

Lowther Hall

ANGLICAN GRAMMAR SCHOOL

All about the girl

Kindergarten: Dealing with Complaints Policy

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Review and approval responsibility:	Executive
Category:	Kindergarten
VRQA required:	Yes
Locations:	O:Drive, LowtherLink (staff & parents)



Dealing with Complaints Policy

Mandatory – Quality Area 7

PURPOSE

This policy will provide guidelines for:

- receiving and dealing with complaints and grievances at Lowther Hall Anglican Grammar School (AGS) Kindergarten
- procedures to be followed in investigating complaints and grievances.

Note: This policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

POLICY STATEMENT

Lowther Hall AGS Kindergarten is committed to:

- providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- complying with all legislative and statutory requirements
- dealing with disputes, complaints and complainants with fairness and equity
- establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- maintaining confidentiality at all times.

Scope

This policy applies to the Approved Provider, Nominated Supervisor, Responsible Person, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Lowther Hall AGS Kindergarten.

BACKGROUND AND LEGISLATION

Background

Complaints or grievances may be received from anyone who comes in contact with Lowther Hall AGS Kindergarten including parents/guardians, volunteers, students, members of the local community and other agencies.

In most cases, dealing with complaints and grievances will be the responsibility of the Approved Provider. All complaints and grievances, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint (refer to Definitions).

When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify Department of Education and Training (DET) of the complaint or grievance. The Approved Provider will investigate the complaint or grievance and take any actions deemed necessary, in addition to responding to requests from and assisting with any investigation by DET.

There may be occasions when the complainant reports the complaint or grievance directly to DET. If DET then notifies the Approved Provider about a complaint they have received, 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 DET.

DET will investigate all complaints and grievances it receives about a service, where it is alleged that the health, safety or wellbeing of any child within the service may have been compromised, or that there may have been a contravention of the Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011.

Legislation and Standards

Relevant legislation and standards include but are not limited to:

- Charter of Human Rights and Responsibilities Act 2006 (Vic), as amended 2011
- Children, Youth and Families Act 2005 (Vic), as amended 2012
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2017: Regulations 168, 170 – 173 and 176
- Health Records Act 2001 (Vic), as amended 2011
- Information Privacy Act 2000 (Vic), as amended 2011
- National Quality Standard, Quality Area 7: Governance and Leadership
 - Standard 7.1: Governance supports the operation of a quality service
 - Element 7.1.2: Systems are in place to manage risk and enable the effective management and operation of a quality service
- Privacy Act 1988
- Privacy Regulations 2006
- Child Safe Standards 2, 4 and 7

DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the General Definitions section of this manual.

ACEQA – Australian Children’s Education and Care Quality Authority – The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.

Complaint: (In relation to this policy) a complaint is defined as an issue of a minor nature that can be resolved promptly or within 24 hours, and does not require a detailed investigation. Complaints include an expression of displeasure, such as poor service, and any verbal or written complaint directly related to the service (including general and notifiable complaints).

Complaints do not include staff, industrial or employment matters, occupational health and safety matters (unless related to the safety of the children) and issues related to the legal business entity, such as the incorporated association or co-operative.

Complaints and Grievances Register: (In relation to this policy) records information about complaints and grievances received at the service, together with a record of the outcomes. This register must be kept in a secure file, accessible only to educators and Responsible Persons at the service. The register can provide valuable information to the Approved Provider on meeting the needs of children and families at the service.

General complaint: A general complaint may address any aspect of the service e.g. a lost clothing item or the service's fees. Services do not have to inform DET, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g. the service is in breach of a policy or the service did not meet the care expectations of a family.

Investigation: A formal and systematic inquiry to establish facts about a complaint by collecting, documenting, examining and evaluation evidence. An investigation is not and end in itself. Throughout an investigation, the investigator should keep an open mind about the possible outcomes of the investigation, such as education, compliance action, or a decision not to pursue the matter.

Mediator: A person who mediates, especially one who reconciles differences between disputants.

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 Act or Regulation, 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 to the secretary of DET 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 DET for confirmation. Written reports to DET 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/investigator
- 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

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). A serious incident should be documented in an Incident, Injury, Trauma and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority (DET) must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

SOURCES AND RELATED POLICIES

Sources

- ACECQA: www.acecqa.gov.au

Related Policies

- Code of Conduct Policy
- Enrolment and Orientation Policy
- Governance and Management of the Service Policy
- Incident, Injury, Trauma and Illness Policy
- Interactions with Children Policy
- Privacy and Confidentiality Policy
- Providing a Child Safe Environment
- Staffing Policy

PROCEDURES

The **Approved Provider** is responsible for:

- ensuring that obligations under the Education and Care Services National Law and National Regulations are met
- ensuring that the name and telephone number of the Responsible Person (refer to Staffing Policy) to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (Regulation 173(2)(b))
- ensuring that the address and telephone number of the Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- ensuring that DET is notified in writing within 24 hours of any complaints alleging a serious incident has occurred at the service or that the Education and Care Services National Law has been breached (Regulation 176)
- discussing the complaint with the complainant and taking notes from the meeting or discussion
- identifying, preventing and addressing potential concerns before they become formal complaints/grievances
- treating all complainants fairly and equitably
- taking reasonable steps to ensure the nominated supervisor and staff follow the Dealing with Complaints Policy

- ensuring that this policy is accessible for inspection at the service for staff and parents (Regulation 171)
- advising parents/guardians and any other new members of Lowther Hall AGS Kindergarten of the complaints and grievances policy and procedures upon enrolment
- regularly reviewing the policy to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly
- ensuring that the complaints result in reviews of relevant policies, procedures and practices
- complying with the service's Privacy and Confidentiality Policy and maintaining confidentiality at all times (Regulations 181, 183)

The **Nominated Supervisor, Responsible Person, educators and other staff** are responsible for:

- ensuring that the regulatory obligations are met in relation to dealing with complaints
- responding to and resolving issues as they arise where practicable
- maintaining professionalism and integrity at all times
- discussing minor complaints directly with the party involved as a first step towards resolution (the parties are encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)
- informing families of the Dealing with Complaints Policy
- notifying the Approved Provider if the complaint escalates and becomes a grievance (refer to Definitions), is a notifiable complaint (refer to Definitions) or is unable to be resolved appropriately in a timely manner
- providing information as requested by the Approved Provider e.g. written reports relating to the grievance
- complying with the service's Privacy and Confidentiality Policy and maintaining confidentiality at all times (Regulations 181, 183)
- working co-operatively with the Approved Provider and DET in any investigations related to grievances about Lowther Hall AGS Kindergarten, its programs or staff
- regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly
- ensuring that complaints result in reviews of relevant policies, procedures and practices.

Parents/guardians are responsible for:

- being familiar with and follow the Dealing with Complaints Policy
- raising any issues or complaint directly with the person involved, in an attempt to resolve the matter without recourse to the Dealing with Complaints Policy
- communicating (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable
- raising any unresolved issues or serious concerns directly with the Approved Provider Nadine Moran at morann@lowtherhall.vic.edu.au or 9325 5300 or to DET at Licensed Childcare/Children's Services help line on 1300 307 415 or via their website at <http://www.education.vic.gov.au/about/contact/Pages/complaintslanding.aspx>, via the **Nominated Supervisor**
- maintaining complete confidentiality at all times

Volunteers and students on placement, while at the service, are responsible for following this policy and its procedures.

COMMUNICATION OF THIS POLICY

The School will communicate the Dealing with Complaints Policy to:

- new families on enrolment
- all new Kindergarten staff on induction
- all Kindergarten staff annually through an update process
- families at least 14 days before changing the policy or procedures if the changes will:
 - affect the fees charged or the way they are collected or
 - significantly impact the service's education and care of children or
 - significantly impact the family's ability to utilise the service