



Complaints Management Policy Families and Community

Issue Date:
October 2022

Next Review Date:
October 2024

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
12	Meaning of a serious incident
Sec 172	Offence to fail to display prescribed information
168 (2)(o)	Education and care service must have policies and procedures.... for dealing with complaints
170	Policies and procedures to be followed
174	Offence to fail to notify certain information to Regulatory Authority
171	Policies and Procedures to be kept available
173 92)(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 the Regulatory Authority
183	Storage of records and other documents

RELATED LEGISLATIONS	
Child Care Subsidy Secretary's Rules 2017	Family Law Act 1975
A New Tax System (Family Assistance) Act 199	Family Assistance Law – Incorporating all related legislation for Child Care Provider Handbook in Appendix G

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.

Policy statement:

Lipscombe Child Care Services Inc (**the Service**) values strong and positive relationships with the families of children for whom it educates and cares. However, issues can arise in any setting and handling them appropriately is imperative for sustaining a safe, healthy, positive and harmonious environment. This policy ensures that all procedures are available to all people that value the right to be heard; promote conflict

resolution and support positive outcomes; encourage harmonious relationships; and are fair, transparent and equitable.

Scope:

Approved Provider, Nominated Supervisor, Educators, Staff, Families, Visitors (including contractors)

This Policy does not apply to complaints by staff /volunteers about the Service or other staff/volunteers. It may at the Service's absolute discretion be used by the Service to raise an issue regarding a child or family, however the Service is under no obligation to do so before using other remedies.

This Policy does not prevent a family from making a complaint to a relevant regulatory authority at any time.

Definitions:

Complaint: An implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required.'

Complainant: the person who raises the complaint

Respondent: the person or organisation who the complaint is about

Mediator: A third party who has skills in resolving conflict between two parties.

Aim:

- To ensure families feel able to raise concerns related to the Service as they arise.
- To ensure that each family feels that they can raise contentious issues, and provide critical feedback without any concern that their comments will lead to any victimisation or prejudice to themselves or their child.
- For the Service to be able to monitor the quality of the service provided and identify areas that require review.
- To promote educators and staff to be responsive to the needs and concerns of families and their children, supporting the Service to develop and review its practices and procedures.
- To encourage both negative and positive feedback that can support the Service's quality improvement plan, which in turn leads to improvements in service delivery.
- To ensure methods of communication are varied and suit a range of individuals.

Responsibilities:

The Complainant will:

- be informed of our complaints policy and procedure, as well as our commitment to providing a fair and equitable approach to management of complaints.
- have their complaint acknowledged as soon as reasonably possible after it is raised
- attempt to discuss their complaints with the relevant educator associated with a particular child and/or family as the first step to resolving the issue
- raise any further concerns with the Nominated Supervisor (Director or Assistant Director)
- communicate any unresolved or more serious concern they may have in writing addressed to the Approved Provider or Nominated Supervisor
- maintain confidentiality at all times.

Educators or staff receiving a complaint will:

- Actively listen to the complainant and acknowledge the issue raised, displaying a positive demeanor
- Provide information that may assist in resolution or increased understanding of a situation, be honest and sensitive.
- Explain possible resolutions to the family. These include following up to return with information and hopefully a resolution; possible discussions or meetings, support from nominated supervisor or representatives of the Approved Provider (Board Members), or external support such as mediation. Assist the family to determine their preferred method for solving the issue being raised.
- Document all details of the complaint as soon as possible, prior to any investigation of facts
- Ensure concerns are addressed at the earliest opportunity. Acknowledge and set a reasonable time frame for follow-up.
- Refer any complaint or concern about a team member to the program co-ordinator, who should inform the Director / Assistant Director
- Refer any complaint about a co-ordinator directly to the Director or Assistant Director
- Seek support or assistance from the Director or Assistant Director, if uncertain or unable to deal with a complaint raised by a family. This may be by providing the complainant with the relevant contact details.
- Maintain confidentiality at all times
- Inform the Director / Assistant Director of the progress or challenges associated with a complaint resolution

The Nominated Supervisor (Service Director) will:

- Ensure the name and phone number of the person to whom complaints can be made is clearly visible at the Service.
- Ensure the Complaints Management Policy is made readily accessible to families and visitors
- Ensure contact details for the Regulatory Authority are readily available.
- Ensure that all staff are supported in the complaint management procedure as to its application and implications.
- Maintain confidentiality
- Encourage staff to identify potential family concerns and ensure such concerns are addressed at the earliest opportunity in an open and collaborative way.
- Ensure establishment of unbiased Service procedures and policies that are supportive of families and the Service.
- Ensure all grievances will be dealt with promptly as a priority and the complainant will be kept informed of the progress towards the resolution.
- Protect the rights of educators or staff members relating to any complaint, and ensure all outcomes will be based on the principles of natural justice.
- Ensure processes and procedures are clear and are transparent and fully explained to all concerned.
- Ensure that new families are provided with thorough orientation which covers the Service's complaints policy and discuss ways that families can work in partnerships with the Service on an ongoing basis.
- Keep a register of all complaints received, detailing action taken to address the matter, who was involved and the outcome and where records are stored.
- Report to the Regulatory Authority as per regulatory requirements.
- Offer an interpreter when handling complaints if one is required.
- Report any complaint to the Board
- If a complaint is resolved by an educator, the Director or Assistant Director may follow up and monitor the outcome to confirm the complainant is satisfied.
- Investigate and document any complaint fairly and impartially
- Request feedback on the process from the complainant and respondent for continuing improvement purposes
- tracked complaints to identify any recurring issues within the Service

- ensure parties are protected from bullying and victimisation

The Approved Provider (Board) will:

- Require the Nominated Supervisor (Director) to report to the Board on a regular basis regarding any grievances/complaints received and the outcome or resolution of that grievance.
- Support the Director in resolution of any ongoing more challenging grievances/complaints.

Grievance raised, Steps to take:

- If the nature of a verbal complaint is minor, the staff member should use best efforts to suggest a mutually agreeable resolution and implement it. An example may be an adjustment to a routine is required, increased communication around a part of a child's day or other aspect which is not related to health, safety or wellbeing outcomes). If suggested resolutions are not accepted or a mutually acceptable solution is not reached, the complainant should be politely requested to put the complaint in writing to the Nominated Supervisor (Director /Assistant Director).
- If a more significant complaint is received verbally (such as if the health, safety or wellbeing of a child or person is being compromised, or where a policy has been breached, dishonesty or fraud committed), the receiving person will confirm its details with the complainant and record the details in writing. The receiving person should refer the complainant to make the complaint to the Nominated Supervisor (Director / Assistant Director) in writing.

Upon receiving a written complaint, the procedure will be as follows:

- The Director will acknowledge the grievance promptly by speaking to the complainant. The Director will obtain all relevant details about the complaint, clarify the facts, details and perspective of the complainant. The Director will also explain the steps in the complaint process and expected timeframes for handling the complaint, noting that the Director is the relevant contact person. These details must also be provided in writing to the complainant promptly. Aim to understand what a satisfactory outcome for the complainant would be.
- The Director will then invite the respondent and other involved parties (if there is one other than the Service), to contribute information to clarify the facts, details and perspectives.
- If the complaint is made against another individual, the respondent will be given the opportunity to respond fully in a separate meeting. They will have the opportunity to have a support person present during this consultation, however not a lawyer acting in a legal capacity.
- If the complaint is substantiated, immediate and appropriate steps will be taken to prevent a recurrence. This outcome will be communicated in writing to the complainant and respondent.
- If the complaint is not substantiated, the Director may at this stage suggest a resolution to the grievance, if there is no further respondent other than the Service. If this is accepted by the complainant, the outcome will be communicated in writing to the complainant and respondent as soon as practicably possible.
- If the proposed resolution is not accepted by the complainant, and it is appropriate, the Director may offer to organise a meeting between the complainant and respondent at which time they will be encouraged to resolve the matter through informal discussions using problem solving techniques. This meeting may be facilitated by the Director. At conclusion of the meeting, the Director will undertake to provide any agreed outcome in writing to the complainant and respondent.
- If a resolution is agreed at the meeting, the Director and respondent will ensure the required steps are taken to implement the resolution.

- If, despite all best efforts by all parties, grievances cannot be resolved by the process above, a mediator will be appointed to mediate the complaint or grievance. If appropriate, at the option of the Service this mediator may be drawn from the Lipscombe Board of Directors or alternatively an independent mediator may be used, such as through the Service Employee Assistance Program. The costs of such mediation will be met by the Service.
- Where the Director or Board decides it is necessary, an investigator may be appointed to determine the facts of the complaint. Once the investigation has been completed, the complainant will be notified of further steps to be taken.
- At the conclusion of any process used to attempt to resolve the grievance, the processes and the outcomes will be recorded in a separate and confidential file and any legal requirements in relation to the complaint considered, such as the need to notify regulatory authorities. Any actions recommended by the Director in order to avoid recurring similar grievances will also be noted and acted upon.

Notification:

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:

A conflict of interest may arise during a complaints management process. If a parent / guardian voices a complaint against the Director who usually manages and mediates grievances, the family will be referred to the Chair of the Service Board who will consider the written complaint, appoint someone other than the Director to manage it and act as mediator or nominate an alternative mediator.

In the case of a conflict of interest regarding a parent who is a member of the Board, the parent would be required to declare the conflict of interest and absent themselves from any discussion regarding the issue when it is being considered by the Board.

Links to other Policies:

Child Grievance Policy	Interactions Policy
Staff Grievance Policy	Fee and Credit Policy
Child Protection Policy	Responsible Person Policy
Behaviour Policy	Family Code of Conduct
Enrolment Policy	Privacy and Records Policy
Duty of Care Policy	

References:

Australian Children’s Education & Care Quality Authority. (2014).
 ACECQA-[Using Complaints to support continuous improvement](#). (2018).
 Australian Government Department of Education *Child Care Provider Handbook (2022)*
<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>
 Australian Human Rights Commission: <https://www.humanrights.gov.au>
 Commonwealth Ombudsman. (2009). Better practice guide to complaint handling
<https://www.ombudsman.gov.au/publications/better-practice-guides>
 Education and Care Services National Law Act 2010. (Amended 2018).
[Education and Care Services National Regulations](#). (2011).
 Fair Work Australia: <https://www.fairwork.gov.au/>
 National Quality Standard. (2017).
 Queensland Government- Guide for effective complaints management
<https://earlychildhood.qld.gov.au/legislationAndGuidelines/Documents/effective-complaints-management-guide.pdf>
 Revised National Quality Standard. (2018).

Policy Review:

Lipscombe Early Years Education & Care will review this policy and related documents, every 2 years, or more often as required when new information becomes available.

Families are encouraged to collaborate with the Service to review the policy and procedures.

It is essential for all staff to be involved in the policy review process and familiarise and acknowledge in writing any changes to policy made at review.

Changes made at review:

Additional Policy, statement information, Roles of the staff, Director and Board, Addition of QIAS, Links to other policies, Use of additional resources,

Additional definitions – informal complaint, formal, serious and rights, Additional background information

Additional rationale, Addition of aims, added family involvement opportunities

August 2011 – removed QIAS links and replaced with NQF standards

Last policy review - 2008

Review 2012 Changed format, Changed philosophy wording to reflect updated philosophy, Staff change to educators, Shortened policy statement as repetitive, Assessment family book

May 2013 review - Reference to regulatory authority, Additional background removed,

Added reference to NQF Regulations

January 2015 – Refined policy statement, changed wording and removed verbal feedback and conversations with Board in Service Director will:, removed Family involvement section, added link to Communications Policy.

October 2015 - Clarification added as to when and how the Policy applies and what the grievance process is.

October 2017 – review; addition of email contact details for Nominated Supervisor to be made available

May 2018 - Updated National Quality Standards

October 2022 – reformat to include tables for NQF, Laws and Regs; added links to additional policies; Removed reference to ‘compliments concerns complaints pamphlet’ as communication is mostly electronic (email or survey response); Changed title to Complaints Management Policy from Grievance and Complaints (as it is not an employer/employee related policy); increased sections outlining responsibilities; added feedback request for continuing improvement; added Nominated Supervisor where Director / Assistant Director is referred to; Added Approved Provider where Board is referred to; adjusted procedure to make simpler to follow for when a complaint is received (without changing process); moved notification to Regulatory Authority to separate section so it is explicit; added reference to Child Care Centre Desktop; sourced definition of complaint from Ombudsman website (Cwth);