

## Dealing with Complaints Policy

<b>Aim:</b>	The aim of this policy is to ensure Concongella Primary School Council Outside of School Hours Care (OSHC) personnel understand how to receive and respond to complaints and grievances and the procedures to be followed in investigating complaints and grievances by a parent, guardian, child or stakeholder.
<b>Date of Operation:</b>	17/06/2021
<b>Review Dates:</b>	17/06/2022

### POLICY

Complaints or grievances may be received from anyone who comes in contact with Concongella Primary School Council OSHC Services including but not limited to 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 Concongella Primary School Council OSHC. All complaints and grievances, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint.

When a complaint or grievance has been assessed as 'notifiable', the Concongella Primary School Council OSHC must notify Department of Education and Training, Quality Assessment and Regulation Division (QARD) and the school of the complaint or grievance. Notifications to DET must be made through the National Quality Agenda IT System (NQA ITS) portal. The [insert school name] OSHC 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 QARD.

There may be occasions when the complainant reports the complaint or grievance directly to QARD. If this occurs, QARD is responsible to then notify [insert school name] OSHC about a complaint they have received. After this, [insert school name] OSHC is still responsible to investigate and deal with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by QARD.

QARD 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* (National Law) and the *Education and Care Services National Regulations 2011* (National Regulations).

### **Concongella Primary School Council OSHC is committed to:**

- Providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- Ensuring all personnel, including volunteers and students, understand and adhere to all [insert school name] OSHC policies and deliver high quality education and support
- 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.

### **Concongella Primary School Council School Council is responsible for:**

- Being familiar with the National Law and the National Regulations, service policies and constitution, and complaints and grievances policy and procedures
- Identifying, preventing and addressing potential concerns before they become formal complaints/grievances Being aware of, and committed to, the principles of communicating and sharing information with service employees and volunteers
- Responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- Treating all complainants fairly and equitably
- Complying with the OSHC Privacy and Confidentiality Policy and maintaining confidentiality at all times (Regulations 181, 183)
- Investigating and resolving grievances
- Informing QARD in writing within 24 hours of receiving a notifiable complaint (refer to Definitions) (Act 174(4), Regulation 176(2)(b))
- Taking appropriate action in response to grievances.

**The Nominated Supervisor is responsible for:**

- Ensuring that the name and telephone number of the Responsible Person to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (Regulation 173(2)(b) of the National Regulations)
- Ensuring that the address and telephone number of the QARD Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- Advising parents/guardians of the Dealing with Complaints policy upon enrolment
- Ensuring that this policy is available for inspection at the service at all times (Regulation 171)
- 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)
- Dealing with situations in which an issue is unable to be resolved by:
  - Notifying [insert school name] OSHC if the complaint escalates and becomes a grievance is a notifiable complaint (refer to Definitions) or is unable to be resolved appropriately in a timely manner
  - Providing the complainant with the contact number of the appropriate [insert school name] OSHC Nominated Supervisor if they wish to speak with someone immediately
  - Working with Concongella Primary School Council OSHC as required and providing information requested by [insert school name] OSHC; for example, written reports related to the complaint/grievance
- Complying with the Concongella Primary School Council OSHC Confidentiality of Records Policy and maintaining confidentiality at all times (as required by National Regulations, r181)
- Working cooperatively with [insert school name] OSHC and DET in any investigations related to complaints or grievances about the service, programs, or staff
- Informing complainants of the service's Complaints and Grievances Policy
- Complying with the service's Privacy and Confidentiality Policy and maintaining confidentiality at all times (Regulations 181, 183 of the National Regulations).

## Parents/Guardians are responsible for:

- Raising a complaint directly with the person involved, in an attempt to resolve the matter in accordance with this policy
- Communicating any concerns relating to the management or operation of the service as soon as is practicable
- Raising any unresolved issues or concerns directly with [insert school name] OSHC
- Maintaining complete confidentiality at all times
- Co-operating with requests to meet with Concongella Primary School Council OSHC and/or provide relevant information when requested in relation to complaints and grievances.

## Definition

**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.

**Dispute resolution procedure:** The method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

**General complaint:** A general complaint may address any aspect of the service e.g. a lost clothing item, 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.

**Notifiable complaint:** A complaint that alleges a breach of the National Law or National Regulations has occurred, the service's policies and procedures have not been followed, or alleges that the safety, health or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the School Council to QARD within 24 hours of the complaint being made (Section 174(2)(b) of the National Law, Regulation 176(2)(b) of the National Regulations). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact QARD for confirmation. Written reports to QARD 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 NQA ITS portal forms, which can be found on the Australian Children's Education and Care Quality Authority (ACECQA) website: <https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>.

**Serious incident:** An incident resulting in the death of a child, or an injury, trauma or illness for which a reasonable person would consider required urgent medical attention from registered medical practitioner or emergency services or for which the child attended or ought reasonably to have attended a hospital. E.g. whooping cough, broken limb, anaphylaxis reaction. 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 Incidents, Injury, Trauma and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. QARD 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.

**Roles and Responsibilities**

Department/Role	Responsibility
Educators and Supervisors	Educators, Supervisors, Nominated Supervisor/Educational Leader will oversee the implementation and service adherence to this policy All Educators are responsible for the daily implementation of the policy when directly supervising children.
School Council / Principal	Provide official sign off on the Policy

**Policy Review**

The Policy will be reviewed every 12 months. The ongoing monitoring and compliance to this policy will be overseen by Nominated Supervisor, [insert school name] OSHC and Person with Management or Control of the Service where practical. Feedback from QARD, received through the assessment and rating process and/or compliance visits will inform this policy review. Feedback from stakeholders, e.g. parents, school community etc. will also inform policy updates and review.

## Legislation and Standards

- [Charter of Human Rights and Responsibilities Act 2006](#) (Vic)
- [Children, Youth and Families Act 2005](#) (Vic)
- [Education and Care Services National Law Act 2010](#)
- [Education and Care Services National Regulations 2011](#)
- [Health Records Act 2001](#) (Vic)
- [Information Privacy Act 2000](#) (Vic)
- [National Quality Standard](#) (Quality Area 7: Leadership and Service)
- [Privacy Act 1988](#) (Cth)
- [Privacy Regulations](#) (Cth)
- [Child Safe Standards](#)

## Supporting Documents

Department of Education, Skills and Employment Tip Off Line:

Phone: 1800 664 231

Email: [tipoffline@dese.gov.au](mailto:tipoffline@dese.gov.au)

## Staff Acknowledgement

I acknowledge:

- receiving the Concongella Primary School Council OSHC Dealing with Complaints Policy;
- that I will comply with the policy; and
- that dependent on the seriousness of any breach there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your Name:	
Signed:	
Date:	
Concongella Primary School Council OSHC sign off:	Date: