

## Complaints

This policy details Torquay Early Learning Centre's procedures for receiving and managing informal and formal complaints. Parents, educators, visitors, students and members of the community can lodge a complaint, with the understanding that it will be managed efficiently, confidentially and by following a set process.

### Purpose

The *Education and Care Services National Regulations* requires all early childhood services to ensure they 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).

At Torquay Early Learning Centre we aim to investigate all complaints with a high standard of equity and fairness.

### Scope

This policy applies to children, families, staff, management, and visitors of the Centre.

### Implementation

Complaints can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious, and productive work environment. Our *Complaints Policy* ensures that all persons are presented with procedures that:

- value the opportunity to be heard
- promote conflict resolution
- encourage the development of harmonious partnerships
- ensure that conflicts are mediated fairly
- are transparent and equitable.

### Definitions

**Complaint:** Expression of dissatisfaction made to or about an organisation related to its service, staff or the handling of an expression of dissatisfaction where a response or resolution is explicitly or implicitly expected or legally required.

**Maltreatment** refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or unintentional and include acts of omission and commission.

Specifically *abuse* refers to acts of commission while *neglect* refers to acts of omission. Note that in practice the terms child abuse and child neglect are used more frequently than the term child maltreatment.

**Significant Harm** refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

**Complaints Register:** This register records information about complaints received at the Centre, along with the outcomes. This register includes documents that must be securely stored, accessible only to the Management Team and the Regulatory Authority. j

**Mediator:** A person who attempts to assist and support people involved in a conflict come to an agreement.

**Mediation:** An attempt to bring about a peaceful settlement or compromise.

**Notifiable complaint:** A complaint that alleges a breach of the *Education and Care Services National Law and Regulations*, National Quality Standard 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 Approved Provider or Nominated Supervisor to the Regulatory Authority within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

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

**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 Centre in contravention of the Regulations, or is mistakenly locked in/out of the Centre premises (Regulation 12).

A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the Centre (Regulation 176(2)(a)). These records are required to be retained for the periods specified in Regulation 183. The Approved Provider will notify the Regulatory Authority of any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the Centre, or any allegation that sexual or physical abuse of a child has occurred or is occurring at the Centre.

**The Management Team/Centre Director:**

- will ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service.
- Will ensure information about our *Complaints Policy* is easily accessible to all families, visitors and volunteers.
- Will treat all complaints seriously and as a priority.
- Will ensure complaints remain confidential.
- Will ensure complaints reflect procedural fairness and natural justice.
- Will discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint.
- Will investigate and document the complaint fairly and impartially.
- Will provide details of an outcome following an investigation if required.

**Process for investigating a complaint:**

The investigation of a complaint will consist of:

- reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information.
- discussing the nature of the complaint (or breach) and allow all parties to express their point of view.
- permitting all parties to have a support person present during the consultation.
- providing all parties with a clear written statement outlining the outcome of the investigation within 7 working days.
- if a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflects the resolution and sign in agreement.

Should Management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided.

Management will keep appropriate records of the investigation and outcome and store these records in accordance with our *Confidentiality Policy* and *Record Keeping and Retention Policy*.

Management will monitor ongoing behaviour and provide support as required, ensure the parties are protected from victimisation and bullying and request feedback on the complaint process using a feedback form.

Management will also review the effectiveness of the Centre policy and procedures to ensure all complaints have been handled fairly and professionally and track complaints to identify recurring issues within the Centre. If a complaint alleges the safety, health or wellbeing of a child is being compromised the Regulatory Authority will be notified within 24 hours.

#### **Educators will:**

- promote the welfare, safety, and wellbeing of children at the Centre at all times.
- ensure children feel safe and supported and their individual needs are met.
- understand their obligations as mandatory reporters and their duty of care requirements if they have formed a reasonable belief that a child has suffered or is likely to suffer significant harm
- participate in annual child protection training and other relevant professional training
- respect what a child discloses, taking it seriously and follow up on their concerns through the appropriate channels
- refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through Child FIRST or The Orange Door- <https://services.dffh.vic.gov.au/referral-and-support-teams> Family consent will be sought before making referrals
- allow children to be part of decision-making processes where appropriate
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- collect information to substantiate concerns and pass on to the Child Protection Helpline or appropriate authority
- understand their legal obligations to report or take action in relation to suspected child abuse under the Reportable Conduct Scheme
- share information with other professionals working with children as part of the information sharing and family violence reform schemes
- provide ongoing monitoring and follow-up for children's health and wellbeing.

#### **Making a child protection report**

Early childhood services must take immediate action relating to concerns about potential child abuse. Under the Failure to Disclose offence, any adult must report to Victoria Police if they reasonably believe that a sexual offence has been committed by an adult against a child.

A report must be made to DHHS Child Protection if the mandatory reporter forms a belief on reasonable grounds the child is in need of protection due to child abuse or is at risk of being, harmed (or has been harmed) and the harm has, or is likely to have an impact on the child's safety, stability or development.

If an educator has a concern and they are unsure if a report should be made to DHHS Child Protection or Victoria Police, or a referral to ChildFIRST they should discuss this with the Management Team or Responsible Person.

The local DHHS Child Protection intake provider to report concerns is 1800 075 599

#### **Documenting a suspicion of harm**

If educators have concerns about the safety of a child, they will:

- document their concerns in a non-judgmental and accurate manner as soon as possible
- record their own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child).

- not endeavour to conduct their own investigation

### **Documenting a disclosure**

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

### **When receiving a disclosure of harm, the Centre will:**

- remain calm and not display expressions of panic or shock
- state clearly that the abuse is not the child's fault
- listen to the child
- not promise to keep a secret
- use the child's language and vocabulary
- tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe and stop the abuse
- only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- document as soon as possible so the details are accurately captured including:
  - time, date and place of the disclosure
  - 'word for word' what happened and what was said, including anything they (the staff member/educator) said and any actions that have been taken
  - date of report and signature.

### **Confidentiality**

The Management team and educators will adhere to our *Confidentiality Policy* when dealing with complaints.

### **Review**

Torquay Early Learning Centre will review all policies at least every two years. Findings from reviews will inform our approach to continuous improvement of our practices. Reviews are overseen by the Management Team and will be informed by consultation with children, families and staff.

### **Source**

Australian Children's Education & Care Quality Authority. (2014).  
ACECQA-Using Complaints to support continuous improvement. (2018).  
[https://www.acecqa.gov.au/sites/default/files/2018-04/QA7\\_UsingComplaintsToSupportContinuousImprovement.pdf](https://www.acecqa.gov.au/sites/default/files/2018-04/QA7_UsingComplaintsToSupportContinuousImprovement.pdf)  
Australian Human Rights Commission: <https://www.humanrights.gov.au>  
[Education and Care Services National Regulations](#). (2011).  
Guide to the National Quality Framework. (2017). (Amended 2020)  
National Quality Standard. (2017).  
Queensland Government- Guide for effective complaints management  
<https://earlychildhood.qld.gov.au/legislationAndGuidelines/Documents/effective-complaints-management-guide.pdf>  
Revised National Quality Standard. (2018).  
*Policy implemented: August 2013*  
Date reviewed: May 2022