



DEALING WITH COMPLAINTS FAMILIES POLICY



Purpose

The Education and Care Services National Regulations requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170).

IEL aims to investigate all complaints and grievances with a high standard of equity and fairness. We will ensure that all people making a complaint are guided by the following policy values:

- procedural fairness and natural justice
- code of ethics and conduct
- culture free from discrimination and harassment
- transparent policies and procedures
- opportunities for further investigation
- adhering to Insight Early Learning philosophy

PROCEDURAL FAIRNESS AND NATURAL JUSTICE

Insight Early Learning believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision maker
- The right to have the decision based on relevant evidence.

Scope

This policy applies to management, the approved provider, nominated supervisor, educators, students, staff, families, visitors (including contractors) and children of the Service.

Legislative Requirements

Education and Care National Law	
Regulations	Description
174	Offence to fail to notify certain information to Regulatory Authority
168(2)(o)	Education and care service must have policies and procedures... for dealing with complaints
170	Policies and procedures must be followed
173(2)(b)	Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at the service
176	Time to notify certain information to Regulatory Authority

Relevant National Quality Standard (NQS) Elements

Quality Area 6 – Collaborative Partnerships	
6.1	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	The expertise, culture, values and beliefs of families are respected, and families share in decision-making about their child's learning and wellbeing.

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6.2	Collaborative partnerships enhance children’s inclusion, learning and wellbeing.
Quality Area 7 – Governance and Leaderships	
7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality Service
7.2.1	There is an effective self-assessment and quality improvement process in place.

Implementation

Complaints should be viewed as valuable feedback that assists services in identifying any areas requiring improvement. Services should use feedback and complaints from families, staff and the community as an opportunity to reflect on current practice and make adjustments where required, in order to strive for continual improvement and delivering a high-quality service.

Handling complaints appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. Our Dealing with Complaints Policy ensures that all persons are presented with procedures that:

- Address the complaint, complete the Complaint Grievance Management Form and ensure that all parties have the opportunity to be heard
- Establish clear steps to address complaint while promoting conflict resolution
- Meet with the family and outline the Record of discussion points, action/s to be taken, person responsible to be addressed by (date) encourage the development of harmonious partnerships
- Management will provide a response outlining the outcome and provide a copy to all parties involved within 7 days to ensure that conflicts and grievances are mediated fairly and
- are transparent and equitable.

DEFINITIONS

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.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature.

Mediator: A person who attempts to assist and support people involved in a conflict comes to an agreement.

Mediation: An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

THE APPROVED PROVIDER/ NOMINATED SUPERVISOR/RESPONSIBLE PERSON WILL:

- ensure that obligations under the Education and Care Services National Law and Regulations are met.
- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and associated procedure.
- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service.
- ensure information about our Dealing with Complaints Policy is easily accessible to all families, visitors and volunteers.
- treat all grievances and complaints seriously and as a priority.
- ensure grievances and complaints remain confidential.
- ensure grievances and complaints reflect procedural fairness and natural justice.
- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint.
- investigate and document the grievance or complaint fairly and impartially.
- provide details of an outcome following an investigation if required.
- Dealing with Complaints

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- reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent
- discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer or visitor an opportunity to respond.
- permitting the accused person to have a support person present during the consultation (for example: HR Representative or family member, family support services; however, this does not include a lawyer acting in a professional capacity)
- advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
 - management will provide a written response outlining the outcome and provide a copy to all parties involved.
 - if a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflect the resolution.
- should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
- keep appropriate records of the investigation and outcome and store these records in accordance with our
 - Privacy and Confidentiality Policy and Record Keeping and Retention Policy
 - monitor ongoing behavior and provide support as required.
 - ensure the parties are protected from victimisation and bullying.
 - request feedback on the grievance or complaint process using feedback form
 - track complaints to identify recurring issues within the Service.

TEAM MEMBERS WILL:

- listen to the family’s view of what has happened.
- clarify and confirm the grievance or complaint, documenting all the facts prior to the investigation.
- encourage and support the family to seek a balanced understanding of the issue.
- discuss possible resolutions available to the family. These would include external support options.
- encourage and assist the family to determine a preferred way of solving the issue.
- record the meeting, confirming the details with the family at the end of the meeting.
- maintain confidentiality at all times.
- refer families (as necessary) to Service policies that may assist in resolving the grievance or complaint.
- If the grievance cannot be resolved, it is to be referred to the Nominated Supervisor who will investigate further:
 - if appropriate, collect relevant written evidence. This evidence will be treated in strict confidence and will be held in a secure place.
 - involve the Approved Provider / Managing Director in the conflict resolution as required.
 - should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts.
 - third parties providing evidence must also be made aware that the matter is to be kept confidential.

Should the grievance or complaint be lodged against another person(s), these persons, will be interviewed separately and impartially. Individuals must be given the opportunity to respond fully to the allegations and may have another person present, as a support person, if they wish. If after investigation, it is concluded that the grievance is substantiated:

- both parties will be told of the decision and the reason for it
- immediate and appropriate steps will be taken to prevent the grievance from recurring.
- if after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reason.
- the family will be informed that if they are not satisfied with any decision relating to the grievance procedure that they should consult with an external body for further advice such as the Regulatory

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- Authority
- if the grievance or complaint is of a serious nature, or there is a reasonable belief the complaint is any allegation of sexual or physical abuse the Approved Provider is responsible to inform the Regulatory Authority.
 - FAMILIES WILL:
 - be informed of our duty of care to ensure that all people are provided with a high level of equity and fairness in relation to the management of complaints. The complaints procedure for families ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our Service.
 - attempt to discuss their complaints with the relevant educator associated with a particular child and/or family as the first step to resolving the issue.
 - communicate any concerns they may have in writing addressed to the Approved Provider or Nominated Supervisor [see: Complaints/Grievance Form]
 - raise any unresolved concerns with the Approved Provider or Nominated Supervisor
 - maintain confidentiality at all times.

Notification types and timeframes

We will support to make the required notification within 24 hours of the complaint and within 24 hours of the incident or of becoming aware of the incident.

- a serious incident has occurred or is occurring at an education and care service or
- the National Law has been contravened Section 174(2)(b) Regulation 12

We will also support to report.

- Any incident where the approved provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service Section 174(2)(c) Regulation 175(2)(d)

- Any circumstance at the service that poses a risk to the health, safety or wellbeing of a child attending the service Section 174(2)(c) Regulation 175(2)C

Written notification of complaints must be submitted using the appropriate forms and logged using NQA ITS (National Quality Agenda IT System).

If the Approved Provider/Nominated Supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation.

Complaints regarding Child Protection:

Insight Early Learning adheres strictly to our state child protection policy and the National Principles for Child Safe Organizations, ensuring a child-centric approach in managing complaints related to children exhibiting harmful sexual behaviors.

We emphasise a child-focused perspective, fostering empathy and sensitivity in all interactions, while prioritizing privacy and confidentiality. We offer unwavering support to children affected by such complaints, including counselling and appropriate referrals when needed.

We diligently investigate the complaint, striving for resolutions in the child's best interest, and maintain transparent communication with all involved parties. Preventive measures are taken based on investigation findings, and we continuously improve our policies, actively seeking feedback to uphold our commitment to safeguarding children in all aspects of our services.

Complaints relating to harmful sexualised behaviour

Insight Early Learning recognises that complaints relating to harmful sexualised behaviour between children require a child-safe, trauma-informed and developmentally appropriate response. All complaints, concerns, disclosures or observations relating to harmful sexualised behaviour will be treated seriously and managed in accordance with the National Principles for Child Safe Organisations, relevant child protection legislation, and Insight Early Learning's Child

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Safe Environment and Child Protection policies.

Procedure

When a complaint regarding harmful sexualised behaviour between children is received, the Service will:

1. Ensure Immediate Safety

- Take immediate action to ensure the safety and wellbeing of all children involved.
- Implement appropriate supervision and risk management measures.
- Provide emotional support to any child affected by the incident.

2. Receive and Record the Complaint

- Listen respectfully and respond in a calm, supportive and non-judgemental manner.
- Record the complaint accurately and objectively using the Service's Complaint/Grievance and Incident documentation processes.
- Maintain confidentiality and privacy for all children and families involved.

3. Notify Relevant Personnel

- Notify the Nominated Supervisor immediately.
- Escalate the matter to the Area Manager and Approved Provider as soon as practicable.
- Determine whether mandatory reporting or regulatory notifications are required.

4.	Assess	Reporting	Obligations
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The Approved Provider or delegate will assess whether notifications are required to:

- The Regulatory Authority;
- Child Protection authorities;
- Police or relevant law enforcement agencies;
- Other government agencies as required by legislation.

5. Communicate with Families

- Inform the families of affected children, where appropriate and in accordance with privacy obligations.
- Provide information regarding supports available and the steps being taken by the Service.
- Maintain ongoing communication throughout the complaint management process.

6. Implement Risk Management and Support Strategies

- Review supervision arrangements and environmental risks.
- Develop risk management strategies to prevent recurrence.
- Access external professional advice and support services where appropriate.
- Support all children involved in a manner that promotes their safety, wellbeing and dignity.

7. Review and Resolution

- Review all available information.
- Determine appropriate actions to address identified risks.
- Document outcomes and actions taken.
- Incorporate learnings into continuous improvement processes.
- Monitor the effectiveness of any strategies implemented.

PRIVACY AND CONFIDENTIALITY

Management and educators will adhere to our Privacy and Confidentiality Policy when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a relevant government agency will need to be informed. (see: State Child Protection Policy).

CONFLICT OF INTEREST

It is important for the complainant to feel confident in:

- being heard fairly
- an unbiased decision-making process

Should a conflict of interest arise during a grievance or complaint that involves the Approved Provider or Nominated Supervisor, other Management will be nominated as an alternative mediator.

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Insight Early Learning may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Services Code of Conduct is adhered to.

COMPLAINTS RELATING TO THE ADMINISTRATION OF CHILD CARE SUBSIDY

Families who wish to raise concerns regarding the management of Child Care Subsidy should speak with the Nominated Supervisor in the first instance. The Nominated Supervisor will follow the steps as outlined in this policy, including advising the Approved Provider of all grievances.

Families can raise concerns regarding management of the Child Care Subsidy to the Department of Education via their Online contact form. Additionally, information about any potential breach of Child Care Subsidy can be reported anonymously by submitting an online report directly to the Department of Education. For more information visit the Department of Education website: Reporting fraud via a tip-off

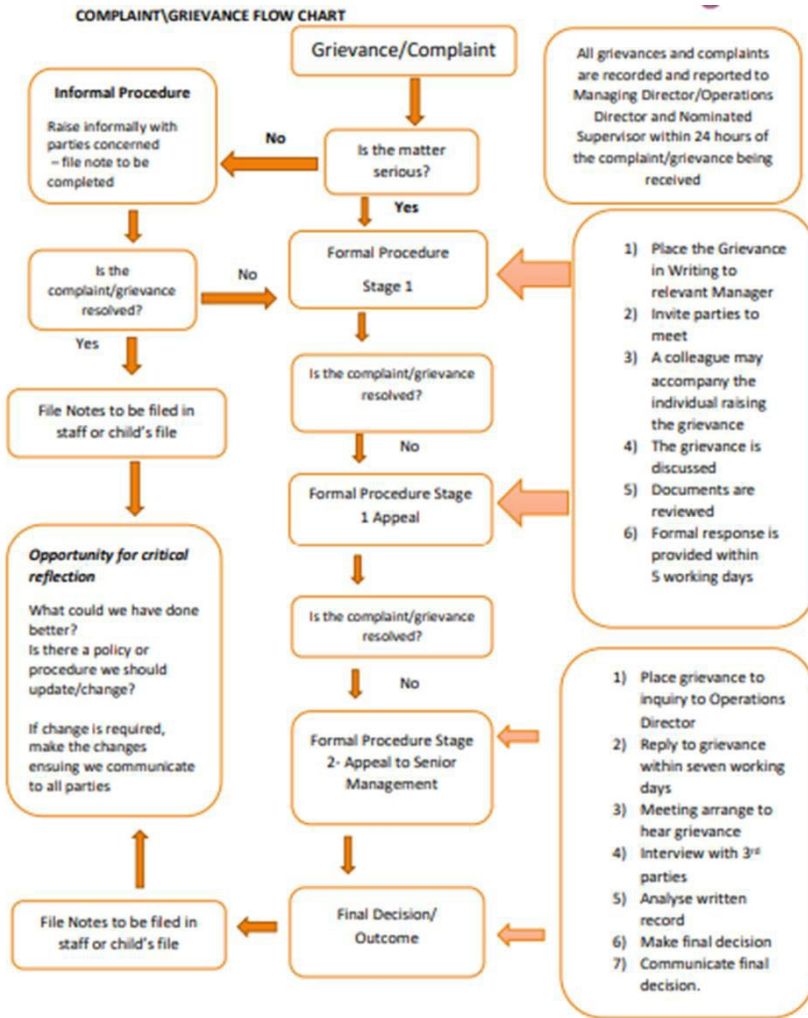
CONTINUOUS IMPROVEMENT/EVALUATION

Complaints provide Insight Early Learning with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community. Insight Early Learning is committed to resolving complaints through prompt investigation, open communication, and transparent processes.

To ensure complaints and grievances are handled appropriately, the Approved Provider/ Nominated Supervisor will:

- evaluate each individual complaint and grievance as recorded in the Complaints Folder to assess that a satisfactory resolution that has been achieved.
- review complaints and grievances as recorded in the Complaints form to ensure a pattern of similar grievances is not occurring.
- review the effectiveness of the Service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally.
- consider feedback from staff, educators and families regarding the policy and procedure.

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Review

This policy will be reviewed annually or as legislation, regulations, or best practice changes.

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