



DEALING WITH COMPLAINTS POLICY

At Keith War Memorial Community Kindergarten and Childcare Centre we believe parents and caregivers are partners in the education of children. Regular two-way communication between parents/caregivers and the centre is essential in helping children achieve their potential. Any type of feedback, both constructive and critical is useful and welcomed. Compliments will be shared with staff, celebrated and used to guide future practice. Complaints will be handled as per this policy.

Our service is committed to ensuring that anyone with parental responsibilities for a young person can raise a concern or complaint, with confidence that it will be heard and responded to in an appropriate and timely fashion.

NATIONAL QUALITY STANDARD (NQS)

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 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. 172	Offence to fail to display prescribed information
S.174 (2)(b)	Offence to fail to notify certain information to Regulatory Authority
12	Meaning of serious incident
84	Awareness of child protection law
149	Volunteers and students
168(2)(o)	Education and care service must have policies and procedures... for dealing with complaints



170	Policies and procedures must be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
173(2)(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
173	Prescribed information to be displayed- education and care service
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

RELATED LEGISLATION

Child Care Subsidy Secretary’s Rules 2017	Family Law Act 1975
A New Tax System (Family Assistance) Act 1999	Child Care Subsidy Minister’s Rules 2017
Family Assistance Law – Incorporating all related legislation as identified within the Child Care Provider Handbook in https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook	

RELATED POLICIES

CCS Accounts Policy CCS Governance Policy Child Protection Policy Child Safe Environment Policy Code of Conduct Policy Enrolment Policy	Governance Policy Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Respect for Children Policy Responsible Person Policy Student, Volunteer and Visitor Policy
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PURPOSE

Safety of children is always the first priority. Our procedures are underpinned by the following principles:

1. All persons in the Keith War Memorial Community Kindergarten and Childcare Centre community including children, parents, staff and volunteers have the right to be treated with respect and courtesy in accordance with the Centre’s values.
2. Parents have the right to raise concerns and make enquiries or complaints about any aspect of their child’s education and care.



3. Information about how, where and to whom complaints can be made should be visible and accessible through site procedures.
4. Complaints will be acknowledged and addressed promptly within specified timelines.
5. Individual complaints will be assessed objectively and without bias using principles of natural justice.
6. The rights and responsibilities of all parties will be considered and balanced in attempting to find a mutually acceptable outcome to complaints.
7. The confidentiality of all parties will be maintained wherever possible.

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 children, families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

IMPLEMENTATION

Step 1: Talk to us

If your concern or complaint relates to an issue concerning your child's education or experiences, you should talk to an Educator, Director or Assistant Director as soon as possible. You may prefer to organise a mutually convenient time to meet rather than discuss the issue via a telephone conversation. You are encouraged to bring a support person with you. The role of the support person is to provide advice and support during the process and not to answer questions on behalf of any of the parties or interfere with the discussion.

Our staff will, following a direct complaint:

- Listen to the complaint;
- Record what you say;
- Identify actions to resolve the concern;
- Let you know what will or has been done;
- Get back to you to see how things are going;



- If appropriate, refer the matter to the Director;
- If your concern has not been resolved following discussions with the staff member, you should contact the Director.

The Director will:

- Acknowledge receipt of the complaint as soon as reasonably possible (within 5 school days);
- Listen to you;
- Provide support to you if necessary while the complaint is being considered;
- Investigate, consider and determine the most appropriate way to resolve the issue fairly and promptly;
- Consider relevant legislation, Department for Education policy and guidelines, site procedures;
- Inform you if there is a delay in the process;
- Ensure your complaint and the outcome is documented;
- Ensure that the outcome of the process is communicated to you verbally and, if appropriate, in writing including the right to refer the matter to the Murray Bridge Education Office.

Step 2: Consult Grievance Officer

Consult the centre's Grievance officer. Their name and contact details can be found on the notice board out the front of the main entrance. This Grievance Officer is subject to change each year after the Governing Council AGM. The notice board will be updated accordingly to reflect these changes.

Step 3: Central Complaint Resolution

If you're not satisfied that your complaint has been through the aforementioned processes you can get help from the Department for Education Customer Feedback Unit. Phone 1800 677 435 or complete an online complaint form

<https://online.forms.sa.edu.au/content/forms/af/public/school-complaint.html>

Step 3: Other ways to resolve your issue



If your complaint remains unresolved you may choose to seek independent advice through the SA Ombudsman on 1800 182 150 or www.ombudsman.sa.gov.au.

DEFINITIONS

Complaint: 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 legally required. [AS/NZS 10002:2014 Complaint Management Standard]

Complaints and Grievances Management Register: Records information about complaints and grievances received at the Service, along with the outcomes. These documents must be securely stored, accessible only to management and the regulatory authority. They can provide valuable information to the approved provider and nominated supervisor of the Service to ensure children and family's needs are being met.

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 **to** come to an agreement.

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

Notifiable complaint: A complaint that alleges a breach of the *Education and Care Services National Law and Regulations*, 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 – (S. 174[2] [b], Reg. 176[2][b]).

If the approved provider/ nominated supervisor are 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.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au and logged using [NQA ITS](#) (National Quality Agenda IT System).

Serious Incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the Service in contravention of the Regulations or is mistakenly locked in/out of the Service premises (Reg. 12). A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record via the online IRMS system* as soon as possible and within 24 hours of the incident. The regulatory authority must be notified within 24 hours of a serious incident occurring at the centre (Reg. 176(2)(a)).

These records are required to be retained for the periods specified in Reg. 183.

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 child protection issues, a relevant government agency will need to be informed

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 or nominated supervisor, other management 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 adhered to.



THE APPROVED PROVIDER/ NOMINATED SUPERVISOR/RESPONSIBLE PERSON WILL:

- ensure that obligations under the *Education and Care Services National Law and Regulations* are met
- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and associated procedure
- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service
- 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
- 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 a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child. (ACECQA 2023)
- ensure our complaint handling processes are child-focused providing support and guidance for children to know who to talk to if they are feeling unsafe
- conduct a review of policies and procedures, where required, following a complaint or grievance as part of our continuous improvement practices
- provide an induction program for new staff and educators that includes an overview of policies and procedures, including this *Dealing with Complaints Policy* and procedure
- ensure the approved provider is notified of all complaints and grievances
- acknowledge the complaint or grievance in writing within 2 working days of receipt
- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- investigate and document the grievance or complaint fairly and impartially
- provide details of an outcome following an investigation if required.

The investigation will consist of:

- reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent
- discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer or visitor an opportunity to respond
- permitting the accused person 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 made, help formulate responses, engage in discussions and are more than a



- passive observer, aid in understanding processes, request breaks and be an emotional support. A support person cannot represent the employer, speak on their behalf or advocate for the organisation
- providing the employee 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
 - management will provide a written response outlining the outcome and provide a copy to all parties involved
 - if a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflect the resolution
 - all written responses will need to cater for complainant to be able to understand such as spoken language and special needs regarding reading
 - should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant
 - keep appropriate records of the investigation and outcome and store these records in accordance with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
 - monitor ongoing behaviour and provide support as required
 - ensure the parties are protected from victimisation and bullying
 - request feedback on the grievance or complaint process using a feedback form
 - track complaints to identify recurring issues within the Service
 - 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.

EDUCATORS WILL:

- report all complaints received to the nominated supervisor, and/or approved provider within required timeframes
- listen to the complainant's view of what has happened
- clarify and confirm the grievance or complaint, documenting all the facts prior to the investigation
- encourage and support the complainant to seek a balanced understanding of the issue
- 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



- record the meeting, confirming the details with the complainant at the end of the meeting
- maintain confidentiality at all times
- refer complainant's (as necessary) to Service policies that may assist in resolving the grievance or complaint
- be informed about the different ways children can express concerns or distress and disclose harm
- be aware of child protection law and their individual responsibilities as mandatory reporters/notifiers
- ensure children know who to talk to if they are feeling unsafe and know the process that will happen to support them

If the grievance cannot be resolved, it is to be referred to the nominated supervisor who will investigate further:

- if appropriate, collect relevant written evidence. This evidence will be treated in strict confidence and will be held in a secure place
- involve the approved provider or nominated supervisor in the conflict resolution as required
- should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts
- third parties providing evidence must also be made aware that the matter is to be kept confidential.

Should the grievance or complaint be lodged against another person(s), these persons, will be interviewed separately and impartially. Individuals must be given the opportunity to respond fully to the allegations and may have another person present, as a support person, if they wish. If after investigation, it is concluded that the grievance is substantiated:

- both parties will be told of the decision and the reason for it
- immediate and appropriate steps will be taken to prevent the grievance from recurring
- if after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reason
- the complainant will be informed that if they are not satisfied with any decision relating to the grievance procedure that they should consult with an external body for further advice such as the regulatory authority
- if the grievance or complaint is of a serious nature, or there is a reasonable belief the complaint is any allegation of sexual or physical abuse the approved provider is responsible to inform the regulatory authority within 24 hours, via the online IRMS reporting system.

COMPLAINANTS WILL:



- be informed of our duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of complaints. The complaints procedure ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our Service
- ensure children are able to express their concerns or allegations to either the management, educators, and/or families who are encouraged by management to complete the *Complaints Form* on the child's behalf
- 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, unless it is a reportable offence and notification to the regulatory authority is to be made with 24 hours of complaint
- 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)

COMPLAINTS RELATING TO THE ADMINISTRATION OF CHILD CARE SUBSIDY

Families who wish to raise concerns regarding the management of Child Care Subsidy 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 grievances.

Families can raise concerns regarding management of the Child Care Subsidy to the dedicated Child Care Tip-Off Line either via phone or email:

Phone: 1800 664 231

Email: tipoffline@education.gov.au

CONTINUOUS IMPROVEMENT/EVALUATION

Complaints provide our Service with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community. Our Service is committed to resolving complaints through prompt investigation, open communication, and transparent processes.

Our *Dealing with Complaints Policy* will be updated and reviewed annually in consultation with families, children, staff, educators and management.



To ensure complaints and grievances are handled appropriately, the approved provider/ nominated supervisor will:

- evaluate each individual complaint and grievance as recorded in the *Complaints and Grievance Management Register* to assess that a satisfactory resolution that has been achieved
- review complaints and grievances as recorded in the *Complaints and Grievance Management Register* to ensure a pattern of similar grievances is not occurring
- review the effectiveness of the Service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally
- consider feedback from staff, educators, families, children and community regarding the policy and procedure.

SOURCES

Australian Children’s Education & Care Quality Authority. (2014).
 Australia Children’s Education & Care Quality Authority. (2024). [Guide to the National Quality Framework](#)
 Australian Children’s Education & Care Quality Authority. (2023). [Using Complaints to support continuous improvement.](#)
 Australian Government Department of Education. [Child Care Provider Handbook](#) (Amended 2023)
 Australian Human Rights Commission: <https://www.humanrights.gov.au>
 Education and Care Services National Law Act 2010. (Amended 2023).
[Education and Care Services National Regulations.](#) (Amended 2023).
 Fair Work Australia: <https://www.fairwork.gov.au/>
 Queensland Government- Guide for effective complaints management
<https://earlychildhood.qld.gov.au/legislationAndGuidelines/Documents/effective-complaints-management-guide.pdf>
[Western Australian Legislation Education and Care Services National Law \(WA\) Act 2012](#)
[Western Australian Legislation Education and Care Services National Regulations \(WA\) Act 2012](#)

REVIEW

POLICY REVIEWED BY	Laticia Dick	Director	[DATE]
POLICY REVIEWED	October 20243	NEXT REVIEW DATE	October 2024
VERSION NUMBER	V1.		
MODIFICATIONS	<ul style="list-style-type: none"> • annual policy maintenance - no major changes to policy • additional information added- support person • hyperlinks checked and repaired as required • updated sources 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	



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