



## Wangaratta Children's Services Centre

# Dealing with Complaints Policy 2023

<b>Document Type</b>	Corporate Policy
<b>Department</b>	Children's Services
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<b>Responsible Officer</b>	Family & Early Childhood Service Coordinator
<b>Authorising Officer</b>	Director Community and Infrastructure
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## 1. Statement and 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). The Rural City of Wangaratta's (RCoW) Children's Services Department aim to investigate all complaints and grievances with a high standard of equity and fairness.

We recognise that children, families, educators, other staff and the community need to feel confident that any concerns or issues that may arise will be handled promptly and professionally. We will provide effective complaints management which meets our families'/carers' needs.

## 2. Policy and Procedure

### Privacy and Confidentiality

Management and educators will adhere to our Governance and Management of the Service Policy 2023 (Records and confidentiality section) 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.

Notwithstanding the above, Council's Privacy Policy 2023 provides the privacy framework in which all Council departments, including Children's Services, are bound. Disclosure and Reporting.

### Raising the grievance / complaints

#### The complainant will:

- raise the grievance/complaint directly with the person concerned. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should remain private, confidential, respectful and open-minded, will not involve other educators, staff, volunteers or visitors (e.g. parents) and will take place away from children;
- raise the grievance/complaint with the Approved Provider or Nominated Supervisor (or another manager/supervisor if the Approved Provider or Nominated Supervisor is involved) if they are unable to resolve the concern or feel unable to raise the matter directly with the person concerned;
- raise any grievance involving suspected or actual unlawful activity (including discrimination against or bullying of employees and alleged/suspected child abuse) with the Approved Provider or Nominated Supervisor immediately and privately; And
- Promoting the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
- Promoting the participation and empowerment of Aboriginal children and children from culturally and/or linguistically diverse backgrounds.
- Providing a safe environment for children with a disability and will act to encourage their participation.
- Be confident that their concerns will be thoroughly investigated but aware that the outcome may not result in the action requested.

**The Approved Provider or Nominated Supervisor will:**

- ensure information about our Dealing with Complaints Policy is easily accessible to all families;
- 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;
  - properly, fairly, confidentially, and impartially investigate the issue including:
  - 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: Union Representative or family member; however, this does not include a lawyer acting in a professional capacity).
  - providing the employee with a clear written statement outlining the outcome of the investigation.
  - Inviting the complainant to have a support person present during an interview (e.g health and safety representative, but not a lawyer acting in a professional capacity);
- provide all affected parties with a clear written statement (letter, email or SMS) of the outcome of the investigation within seven working days of receiving the verbal or written complaint.
  - If the resolution of the complaint involves a written agreement, all parties must agree with the wording etc.
  - If the Approved Provider or Nominated Supervisor decides not to proceed with the investigation after initial enquiries, he or she will give the complainant the reason/s in writing;
- keep appropriate records of the investigation and outcome and store those records in accordance with RCoW's Privacy and Confidentiality Policy and Record Keeping and Retention Policy. Unsubstantiated complaints against educators/staff may be retained on file if the person has been given the opportunity to record a comment on the documentation;
- monitor ongoing behaviour and provide support as required;
- ensure the parties are protected from victimisation;
- offer external review by a Tribunal or alternate organisation where employees, visitors and volunteers are unhappy with the outcome of the grievance procedure. Workplace

bullying matters may be referred to the Fair Work Commission which can direct employers to take specific actions against workplace bullies or the Work Health and Safety (WHS) Regulator which may investigate whether WHS duties have been contravened; and

- notify the Regulatory Authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Notification must include any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service or any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.

Outcomes may include:

- an apology and a commitment that certain behaviour will not be repeated (monitoring this over time);
- education and training in relevant laws, policies or procedures (e.g. bullying awareness, leadership skills);
- assistance in locating relevant counselling services;
- disciplinary procedures including a verbal or written warning, termination of employment or transfer to a different position at the Service;
- ensuring any inequality or inequity is remedied;
- providing closer supervision;
- modifying Service policies and procedures; and
- developing new policies and procedures.

**Educators will:**

- understand and implement the Dealing with complaints policy and procedures;
- report all complaints received to the nominated supervisor and/or approved provider, promptly so timeframes can be adhered to; and
- support the nominated supervisor and approved provider in the investigation and/or resolution of complaints.

**Complaints that must be notified to the Regulatory Authority**

The Approved provider or Nominated Supervisor will notify the regulatory authority through the online National Quality Agenda IT System:

- Within 24 hours of any complaints alleging that a serious incident has occurred or is occurring while a child was or is at the service;
- Within 24 hours of any complaints the National Law has been breached; and/or

- Within 7 days of any allegation that physical or sexual abuse of a child has occurred or is occurring while the child is at the service.

If the Director/Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation. Written reports 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 medical or incident report (where relevant);
- Contact details of the Nominated Supervisor; and
- Any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA websites: [www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using NQA ITS (National Quality Agenda IT System)

### **The management of a complaint that alleges a child is exhibiting harmful sexual behaviours**

Prescribed matters – physical and or sexual abuse of a child

- As an approved provider you must notify the regulatory authority of certain matters occurring while a child or children are being educated and cared for by the service.
- Any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.

### **Sexualised behaviour involving children.**

Providers and educators play an important role in making informed professional judgements regarding sexualised behaviour involving children. Not all sexual behaviour involving children poses a risk to their safety, it may be age-appropriate and expected sexualised behaviour.

Informed judgements regarding sexualised behaviour to help ensure the health safety and wellbeing of children by:

Supporting healthy sexual development (age-appropriate sexualised behaviour)

Protecting them from harm or abuse (inappropriate or problem sexualised behaviour)

Note that in some cases, sexualised behaviour involving children may fall within reporting requirements under other laws.

### **3. Breaches**

Breaches of this policy must be referred directly to the Family & Early Childhood Services Centre Coordinator for ultimate determination in accordance with existing RCoW policy relating to complaints management and privacy.

### **4. Human Rights**

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

### **5. Gender Impact Assessment**

This policy has considered and applied Council's Gender Impact Assessment Template and satisfies the provisions established in the Gender Equality Act 2020 (Vic).

### **6. References and Related Policies**

#### **Legislation and Guidelines**

Australian Children's Education & Care Quality Authority (2014.)

ACECQA-Using Complaints to support continuous improvement 2018.<sup>1</sup> Australian Government Department of Education, Skills and Employment. Child Care Provider Handbook (2018) <sup>2</sup>

Australian Human Rights Commission

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Commonwealth Ombudsman 2009. Better practice guide to complaint handling <https://www.ombudsman.gov.au/publications/better-practice-guides> Education and Care Services National Law Act 2010

Education and Care Services National Regulations 2011

Fair Work Australia: <https://www.fairwork.gov.au/> National Quality Standard (2017).

### **Link to Other Policies**

Children’s Services

Enrolment and Orientation Policy 2023

Governance and management Policy 2023

Incident, injury, trauma, and illness

Providing a child safe environment

Interactions with Children Policy 2023

### **Council**

Privacy and Confidentiality

Record keeping and Retention.

<b>Version History</b>		
<b>Version Number</b>	<b>Date of change</b>	<b>Reasons for change</b>
1.0	September 2023	Re-structuring and reformatting of Council's Children's Services Team