

## COMPLAINTS POLICY

### Purpose

This policy will provide guidelines for:

- receiving and dealing with complaints at Acacia Children's Centres (Acacia)
- procedures to be followed in investigating complaints

**Note:** This policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

### Values

Acacia is committed to:

- providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- complying with all legislative and statutory requirements
- dealing with disputes, complaints and complainants with fairness and equity
- establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- Safeguarding the voice of the child as stipulated under the UN Rights of the Child
- providing a child safe environment for management, educators, staff, families and children
- maintaining confidentiality at all times.
- Outcome focused where critical reflection to discover the factors of the complaints and implement strategies that will minimise the reoccurrence
- To build and maintain respectful relationships within the service and community
- Ensuring that children, staff and families are aware and have access to our complaint handling system
- Be accountable for all complaints being managed in accordance with our policy and procedures
- Transparency where the steps are communicated with all parties on a regular basis in a timely and efficient manner

### Commitment

Acacia is committed to a positive complaints culture, from the highest levels of management to frontline staff, provides the foundation on which all other components of a quality complaints management and resolution framework can be built.

Empowering people to speak up goes to the very heart of people feeling valued and respected as equal citizens in our community.

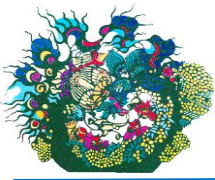
### Scope

This policy applies to the Approved Provider, Persons with Management and Control, Nominated Supervisor, Persons in Day to Day Charge, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Acacia.

### Background and Legislation

Complaints or grievances may be received from anyone who comes in contact with Acacia including parents/guardians, children, volunteers, students, members of the local community and other agencies.

In most cases, dealing with complaints and grievances will be the responsibility of the Approved Provider but not limited to. All complaints and grievances, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint (refer to *Definitions*).



When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify Department of Education and Training (DET) of the complaint or grievance. The Approved Provider will investigate the complaint or grievance and take any actions deemed necessary, in addition to responding to requests from and assisting with any investigation by DET.

There may be occasions when the complainant reports the complaint or grievance directly to DET. If DET then notifies the Approved Provider about a complaint they have received, 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 DET.

DET will investigate all complaints and grievances it receives about a service, where it is alleged that the health, safety or wellbeing of any child within the service may have been compromised, or that there may have been a contravention of the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

### **Legislation and standards**

Relevant legislation and standards include but are not limited to:

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)*
- *Education and Care Services National Law Act 2010: Section 174(2)(b)*
- *Education and Care Services National Regulations 2011: Regulations 168(2)(o) and 176(2)(b)*
- *Information Privacy Act 2000 (Vic)*
- *National Quality Standard, Quality Area 7: Governance and Leadership*
- *Privacy Act 1988 (Cth)*
- *Privacy Regulations 2013 (Cth)*

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

### **Definitions**

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

#### **Parent:**

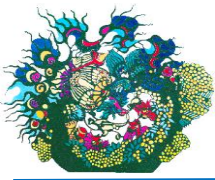
A 'parent', in relation to a child, includes a guardian and any person who has parental responsibility for the child including parental responsibility under the Family Law Act of the Commonwealth, and any person with whom a child normally or regularly resides.

#### **Complaint:**

- A 'complaint' is an expression of dissatisfaction, either written or verbal, with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision at a school.
- A 'complainant' is the party making the complaint.

#### **Complaints Register:**

(In relation to this policy) records information about complaints received at the service, together with a record of the outcomes. This register must be kept in a secure file, accessible only to educators and Responsible Persons at the service. The register can provide valuable information to the Approved Provider on meeting the needs of children and families at the service.



### **Dispute resolution procedure:**

The method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

### **General complaint:**

A general complaint may address any aspect of the service e.g. a lost clothing item or the service's fees. Services do not have to inform DET, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

### **Serious Complaint:**

Is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g. the service is in breach of a policy or the service did not meet the care expectations of a family.

### **Notifiable complaint:**

A complaint that alleges that the Law has been contravened or that a serious incident has occurred or is occurring.

Please select the relevant notification and provide/attach the information required: \*

Any complaint of this nature must be reported by the Approved Provider to the secretary of DET within 24 hours of the complaint being made (Section 174(2) (b), Regulation 176(2) (b)). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation. Written reports to DET 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/investigator
- any other relevant information.

Written notification of notifiable complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) or submitted via ACECQA's online portal NQA-ITS

### **Mediator:**

A person (neutral party) who attempts to reconcile differences between disputants.

### **Mediation:**

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

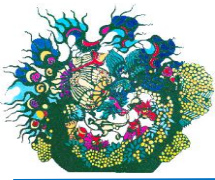
### **Serious incident:**

The following must be notified within 24 hours: any serious incident; any incident that requires the approved provider to close, or reduce the number of children attending, the service for a period; the attendance at the service of any additional child or children in an emergency.

The following must be notified within 7 days: any circumstance at the service that poses a risk to the health, safety or wellbeing of a child or children; any incident or allegation of physical or sexual abuse of a child or children at the service.

### **Sources and related policies**

- ACECQA: [www.acecqa.gov.au](http://www.acecqa.gov.au)
- Department of Education and Training (DET) website: [www.education.vic.gov.au](http://www.education.vic.gov.au)
- ELAA *Early Childhood Management Manual*: [www.elaa.org.au](http://www.elaa.org.au)
- *The Kindergarten Guide* (Department of Education and Early Childhood Development) is available under *early childhood / service providers on the DET website*: [www.education.vic.gov.au](http://www.education.vic.gov.au)



## Service policies

- *Code of Conduct Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*

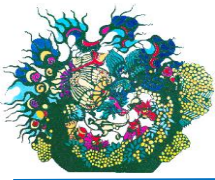
## Responsibilities

### *The Approved Provider is responsible for:*

- being familiar with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, service policies and constitution, and complaints policy and procedures
- identifying, preventing and addressing potential concerns before they become formal complaints
- ensuring that the name and telephone number of the Responsible Person (refer to *Staffing Policy*) to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (Regulation 173(2)(b))
- ensuring that the address and telephone number of the Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- advising parents/guardians and any other new members of Acacia of the complaints policy and procedures
- take reasonable steps that these policies and procedures are followed
- take reasonable steps to ensure that mandatory requirements are followed
- all reasonable steps are taken to ensure that the code of conduct are upheld when dealing with complaints by all parties
- ensuring that OH&S laws and regulations are adhered to
- ensuring that this policy is available and accessible to all stakeholders for inspection at all times (Regulation 171)
- being aware of, and committed to, the principles of communicating and sharing information with service employees, members and volunteers
- responding to all complaints in the most appropriate manner and at the earliest opportunity
- treating all complainants fairly and equitably
- providing a *Complaints Register* (refer to *Definitions*) and ensuring that staff record complaints and grievances along with outcomes
- complying with the service's *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)
- establishing a Complaints Subcommittee or appointing an investigator to investigate and resolve grievances (refer to Attachment 1 – Sample terms of reference for a Subcommittee/investigator)
- referring notifiable complaints or complaints that are unable to be resolved appropriately and in a timely manner to the Subcommittee/investigator
- informing DET via the NQA ITS of any notifiable complaints
- receiving recommendations from the Subcommittee/investigator and taking appropriate action.

### *The Nominated Supervisor, Persons in Day to Day Charge, educators and other staff are responsible for:*

- responding to and resolving issues as they arise where practicable
- maintaining professionalism and integrity at all times



- discussing complaints directly with the party involved as a first step towards resolution (the parties are encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)
- informing complainants of the service's *Complaints Policy*
- recording all complaints that cannot be resolved instantly or reoccurring complaints in the *Complaints Register* (refer to *Definitions*)
- notifying the Approved Provider if the complaint escalates and (refer to *Definitions*), is a notifiable complaint (refer to *Definitions*) 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 complaint
- complying with the service's *Privacy and Confidentiality Policy*, *code of conduct*, *code of ethics*, *OH&S* and *UN rights of the child* and maintaining confidentiality at all times (Regulations 181, 183)
- working co-operatively with the Approved Provider and DET in any investigations related to complaints about Acacia, its programs or staff.
- To follow mandatory reporting requirements

#### **Parents/guardians are responsible for:**

- complying with the service's *Privacy and Confidentiality Policy*, *code of conduct*, *code of ethics*, *OH&S* and *UN rights of the child* and maintaining confidentiality at all times (Regulations 181, 183)
- raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints procedures
- communicating (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable
- raising any unresolved issues or serious concerns via the policy and procedure
- co-operating with requests to meet with the Subcommittee and/or provide relevant information when requested in relation to complaints.
- Both parties work together to reach a reasonable resolution and expectations on outcomes

#### **Evaluation**

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor complaints as recorded in the *Complaints Register* to assess whether satisfactory resolutions have been achieved
- review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

#### **Attachments**

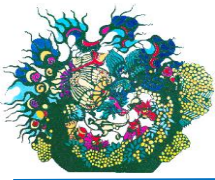
- Attachment 1: Sample terms of reference for a Grievances Subcommittee/investigator
- Attachment 2: Dealing with complaints and grievances

#### **BREACH OF THIS POLICY**

Anyone in breach in this policy may be subject to disciplinary action.

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## ATTACHMENT 1

### Sample terms of reference for a Subcommittee/investigator

#### Date

#### Purpose

- An investigator/panel of investigators has been appointed by the Approved Provider of Acacia Children's Centres to investigate and resolve lodged with Acacia.

#### Membership

Three people are nominated by the Approved Provider, and membership must include a minimum of one Responsible Person (refer to *Definitions*).

#### Time period nominated

The complaints Subcommittee/investigator shall be appointed for 6 months.

#### Meeting requirements

The subcommittee convenor/investigator is responsible for organising meetings as soon as is practicable after receiving a complaint

#### Decision-making authority

The subcommittee/investigator is required to fulfil only those tasks and functions as outlined in these terms of reference.

The Approved Provider may decide to alter the decision-making authority of the subcommittee/investigator at any time, if the decision goes against Laws.

#### Budget allocation

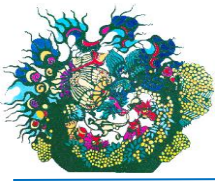
All expenditure to be incurred by the subcommittee/investigator must be approved by the Approved Provider. A request in writing must be submitted by the subcommittee/investigator.

#### Reporting requirements of the committee

- The subcommittee/investigator is required to keep minutes of all meetings held. These are to be kept in a secure file for 7 years.
- The convenor is required to present a written report to the Approved Provider about the complaint, ensuring that privacy and confidentiality are maintained according to the service's *Privacy and Confidentiality Policy*.

#### Tasks and functions of the Complaints Subcommittee/investigator

- Responding to complaints in a timely manner
- Investigating all complaints received in a discreet and responsible manner
- Implementing the procedures outlined in Attachment 2 – Dealing with complaints
- Acting fairly and equitably, and maintaining confidentiality at all times
- Informing the Approved Provider if a complaint is assessed as notifiable
- Keeping the Approved Provider informed about complaints that have been received and the outcomes of investigations
- Providing the Approved Provider with recommendations for action
- Ensuring decisions are based on the evidence that has been gathered
- Reviewing the terms of reference of the Grievances Subcommittee/investigator at commencement and on completion of their term. Suggestions for alterations are to be presented to and approved by the Approved Provider.



## ATTACHMENT 2

### effectively handling of complaints

#### Making a Complaint

Acacia takes all complaints seriously. All children, families, staff have access to submit complaints via:

- In writing or drawing such as on a complaint form, survey form, email or letter
- Online via acacia website and school stream
- In person such as during a verbal exchange with any other person
- Indirectly by a third party such as friend, relative or service agency
- Regulatory authority or another government department

All complaints can be submitted anonymously, however leaving person contact information will allow us to respond effectively.

#### Types of complaints:

Acacia will deal with complaints if it is alleged that:

- policies or procedures have been breached
- anyone is in serious risk of harm or abuse
- the law or regulations has been contravened
- the Quality of educational program is compromised
- serious incident that has occurred or is occurring
- my voice has not been heard as stipulated in the UN rights of the child
- violates any Discrimination Acts

complaints that are listed below are beyond our control and will be referred to relevant agencies:

- childcare subsidy or any other Centrelink requirements
- complaints about the NDIA
- outside services that you have arranged to attend the service
- traffic control, council properties (on street parking, trees, maintenance work outside fence boundaries)

#### Dealing with a complaint

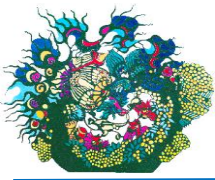
At Acacia we strive to resolve complaints by the following 7 step process:

1. Acknowledge the complaint quickly
2. Assess the complaint for relevant personnel or department
3. Plan and investigate the complaint
4. Respond to the complainant explaining what was found and what was done
5. Follow up any concerns with the complainant
6. Reflect on areas for improvement
7. Record keeping

#### **Step 1. Acknowledge the complaint quickly**

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

- outline the complaint process and guide children in developmental manner, this could include PATHS strategies



- 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.

The details of all complaints should be documented in line with the service's policy and procedures.

### **Step 2. Assess the complaint for relevant personnel or department**

The nature of complaints differs widely. Some complaints can be resolved quickly through open communication or an apology, if not, must be lodged in complaint register. Sometimes the scope of a complaint is not clear, and clarification is needed from the complainant.

More complex complaints may require approved providers, nominated supervisors and educators to conduct an investigation or make enquires to other organisations. Early assessment of a complaint is essential for effective complaints management.

The assessment should follow the service's policy and procedures for dealing with complaints and include:

- checking if the complaint is notifiable and alerting the approved provider, so they can notify the Regulatory Authority or VIT within required timeframes
- checking if the complaint should be reported to Child Safety Services under mandatory reporting requirements such as DHHS child protection, Victorian police, CCYP
- collecting relevant information from the complainant - name, contact details, details of concerns, dates of incidents, people involved, witnesses etc.

The best way to establish a complainant's expectation is to ask them what they would like the outcome to be. What would resolve this complaint for them? Understanding this may be key to managing a complaint well.

Some problems might not be easy to resolve, or the complainant may seek an inappropriate or disproportionate outcome. It's important to explain why a request cannot be met, and it's equally important to offer an alternative solution, if possible.

Staff should have the authority to resolve straightforward matters in line with the service's policy and procedures and be adequately trained to do so. Staff must be trained to escalate matters that present risks or require more detailed examination.

### **Step 3. Plan and investigate the complaint**

#### **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 or refer to other external agencies
- 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.

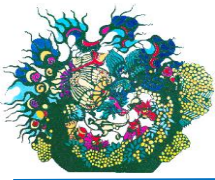
The amount of detail in your plan should reflect the complexity and seriousness of the complaint.

A written plan will focus attention and ensure that you do not overlook important matters. The plan should be flexible in case circumstances change or new information becomes available.

#### **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. If a child under age of 18 should have a support person with them This includes giving them an opportunity to comment.

Consideration – Being mindful of children's rights, abilities, relationships, preferences.

Maintain written records of any information or findings uncovered during the investigation. 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 to the complainant explaining what was found and what was done**

**Outcomes**

Possible outcomes could be:

- Sending apology
- Rectify mistake
- Mediation
- Reporting to external agencies such as Police, Department of Education, Child protection agencies, Commission of Children and Young People
- Quality improvement, reviewing policies and procedures, sending staff to attend professional development
- Disciplinary action.

In the event of disciplinary action the details of this action will not be disclosed to the complainant due to privacy and confidentiality Laws

Once a decision has been reached, communicate it clearly to the complainant. A written explanation is suitable for serious, complex or disputed matters. It might be appropriate to talk with the complainant first and to let them know that they will receive a more detailed written explanation. If this relates to a child, then a meeting will be held with the child and the family then followed up with a letter sent to the family.

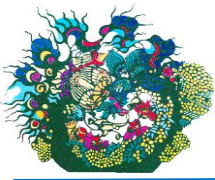
In situations where the complaint has been notified to the Regulatory Authority, the Regulatory Authority may contact the complainant or other families at the service in the course of an investigation, to inform a complainant of the outcome of their investigation or if the approved provider has been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

Thought should be given to providing the complainant with an apology. An apology can be an important step in achieving a successful outcome to a complaint and demonstrates empathy to the complainant. It has the power to positively enhance the ongoing relationship between the service provider and the complainant. When you make an apology, it can be effective to:

- propose the action you plan to take to satisfy the complainant
- communicate how the service is committed to ensuring the issue that caused the complaint, will not be repeated.

**step 5. Follow up any concerns with the complainant**

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.

The follow up contributes to confidence in the service and is part of open disclosure and transparent practice.

What if I am unhappy with the resolution?

- If you are not happy with the outcomes of a complaint, you may be able to lodge a complaint with the Ombudsman in your state. The Ombudsman's office will determine if it has the power to investigate your complaint.

### **Step 6. Reflect on areas for improvement**

All types of comments – positive and negative – should be recorded to provide an accurate picture of what is happening in a service. Looking at these altogether can show patterns and trends in a service and provide opportunities to make improvements to the service's practices, policies and procedures.

Improving service quality

Complaints can point to issues or problems that should be considered in the service's Quality Improvement Plan (QIP). For example, a complaint could expose a need to improve the service's record keeping or to proactively communicate with families about compliance and quality improvement. Staff, families, children and community are involved in the process of the QIP. It could also indicate a need for better training or support for staff who have given unsatisfactory service.

Any changes made to the service's practices, policies and procedures should be communicated to staff, families and children.

### **Step 7. Record keeping**

A register of complaints will be kept by Acacia for any complaints that are serious, reoccurring, or unresolved. The register will be maintained by the educator who receives the complaint and will be overseen by management. The register will record the following for each complaint:

- Details of the complainant and the nature of the complaint
- Date lodged
- Action taken
- Date of resolution and reason for decision
- Indication of complainant being notified of outcome
- Complainant response and any further action

Copies of all correspondence and other materials received by Acacia in connection with any complaints will be kept for 7 years.