

DEALING WITH COMPLAINTS POLICY

Feedback from families, educators, staff and the wider community is fundamental to the continuous improvement of our centre. It is foreseeable that feedback will include divergent views, which may at times, result in complaints and grievances.

This Policy details Highland Grove's procedures for receiving and managing informal and formal complaints. Our policy and complaints processes support and encourage children, families, visitors, students and members of the community to raise concerns with management, with the assurance that all matters will be managed in a timely, conscientious and confidential manner.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development.
4.1.2	Continuity of Staff	Every effort is made for children to experience continuity of educators at the service.
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIPS		
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.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 2A	Paramount consideration—safety, rights and best interests of children
S. 3A	Paramount consideration [NSW]
S.5AA	Meaning of “inappropriate conduct” in relation to child [NSW]
S.166A	Offence to subject child to inappropriate conduct [NSW] Offences relating to inappropriate conduct
S. 172	Offence to fail to display prescribed information

S.174	Offence to fail to notify certain information to Regulatory Authority
12	Meaning of serious incident
84	Awareness of child protection law
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
173	Prescribed information to be displayed—education and care service other than a family day care service
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

PURPOSE

The *Education and Care Services National Regulations* requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170). We aim to investigate all complaints and grievances with a high standard of equity and fairness.

We believe in team collaboration to ensure a safe, healthy and harmonious work environment. We will ensure that all persons making a complaint are guided by the following principles:

- procedural fairness and natural justice
- code of ethics and code of conduct
- culture free from discrimination and harassment
- transparent policies and procedures
- fair, thorough and appropriate investigation of all complaints
- opportunities for further investigation
- alignment with our Service philosophy

PROCEDURAL FAIRNESS AND NATURAL JUSTICE

Our Service believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision maker
- The right to have the decision based on relevant evidence

SCOPE

This policy applies to the approved provider, management team, all staff and educators of the Service.

IMPLEMENTATION

Grievances and complaints can arise in any education and care setting. Complaints provide opportunities for our Service to identify concerns, respond appropriately, and support a child safe, healthy, harmonious and productive Service environment.

Our *Dealing with Complaints Policy* ensures that all persons are presented with procedures that:

- value the opportunity to be heard
- promote respectful communication and conflict resolution
- encourage the development of respectful and collaborative relationships
- ensure that conflicts and grievances are mediated fairly, transparently and equitably
- promote the rights, safety, and wellbeing of all persons involved
- where a complaint involves a child's safety or wellbeing, the Service ensures to:
 - consider the child's age, cultural background, developmental stage, and individual needs
 - notify the regulatory authority if the complaint alleges that a serious incident has occurred or that the National Law or National Regulations may have been contravened

respond appropriately in line with relevant policies and procedures, including where concerns relate to behaviours of concern such as children exhibiting harmful

PROCESS

Our Service is committed to the National Principles for Child Safe Organisations and adopts a child safe approach to complaints involving a child or young person.

As a child safe organisation, we respond promptly and systematically to any concerns, disclosures, allegations or suspicions while fostering an environment where children feel confident that their safety and wellbeing are paramount. Our Service ensures our complaints processes are easily understood by children, young people and families and are accessible, effective and culturally safe.

Educators support children to understand the complaints process, so they know who to talk to if they want to raise a concern or make a complaint. We ensure complaints are taken seriously, addressed promptly and thoroughly, and managed in accordance with all legal and regulatory obligations.

DEFINITIONS

Complaint: : An expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or is legally required (AS/NZS 10002:2014 Complaint Management Standard). Complaints can be made to the approved provider, staff/educators in the Service, or external bodies, including the regulatory authority, police, child protection agency or eSafety commissioner. Complaints can be made verbally or in writing (including letter, email or digital form).

Complaints and grievances management register: Records information about complaints and grievances received at the Service, along with their outcomes. This record must be securely stored and accessible only to authorised personnel, such as Service management and the regulatory authority. The record can provide valuable information to the approved provider and nominated supervisor of the Service to support continuous improvement and ensure children's and families' needs are being met.

Complaint handling: The processes of receiving, investigating and resolving complaints effectively, fairly, and in accordance with procedural fairness and natural justice.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. A *workplace grievance* is a complaint raised towards an employer by an employee due to a violation of legalities (workplace policies, employment contract, national standards).

Mediator: A person who attempts to assist and support people involved in a conflict come to an agreement.

Mediation: An attempt to reach a mutually acceptable resolution between disputants through the objective intervention of a neutral party.

Notifiable complaint: A complaint that alleges that a breach of the *Education and Care Services National Law and Regulations*, the National Quality Standard or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Regulatory Authority 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 the [Regulatory Authority](#) for confirmation. Written reports 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 (or Nominated Supervisor)
- any other relevant information.

Privacy and Confidentiality: Management and educators will adhere to our *Privacy and Confidentiality Policy* when dealing with grievances and complaints. However, if a grievance or complaint involves a staff member or raises a child protection issue, a relevant government agency will need to be informed. (See: Reportable Conduct Scheme in *Child Protection Policy*).
[Responding to incidents, disclosures and suspicions of child abuse or harm NSW](#)

Our Service provides a safe and confidential process for reporting wrongdoing, misconduct, or any matter that may risk the safety, welfare, or wellbeing of children within the Service through the *Protected Disclosures (Whistleblower) Policy*. This process supports a culture of integrity and accountability.

Conflict of Interest

It is important for the complainant to feel confident in

- being heard fairly
- an unbiased decision-making process

Should a conflict of interest arise during a grievance or complaint that involves the Approved Provider, other Management (such a member of the leadership team) will be nominated as an alternative mediator.

Our Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Services Code of Conduct is be adhered to.

The Approved Provider/Nominated Supervisor/Management will:

Governance and Compliance

- ensure that obligations under the Education and Care Services National Law and Regulations are met

- ensure all decisions and actions prioritise children’s safety, rights and best interests
- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and associated procedures, and are advised on how and where the policy can be accessed
- provide an induction program for new staff and educators that includes an overview of policies and procedures, including this *Dealing with Complaints Policy* and other related policies and procedures.

Accessibility and Transparency

- ensure the name and telephone number of the person to whom complaints can be made is displayed and clearly visible at the entry of the Service
- ensure the address and telephone number of the regulatory authority where complaints can be made are displayed and clearly visible at the entry of the Service
- ensure information about our *Dealing with Complaints Policy* and *Complaints/Grievance Procedure* and all appropriate forms are easily accessible.

Complaint Management

- treat all grievances and complaints seriously and as a priority
- ensure grievances and complaints remain confidential
- ensure grievances and complaints reflect procedural fairness and natural justice
- ensure people feel safe or comfortable when making a complaint, including children
- regularly review records, outcomes, trends, policy effectiveness, and stakeholder feedback
- conduct a review of policies and procedures, where required, following a complaint or grievance as part of our continuous improvement practices.

Acknowledgement, Response and Timeframes

- acknowledge the complaint or grievance in writing within **2 working days** of being formally received and recorded by the Service
- where appropriate, discuss the issue with the complainant within **24 hours** of receiving the verbal or written complaint or grievance
- if the complaint or grievance needs to be investigated by the Service, investigate and document the grievance or complaint fairly and impartially. The investigation will consist of:
 - reviewing the circumstances and facts of the complaint or grievance and inviting all relevant parties to provide information where appropriate
 - discussing the nature of the complaint or grievance and giving the relevant person/s the opportunity to respond

- permitting the relevant person/s to have a support person present during the consultation (for example: union representative, HR representative, lawyer, colleague, friend or family member). A support person may provide support by taking notes during the meeting, clarifying questions and allegations, help formulate responses, engage in discussions and be more than a passive observer, aid in understanding processes, request breaks and provide emotional support. A support person cannot represent the employer, speak on their behalf or advocate for the organisation.
- providing the relevant person/s with a clear written statement outlining the outcome of the investigation.
- advise the complainant and all affected parties of the outcome within **7 working days** of receiving the verbal or written complaint or grievance and provide a copy to all parties involved
- all parties will ensure the documented outcomes accurately reflect the resolution, and sign to indicate agreement
- all written responses will be provided in an accessible and easy-to-understand format
- responses to children and young people will be age and developmentally appropriate
- should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.

Child-Focused Complaints Handling

- ensure immediate action is taken where there is an imminent risk to the safety or wellbeing of a child or another person
- ensure our complaint handling processes are child-focused, providing support and age-appropriate guidance for children to know who to talk to if they are feeling unsafe, and empowering them to express their concerns
- ensure child-focused complaint procedures are in place so any inappropriate conduct concerns are promptly identified, addressed, and reported to the regulatory authority
- ensure educators, staff, volunteers and students are well informed about the different ways children may express concerns, distress and disclose harm, as well as the process for responding to disclosures from children, including complaints that allege a child is exhibiting sexual behaviours that may be harmful to the child or another child (See *Child Protection Policy*)
- ensure the child's voice is heard and that all complaints or concerns raised by children are taken seriously, responded to promptly and documented as per complaint procedures.

Notifications and Record Keeping

- notify the regulatory authority within 24 hours if a complaint alleges that the safety, health or wellbeing of a child is being compromised or the National Law has been breached.

Notification must include any incident or any allegation where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the Service

- keep appropriate records of the investigation and outcomes and store these records in accordance with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- monitor the situation and provide support as required
- ensure all parties are protected from victimisation and bullying
- seek feedback on the grievance or complaint process to support continuous improvement
- track complaints to identify recurring issues within the Service and address these within the Service's Quality Improvement Plan (QIP).

EDUCATORS WILL:

In relation to general complaints or grievances

- promptly report all complaints or grievances received to the nominated supervisor and/or approved provider within required timeframes
- listen to and respond to complaints or grievances in a respectful, calm and non-judgemental manner
- clarify and confirm the grievance or complaint, documenting all the facts objectively and accurately
- support complainants to be heard and provide information about relevant Service policies and procedures that may assist in resolving the matter
- discuss possible resolutions available to the complainant. These would include external support options.
- encourage and assist the complainant to determine a preferred way of solving the issue, including a preferred outcome
- maintain confidentiality in line with the *Privacy and Confidentiality Policy*
- refer complainants to the nominated supervisor or approved provider where the matter cannot be resolved at the educator level or is outside their role or authority

In relation to child safety concerns and disclosures

- promptly report any concerns relating to the safety, health or wellbeing of a child to the nominated supervisor and/or approved provider
- support children to understand who they can talk to if they feel unsafe and what will happen when they raise a concern
- be informed about the different ways children can express concerns or distress and disclose harm

- be informed about the process for responding to disclosures from children, including a complain that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child
- be aware of child protection law and their individual responsibilities as mandatory/**mandated** reporters/**notifiers**.
- respond appropriately and immediately to disclosures from children in a calm, supportive and non-judgemental manner; see *Child Protection Policy* and related procedures for more details
- escalate immediately any concern where there is an imminent risk to the safety or wellbeing of a child.

COMPLAINANTS WILL:

- be treated with fairness and equity throughout the complaints process, which ensures all stakeholders are heard and supported in resolving concerns
- attempt to discuss their complaints with the relevant person as the first step to resolving the issue, unless the matter relates to a serious incident, notifiable complaint, or a concern that must be escalated in accordance with this policy and notified to the regulatory authority within the required timeframes
- communicate any concerns they may have in writing addressed to the approved provider or nominated supervisor (see: *Complaints/Grievance Form*)
- raise any unresolved concerns with the approved provider or nominated supervisor
- maintain confidentiality at all times
- be provided with details of external agencies to contact should they feel our Service has not resolved their concerns (e.g., regulatory authority, eSafety).

Children as complainants or expressing concerns will:

- be supported to express their concerns or allegations to either management, educators and/or family members, who may be encouraged by management to complete a child-friendly version of the *Complaints/Grievance Form*, i.e., the *Children's Complaint Grievance Suggestions and Feedback Form* on the child's behalf.

STAFF-RELATED CONFLICTS, COMPLAINTS AND GRIEVANCES

We acknowledge that conflict is a natural part of the work environment. When conflict is addressed and handled constructively, it can strengthen communication, workplace relationships and professional practice. However, unresolved conflicts can lead to tension, stress, decreased productivity, strained relationships, increased absenteeism, anxiety and other negative impacts.

Positive communication between staff is essential to the smooth operation of the Service and to maintaining a positive environment for children. Staff are expected to treat each other with respect, value different perspectives, share ideas, and contribute to a healthy workplace. All grievances, conflicts and complaints will be managed promptly, professionally and fairly. Staff are expected to approach conflicts with a willingness to listen, reflect on their practice, learn from different perspectives, and work collaboratively towards positive outcomes.

In addition to the procedures outlined above to support the management of concerns, staff who express concerns about another staff member will:

- understand and act in accordance with their professional and legal responsibilities when managing staff-related issues
- where appropriate, raise the grievance or complaint directly with the person concerned in a professional manner and at an appropriate time. Both parties should try to resolve the issue and develop mutually agreeable solutions.
- raise any unresolved concerns with the approved provider or nominated supervisor, e.g., if they feel they are unable to resolve the issue or feel uncomfortable raising the matter directly with the person concerned. The approved provider or nominated supervisor (or other manager) may ask for the issue to be put in writing.
- provide all relevant information, outlining the issue, identifying any other person involved, and any suggested solution
- communicate openly about the issue with the relevant parties, whilst maintaining confidentiality and professionalism
- not become involved in complaints or grievances that do not concern them
- follow the Service's complaints and grievance procedures to support the resolution of concerns, while recognising their right to raise matters with external complaints or regulatory bodies.

COMPLAINTS RELATING TO THE ADMINISTRATION OF CHILD CARE SUBSIDY

Families who wish to raise concerns regarding the management of Child Care Subsidy (CCS) should speak with the nominated supervisor in the first instance. The nominated supervisor will follow the steps as outlined in this policy, including advising the approved provider of all complaints and grievances.

Families may also raise concerns regarding the management of the CCS to the Department of Education via their [Online contact form](#). Additionally, information about any potential breach of CCS can be reported anonymously by submitting an online report directly to the Department of Education. For more information, visit the Department of Education website: [Reporting Child Care Subsidy fraud via a tip-off](#)

Source

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<https://www.ombudsman.gov.au/publications/better-practice-guides>
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Fair Work Australia: <https://www.fairwork.gov.au/>
Guide to the National Quality Framework. (2017). (Amended 2020)
National Quality Standard. (2017).
Ombudsman NSW [Effective Complaint Handling Guidelines](#) (2017)
Queensland Government- Guide for effective complaints management
<https://earlychildhood.qld.gov.au/legislationAndGuidelines/Documents/effective-complaints-management-guide.pdf>
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