



Complaints Handling Policy & Procedure

1. Introduction

Dubbo and District Preschool Kindergarten Incorporated (Dubbo and District Preschool and Buninyong Preschool henceforth referred to as Dubbo and District preschools) affirm that people have a right to question and influence the decisions made and services provided.

We recognise that children, families, other staff, and the community need to feel confident that any concerns or issues they may raise will be handled promptly and professionally.

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.
- Ensuring the process is child focussed.
- Notifying the regulatory Authority of any complaints alleging the occurrence of a serious incident or contravention of the Education and Care Services National Law.
- 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.

1.1. Relevant Legislation & Quality Framework

Education and Care Services National Law Act 2010: Sections 174(2)(b)

Education and Care Services National Regulations: Regulations 172, 174, 143B, 168,170,171, 172,173,168(2) (o) and 176(2)(b)

Privacy and Personal Information Protection Act 1998 (NSW)

Health Records and Information Privacy Act 2002

Privacy Act 1988 (Cth)

Privacy Regulation 2013

National Quality Standard, Quality Area 7: Governance and Leadership – Standard 7.1

National Child Safe Principles

1.2 Links to other Policies

Providing a Child Safe Environment Policy

Enrolment and Orientation Policy

Incident, Injury, and Trauma Policy

Governance And Management Policy

Interactions with Children Policy

2. Scope

This policy applies to children, families, carers, staff, and management of the Preschool.

3. Goals - What are we going to do?

The Education and Care Services National Regulations mandate that approved providers establish policies and procedures to address complaints. Our Complaints Handling Policy prioritises the well-being of children and ensures that complaints and grievances from children, educators, management, coordinators, other staff, families/carers, and the community are treated with seriousness and resolved effectively.

The Guide to the National Quality Framework outlines that an effective complaints system provides assurance to children, educators, staff, families, and the community that complaints and grievances are taken seriously and promptly, fairly, and thoroughly investigated. Managing complaints effectively aligns with Element 7.1.2 (Management systems) and serves as an efficient means to consider and act on feedback from families, contributing to ongoing quality improvement.

Dubbo and District Preschools value the feedback of educators, staff, families, and the wider community as a mechanism to support the continuous quality improvement of our service.

4. Strategies - How will it be done?

4.1 Making a Complaint

1. First step – seek to address the issue and find resolution with the Room leader (EC teacher).
2. Second step – speak to the Nominated Supervisor/ Director/Business Operations Manager.
3. Written complaints can be addressed to the Business Operations Manager- details are displayed in main office-entrance to the preschool.
4. Educators will discuss complaints procedures with children and encourage them to raise any issues they have.

4.2 Responsiveness

- a) All complaints will be acknowledged and responded to as soon as practicable.
- b) Complaints will be dealt with in a timely manner and complainants will be kept informed about the progress of their complaint and anticipated time limits.
- c) Allegations of suspected harm or risk of harm to a child or victims of crime, will be actioned immediately by urgent referral or reporting to the relevant agency.
- d) Refer to ACECQA for relevant timeframes: <https://www.acecqa.gov.au/resources/applications/notification-types-and-timeframes>.
- e) The Business Operations Manager will advise the Approved Provider of a formal written complaint being received.

4.3 Managing a Complaint

- a) 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.
- b) 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.

- c) The complaint will be documented and any legal requirements in relation to the complaint considered, such as the need to notify regulatory authorities.
- d) The educator will attempt to diffuse emotions by acknowledging what they/you are feeling, and state positively that you wish to seek a solution to the issue that is causing concern.
- e) 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?"
- f) Ask the complainant if they have any strategies or solutions that they feel could be put in place to resolve their issues.
- g) 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.
- h) If the issues are complex the complainant will be asked to put their concerns in writing.
- i) Where mediation is required, all parties will have the right to agree to the appointment of the mediator.

4.4 Managing a complaint about a child exhibiting harmful sexual behaviours.

a) When a staff member becomes reasonably satisfied that they have become aware of problematic and/or harmful sexual behaviour, they are required to take the following steps:

- i. Inform the nominated supervisor or the most senior staff member present (if the nominated cannot be contacted) about the behaviour.
- ii. Provide a documented account of the concern.
- iii. If there has been a Mandatory Report, provide a copy of the decision report.
- iv. If there is a reason for not conveying the concern to the Director or, staff members can make a report directly to the regulatory authority.
- v. Notify your supervisor.

b) The Nominated supervisor, upon being notified of an incident involving problematic and/or harmful sexual behaviour, must assess the need for urgent police and emergency services assistance and follow the procedures outlined in the Accident, Illness, Injury and Trauma Policy.

5 Notifiable Complaint

- a) 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.
- b) 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.

5.1 Approved Providers are required to notify the regulatory authority of a complaint that alleges:

- a) A serious incident has occurred or is occurring while a child is being educated and cared for by a service.
- b) The National Law and/or National Regulations have been contravened.5.1 A serious incident can include:
 - Any incident where you 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 significant 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 is 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.

5.2 A significant injury, illness or trauma includes but is not limited to:

- a) Amputation
- b) Anaphylactic reaction requiring hospitalisation.
- c) Asthma requiring hospitalisation.
- d) Broken bone/Fractures
- e) Bronchiolitis
- f) Burns
- g) Diarrhoea requiring hospitalisation.
- h) Epileptic seizures
- i) Head injuries
- j) Measles
- k) Meningococcal infection
- l) Sexual assault
- m) Witnessing violence or a frightening event.

5.3 Direct Complaints to the Authority

- a) 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 Dubbo and District Preschools.
 - The relevant legislation has been contravened. Contact details are displayed in the foyer of the preschools.

6. Follow-Up and Review

- a) Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with:
 - We will analyse the complaint as part of our commitment to Quality Improvement 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.

7. Roles and Responsibilities

7.1 *The Approved provider is responsible for:*

- a) When a complaint or grievance has been assessed as 'notifiable,' the Approved Provider must notify Regulatory Authority within 24 hours.
- b) 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.
- c) Identifying, preventing, and addressing potential concerns before they become formal complaints/grievances.
- d) Ensuring that the name and telephone number of the person to whom complaints and grievances may be addressed are displayed at the main entrance of the service.
- e) Ensuring that the address and telephone number of the Regulatory Authority displayed prominently at the main entrance of the service.
- f) Advising parents/guardians and any other new members of the Preschool of the complaints and grievances policy and procedures upon enrolment.
- g) Ensuring that this policy is always available for inspection at the service.
- h) Providing a Complaints and Grievances Register.

7.2 *The Nominated Supervisor is responsible for:*

- a) Responding to and resolving issues as they arise where practicable.
- b) Discussing minor complaints directly with the party involved as a first step towards resolution.
- c) Informing complainants of the service's complaints and grievances policy recording all complaints and grievances in the complaints and grievances register.
- d) Notifying the approved provider if the complaint escalates or is unable to be resolved appropriately in a timely manner.
- e) Providing information as requested by the approved provider e.g., Written reports relating to the grievance.
- f) Complying with the service's privacy and confidentiality policy and always maintaining confidentiality.
- g) Working co-operatively with the approved provider, in any investigations related to a complaint made.

7.3 *Educators are responsible for:*

- a) Ensuring that grievances and complaints are dealt with in accordance with this policy.
- b) Listening to and aim to resolve complaints and grievances in a positive way.
- c) Reporting any grievances and complaints to the Nominated Supervisor/Director and maintain all relevant documentation.
- d) As requested, supporting the nominated Supervisor and Approved Provider in the above roles.

7.4 *Families are responsible for:*

- a) Raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures.
- b) Communicating any concerns relating to the management or operation of the service as soon as is practicable.
- c) Raising any unresolved issues or serious concerns directly with the approved provider, via the Nominated supervisor/Director or Business Operations Manager
- d) always Maintaining complete confidentiality.

- e) Co-operating with requests to provide relevant information when requested in relation to complaints and grievances.

8. Monitoring, Evaluation and Review

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 three 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.

Sources

ACECQA – www.acecqa.gov.au

NSW Ombudsman (2004) 'Effective Complaint Handling'. NSW Ombudsman 3rd Edition 28 February 2017

Complaints Management Framework June 2015

www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/25375/Complaintmanagement-framework-June-2015.pdf

Complaint Handling Toolkit for Community Services Organisations –

www.ombo.nsw.gov.au/_data/assets/pdf_file/0017/5813/BR_ComplaintHandling-Kit-CS-CRAMA-Brochure-2013-web.pdf

Using Complaints to Support Continuous Improvement

www.acecqa.gov.au/sites/default/files/2018-04/QA7_usingComplaintsToSupportContinuousImprovement.pdf