



# DEALING WITH COMPLAINTS POLICY P4.0320.3

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# DEALING WITH COMPLAINTS POLICY

**DIVISION:** Sport, Community and Activation

**BRANCH:** Community Outcomes - Family Day Care

**CATEGORY:** 3

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## PART 1 – INTRODUCTION

### 1. BACKGROUND

- 1.1 Our service values the feedback of educators, families, staff and the wider community in helping to create a Family Day Care (FDC) service that meets the needs of enrolled children and their families. We encourage open communication by providing opportunities to respond to policies and procedures and feedback on the delivery of the service. A component of this feedback is the ability to put forward a complaint and have this managed appropriately.
- 1.2 Effective systems 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.
- 1.3 Effective complaints management is an efficient way to consider and act on feedback from families and inform quality improvement; *National Quality Standard Element 7.1.2: Management systems*.
- 1.4 The *Education and Care Services National Regulations* require Approved Providers to ensure their services have policies and procedures in place for dealing with complaints.

### 2. OBJECTIVE

- 2.1 To provide guidance for the management and timely resolution of complaints and issues and ensure families, educators, staff and the community are confident that any concerns or issues they may raise will be handled fairly, promptly and professionally.
- 2.2 Have procedures in place that value complaints as an opportunity for meaningful reflection and improvement.

### 3. SCOPE

- 3.1 This policy applies to:
  - Camden Council FDC Service.
  - Camden Council FDC staff employed by Camden Council.
  - Educators (including educator assistants and relief educators) registered with the service as agents of the Approved Provider Camden Council.
  - Children enrolled in the service and their families.

- Volunteers and students engaged within Camden FDC services.

#### 4. DEFINITIONS

- 4.1 **Approved Provider** means a person who holds a provider approval *Children (Education and Care Services) National Law (NSW)*. A provider approval authorises a person to apply for one or more education and care service approvals and is valid in all jurisdictions.
- 4.2 **Australian Children’s Education and Care Quality Authority (ACECQA)** means 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.
- 4.3 **Complaint** means 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.
- 4.4 **Complainant** means the person raising the grievance or complaint.
- 4.5 **Co-ordination Unit** means the Camden FDC principal office and main faculty for running the Service from which Camden FDC employees work.
- 4.6 **Educator** means an individual suitably qualified and registered by Camden FDC to provide education and care and can refer to the FDC educator as the business owner, educator assistant or relief educator.
- 4.7 **Family Day Care (FDC)** means a type of education and care service that is run from the educator’s own residence or an approved venue for the purpose of educating and caring for small groups of children aged 0-12 years.
- 4.8 **FDC Service** means the FDC education and care business of each individual educator or reference to Camden Council FDC service.
- 4.9 **Investigation** means 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.
- 4.10 **Nominated Supervisor** means a person appointed by the Approved Provider and who has given consent to be appointed to be in day to day charge of a service and must be contactable during the hours FDC Educators are providing education and care.
- 4.11 **Parent/Guardian** means the child’s mother or father or other person responsible for the child through a court of law as their legal guardian and does not include a parent who is prohibited from having contact with the child.
- 4.12 **Personal Information** means information or an opinion about an identified individual, or an individual who is reasonably identifiable. This may include sensitive information, such as cultural background or court orders, health information, bank details, employment details and contact details.

4.13 **Regulatory Authority** means the agency or department in each state or territory which administers the National Quality Framework (NQF). They are responsible for granting approvals, including provider approval and service approvals, assessing and rating services against the National Quality Standard and working with ACECQA to promote continuous quality improvement and educating the sector and community about the NQF.

4.14 **Staff** means employees of Camden Council FDC.

## **PART 2 - POLICY STATEMENT**

### **5. PRINCIPLES**

5.1 Camden FDC affirm that people have a right to question and influence decisions and service provided. We take complaints seriously and manage them in a confidential, timely, transparent, and meaningful way. We achieve this by:

- 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 judge 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.

5.2 We welcome the input of families into all aspects of our service's operation, including any complaints they may have.

5.3 We welcome complaints as an opportunity to reflect on and 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. To facilitate this:

- The procedures will be made freely available to all stakeholders in an easily understood format.
- Records will be kept of grievances raised, action taken, outcomes reached, method of resolution and feed-back from originating person.

5.4 Wherever possible it is encouraged that complaints be handled between the parties concerned and every effort should be made to resolve the issue before proceeding further.

5.5 Staff have a responsibility to assist educators with the resolution of complaints where required and as soon as possible, where an issue is brought to them or they have reason to believe a situation has arisen.

- 5.6 Educators and staff have a responsibility to act in accordance with the Early Childhood Australia Code of Ethics.
- 5.7 The Department of Education as the Regulatory Authority is notified of any complaints alleging the occurrence of a serious incident or contravention of the *Education and Care Services National Law*.
- 5.8 Where it is deemed that a complaint involves a risk of harm or potential risk of harm for a child the matter will be reported to the Child Protection Helpline.
- 5.9 Clear procedures have been developed in line with this policy for managing and resolving complaints and educators should follow these procedures.
- 5.10 Complaints will be reflected upon and outcomes used to inform changes to procedures and where applicable quality improvement plans will be developed.

## 6. ROLES AND RESPONSIBILITIES

### 6.1 Approved Provider

- Ensure that obligations under the *Education and Care Services National Law* and *National Regulations* are met.
- Take reasonable steps to ensure that the nominated supervisor, educators, staff and volunteers follow the policy and procedures.
- Ensure the *Dealing with Complaints* policy and procedures are in place.
- Ensure the nominated supervisor and co-ordination unit staff have access to appropriate resources for the development, implementation, training and ongoing management of this policy and its related procedures.
- Ensure the name and contact number of the Nominated Supervisor and responsible person/s to whom complaints can be made is clearly displayed at the co-ordination unit and at each FDC residence.
- 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.
- Where necessary intervene and discuss the complaint with the complainant and make notes from the meeting or discussion.
- Take reasonable steps to ensure that nominated supervisors, educators and staff follow the *Dealing with Complaints* policy and procedures.
- Ensure the co-ordination unit keeps a register of complaints.
- Ensure that copies of the policy and procedures are readily accessible to Nominated Supervisors, co-ordinator's, educators, staff, and families and available for inspection.
- Notify families at least 14 days before changing the policy or procedures if the changes will affect the fees and charges and/or significantly impact the service's education and care of children or the family's ability to utilise the service.

## 6.2 Nominated Supervisor/ Team Leader

- Complete responsibilities as delegated by the approved provider.
- Implement the *Dealing with Complaints* policy and procedures.
- Inform educators, staff and families of the *Dealing with Complaints* policy and procedures, including what to do if they have a complaint or receive a complaint.
- Where appropriate, discuss the complaint with the complainant.
- Assist educators and staff to manage and resolve complaints appropriately where required.
- Ensure the Approved Provider is aware of notifiable complaints, or complaints that cannot be resolved.
- 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.
- Ensure complaints are documented and a complaints register maintained.
- Work co-operatively with the Approved Provider, educators, staff and/or the complainant during the investigation or resolution of a complaint.
- 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.

## 6.3 Coordination Unit Staff

- Ensure they follow Camden FDC policy and procedures and implement and maintain all requirements under these and as directed by the nominated supervisor.
- As delegated by the Nominated Supervisor, monitor the implementation of the *Dealing with Complaints* policy and procedures by educators.
- Facilitate induction and ongoing training of educators, educator assistants and relief educators in this policy and procedures.
- Where required assist educators to manage and resolve complaints appropriately.

## 6.4 Educators

- Ensure they conduct themselves and their FDC service practices in accordance with all legislative requirements and Camden FDC policy and procedures and as directed by the nominated supervisor and co-ordination unit.

- Are aware of and understand that in the case of a FDC education and care service the obligation of an Approved Provider is also the obligation of the FDC educator.
- Implement the *Dealing with Complaints* policy and procedures ensuring they understand what to do when they receive a complaint.
- Work on having open lines of communication with families so that families feel they can approach the educator to discuss any concerns or problems.
- Refer families to the service policy and procedures for *Dealing with Complaints*.
- Use complaints as an opportunity for reflection and improvement.
- If unsure of how to proceed with a complaint contact a co-ordination unit staff member for support.
- Report all complaints received to the co-ordination unit and/or Approved Provider promptly so timeframes can be adhered to.
- Report child protection issues to the child protection hotline.
- Support the Nominated Supervisor and Approved Provider in the investigation and/or resolution of complaints.

## 6.5 Families

- Be familiar with and follow the *Dealing with Complaints* policy and procedures.
- Ensure effective lines of communication between themselves and the educator and contact the co-ordination unit if unable to approach or resolve an issue with the educator.
- Raise any issues or complaints in line with the policy and procedures.
- Cooperate with service representatives dealing with complaints.

## 7. INDUCTION AND ONGOING TRAINING

- 7.1 Induction and ongoing professional development will be implemented for all educators and staff, focusing on this policy and related procedures.
- 7.2 Educator induction will be implemented as a part of the registration process. Their ongoing training requirements and review of their service environments and practices occurs annually at the time of re-registration and as a need is identified.
- 7.3 Information will be shared with educator assistants and relief educators on induction and as relevant to the environments that they are working in, their shift responsibilities and the children in their care.
- 7.4 Visits from the co-ordinator will provide opportunities to critically reflect with educators on any complaints raised and use this opportunity for continuous improvement implications.

## 8. MONITORING, EVALUATION AND REVIEW

- 8.1 This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this policy every three years.
- 8.2 Families, educators, and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.
- 8.3 In accordance with regulation 172 of the *Education and Care Services National Regulations*, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

## 9. SOURCES AND RESOURCES

- [Australian Children's Education and Care Quality Authority \(ACECQA\)](#)
- [ACECQA Dealing with Complaints Guidelines](#)
- [ACECQA Guide to the National Quality Framework](#)
- [ACECQA Using Complaints to Support Continuous Improvement](#)
- [Commonwealth Ombudsman better-practice-complaint-handling-guide](#)



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**RELEVANT LEGISLATIVE INSTRUMENTS:** *Children (Education and Care Services) National Law (NSW) No 104a of 2010*  
*Education and Care Services National Regulations*  
*National Quality Standard | Australian Children's Education and Care Quality Authority (ACECQA)*  
*Privacy Act 1988 (Cth)*  
*Privacy Regulation 2013 (Cth)*

**RELATED POLICIES, PLANS AND PROCEDURES:** Dealing with complaints procedure  
Enrolment and orientation policy  
Governance and management policy  
Incident, injury, trauma and illness policy  
Interactions with children policy  
Notifiable complaints procedure  
Preparing for and reception of complaints procedure  
Providing a child safe environment policy  
Resolving complaints procedure  
Staffing policy

**RESPONSIBLE DIRECTOR:** Director Sport, Community and Activation

**APPROVAL:** General Manager through the Executive Leadership Group.

**HISTORY:**

Version	Approved by	Changes made	Date	EDMS Number
1		New	Feb 2012	
2			Jan 2019	
3	ELG	Name changed from Feedback and Complaints	14/04/2022	22/175859