

DEALING WITH COMPLAINTS POLICY

PURPOSE

We recognise that families, educators, other staff, and the community need to feel confident that any concerns or issues they may raise will be handled promptly and professionally. We will provide effective complaints management which meets our families needs. We will have a clear procedure in place for both staff and parents of the centre to utilise in the event of a grievance or complaint arising. We aim to ensure that all grievances are addressed and managed with procedural fairness and natural justice; promptly, sensitively, objectively, equitably, and confidentially.

Our dealing with complaints policy is child focused and means our children, educators, leadership, other staff, families/carers, and the community can be confident that complaints and grievances are taken seriously and addressed effectively.

BACKGROUND

We recognise that all staff and parents have a right to communicate concern about the service or work-related matters. This policy acknowledges that effective grievance management contributes to an improved workplace and family environment. It also means that our educators, management, other staff, families, and the community can be confident that complaints and grievances are taken seriously and addressed effectively.

The Guide to the National Quality Framework describes how an effective system for dealing with complaints confirms to educators, staff, families, and the community that complaints and grievances are taken seriously and investigated promptly, fairly, and thoroughly.

Our Grievances Policy and Procedure values:

- procedural fairness and natural justice
- our code of ethics and conduct
- a service culture free from discrimination and harassment
- transparent policies and procedures
- avenues for recourse and further investigation.

Our Policy ensures that all persons are presented with procedures that:

- value the opportunity to be heard.
- promote conflict resolution.
- encourage the development of harmonious partnerships.
- ensure that conflicts and grievances are mediated fairly.
- are transparent and equitable.

We understand that we have a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievances and complaints management and procedures.

We welcome and value all feedback including concerns raised and use these to guide our continual improvement.

Procedural fairness and natural justice

In general, the three core principles of natural justice or procedural fairness are:

- the right to be heard fairly; (the 'hearing' rule)
- the right to an unbiased decision made by an objective decision maker (the rule against 'bias'; and
- the right to have the decision based on relevant evidence (the 'no evidence' rule)

The National Regulations and National Law Act require that:

- the service has policies for dealing with complaints R168.
- the service displays the name and telephone number of the person at the education and care service to whom complaints may be addressed R173.
- the approved provider must notify the Regulatory Authority within 24hrs of a complaint alleging that:
 - o a serious incident has occurred or is occurring while a child was or is being educated and cared for by the service; or
 - o that the National Law has been contravened, S174 & R176.

The Approved Provider must also notify the regulatory authority of any "complaints that may impact on the regulatory authority's consideration of provider or service approvals."

An effective complaints and grievance management system confirms to staff, families and the community that complaints and grievances are taken seriously and investigated promptly, fairly and thoroughly. Effective management of complaints may inform quality improvement processes and is an efficient way of considering and acting on feedback from families.

The approved provider must notify the regulatory authority of certain circumstances and information, including any:

- complaints that may impact on the regulatory authority's consideration of provider or service approvals
- complaints alleging that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the service*, or the National Law has been contravened

The main regulatory requirements related to complaints are:

- The approved provider must notify the regulatory authority in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached (section 174). (Family day care educators are required to notify the approved provider (section 174A).)
- The name and telephone number of the person to whom complaints can be made must be clearly displayed at the service (section 172, regulation 173).
- Your policy and procedures should address these requirements, as well as quality practices relating to dealing with complaints that align with the National Quality Standard).

Notifications to the Regulatory Authority should be done using the ACECQA National Quality Agenda IT System (NQAITS)
<https://public.nqaits.acecqa.gov.au/Pages/Landing.aspx>

Refer to the ACECQA National Decision Tree in deciding whether a notification is required and the timeframe that the notification should be made <https://www.acecqa.gov.au/notify>

Regulatory Changes from October 2023

Approved providers and services must review and update existing policies to comply with new requirements under Education and Care Services National Regulations (regulations 84, 149 and 168).

Approved providers must ensure:

- services' complaint handling policies and procedures include the provision of a complaint handling system at the service that is child focused
- services' complaint handling policies also include matters relating to the management of a complaint that alleges a child is exhibiting harmful sexual behaviours."

IMPLEMENTATION

Procedural fairness and natural justice.

1. The right to be heard fairly.
2. The right to an unbiased decision made by an objective decision maker.
3. The right to have a decision based on logically relevant evidence.

A grievance/complaint pertaining to any aspect of the service's operations or care practices may be given either verbally or in written format and can be initiated by parents to staff, staff to parents or staff to staff. Any written complaint initiated by a parent may be completed on either a pro-forma complaints form available on request from the office or in the complainant's own format.

The Approved Provider/Director will assume the role of mediator unless directly involved in the grievance or complaint. In such case the mediator's role will be taken by the Director.

The mediator will:

- Investigate the full history of the matter, any contributing incidents, and other possible probable causes for the complaint.
- Interview staff members and/or witnesses implicated in the matter who may have relevant information.
- Ensure investigator responses are accurately recorded, signed, and dated.
- Agenda formatted before calling a joint meeting at which both parties will air their feelings, discuss each party's goal, and devise strategies to be put in place with a view to resolving the conflict.
- The mediator will continue to monitor and evaluate the situation to ensure the strategies remain in place.

If no agreement can be reached and the service is clearly unable to meet the child's or family's needs, it may be suggested that the family withdraw their child from the centre.

Should the childcare position be discontinued due to a reportable or serious

incident, a full report of the history of grievance will be made available to Family and Community Services and the Regulatory Authority.

DEALING WITH STAFF CONFLICT

The Workplace Health and Safety Act states that employers have a duty of care to their employees to ensure that the working environment supports emotional and mental wellbeing. This is enacted and embedded in our practice by the support of our 'Critical Mentor Framework'.

The staff at Elder Street Early Childhood Centre, advocate for team collaborations and mutual respect in their workplace. However, with even the best of intentions and practices sometimes conflict can flare. Management aims to discuss the issues surrounding potential conflict often and works with staff individually and as a group to help promote healthy communication, group problem solving and a feeling of empowerment by fostering autonomy in decisions regardless of job position. The management will foster, support, and promote staff skills in addressing conflict through availability of recognised in-services, workshops, and resources.

It is important for all staff to understand the difference between healthy and unhealthy conflict and how our actions and many different factors of personality and styles of communication can affect our interactions at work.

Signs of Healthy Conflict

Conflict amongst staff in a service can be constructive if it:

- Generates new ideas, new perspectives.
- Disentangles intent from impact by identifying contributing factors.
- Provokes an evaluation of organisational structures or centre design.
- Brings individuals' reservations and objections out into the open.
- Heightens the debate about pending decisions or problems.
- Forces the re-examination of current goals, policies, or practices.
- Focuses the attention on problems inhibiting performance at the centre.
- Energises staff – gets them actively involved in the life of the centre.

Signs of Unhealthy Conflict

Conflict amongst staff in a centre can be destructive if it:

- One person or faction is bound and determined to emerge victorious.
- If feelings determine the truth about a situation rather than facts
- Focus of the debate changes but the adversaries remain the same.
- Discussion never moves from complaints to solutions.
- Staff members start taking sides.
- Parents or other outside parties get drawn into the debate.
- Continuing acrimony starts to erode staff morale.
- Dissension continues even after a decision is hammered out.
- Debate focuses on personalities or 'perceived' intent rather than issues.

When a conflict does arise the Director and other parties utilise a process known as conflict mapping which is used to help identify the issues at hand in a nonthreatening environment with the aim to reaching a solution. The system has several steps.

1. Define the problem; to separate facts from interpretations, people from problems, and positions from interests/needs/fears.

2. To enable a change of perspective, to “walk in the other persons shoes”, to make motivations of all actors plausible.
3. To broaden perspectives.
4. Identify what the parties want – focusing on needs and fears; to elaborate hypotheses on new options, without taking the ownership of the conflict or solutions of the conflict away from the involved parties.

Workplace counselling may also assist employees who are having difficulties at work. Counselling can help employees to identify and deal with the causes of work-related problems before they become a major issue.

During annual Professional Goal Setting, staff complete a self-appraisal addressing different areas including teamwork, staff communication and interactions. From these evaluations, issues that may relate to past or potential conflict can be identified and personal and professional goals are then set.

Child Safe Standard 6 – Complaints Management.

Processes to respond to complaints and concerns are child-focused.

- Develop Child-Friendly Policies: Ensure complaint-handling policies are written in plain language and are accessible.
- Clear Reporting Pathways: Outline how complaints can be raised, including anonymous options, and ensure all staff know how to respond to and escalate concerns.
- Trauma-Informed Training: Train staff to respond sensitively to disclosures, ensuring children's safety and wellbeing is prioritised.
- Feedback Loops: Inform complainants about the outcomes and actions taken because of their feedback.
- Systematic Review: Regularly audit complaint trends to identify patterns and areas for improvement in processes.

After an incident/allegation

After a complaint or concern is raised, the approved provider or service leader should take prompt action:

- Gather all information available
- Obtain advice from relevant authorities to assist in determining if you need to make a report/notification and
- Decide on a course of action
- Undertake a risk assessment to mitigate any ongoing risks to the safety of children at the service.

How to Respond to Complaints – ACECQA NQF Child Safety Guide

- Write it down
 - o Record and add to grievance register
- Conduct an initial risk assessment
 - o Identify risks to children and ensure safety
 - o Identify which external agencies to notify or make a report to
 - o Plan for investigation
 - o Identify and secure any evidence
- Notify the regulatory authority under the National Law
 - o Notify using the NQAITS and discuss with regulatory authority
 - o Seek guidance on whether the person subject to allegation or complaint should keep working with children, during and after investigation

- o Continue to work with regulatory authority and follow their advice
- Consider if a report to external authorities under other laws is required;
 - o Police and/or
 - o Child protection agency as a mandatory reporter, and/or
 - o Reportable conduct scheme, and/or
 - o Contact the federal police – Australian Centre to Counter Child

Exploitation, and the eSafety Commissioner if it's about children's online safety

- Notify parents
 - o Seek guidance from external authorities on when and how to tell the family and whether to talk to the child and plan conversations.
 - o Seek guidance from external authorities on whether to, how and when to talk to other families at the service and plan conversations.
- Conduct internal investigation – maintain confidentiality
- Support the child and family by keeping them informed and providing support
- Support staff
 - o Ensure they understand confidentiality requirements
 - o Use a trauma-informed approach to help staff involved in the process
 - o Where available refer to an employee assistance program
- After the investigation has been completed – ensure clear documentation is maintained in a secure location including investigations and advice from expert authorities.

Managing a Complaint of Child Sexualised Behaviour

- Providers and educators play an important role in making informed professional judgements regarding sexualised behaviours involving children
- Not all sexual behaviour involving children poses a risk to their safety, it may be age appropriate sexualised behaviour
- Informed judgements regarding sexualised behaviours help to ensure the health, safety and wellbeing of children by:
- Supporting healthy sexual development (age-appropriate sexualised behaviour)
- Protecting them from harm or abuse (inappropriate or problem sexualised behaviour)
- Note that in some cases, sexualised behaviour involving children may fall within reporting requirements under other laws

Reporting to the Regulatory Authority

Approved Providers must notify the regulatory authority of the following in relation to complaints:

Type of Notification Timeframe Reference

- Any complaint alleging that a serious incident has occurred or is occurring at an education and care service (refer to regulation 12 for a list of Serious incidents), or
- the National Law has been contravened within 24hrs of the complaint
Section 174(2)(b) Regulation 12

Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child or children are being educated and cared for by the service within 7 days if prior to 1 September 2025. Within 24hrs from 1 September 2025 Section 174(2)(c) Regulation 175 (2)(d)

CONFIDENTIALITY

The parties involved in a grievance are required, at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint. Regarding confidentiality: there may be a requirement to disclose information to a third party when directed by legislative regulations. For example, if the nature of the complaint is about child protection concerns, a government agency may need to be informed. In other circumstances, the complaint may be held in confidence with those individuals directly involved.

Children's safety, health and wellbeing is our key priority. In line with regulatory requirements, we notify the regulatory authority of any complaints alleging the occurrence of a serious incident or contravention of the Education and Care Services National Law.

Our families are integral to our service. We welcome their input into all aspects of our service's operation, including any complaints they may have.

We welcome complaints as an opportunity to enhance the quality of our education and care practices. We reflect on each complaint received, identifying any issues or areas of improvement for our service.

Legislation, Recognised Authorities and Sources

- "Code of Ethics", Early Childhood Australia (2016)
- "Natural Justice/Procedural Fairness" NSW Ombudsman Fact Sheet 14
- "Key Changes to Notifications, Incidents and Complaints from 1 Oct 2017" National Quality Framework, Information Sheet ACECQA, August 2017
- "Dealing with Complaints – Policy Guidelines" NQF Review ACECQA July 2023 (accessed on-line June 2025)
<https://www.acecqa.gov.au/sites/default/files/2021-08/DealingComplaintsGuidelines.pdf>
- "Embedding the National Child Safe Principles" NQF Review Information Sheet (accessed on-line June 2025)
https://www.acecqa.gov.au/sites/default/files/2023-08/InfoSheet_EmbeddingTheNationalChildSafePrinciples_1.pdf
- "Guide to the National Quality Framework" Australian Children's Education & Care Quality Authority Jan 2025
- Education and Care Services National Law Act 2010 (version Oct 2024)
 - o 174 Offence to fail to notify certain information to Regulatory Authority
- Education and Care Services National Regulations (version Jan 2025)
 - o 168 Education and care service must have policies and procedures
 - o 170 Policies and procedures to be followed
 - o 171 Policies and procedures to be kept available
 - o 172 Notification of change in policies or procedures affecting ability of family to utilise service

- o 173 Prescribed information to be displayed
- o 176 Time to notify certain information to Regulatory Authority
- National Quality Standards
 - o QA6 Collaborative partnerships with families and community
 - o 7.1 Governance

Reviewed: 10 June 2005
 21 April 2006 by M Duffy-Fagan
 17 October 2008 by M Duffy-Fagan
 21 September 2012 by M Duffy-Fagan
 11 June 2016 by K Pomfrett and M Duffy-Fagan
 20 September 2018 by K Pomfrett and M Duffy-Fagan
 12 October 2021 by K Pomfrett and M Duffy-Fagan
 12 August 2022 by K Pomfrett and K Hewat
 26 June 2023 by K Hewat
 19 July 2024 by K Hewat P Guy and M Duffy-Fagan
 10 July 2025 by K Hewat, P Guy and M Duffy Fagan

Further Sources: Department of Community Services
 "Everyone can Win", Cornelius, H & Faire, S 1989, Simon and Schuster, Roseville, NSW
 "When Friction Flares: dealing with staff conflict, Child Care Information Exchange, no. 65.
 National Quality Framework Resource Kit 2011
 NSW Government Industrial Relations 31 May 2013
 NSW Government Safework NSW- Mental Health
 The Workplace Health and Safety Act-Preventing Psychological Injury 26 May 2014
 Privacy Act 1988 (Cth)
 Guide to the NQF (Regulatory Authority Powers – Monitoring, compliance, and enforcement
 Australian Government Fair Work Ombudsman
 ACECQA – Australian Children's Education and Care Quality Authority

ELDER STREET ECHC COMPLAINT FORM
Date of incident or complaint:
What happened to cause you to be dissatisfied?

How can we make this right?		
How would you prefer your follow up to this complain? (Please circle)		
Phone call	Email	Arrange an interview
Name:		
Address:		
Phone:		
Mobile:		
Email:		