

Complaints Policy

1. Scope

This policy applies to the staff, parents/guardians, Committee, and any other person involved with the service.

All notifiable complaints will be handled under this Complaints Policy.

All other complaints received by the service will be dealt with under this policy except for:

- complaints between members of the association, or a member and the Committee of Management related to the operation of the incorporated association, will be dealt with under the Grievance Policy and,
- complaints related to industrial or employment matters, where the Committee will act in accordance with specific staffing policies and the requirements specified under relevant awards, industrial agreements or legislation.

The Committee may, in relation to complaints concerning the unacceptable behaviour of a specific child or children, refer to the resolution procedures set out in the Behavioural Guidance Policy if this is seen to be appropriate in resolving the issue.

2. Background and Relevant Legislation

The Children's Services Regulations 2009 requires that:

- all services have a provision for dealing with complaints as soon as possible after the complaint is made, and as discreetly as practicable in the circumstances.[Reg105(1)]
- the service must nominate a person or persons to whom complaints may be addressed and display the name and telephone number of the person/persons at the children's service.[Reg 40(h)]
- the service must display the names and details of the Department of Education and Early Childhood Development's contact person.[Reg 40(i)]
- the service must notify the Department of Education and Early Childhood Development within 48 hours after a complaint is made, if the complaint alleges that the health, safety or wellbeing of any child may have been compromised, or there may have been a contravention of the Act or the Regulations.[Reg 105(2)]
- the Children's Services Act 1996
- the Association Incorporation Act 1981

- relevant industrial awards and agreements and,
- the Constitution of the service.

3. Definitions

Complaint: any verbal or written grievance from a parent/guardian, staff, committee member or person involved with the service.

Complaint Resolution Procedure: the method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

DEECD: Department of Education and Early Childhood Development

Notifiable Complaints: Under Regulation 105 of the Children's Services Regulations 2009, 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 service may have been compromised. Any complaint of this nature must be reported by the proprietor to the Secretary of the Department of Human Services (DEECD) within 48 hours after the complaint has been made.

Proprietor: The incorporated association of a service is the proprietor. The proprietor/licensee representative of the Committee would notify DEECD of a complaint.

Licensee Representative: Members of the Committee who have been police checked and assessed as 'fit and proper persons' under the Children's Services Regulations 2009.

4. Policy Statement

Values

This service is committed to:

1. the resolution, where possible, of complaints to the mutual satisfaction of those involved
2. fairness and equity in dealing with disputes, complaints and complainants
3. compliance with all legislative and statutory requirements and,
4. keeping confidential, where practicable, the information provided by any person involved with a complaint.

Purpose

This service will:

1. provide clear procedures for making and dealing with complaints at the service
2. comply with all legislative requirements
3. investigate all complaints, dealing with them as soon as practicable and,
4. attempt to resolve the complaint to mutual satisfaction of those involved.

5. Procedures

1. complainants will be encouraged to put their complaints in writing, in order to make the terms or basis of any complaint as clear as possible
2. those involved with a complaint will have the opportunity to present their point of view
3. complaints to the service will be investigated as soon as practicable after being received
4. all complaints will be treated seriously and investigated, regardless of whether they are being investigated by an external organisation such as the DEECD and,
5. a record of all complaints will be maintained and a report provided to each Committee meeting, on the number and nature of any complaints received since the previous report.

If the President, Vice President or other Committee members are personally involved in issues as a complainant, or are materially involved in the complaint, they will stand aside from participation in sub-committees, or procedures related to the investigation, or management of complaints, because of a possible conflict of interest.

Step 1: Assessment of complaint

Written complaints are to be addressed to the President or in their absence the Vice President.

On the receipt of a complaint the President or in their absence the Vice President will determine:

1. whether the complaint should be dealt with under the Complaints Policy, another of the service's policies or under the grievance procedure of the service's constitution

2. whether the complaint is a notifiable complaint under Regulation 105 Children's Services Regulation 2009 and if it is, notify the Department of Education and Childhood Development within 48 hours after the complaint is received and,
3. where a complaint is received that should be dealt with under this policy, the President or in their absence the Vice President will form the Complaints Sub-committee.

Step 2: Formation of Complaints Sub-committee

The Committee delegates authority to the President, or in their absence the Vice President, on the receipt of a complaint, to appoint a minimum of two Committee members (one of whom may be the President or Vice President) to form a sub-committee to deal with the complaint as set out in this policy.

The Complaints Sub-committee will:

1. meet to deal with the complaint as soon as possible
2. consider the nature and the details of the complaint
3. inform the complainant of the procedure for dealing with the complaint
4. give the complainant the opportunity to meet with them to discuss the complaint and to provide additional information where relevant
5. maintain appropriate records of the information and data collected and,
6. respect the confidential nature of information relating to the complaint. The Committee and the Complaints Sub-committee will handle any complaint in a discrete and professional manner. All written information relating to the complaints will be kept in a secure place with access limited to those designated by the Committee or Complaints Sub-committee.

Step 3: Investigate the complaint and gather relevant information

Complaints Sub-committee:

1. meets individually with all 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.
2. reviews relevant information and documents.

3. obtains any information or documentation that will assist them in trying to resolve the complaint.
4. seeks advice, where appropriate from individuals and organisations that may be able to help resolve the complaint.

Step 4: Resolution stage

The Complaints Sub-committee will wherever possible, endeavour to resolve the complaint by mutual agreement of the parties involved. In the event that the complaint is resolved, the Sub-committee will report this to the Committee and where appropriate set out the terms of any recommendation to be considered by the Committee.

In the event that the complaint has not been resolved to the satisfaction of the parties involved, or particular decisions require Committee approval, the Sub-committee will refer the matter to the Committee.

Step 5: Committee involvement

Where an issue is referred to the Committee, the Complaints Sub-committee will provide a report and include relevant information they have gained in investigations and consultations relating to the complaint. The Committee reviews the report and any recommendations from the Sub-committee and makes a decision on the action, if any, to be taken, including relevant review mechanisms.

Step 6: Report back and follow up

The Complaints Sub-committee (or Committee), will advise the complainant and other relevant parties, of any decisions they have made relating to the complaint. Where appropriate the Complaints Sub-committee, (or Committee), will set in place relevant review mechanisms and/or procedures to monitor progress.

6. Key Responsibilities and Authorities

Responsibilities

The Committee is responsible for:

1. implementing this policy and
2. ensuring confidentiality is maintained.

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

1. 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 and,
2. deciding if the complaint is notifiable, and if the complaint is deemed to be notifiable, ensuring that it is reported to the DEECD regional Children's Services Adviser within 48 hours.

The Complaints Sub committee is responsible for:

1. responding to, investigating and resolving any complaints to the service that are covered by this policy, in accordance with this policy and,
2. seeking assistance and advice from relevant organisations such as DEECD, KPV, or any other relevant person or organisation, in dealing with the complaint.

Authorities

The Committee must authorise and approve any changes made to this policy.

7. Resources and Support

Related Documents

1. The Constitution of the service.
2. The service's policies.
3. The DEECD publication Children's Services Licensing Operational Guide.
4. Children's Services Act 1996.
5. Children's Services Regulations 2009.

Training

If appropriate, training may be provided for the members of the Complaints Sub-committee.

8. Evaluation

In order to assess whether the policy has achieved the values and purposes the Committee 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 parent/guardian survey and,
- take into consideration feedback on the policy from staff, parents/guardians and Committee members.

Date Approved by the Committee of Management October 2010

Next review date October 2012