



COMPLAINTS HANDLING POLICY

Quality Area 7: Governance and Leadership

INTRODUCTION

At Orchard Early Learning Centre believes 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?

Orchard Early Learning Centre values the feedback of educators, staff, families and the wider community as an opportunity to review and evaluate our current systems and processes and look for innovative and improved ways to support the continuous improvement of our service.

STRATEGIES / HOW WILL IT BE DONE?

Making a Complaint

If you have a concern please raise it with the director, manager or other educator at the service in the first instance. It is the responsibility of the service to manage and respond to your complaint. The service is required to notify the department within 24 hours.

- Families may make a complaint directly to the child's room leader, responsible person or the Nominated Supervisor by speaking directly to the person or by writing to the service via email.
- Families may make a complaint directly to the Department of Education – Early Childhood Directorate calling 1800 619 113 or emailing ececd@det.nsw.edu.au
Or via the website using the form provided: <https://education.nsw.gov.au/about-us/rights-and-accountability/complaints-compliments-and-suggestions/complaint-compliment-suggestion-form>
- 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.





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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 time frames: <https://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 regulatory 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.
 - » ask questions to help identify or clarify their concerns. For example, the statement, "I never know what is happening with my child" may be further clarified by asking questions such as, "What things would you like our service to share with you about your child's day?"
 - » ask the complainant if they have any strategies or solutions that they feel could be put in place to resolve their issues.
- 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 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 Policy and Procedure.





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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





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- Meningococcal infection
- Sexual assault
- Witnessing violence or a frightening event

Direct Complaints

Families can make a complaint directly to the Regulatory 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 parent portal 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 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.
- Families are sent an exit feedback survey form when they depart or withdraw from the service.

Roles and Responsibilities

The Approved Provider will:

When a complaint or grievance has been assessed as 'notifiable', the Approved Providers representative 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.





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- 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 at the service and or online via the parent portal at all times.
- Providing a Complaints and Grievances Register.

The Nominated Supervisor will:

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 recording all complaints and grievances in the Complaints and Grievances Register.
- Notifying the Approved Provider or representative if the complaint escalates or is unable to be resolved appropriately in a timely manner.
- Providing information as requested by the Approved Provider or representative e.g., 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 or their representative, in any investigations related to a complaint made.
- Following up with a parent who has disenrolled their child from their service due to any concerns relating to unsatisfactory care.
- Where unclear, contacting the Department of Education helpline to seek guidance on whether a formal complaint should be lodged by the service.

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 in the above roles.

Families will:

- Raising a complaint directly with the room leader or responsible person in charge.
- Attempt to resolve the matter without recourse to the complaints and grievances procedures.
- Communicating any concerns relating to the Nominated Supervisor or Orchard ELC management of the service as soon as is practicable.
- Raising any unresolved issues or serious concerns directly with the nominated supervisor





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- Maintaining complete confidentiality at all times.
- Co-operating with requests to provide relevant information when requested in relation to complaints and grievances.
- Attend meetings at the service to discuss the complaint or grievance.

EVALUATION

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.

RELATED LEGISLATION, GUIDELINES, STANDARDS, FRAMEWORKS

- Education and Care Services National Regulations
- National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1
- Education and Care Services National Law Act 2010: Sections 172, 174
- Education and Care Services National Regulations: Regulations 168(2)9o), 173, 176(2)9b)
- Privacy Act 1988 (Cth)
- Privacy Regulation 2013

RESOURCES / USEFUL LINKS

- ACECQA–www.acecqa.gov.au
- Using Complaints to Support Continuous Improvement
www.acecqa.gov.au/sites/default/files/2018-04/QA7_UsingComplaintsToSupportContinuousImprovement.pdf
- Australian and New Zealand Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014
- Commonwealth Ombudsman
- Better practice complaint handling guide

POLICY REVIEW

The Service encourages staff and parents to be actively involved in the annual review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as





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they occur, and any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Date(s) reviewed: Jan 2021 / February 2022

