complaint.

If a complainant is not happy with the outcome, consider other options. Internal reviews should be carried out by staff who have not been involved previously in the complaint.

Mediation of an unresolved dispute between a complainant and a service provider is another option. A mediator can help clarify matters, provide an impartial perspective and propose solutions that both parties can agree to.

If a claim made by the complainant has not been accepted, services should note this and explain it to the complainant. Outline any alternative options available to the complainant, including internal review and external complaint mechanisms such as making a complaint to the Regulatory Authority.

Step 6: Reflect

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

- Analyze the complaint to determine if any policy or procedural changes need to be implemented.
- 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

Role	Authority/Responsibility for
Approved Provider	<ul style="list-style-type: none"> ➤ When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify Regulatory Authority within 24 hours. ➤ Treat all grievances seriously and as a priority ➤ Ensure grievances remain confidential ➤ Ensure grievances reflect procedural fairness and natural justice ➤ 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 new members of the service of the complaints and grievances policy and procedures upon enrolment.

	<ul style="list-style-type: none"> ➤ Ensuring that this policy is always available for inspection at the service.
Nominated Supervisor	<ul style="list-style-type: none"> ➤ 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 Feedback policy and recording all complaints and grievances. ➤ 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 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 Approved Provider, in any investigations related to a complaint made.
Early Childhood Educators/ Responsible Person	<ul style="list-style-type: none"> ➤ 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 Director/Nominated Supervisor and maintain all relevant documentation. ➤ As requested, support the Nominated Supervisor and Approved Provider in the above roles.
Families	<ul style="list-style-type: none"> ➤ 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 is practicable. ➤ Raising any unresolved issues or serious concerns directly with the Approved Provider, via the Director/ 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.

Monitoring, Evaluation and Review

Management and staff will monitor and review the effectiveness of the Complaints and Feedback policy regularly. Updated information will be incorporated as needed.

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 12 months.

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 Regulation 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.

Links to other policies:

Code of Conduct for Staff

Child Safe Code of Conduct

Parent/Guardian Code of Conduct

Record Keeping

Complies with:

NQS

Quality Area 7	Governance and leadership
Standard 7.1	Leadership

National Law

Section	173	Offence to fail to notify certain circumstances to Regulatory Authority
Section	174	Offence to fail to notify certain information to Regulatory Authority

National Regulations

Reg	168	Education and care services must have policies and procedures
Reg	170	Policies and procedures to be followed
Reg	171	Policies to be kept available
Reg	172	Notification of change to policies or procedures
Reg	174	Time to notify certain circumstances to Regulatory Authority
Reg	176	Time to notify certain information to Regulatory Authority

Sources:

- ACECQA - www.acecqa.gov.au
- NSW Ombudsman (2004) 'Effective Complaint Handling'. NSW Ombudsman 3rd Edition 28 February 2017
- Australia and New Zealand Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014
- Complaints Management Framework June 2015
- Complaint Handling Toolkit for Community Services Organisations
- Using Complaints to Support Continuous Improvement - www.acecqa.gov.au/sites/default/files/201804/QA7_UsingComplaintsToSupportContinuousImprovement.pdf
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations
- Privacy and Personal Information Protection Act 1998 (NSW)
- Health Records and Information Privacy Act 2002
- Privacy Act 1988 (Cth)
- Privacy Regulations 2013
- Guide for Effective Complaints Management

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