

# DEALING WITH COMPLAINTS POLICY GUIDELINES

Under the *Education and Care Services National Regulations*, an approved provider must ensure that policies and procedures are in place in relation to dealing with complaints (Regulation 168).

The regulatory requirements related to complaints are:

- The approved provider must notify the regulatory authority 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 complaints that align with the National Quality Standard.

Under the *Education and Care Services National Regulations*, education and care services must have policies and procedures in place in relation to dealing with complaints. These guidelines are part of a series and are intended to assist in the development of your *Dealing with complaints policy*. They have been designed to guide you in the development of your policy and are not an exact format.

## 1. Title

*Dealing with complaints policy*

## 2. Policy statement

The policy statement will reflect your service's philosophy and approach to dealing with complaints.

*For example:*

We recognise that families, educators, staff and the community need to feel confident that any concerns or issues they may raise will be handled promptly and professionally. We are committed to providing effective complaints management which meets our families' needs.

## 3. Background

Your policy needs to include a statement of why this requirement is in place.

For example, the *Education and Care Services National Regulations* require policies and procedures to be in place in relation to dealing with complaints.

As noted in the Guide to the National Quality Framework, 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. Effective management of complaints may inform quality improvement processes and is an efficient way of considering and acting on feedback from families' (Element 7.1.2: Management systems).

Complaints offer providers and service leaders a valuable opportunity to improve the quality of their education and care. Each complaint can serve as a springboard for reflection on the service's processes, procedures and practices, allowing for meaningful change.

#### 4. Legislative requirements

Your policy must be consistent with and refer to legislative requirements for nutrition, food and beverages, and dietary requirements. Examples include, but are not limited to:

Section 172	Offence to fail to display prescribed information
Section 174	Offence to fail to notify certain information to Regulatory Authority
Reg 143B	Ongoing management of family day care educators
Reg 168	Education and care service must have policies and procedures
Reg 170	Policies and procedures to be followed
Reg 171	Policies and procedures to be kept available
Reg 172	Notification of change to policies or procedures
Reg 173	Prescribed information to be displayed
Reg 176	Time to notify certain information to Regulatory Authority

When writing your policy, you should break down what is required under each Regulation and how your service will meet these requirements. How these work in practice will be contained in your procedures.

As you reflect on your *Dealing with complaints policy*, it might highlight the need to split its various areas into different policies and procedures that can be readily accessed by all educators and staff members to follow in relation to your service's philosophy and their roles and responsibilities.

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#### 5. Principles to inform your policy

All decision-making should be carried out in accordance with the principles of your service's *Dealing with complaints policy*. Examples of principles could include, but are not limited to:

- Children's health, safety 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.
- 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, and look for any pattern in complaints to identify areas to improve our service.

## 6. Key terms

To make it easier for your audience, provide definitions of key terms that may not be used every day. For example:

<b>Term</b>	<b>Meaning</b>	<b>Source</b>
ACECQA – 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	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.	Australian and New Zealand Standard Guidelines for complaint management in organisations - AS/ NZS 10002:2014
Complaints management	Resolving individual complaints and identifying opportunities to make systemic improvements.	<a href="https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/complaints-management">https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/complaints-management</a>
Investigation	A formal and systematic inquiry to establish facts about a complaint by collecting, documenting, examining and evaluating evidence. An investigation is not an 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.	Guide to the NQF (Regulatory Authority Powers – Monitoring, compliance and enforcement)

## **7. Links to other policies**

Refer to related policies and procedures, for example:

- Incidents, injury, trauma and illness
- Providing a child safe environment
- Staffing
- Interactions with children
- Enrolment and orientation
- Governance and management of the service

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## **8. Induction and ongoing training**

State information about induction training and frequency of ongoing training and information sharing to assist managers, coordinators, educators and staff to fulfil their roles effectively.

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## **9. Policy created/reviewed**

Include the date the policy was created, reviewed or changes were made.

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## **10. Monitoring, evaluation and review**

State when the policy will be reviewed and who will be responsible for this.

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## **11. Checklist**

- Have you referenced the relevant Regulations and are these reflected in the policy?
- Does the title provide a clear and concise statement identifying the intent of the policy?
- Have you checked the policy requirements and referenced related legislation that applies to your service type?
- Does your policy statement provide a framework for decision-making and ensure consistent practice?
- Does your policy statement reflect your service philosophy?
- Is it clear why this policy exists?



# DEALING WITH COMPLAINTS PROCEDURES GUIDELINES

The approved provider must ensure the service has procedures for dealing with complaints.

Your procedures should be written in clear and concise language, making them easy to read, understand and implement.

The steps and guidelines you document will not only guide your practice, but also inform regulatory authorities of roles and responsibilities.

When thinking about your procedures for dealing with complaints for your service, they need to be practical and achievable. For example, if your procedures state that you record all complaints, you will need to make sure steps are in place for this to occur.

Under the *Education and Care Services National Regulations*, education and care services must have policies and procedures in place in relation to dealing with complaints. These guidelines are part of a series and are intended to assist in the development of your *Dealing with complaints procedures*. They have been designed to guide you in the development of your procedures and are not an exact format.

## 1. Title

*Dealing with complaints procedures*

## 2. Reference to policy and philosophy

Here you refer to your *Dealing with complaints policy* as seen in your policy documents. You can reference where you will find the policy to help those looking for it.

Your procedures will also reflect your service's overall philosophy, your *Dealing with complaints policy*, and evidence-based quality practice guidelines for dealing with complaints.

## 3. Procedures

This is where you detail the way you will implement the *Dealing with complaints policy*.

It is the 'How to' in your service and includes specific step-by-step procedures for dealing with complaints.

Some areas that will be outlined here will include:

- where the procedures will be kept
- when they were last reviewed
- templates and documents that might be required and/or used as a part of the procedures (e.g. cleaning schedules)
- resources required for the implementation of procedures
- systems to monitor the implementation of the procedures

As you reflect on your *Dealing with complaints policy*, it might highlight the need to split its various areas into different procedures, which will be displayed or accessed by all educators and staff to follow in relation to their actions.

## 4. Roles and responsibilities

This is where you will designate specific roles and responsibilities for the people who hold different positions within your service. This needs to align with the Regulations.

It is important to note that it is the legal responsibility of approved providers to ensure systems are in place to minimise risk and ensure health and safety procedures are implemented by the responsible people in services. Ultimate responsibility lies with the approved provider to ensure their service/s are meeting the requirements under the National Quality Framework.

When developing this section consider:

- What are the roles and responsibilities of the approved provider, nominated supervisor, educators or other staff in your service in relation to dealing with complaints?
- How will you clearly define these roles and expectations and where will it be documented?
- Why are clear and robust procedures for dealing with complaints important for children's safety and wellbeing?
- How will you learn from complaints overtime to reflect on and improve service quality?
- How will you learn from the administration of these procedures to improve your practices?
- How will you ensure that the necessary tools are available so the approved provider, nominated supervisor, educators and other staff members can follow the procedures? How will they be made aware of the procedures?

An example of roles and responsibilities could include, but is not limited to:

Roles	Responsibilities
<b>Approved provider</b>	<ul style="list-style-type: none"><li>• ensure that obligations under the <i>Education and Care Services National Law</i> and <i>National Regulations</i> are met</li><li>• ensure the name and contact number of the person to whom complaints can be made is clearly displayed at the service (and family day care (FDC) residence or approved venue, if applicable)</li><li>• ensure that the regulatory authority is notified within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the <i>Education and Care Services National Law</i> has been breached</li><li>• discuss the complaint with the complainant</li><li>• take reasonable steps to ensure that nominated supervisors, educators and staff follow the <i>Dealing with complaints policy and procedures</i></li><li>• ensure that copies of the policy and procedures are readily accessible to nominated supervisors, coordinators, educators and staff, and available for inspection</li><li>• notify families at least 14 days before changing the policy or procedures if the changes will:<ul style="list-style-type: none"><li>- affect the fees charged or the way they are collected or</li><li>- significantly impact the service's education and care of children or</li><li>- significantly impact the family's ability to utilise the service</li></ul></li></ul>

Roles	Responsibilities
	<ul style="list-style-type: none"> <li>regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly</li> <li>ensure that patterns and trends in complaints and, where appropriate, individual complaints, result in reviews of relevant policies, procedures and practices</li> </ul>
<b>Nominated supervisor/ Responsible person</b>	<ul style="list-style-type: none"> <li>ensure that regulatory obligations are met in relation to dealing with complaints</li> <li>implement procedures for dealing with complaints</li> <li>inform families and the broader service community of the <i>Dealing with complaints policy and procedures</i></li> <li>discuss the complaint with the complainant</li> <li>ensure the approved provider is aware of the complaint, if it is a notifiable complaint, or if a complaint cannot be resolved</li> <li>ensure the complaint is documented</li> <li>work co-operatively with the approved provider, educators, staff and/or the complainant during the investigation or resolution of a complaint</li> <li>regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly</li> <li>ensure that complaints result in reviews of relevant policies, procedures and practices</li> </ul>
<b>Educators</b>	<ul style="list-style-type: none"> <li>implement the <i>Dealing with complaints policy and procedures</i></li> <li>report all complaints received to the nominated supervisor and/or approved provider</li> <li>support the nominated supervisor and approved provider in the investigation and/or resolution of complaints</li> </ul>
<b>Families</b>	<ul style="list-style-type: none"> <li>be familiar with and follow the <i>Dealing with complaints policy and procedures</i></li> <li>raise any issues or complaints in line with the policy and procedures</li> <li>cooperate with service representatives dealing with complaints</li> </ul>

The following table will assist you in developing procedures specific to your needs and context. Referring to the Regulations when you are writing your procedures will assist you to ensure that you are meeting your obligations.

Areas to include in your procedures	Things to consider and outline in each area <i>(this will be specific to the context of your service)</i>	Strategies for monitoring and implementing procedures	Related policy and/or procedures
<p><b>Preparing for and dealing with complaints</b></p> <p><b>Leg:</b> s172, s174</p> <p><b>Regs:</b> 143B, 168-173, 176</p> <p><b>QA2</b></p> <p><b>QA4</b></p> <p><b>QA6:</b> 6.1</p> <p><b>QA7:</b> 7.1.2, 7.2.1</p>	<ul style="list-style-type: none"> <li>Ensuring the name and contact number of the person to whom complaints can be made is clearly displayed at the service (and FDC residence or approved venue, if applicable)</li> <li>The processes to ensure that the regulatory authority is notified within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the <i>Education and Care Services National Law</i> has been breached</li> <li>How best to communicate with families about the complaints procedures</li> <li>What the processes are for receiving complaints (method, etc.)</li> <li>Communicating with the complainant at all stages of the process – timeframes, methods, etc.</li> <li>What the procedures will be to respond to, monitor, follow up on and investigate complaints, and associated steps to follow and timeframes</li> <li>Whether educators and staff should have the authority to resolve straightforward matters, with more serious or complex matters escalated to service leadership</li> <li>Who will be responsible for investigating complaints</li> <li>Specific processes for investigating a complaint that concerns a staff member, noting sensitivities and reporting requirements</li> <li>Specific processes if the complaint is about another child and/or their family</li> </ul>	<ul style="list-style-type: none"> <li>Make sure your policy and procedures are available for all to access</li> <li>Consider creating a checklist of things the person responsible for communicating with the complainant should discuss at each stage of the process</li> <li>Provide induction training for educators and staff and regular updates and reviews at team meetings on complaints management and the procedures</li> <li>Ensure educators and staff understand their responsibilities in relation to complaints</li> <li>Ensure the complaints policy and procedures are discussed with families as part of enrolment and orientation</li> <li>Provide training in investigation best practice to the individuals who will be asked to lead as part of their role/responsibilities</li> <li>Consider what complaints may require an external investigation (if a conflict of interest exists or if no one at the service holds the requisite skills)</li> <li>Consider the system to be used to record the complaints and outcomes. Including reflecting on any changes that may have resulted</li> </ul>	<p>Incident, injury, trauma and illness</p> <p>Providing a child safe environment</p> <p>Enrolment and orientation</p> <p>Governance and management of the service</p> <p>Staffing</p>

Areas to include in your procedures	Things to consider and outline in each area <i>(this will be specific to the context of your service)</i>	Strategies for monitoring and implementing procedures	Related policy and/or procedures
	<ul style="list-style-type: none"> <li>• How often to review the procedures to ensure complaints are investigated promptly, fairly and thoroughly</li> <li>• What records you will keep in relation to complaints</li> <li>• What steps you will take to support people to feel safe or comfortable when making a complaint (e.g. anonymously)</li> <li>• Confidentiality procedures</li> <li>• How you will deal with difficult, aggressive or repeat complainers</li> <li>• How staff are supported through the complaint process</li> </ul>		
<p><b>Resolving complaints</b></p> <p><b>Leg:</b> s174</p> <p><b>Regs:</b> 143B, 168-172, 176</p> <p><b>QA2</b></p> <p><b>QA4</b></p> <p><b>QA6:</b> 6.1</p> <p><b>QA7:</b> 7.1.2, 7.2.1</p>	<ul style="list-style-type: none"> <li>• How you will let the complainant know what actions you will take as a result of their complaint</li> <li>• How you will inform other parties of the outcome of the complaint, if relevant (e.g. your service community)</li> <li>• What the process will be if the complainant is unhappy with your proposed resolution of the complaint (e.g. a right to appeal, etc.)</li> <li>• How you will use the complaint to identify any issues or areas of improvement for your service</li> <li>• Whether your policies, procedures or practices need amending as a result of the experience with the complaint</li> </ul>	<ul style="list-style-type: none"> <li>• Create a process to inform complainants of the outcome of a complaint or investigation</li> <li>• Create a system to reflect on the outcomes of complaints and any changes that may have resulted</li> </ul>	<p>Incident, injury, trauma and illness</p> <p>Providing a child safe environment</p> <p>Governance and management of the service</p>

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## 5. Procedures created/reviewed

Include the date the procedures were created or reviewed.

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## 6. Monitoring, evaluation and review

Your service, in consultation with educators, staff, families and other stakeholders, should review the effectiveness of these procedures within a set timeframe or earlier if there is a change in relevant legislation.

State when the procedures will be reviewed and who will be responsible for this.

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## 7. Checklist

- Do the procedures align with your *Dealing with complaints policy*?
  - Have your procedures been written in plain English and can they be easily implemented by an educator new to your service?
  - Is it clear who is responsible for the implementation of the procedures?
  - Are all educators and staff aware of the procedures and can implement them if required?
  - Do you need to develop any resources to monitor and record the procedures?
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# Useful Resources

Include links to useful resources that have helped inform the development of your policy. In addition, be mindful of the existence of any state- or territory-specific content.

Some examples include, but are not limited to:

- Effective complaint handling guidelines – [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0018/42228/Effective-complaint-handling-guidelines-Third-edition.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0018/42228/Effective-complaint-handling-guidelines-Third-edition.pdf)
- Guide for effective complaints management (Queensland) – <https://earlychildhood.qld.gov.au/legislationAndGuidelines/Documents/effective-complaints-management-guide.pdf>
- Guide to the National Quality Framework – <https://www.acecqa.gov.au/nqf/about/guide>
- Managing unreasonable complainant conduct – <https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/managing-unreasonable-complainant-conduct>
- Using complaints to support continuous improvement – <https://www.acecqa.gov.au/media/22986>
- ACECQA's Occasional Paper 5 – Leadership and management – <https://www.acecqa.gov.au/media/25871>