



Complaints and Grievances policy

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Version: 6

Responsible Person: BoG Chair

Approved by BoG on: 21-10-2021

Review date: 09-2022

Mandatory – Quality Area 7

Purpose

This policy will provide guidelines for:

- receiving and dealing with complaints and grievances at Pines Learning Childcare.
- procedures to be followed in investigating complaints and grievances.

Note: This policy does not address complaints relating to staff grievances or employment matters. (Refer [NHACE Agreement 2016 \(pdf, 4.3MB\)](#) which provides information on the management of such issues.

Values

Hampton Park Community House is committed to:

- providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- 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.

Scope

This policy applies to the Approved Provider, Nominated Supervisor, Persons with Management and Control, Certified Supervisor, Persons in Day to Day Charge, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Hampton Park Community House.





Background and Legislation

Background

Complaints or grievances may be received from anyone who attends Hampton Park Community House and its Services including parents/guardians, students, members of the local community and other agencies.

In most cases, dealing with complaints and grievances will be the responsibility of the Approved Provider. All complaints and grievances, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint (refer to Definitions).

When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify Department of Education and Training (DET) of the complaint or grievance. The Approved Provider 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 DET.

There may be occasions when the complainant reports the complaint or grievance directly to DET. If DET then notifies the Approved Provider about a complaint they have received, the Approved Provider will still have responsibility for investigating and dealing with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by DET.

DET 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 and the Education and Care Services National Regulations 2011.

Legislation and standards

- Relevant legislation and standards include but are not limited to:
- 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 (Cth)
- Privacy Regulations 2013(Cth)

Definitions

The terms defined in this section relate specifically to this policy.



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The service provider is Hampton Park Care Group Inc. and the Approved Provider is Hampton Park Community House Services. The Approved Provider delegates its responsibility for the day to day operation of the service to the Nominated Supervisor.

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.

Complaints and Grievances Register: (In relation to this policy) records information about complaints and grievances received at the service, together with a record of the outcomes. This register must be kept in a secure file, accessible only to educators and Responsible Persons at the service. The register can provide valuable information to the Approved Provider on meeting the needs of children and families at the service.

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.

The most current amendments to listed legislation can be found at:

Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>

Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

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



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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.

Written reports to DET 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 representative of the Approved Provider/Board of Management
- any other relevant information.

Written notification of complaints must be submitted via ACECQA's online portal NQA-ITS using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au

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.

Sources and Related Policies

Sources

- ACECQA: 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
- ELAA Early Childhood Management Manual: 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





Related policies

- Code of Conduct Policy
- Incident, Injury, Trauma and Illness Policy
- Inclusion and Equity Policy
- Interactions with Children Policy
- Privacy and Confidentiality Policy
- Staffing Policy

AUTHORISATIONS:

Signature Board of Governance Chair:



Date:

14-02-2022



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