

DEALING WITH COMPLAINTS POLICY

SCOPE

This policy applies to the Board of Directors, employees, students, volunteers, visitors (including suppliers and contractors), families and children of the service.

POLICY PURPOSE

The purpose of this document is to outline the principles for managing complaints and feedback about the services provided by Integricare. It is important that this policy is adhered to and our system is understood by children, families, employees, volunteers and visitors who may interact with us. This policy is intended to ensure that we handle all complaints fairly, efficiently and effectively.

We will ensure that our complaints handling process is guided by the following:

- procedural fairness and natural justice
- that our complaint handling processes are linked to our Code of Conduct and all employees, volunteers and families feel supported to draw attention to these
- child safe standards
- culture free from discrimination and harassment
- children and young people have the right to know their rights. Staff know these rights, teach children about them and empower them to speak up.
- psychological safety exists for all parties, and that we endeavor to create a safe to speak up culture for complaints
- that our policy is accessible and responsive to the needs of all our children and their parents and families
- transparent policies and procedures
- opportunities for further investigation
- communication of clear outcomes from any investigation

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, and accessible only to management and the Regulatory Authority.

Criminal Conduct- conduct that, if proven, would constitute a criminal offence.

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 contracts, national standards). These are covered by a different policy: Staff Grievance and complaints investigation policy.

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. For Early Learning Services, 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 or Nominated Supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation.

Reportable Conduct- It includes sexual offences or sexual misconduct, assault, ill-treatment or neglect of a child or young person or any behaviour that causes psychological or emotional harm to a child or young person or any offences relating to a failure to report or failure to reduce or remove a risk of child abuse.

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 (Regulation 12).

GUIDING PRINCIPLES

Integricare believes in procedural fairness and natural justice which includes:

- 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.
- The right to have the decision clearly communicated.

Integricare employees will adhere to the Confidentiality and Privacy Policy when dealing with grievances and complaints- however, grievance involving a staff member for a child protection issue, a relevant government agency will need to be informed (*see Child Protection & Child Safe Policies*).

POLICY PROCESS

The process should involve the following:

- That child safety and wellbeing is always the priority and any concerns are reported immediately.
- Maintaining the confidentiality of all parties in line with policy and legislative requirements.
- 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 judging 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.

ROLES AND RESPONSIBILITIES

Staff Will:

- listen to the child's and/or family'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 family to seek a balanced understanding of the issue
- discuss possible resolutions available to the child or family. These would include external support options.
- encourage and assist the child and/or family to determine a preferred way of solving the issue
- record the meeting, confirming the details with the family at the end of the meeting
- maintain confidentiality at all times
- refer families (as necessary) to Service policies that may assist in resolving the grievance or complaint.
- *If the grievance cannot be resolved, it is to be referred to the Service/Centre Manager who will investigate further.*

Management will:

- report to police any complaint which involves an allegation of criminal conduct or creates suspicion of criminal conduct
- 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.
- any reportable Conduct Allegation should be reported to the appropriate external authorities within 7 days (*See Child Safe and Child Protection Policies*)
- ensure the name and telephone number /contact of the person to whom complaints can be made to is clearly visible at the service
- ensure information about our *Complaints Policy and Dealing with Complaints Policy* is easily accessible to all employees, families, visitors, suppliers/contractors and volunteers and available on our website
- 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
- 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.
- a serious incident should be documented in an Incident, Injury, Trauma and Illness Record 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 Service (Regulation 176(2)(a)). These records are required to be retained for the periods specified in Regulation 183.
- Written notification of complaints for Early Learning Services must be submitted using the appropriate forms, which can be found on the ACECQA website: www.cecqa.gov.au and logged using NQA ITS (National Quality Agenda IT System)

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 person who is the subject of a complaint - employee, volunteer, or visitor an opportunity to respond
- permitting the person who is the subject of a complaint person to have a support person present during the consultation (for example, Union Representative or family member)

- providing the person who is the subject of a complaint 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
- should management decide not to proceed with the investigation after initial inquiries, 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 and Privacy Policy*
- monitor ongoing behaviour and provide support as required
- ensure the parties are protected from victimisation and bullying
- ensure the *Complaint/Grievance Management Form* is completed and provided to Operations team/Service Managers as appropriate
- track complaints to identify recurring issues within the Services

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 or complaint 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 the grievance or complaint is of a serious nature, or there is a reasonable belief the complaint is criminal conduct or a reportable conduct allegation Approved Provider is responsible to inform the Regulatory Authority (*refer to Child Safe and Child Protection Policy*).
- if after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reasons
- the complainant will be informed that if they are not satisfied with any decision relating to the grievance procedure, they should consult with an external body for further advice such as the Regulatory Authority

Children and Families 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 for families ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our Service.
- Families will support Children know who to talk to if they are worried or feeling unsafe.
- In relation to all adult-initiated complaints, it is important to identify with the complainant, whether or not the child is aware that the concerns have been raised on their behalf, and the nature of any discussions the complaints have already had about the complaint with the child
- attempt to discuss their complaints with the relevant staff member associated with a particular child and/or family as the first step to resolving the issue
- communicate any concerns they may have in writing addressed to the organization or Manager [see: *Complaints/Grievance Form*]
- raise any unresolved concerns with Centre/Service Manager or the organisation
- maintain confidentiality at all times.

TIP-OFF LINE

Information about any potential breach of Child Care Subsidy can be provided anonymously by contacting the

Department of Education tip-off line on 1800 664 231 or in writing through 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, staff, and management.

To ensure complaints and grievances are handled appropriately, Management will:

- evaluate each individual complaint and grievance as recorded in the *Complaints /Grievance Management Form* to assess that a satisfactory resolution has been achieved
- review complaints and grievances as recorded in the *Complaints 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
- provide the Integricare Board oversight of complaints through Complaints Reporting at regular agreed intervals.
- consider feedback from staff, educators, children and families regarding the policy and procedure.

RELATED POLICIES, FORMS OR RESOURCES

- PO20-02 Positive Conflict Resolution Policy
- PO26-03 Child Protection Policy
- PO38-02 Centralised Communication to Families Policy
- PO48 CCS Governance Policy
- PO49-02 CCS Fraud Protection Policy
- PC09-02 Operational Governance Policy
- PC11-02 Notifications Required Policy
- Code of Conduct
- Child Safe Policy

RELATED LEGISLATION

- Child Care Subsidy Secretary's Rules 2017
- Family law Act 1975
- Children's Guardian Act 2019
- Child Protection (Working with Children Act 2012
- Privacy and Personal Information Protection Act 1998

LEGISLATION AND REGULATIONS

National Quality Standards (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.

LEGISLATIVE REQUIREMENTS/EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
Sec. 172	Offence to fail to display prescribed information
Sec.174	Offence to fail to notify certain information to Regulatory Authority
12	Meaning of serious incident
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
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
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents