**Family Concern and Complaint Policy**

**Rationale:**

The aim of the policy is to:

* Create consistency and transparency in the complaint process by establishing clear guidelines for families for:
* receiving and dealing with complaints and grievances at The Avenue Children’s Centre and Kindergarten
* procedures to be followed in investigating complaints and grievances

(Note: This policy does not address complaints relating to staff grievances or employment matters.)

* Improve current practices in order to achieve best practice.
* Ensure parents have an opportunity to equitably voice concerns and complaints.
* Ensure professionals respond to family concerns and complaints in an approachable, non-judgemental and unbiased manner.
* Create accountability for staff to follow procedure
* Create accountability and enable all professionals to confidently adhere to legal requirements
* Provide a process for families if they have concerns in relation to the Child Care Subsidy or other potential fraudulent activity

**Policy:**

We value family-centred practice and therefore encourage parents/guardians to share with us any feedback or concerns that they may have regarding all our professional practices and procedures. We believes that a parent or guardian who has a complaint has the right to raise the complaint and expect that every effort will be made to resolve it in accordance with this policy, without prejudice or fear of reprisal or victimisation. The parent & guardian has the right to present the complaint/appeal personally as well as in writing.

**Definitions**:

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 or the service's fees. Services do not have to inform DET, 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.

Mediator: A person (neutral party) who attempts to reconcile differences between disputants.

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

Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider to the secretary of DET within 24 hours of the complaint being made (Section 174(2) (b), Regulation 176(2) (b)). If the Approved Provider is unsure whether the matter is a notifiable complaint,

it is good practice to contact DET for confirmation.

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. 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 Incident, Injury, Trauma and Illness Record (sample

form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority (DET) 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.

**Making a Complaint**

**Informal Concern**

We acknowledge that particular relationships and specific concerns may provide opportunities for families to raise issues informally (face-to-face conversations, phone call). The educator with whom the conversation took place should, with the family's knowledge, document the issue and outcome of the discussion, ensuring that anonymity is maintained if requested and when appropriate.

**Formal Complaint**

Formal complaints must be raised in writing by the complainant or a representative. Formal complaint is raised when the issue cannot be resolved immediately with the person initially approached or the family is unsatisfied with the informal complaint resolution.

**What to do if you have a complaint**

Families are provided with options that enable them to communicate their concern in a way that they feel most comfortable with.

**Who to contact when raising a complaint:**

* Approach the person directly involved in the first instance
* If you feel as though your complaint has not been acknowledged or addressed appropriately, you would then approach the coordinator/2IC
* If you still feel as though your complaint has not been acknowledged or addressed appropriately, you would then approach the Committee of Management (contact details of President and other COM members are available by request in the office)

 **How to go about making complaint:**

* + In the event that a complainant feels nervous about voicing their concern or is angry or upset, they may be invited to put their complaint in writing, with the assistance of an educator or coordinator/2IC if required. The complaint will then be addressed by the co-ordinato/2IC, ensuring the utmost professionalism and confidentiality is adhered to.
	+ Opportunities for the complainant to have private discussions with coordinator/2IC will be appropriately provided.

**What happens next?**

Educators and coordinator will, to the best of their ability and in consultation with the family concerned, determine whether the complaint is managed or refer the complaint to President and COM. Co-ordinator/2IC is to decide at this stage whether or not the complaint is to be dealt with internally or if there is a legal requirement to communicate the complaint to the Department of Education and Training (DET)

(The need to report a complaint to the Department may be found appropriate, in the presence of new evidence or further complaint, at any time during the internal proceedings. In this case all procedures are to be ceased until advice is received from the Department.)

If decided that an internal investigation is appropriate, the following procedures are to be followed:

1. Clarify and acknowledge the complaint
2. Discover what outcome the complainant expects from the process
3. In order to ensure objectivity, all parties are to collaboratively agree upon professional as the Nominated Mediator (NM) to lead the investigation process.
4. Nominated Mediator is to meet with both parties (individually or collectively) to establish a common goal for both parties and how to accomplish the common goal.
5. At this stage, barriers to the common goal will be determined and an agreement on the best way to resolve the compliant should be reached.
6. All parties are to acknowledge the agreed solution and determine the responsibilities each party has in the resolution.

**Guidelines for educators in effective complaint handling:**

* Acknowledge direct concern and the emotions of the complainant
* Take a positive approach in seeking solutions, not blame.
* Ask questions to clearly identify the issue, the expectation and if the complainant has any suggested solutions.
* Actively listen
* Avoid responding immediately and defensively
* Take notes where and when appropriate and as soon as possible.
* Discuss issues with colleague or coordinator/2IC whilst ensuring confidentiality and professionalism
* Complaints are investigated and documented in a timely manner
* Be professional and abide by Staff Code of Conduct

**Responsibilities of Families with a concern or complaint:**

* Families are to ensure they follow Family Code of Conduct
* Raise the concern or complaint as soon as possible
* Be courteous, calm and act in good faith
* Be factual and provide as all relevant information
* Respect all parties’ points of view and avoid judgements
* Respect the right of all parties to be treated fairly
* Maintain confidentiality

**Review/evaluate/update**

Agree to a time and date for a next meeting to communicate progress, inform conclusions reached or the need for further investigation.

**Possible outcomes**

After the investigation is complete, and no further evidence is found, three possible scenarios may arise:

* Complaint is validated
* Insufficient evidence (but may indicate a need to improve or monitor practices)
* Compliant is proved unfounded

Depending on the outcome, one or more of the following outcomes may be implemented:

* Further staff training
* Monitoring practices
* Change in policies or procedures
* A verbal or written apology to the staff member if the complaint is unfounded, or found to have been unjust or malicious, or to the complainant (whichever applies)
* An official warning
* Disciplinary action
* Another appropriate action agreed between parties

The Nominated Mediator is to document all outcomes decided and their implementation, and have it signed by all parties and should set a follow-up date where deemed necessary.

**Appeals**

If you feel the complaint has not been dealt with appropriately, appeals can be made to the Department of Education and Training. For further information visit [www.education.vic.gov.au/about/contact/pages/complainec.aspx](http://www.education.vic.gov.au/about/contact/pages/complainec.aspx)

The office to contact in regard to this centre is located in the South Eastern Victoria Region:

PO Box 5, Dandenong 3175
Location: 165-169 Thomas Street, Dandenong 3175
Phone: (03) 8765 5600
Fax: (03) 8765 5666

**COMPLAINTS OR CONCERNS REGARDING CCS**

All complaints of suspected fraudulent behaviour will be investigated, whilst also providing for the protection of those individuals making the complaint and natural justice to those individuals being the subject of any such complaint. Where a family has a concern regarding the Child Care Subsidy (including the level of subsidy obtained or fraud), they should raise this concern with either the President of the Committee of Management, the key person responsible for the management of the centre or directly with the Department of Education Skills and Employment (details below).

The Department of Education, Skills and Employment provides a Child Care Tip-off Line which can be used by parents, providers or their employees to raise concerns about practices relating to the management of subsidies. Concerns relating to the quality or safety of a service should be raised with the relevant state or territory authority (see details below).

Phone: 1800 664 231

Email: tipoffline@dese.gov.au

Procedure for dealing with complaints or concerns regarding CCS or other allegedly fraudulent activity

1. Upon notification an allegation pertaining to fraud, the Centre Manager (or President of the Committee) will promptly arrange to carry out an initial review into the allegation.
2. After an initial review and a determination that the suspected fraud warrants additional investigation, the Centre Manager will advise the President of the Committee, and a subcommittee will coordinate the investigation with the appropriate law enforcement officials or external investigator as deemed appropriate. Internal or external legal representatives will be involved in the process, as deemed appropriate.
3. Once a suspected fraud is reported, immediate action will be taken to prevent the theft, alteration or destruction of relevant records. Such actions include, but are not necessarily limited to, removing relevant records / information and placing them in a secure location, limiting access to the location where the records / information currently exists, and preventing the individual suspected of committing the fraud from having access to the records / information.
4. The organisation will also pursue every reasonable effort, including court ordered restitution, to obtain recovery of any losses from the offender.
5. Where a prima facie case of fraud has been established, the matter shall be referred to the relevant authorities.
6. If an allegation is made in good faith, but it is not substantiated by the investigation, no action will be taken against the complainant.
7. The organisation will make every effort to keep the investigation confidential; however, members of the management team may need to be consulted to assist with a review / investigation.
8. The findings of an investigation could include but are not limited to:
	* gross misconduct on the part of the staff member investigated,
	* negligence or error of judgement on the part of the staff member investigated,
	* no case to answer – the investigation was unable to identify any foundation for the allegation.
9. If an allegation of fraud is substantiated by the investigation, and a finding of gross misconduct is made, disciplinary action will be dismissal (or termination of an individual’s right to work as a contractor or volunteer) and referral to police if not already done so. The DESE will also be notified of any action taken at this stage.

**Roles and Responsibilities**

**The Management is responsible for**

* being familiar with the Education and Care Services National Law Act 2010 and the Education and Care Services
* National Regulations 2011, service policies and constitution, and complaints and grievances policy and procedures
* identifying, preventing and addressing potential concerns before they become formal complaints/grievances
* 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 centre (Regulation173(2)b))
* ensuring that the address and telephone number of the Regulatory Authority are displayed prominently at the main entrance of the centre (Regulation 173(2)(e))
* advising parents/guardians and any other new members of The Avenue Children’s Centre and Kindergarten of the complaints and grievances policy and procedures upon enrolment
* ensuring that this policy is available for inspection at the centre at all times (Regulation 171)
* being aware of, and committed to, the principles of communicating and sharing information with centre’s employees, members and volunteers
* responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
* treating all complainants fairly and equitably
* ensuring that staff record complaints and grievances along with outcomes
* complying with the centre’s Privacy and Confidentiality of Record Keeping Policy and maintaining confidentiality at all times (Regulations 181, 183)
* appointing an investigator to investigate and resolve grievances
* referring notifiable complaints grievances or complaints that are unable to be resolved appropriately and in a timely manner to the COM
* informing DET in writing within 24 hours of receiving a notifiable complaint (Act 174(4), Regulation 176(2)(b))
* receiving recommendations from COM/investigator and taking appropriate action

**Educators and other staff are responsible for:**

* 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)
* informing complainants of the centre’s' Family Concern and Complaint Policy
* notifying the coordinator/2IC if the complaint escalates and becomes a grievance, is a notifiable complaint or is unable to be resolved appropriately in a timely manner
* providing information as requested by the coordinator/2IC e.g. written reports relating to the grievance
* complying with the service's Privacy and Confidentiality of Record Keeping Policy and maintaining confidentiality at all times (Regulations 181, 183)
* working co-operatively with the coordinator/2IC, COM and DET in any investigations related to grievances about The Avenue Children’s Centre and Kindergarten, its programs or staff.

**Parents/guardians are responsible for:**

* raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures
* communicating (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable
* co-operating with requests to meet with the coordinator/2IC or staff and/or provide relevant information when requested in relation to complaints and grievances
* raising any unresolved issues or serious concerns directly with coordinator/2IC/educator maintaining complete confidentiality at all times
* raising any complaints of fraud with centre management, the President of the Committee of Management or DESE as appropriate.

**Volunteers and students, while at the centre, are responsible for following this policy and its procedures**

**Record keeping**

All adequate dated records of the complaint, interviews, written and verbal declarations, evidence and procedures are to be read and signed by the participants in agreement that they are true statements. These records are to be kept in a file, stored in a secure place, with restricted access.

**Links to other policies:**

* Code of Conduct for Parents/Guardians
* Code of Conduct for Staff
* Confidentiality of Records
* Privacy Policy
* Incident, Injury, Trauma and Illness Policy
* Inclusion and Equity Policy
* Interactions with Children Policy
* Privacy and Confidentiality Policy
* Staffing Policy

**Sources and further reading:**

* Education and Care Services National Regulations
* ACECQA: [www.acecqa.gov.au](http://www.acecqa.gov.au)
* Department of Education and Training (DET) – Regional Office details are available under ‘Contact Us’ on the DET website: [www.education.vic.gov.au](http://www.education.vic.gov.au)
* ELAA Early Childhood Management Manual: [www.elaa.org.au](http://www.elaa.org.au)
* The Kindergarten Guide (Department of Education and Training) is available under early childhood / service providers on the DET website: [www.education.vic.gov.au](http://www.education.vic.gov.au)
* Charter of Human Rights and Responsibilities Act 2006 (Vic)
* Children, Youth and Families Act 2005 (Vic)
* Education and Care Services National Law Act 2010: Section 174(2)(b)
* Education and Care Services National Regulations 2011: Regulations 168(2)(o) and 176(2)(b)
* Information Privacy Act 2000 (Vic)
* National Quality Standard, Quality Area 7: Governance and Leadership
* Privacy Act 1988
* Privacy Regulations 2013

**Date ratified:** 07/05/2014

**Date Reviewed:** 24/03/2021

**Approved by:** COM **Date:** 07/08/2014