



# Dealing with Complaints

## Quality Area 7: Leadership and service management

### Relevant Legislation

Children (Education and Care Services National Law Application) ACT 2010

Education and Care Services National Regulations 2011: Section 172, 174  
Regulation 168 – 173, 176

National Quality Standard for Early Childhood Education and Care: Elements: 7.1,  
7.1.1, 7.1.2, 7.1.3

### Aim / Rationale

Yass Montessori Pre-School recognises that children, families, educators and 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 everyone's needs.

It is the responsibility of the Director to monitor the quality of care provided by educators. Non-compliance with policies and procedures, national standards or legislation may result in the demotion, suspension, dismissal, or de-registration of an educator depending on the circumstances, particularly if the offence is serious or deliberate. Outcomes will be at the discretion of the Director and the President after they have met with the educator to investigate the event of non-compliance and after the educator has had the opportunity to explain their position.

### Policy Goals

- ✧ Maintain the dignity and rights of each child at the service, particularly the rights of all children to feel safe, and be safe at all times, including:
- ✧ Promoting the cultural safety of Aboriginal children.
- ✧ Promoting the cultural safety of children from culturally and linguistically diverse backgrounds.
- ✧ Promoting the safety of children with a disability.
- ✧ Encourage children to express themselves and their opinions, and to undertake experiences that develop self-reliance and self-esteem.
- ✧ Consider the health, safety and wellbeing of each child, and providing a safe, secure and welcoming environment in which they can develop and learn.
- ✧ Always maintain a duty of care and taking all reasonable steps for each child's safety and wellbeing.
- ✧ Consider the diversity of individual children at the service, including family

and cultural values, age, and the physical and intellectual development and abilities of each child.

- ✧ Build collaborative relationships with families to improve learning and development outcomes for children.
- ✧ Encourage positive, respectful and warm relationships between children, families educators and staff at the Pre-School.

## **Strategies / Procedures: What will we do?**

### **The Approved Provider will:**

- ✧ Ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- ✧ Ensure the name and contact number of the person to whom complaints can be made is clearly displayed at the service.
- ✧ Ensure that the regulatory authority is notified 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.
- ✧ Discuss the complaint with the complainant and make notes from the meeting or discussion
- ✧ Ensure the inclusion of policies and procedures for managing complaints alleging that a child is exhibiting harmful sexual behaviours.
- ✧ Ensure policies and procedures dealing with complaints include matters relating to the provision of a complaint handling system that is child focused.
- ✧ Take reasonable steps to ensure that nominated supervisors, educators and staff follow the Dealing with Complaints policy and procedures.
- ✧ Ensure that copies of the policy and procedures are readily accessible to nominated supervisors, educators and staff, and available for inspection.
- ✧ Ensure educators, staff, volunteers and students are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures.
- ✧ Notify 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
  - significantly impact the service's education and care of children
  - significantly impact the family's ability to utilise the Pre-School.
- ✧ Regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly.
- ✧ Ensure that complaints result in reviews of relevant policies, procedures and practices.

## **The Nominated Supervisor will:**

- ✧ Ensure that regulatory obligations are met in relation to dealing with complaints.
- ✧ Implement procedures for dealing with complaints.
- ✧ Inform families and the broader service community of the Dealing with Complaints policy and procedures.
- ✧ Discuss the complaint with the complainant.
- ✧ Ensure the approved provider is aware of the complaint, if it is a notifiable complaint, or if a complaint cannot be resolved.
- ✧ Ensure the complaint is documented.
- ✧ Work co-operatively with the approved provider, educators, staff and/or the complainant during the investigation or resolution of a complaint.
- ✧ Ensure educators, staff, volunteers, and students are well informed about their child protection responsibilities and reporting and privacy obligations.
- ✧ Ensure educators, staff, volunteers and students are well informed about different ways children express concerns or distress and disclose harm, as well as processes for responding to disclosures from children.
- ✧ Regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly, and thoroughly.
- ✧ Ensure that complaints result in reviews of relevant policies, procedures, and practices.

## **Educators will:**

- ✧ Understand and implement the Dealing with Complaints policy and procedures.
- ✧ Report all complaints received to the Nominated Supervisor and/or Approved Provider promptly so timeframes can be adhered to.
- ✧ Support the Nominated Supervisor and Approved Provider in the investigation and/or resolution of complaints.
- ✧ Understand and are aware of child protection law and their individual responsibilities.
- ✧ Are aware of the different ways children express concerns or distress and disclose harm, as well as the processes for responding to disclosures from children.
- ✧ Support children to know who to talk to if they are feeling unsafe and understand the complaint handling processes.

## **Families**

- ✧ Be familiar with and follow the Dealing with Complaints policy and procedures.
- ✧ Raise any issues or complaints in line with the policy and procedures.
- ✧ Cooperate with service representatives dealing with complaints.

## **MANAGING CONCERNS OR COMPLAINTS RAISED**

Every effort will be made to assist parents or educators who raise concerns about the quality of care, standard of teaching or learning; or an issue that relates to the Pre-School generally. The Director will work with parents and/or educators to resolve those concerns through negotiation and

discussion in the first instance, and then through awareness of any legalities affecting the particular matter; and through attention to the rights and responsibilities of the parties involved.

Unresolved concerns will be referred to the Approved Provider. Further attempts to resolve the issue may be guided with the help of a mediator. A parent and/or educator may also choose to discuss a concern with a representative of the Department of Education in NSW however, this would be a last resort.

As a part of the information provided to parents and educators, the details of the telephone numbers and address of the nearest regional office of the Department of Communities are included in the Grievance Policy so that a parent or educator can readily contact the Department about an unresolved concern.

## **FORMAL PROCESS FOR MANAGING BREACHES**

### **Step 1:**

Unless there is a risk to a child, an appropriate verbal warning/notice of breach will be given to a staff member or visitor for any failure on the part of the educator or visitor to comply with the legislation, regulations, policies, or reasonable expectation of appropriate behaviour of an adult at the Pre-School.

### **Step 2:**

A written plan, including time frames, will be formulated to resolve the issues raised and give the staff member or visitor the opportunity to comply with required standards. This plan will be developed in consultation with both parties.

The Pre-School may advise parents of children in care when there has been a breach by staff. Any breach that impacts on the health or safety of a child or children should be reported to parents (see also Confidentiality Policy).

The Pre-School, on behalf of the Approved Provider, may decide, for reasons deemed to be sufficient, either to suspend or not to renew a staff members contract when there has been a clear breach of policy, regulation or legislation.

### **Step 3:**

If suspension or non-renewal occurs, the Approved Provider will:

- provide the staff member with written reasons for the suspension or non-renewal of the contract.
- inform the staff member of their right to make oral and written submissions to the Approved Provider within fourteen (14) days of the suspension or non-renewal of the Contract.
- duly consider any submission made by the staff member.
- notify the staff member of the outcome of the Approved Provider's decision.
- verbally if the decision is to unconditionally remove the suspension or issue a new unconditional Contract.
- in writing within thirty (30) days from the date of receipt of the staff member's submission if the decision is to.
- remove the suspension and impose conditions on the contract.
- continue the suspension for a specified period [not longer than the period for which the contract remains in force].
- cancel the contract.
- issue a new contract with conditions.

- refuse to issue a new contract.

If no mutually acceptable resolution has been reached, either party has the right to seek arbitration through Fair Work Australia.

<b>Procedures and Forms</b>	Enrolment	Confidentiality
	Complaints and Feedback	Staff Handbook
<b>Links to other Policies</b>	Incident, Injury, Trauma & Illness	Interactions with Children
	Child Safe Environment	Enrolment
	Staffing	Governance
<b>Sources and References</b>	ACECQA – Guide to the National Quality Framework	
	ACECQA – Occasional Paper 5: Leadership and management in education and care services	
	ACECQA – Opening a new service	
	ACECQA – Using Complaints to support continuous improvement	
	Australian Human Rights Commission – Child Safe Organisations	
	Commonwealth Ombudsman – Better practice complaint handling guide	
NSW Ombudsman – Effective complaint handling guidelines		

<b>Policy Reviewed</b>	<b>Modifications</b>	<b>Next Review Date</b>
2013	Developed	2015
February 2018	Reviewed	
August 2023	Changes to the NQF <ul style="list-style-type: none"> <li>- <i>to improve complaints handling</i></li> <li>- <i>rewording of existing policy</i></li> <li>- <i>include risk minimisation</i></li> </ul>	August 2025, or when procedure, practice, or legislation changes

<b>Person/s responsible for policy</b>	Director / Administrator
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