

Complaints Policy

1. Policy statement

Values

Boroondara Preschool is committed to:

- Providing an environment of mutual trust and open communication where the expression of opinions is encouraged.
- Considering situations from all perspectives and responding in a manner which promotes an environment conducive to collaborative problem solving.
- The resolution, where possible, of complaints to the mutual satisfaction of those involved.
- Fairness and equity in dealing with disputes, complaints and complainants.
- Compliance with all legislative and statutory requirements.
- Keeping confidential, where practicable, the information provided by any person involved with a complaint.

Purpose

This policy will provide guidelines for:

- Receiving and dealing with complaints at the centre.
- Compliance with legislative requirements.
- Investigating complaints.
- Attempting to resolve the complaint to the mutual satisfaction of those involved.

2. Scope

This policy applies to the staff, parents/guardians, committee, and any other person involved in the operation of Boroondara Preschool.

3. Background and legislation

Complaints may be received from anyone who comes in contact with the centre, for example, parents/guardians, staff, community agencies, volunteers, students, other users of the building. In most cases the complaints are received by the centre, however the complainant may report the complaint directly to the Department of Human Services (DHS).

Complaints which may not be covered in this policy:

- Complaints between members of the association, or a member and the committee/board, related to the operation of the incorporated association. Refer to the grievance procedure in the centre's constitution.
- Complaints related to industrial or employment matters, where the committee/board will act in accordance with specific staffing policies and the requirements specified under relevant awards, industrial agreements, or legislation. Refer to *KPV Employer Management Manual 2006*, sections 5 and 6.

Please also note that complaints concerning the unacceptable behaviour of a specific child/ren may also be handled under the resolution procedures set out in the *Behaviour Guidance Policy* if deemed appropriate to the case.

All complaints, under any policy, need to be assessed as to whether they are a general or a notifiable complaint (refer to 4 Definitions of this policy).

Legislation

- *Children's Services Act 1996*
- *Children, Youth and Families Act 2005*
- *Child Wellbeing and Safety 2005*
- Children's Services Regulations 1998 (CSR)
 - o *Regulation 51 (1) requires the proprietor to deal with and respond to complaints as soon as practicable, as discreetly as practicable, and in a way that deals with the complaint*
 - o *Regulation 51 (2) requires that the proprietor notify DHS within 48 hours of the complaint being made if it alleges that the health, safety, or wellbeing of any child may have been compromised; or if there may have been a contravention of the Act or Regulations*
 - o *Regulation 20 (1) (g) requires the proprietor to display, in the main entrance, the name and telephone number of the person to whom complaints may be addressed*
 - o *Regulation 20 (3) requires centres to notify parents/guardians within 28 days if any of the information changes in regard to the requirements of regulation 20 (1) and 20 (2)*
 - o *Regulation 21(h) requires the proprietor to display, in the main entrance, the address and telephone number of the regional DHS office*
 - o *Regulation 21 (2) (i) requires that the proprietor have available for inspection the provision for dealing with complaints.*
- *Health Records Act 2001*
- *Information Privacy Act 2000*
- *Privacy Act 1988*
- *The Association Incorporation Act 1981*
- Relevant industrial awards and agreements
- The centre's constitution.

4. Definitions

Complaint: Any verbal or written grievance from parents/guardians, staff, committee, or person involved with the centre.

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

DHS: Department of Human Services.

General complaint: A general complaint may address any aspect of your centre, for example a lost clothing item; the centre's fees. Centres do not have to inform DHS of such complaints but you must deal with them as soon as practicable.

Licensee: A legal entity which holds a licence to operate a children's centre under the *Children's Services Act 1996*.

Nominee and primary nominee: A nominee is a person nominated by the licensee to manage or control the children's centre in the absence of the licensee. There can be many nominees but only one primary nominee. For example, in a kindergarten program the primary nominee is usually the teacher; in a childcare centre the primary nominee is usually the coordinator.

Notifiable complaint: Under CSR, regulation 51, a notifiable complaint is a complaint that alleges a breach of the Act or Regulations, or alleges that the health, safety or wellbeing of a child at the centre may have been compromised. Any complaint of this nature must be reported by the proprietor to the secretary of DHS within 48 hours after the complaint has been made.

Proprietor: This includes the owner of the centre and any person who manages or controls the centre. The term proprietor includes the licensee, the primary nominee and the nominee(s) of a licensed centre. [Refer to the Certificate of Names displayed in the main entrance of the centre]

5. Procedures

The parents/guardians are responsible for:

- As soon as practicable communicating any concerns relating to the centre:
 - In the first instance, if comfortable to do so, raising any concerns directly with the person/persons involved in order to resolve the concerns without recourse to the complaints procedure
 - Raising any concerns with the centre's management, via the complaints subcommittee
 - At any time concerns can be communicated directly to DHS.

The committee are responsible for:

- Ensuring that the name and telephone number of the person at the children's centre to whom complaints may be addressed is displayed prominently at the main entrance (person to be nominated from complaints subcommittee), CSR regulation 20(1)(g). (Refer to Appendix 1).
- Ensuring that the address and telephone number of the responsible office of DHS is displayed prominently at the main entrance, CSR regulation 20(1)(h). (Refer to Appendix 1).
- Ensuring that this policy is available for inspection at the centre at all times, CSR regulation 20(2)(i).
- Notifying parents/guardians within 28 days of making any changes to the above three points, CSR regulation 20(3).
- Establishing a grievance/complaint subcommittee to be elected at the first meeting of the committee. (Refer to *KPV Employer Management Manual 2006* section 2). Three members would be appropriate and at least one of these members should be an office bearer of the committee/board. This subcommittee should be given the authority to investigate the grievance/complaint and present a recommendation to the committee/board. (The primary nominee may be invited to participate in the subcommittee if the committee/board feels this is appropriate. This will be assessed on a case-by-case scenario).
- If a grievance/complaint subcommittee has not been elected, authority is delegated to the president, or in their absence the vice-president, to appoint a minimum of three committee/board members (one of whom should be an office bearer of the committee/board) to investigate the complaint.
- Ensuring confidentiality is maintained.

The President, or in their absence the Vice President, is responsible for:

- Determining whether a complaint should be handled under this policy, or another of the service's policies, or the grievance procedure under the service's constitution.

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- Deciding if the complaint is notifiable, and if the complaint is deemed to be notifiable, ensuring that it is reported to the DHS regional Children's Services Adviser within 48 hours.
 - Filing a copy of the written complaint in a file to be stored securely.

The Complaints Subcommittee is responsible for:

- Responding to, investigating and resolving any complaints to the service that are covered by this policy, in accordance with this policy.
- Seeking assistance and advice from relevant organisations such as DHS, KPV, or any other relevant person or organisation, in dealing with the complaint.

The staff are responsible for:

- Where possible/practicable responding to and resolving issues as they arise (CSR regulation 51(1)).
- As soon as practicable, referring unresolved issues to the contact person from the complaint subcommittee as listed on the noticeboard.
- Providing the complainant with the contact number of the contact person for the complaint subcommittee if they wish to speak with someone immediately.
- Informing the nominated contact person on the complaints subcommittee as soon as practicable if a complainant has been referred to them.
- Informing the primary nominee as soon as possible after a complaint is received, regardless of whether the staff member believes the complaint to be true or not.
- Working with the complaints subcommittee as required and providing information requested by the subcommittee. For example, written reports related to the complaint.
- Recording and reporting minor & major complaints in a complaints file/book with a copy to be given to the nominated person on the sub committee to be filed securely. This can then be raised with the complaints subcommittee as soon as practicable.

It is recommended practice to keep a record of minor complaints, for example, if parents/guardians are complaining that items of clothing are going missing on a regular basis, this may result in changes such as parents/guardians requested to label jackets and the provision of a lost property box.

The complaints subcommittee is responsible for:

- Being familiar with the Children's Services Regulations 1998, the *Children's Services Act 1996*, the centre policies, and referring to these documents as required when investigating complaints.

Step 1: Receiving the complaint

- Receiving the complaint and encouraging the complainant to submit their complaint in writing in order to make the terms or basis of any complaint as clear as possible.
- Informing the complainant of the *Complaints Policy* of the centre.
- Complying with the centre's *Privacy Policy* in regard to all meetings, discussions or negotiations in relation to a complaint.
- Standing aside from participation in subcommittees, or procedures related to the investigation, or management of a complaint if personally involved as a complainant, or involved in the complaint.

Step 2: Assessment of the complaint

The nominated contact person of the complaints subcommittee will organise a meeting of the subcommittee as soon as possible. If this is not possible within 48 hours of the complaint being received the member who has received the complaint will need to assess whether the complaint is a notifiable complaint. If the complaint is a notifiable complaint, DHS must to be notified. This can be by phone contact initially and followed up with a written report. A written report should include:

- Details of the event or incident
- The name of the person who initially made the complaint
- If relevant, the name of the child concerned and the condition of the child, including, where available, a medical or incident report
- Any other relevant information
- Contact details of a nominated member of the complaints subcommittee.

If the complaints subcommittee member is unsure if the complaint is a notifiable complaint it is good practice to contact DHS for confirmation.

Step 3: Meeting as a subcommittee – general and notifiable complaints

- Meeting as a group to deal with the complaint as soon as possible.
- Considering the nature and the details of the complaint.
- Identifying which policies (if any) the complaint involves. For example a complaint about dirty equipment would involve the *Hygiene Policy*.
- The complaints subcommittee will inform other subcommittees/or the committee/board if their involvement is required under other centre policies or the constitution. For example, a complaint which alleges a child was smacked by a staff member would require involvement by the staffing subcommittee who may need to refer to the *Staff Counselling and Discipline Policy*. (*KPV Employer Management Manual 2006*, section 5 Appendix 5).
- If required, invite the complainant to meet with the subcommittee to discuss the complaint and to provide additional information where relevant. Refer to the *Strategies to Deal with Conflict and Effective Communication* guidelines in the *KPV Employer Management Manual 2006*, section 2.
- Informing the complainant of the requirements to notify DHS of the complaint if it is a notifiable complaint. Outline the role DHS may take in investigating the complaint.
- If a meeting is not required, a nominated member of the subcommittee is to inform the complainant of the procedure for dealing with the complaint. Time, date and details of this conversation are to be recorded. This is to be followed up with a letter from the subcommittee outlining information discussed.
- Maintaining appropriate records of the information and data collected. This includes minutes of meetings and copies of relevant documentation relating to the complaint.
- Respecting the confidential nature of information relating to the complaint. The committee/board and the complaints subcommittee will handle any complaint in a discreet and professional manner (CSR regulation 51). All written information relating to complaints will be stored in compliance with the *Privacy Policy* of the centre.

Step 4: Investigating the complaint and gathering relevant information

- Meeting with individual witnesses to any alleged incident, giving right of reply to the person or persons against whom the allegations are made in relation to any accusation or information relating to an alleged incident.
- Being available to meet with DHS staff if required and providing additional information as requested.
- Reviewing relevant information and documents.
- Obtaining any other relevant information or documentation that will assist in trying to resolve the complaint. For example, if the complaint relates to child:staff ratios copies of the staff roster and attendance records will need to be reviewed.
- Seeking advice, where appropriate, from individuals and organisations that may be able to help resolve the complaint. (Any cost in seeking advice would require prior approval by the committee/board.)

Step 5: Resolving the complaint

- General complaints: Endeavouring to resolve the complaint by mutual agreement of the parties involved. Reporting outcomes to the committee/board and, where required, setting out the

terms of any recommendations to be considered by the committee/board. Confidentiality of complainants will be maintained and the centre's *Privacy Policy* will be complied with.

- Notifiable complaints: Informing the committee/board on the involvement of DHS and reporting on any on-site visits by DHS and the outcomes of any investigation by DHS into the complaint. Reporting any recommendations to the committee/board.
- Referring the complaint to the committee/board in the event that the complaint has not been resolved to the satisfaction of the parties involved, or particular decisions require committee/board approval.

Step 6: Involving the committee

- Providing a report to the committee, including relevant information gained in investigations and consultations relating to the complaint.
- The committee reviews the report and any recommendations from the subcommittee and makes a decision on the action, if any, to be taken, including relevant review mechanisms.

Step 7: Reporting back and follow-up

- Advising the complainant and other relevant parties, of any decisions the committee has made relating to the complaint. Where appropriate the complaints subcommittee, (or committee), will set in place relevant review mechanisms and/or procedures to monitor progress.
- Recording complaints (including minor complaints resolved by staff and the subcommittee) and providing a report to each committee/board meeting, on the number and nature of any complaints received. Confidentiality will be maintained at all times.

6. Related documents

- DHS *Children's Services Guide*, www.dhs.vic.gov.au/earlychildhood
- *KPV Employer Management Manual 2006*
- The centre's constitution.
- The centre's policies.

7. Authorisation

This policy was adopted by the Boroondara Preschool committee, at its sub-committee meeting on 26 November 1996, and reviewed on 26 November 1998, 26th Feb 2001, 26th Feb 2003, 12th July 2005, and 4th August 2008.

8. Review date

This policy will be reviewed annually, or varied earlier if necessary, and the committee/board will within 28 days of making any change, notify the parents/guardians of the children attending, of that change. (Regulation 20(3)).

9. Evaluation

In order to assess whether the policy has achieved the values and purposes the committee/board will:

- Monitor complaints received and assess whether a satisfactory resolution has been achieved.
- If appropriate, conduct a survey in relation to this policy or incorporate relevant questions within the general parents/guardians survey.
- Take into consideration feedback on the policy from staff, parents/guardians and committee/board members.

Types of complaints

A complaint is any verbal or written grievance from parents/guardians, staff or committee/board member, or person involved with the centre. The nature of the complaint will determine the appropriate policy or mechanism to deal with it.

Complaints, including general and notifiable complaints that relate to the operation of the centre, including the delivery of the program, would be dealt with under this complaints policy. A notifiable complaint is when it alleges a breach to the Act or Regulations, or that the health, safety and wellbeing of a child may have been compromised. If you are unsure if your complaint is notifiable contact your regional DHS office.

The *KPV Employer Management Manual 2006*, section 5 has model *Staff Counselling and Discipline, Equal Employment Opportunity and Prevention and Management of Harassment and Bullying Policies* and Section 6 has a *Staff Grievance Policy*.

Recording minor complaints

It is good practice to keep a record of minor complaints received. These can be recorded in a book that should be kept in a secure file for the subcommittee to refer to. The entries should include details of information received and how the issue was resolved. This ongoing record can provide valuable information when reviewing work practices as common minor complaints can help identify ways we can better meet the needs of children and families.

Establishing a complaints subcommittee

The *KPV Employer Management Manual 2006*, section 2 recommends that centres elect two subcommittees at the first meeting of the committee/board, one of which is the complaints subcommittee. Refer to the *KPV Employer Management Manual 2006*, section 2 for further information on establishing subcommittees.

Direct complaints to DHS

Complaints provided directly to DHS provide immunity to the notifier. The notifier cannot be disclosed unless the notifier provides their written consent to DHS, or a court grants leave for this to occur (*Children's Services Act 1996, section 54*).

Complaints Policy Flowchart

