

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

DEALING WITH COMPLAINTS POLICY

Policy Statement

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

Background

The Education and Care Services National Regulations require approved providers to ensure their services have policies and procedures in place for dealing with complaints.

Our Dealing with Complaints Policy is child focused and means our children, educators, management, coordinators, other staff, families/carers, and the community can be confident that complaints and grievances are taken seriously and addressed effectively.

The Guide to the National Quality Framework describes how an effective system for dealing with complaints confirms to children, educators, staff, families, and the community that complaints and grievances are taken seriously and investigated promptly, fairly, and thoroughly. Effective complaints management is an efficient way to consider and act on feedback from families and inform quality improvement (Element 7.1.2: Management systems).

Complaints offer service leaders a valuable opportunity to improve the quality practices of their education and care. Each complaint can serve as a springboard for reflection on the service's processes, procedures and practices, allowing for meaningful change.

National Quality Standards (NQS) Links

QUALITY AREA 2: CHILDREN'S HEALTH & SAFETY		
2.2	Safety	Each child is protected.
2.2.3	Child protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
QUALITY AREA 6: COLLABORATIVE PARTNERSHIPS		
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected, and families share in decision-making about their child's learning and wellbeing.
6.2	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.
QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.2.1	Continuous Improvement	There is an effective self-assessment and quality improvement process in place.

Legislative requirements

Regulation 168 – Education and care services must have policies and procedures

- Our Centre has policies and procedures as set out in sub regulation 2 in Regulation 168.

Regulation 170 – Policies and procedures to be followed

- Nominated supervisors, staff members and volunteers have an understanding of all policies and procedures and ensure they are followed at the service.

Regulation 171 – Policies and procedures to be kept available

- Digital copies of our policies and procedures are available via a QR code in our foyer, in our digital PowerQIP and in our handbook. A hard copy of our policies and procedures can be found in the ELCC Office.

Regulation 172 – Notification of change of policies and procedures

- All families are notified and sent updated policies and procedures.
- If a change to policy is planned, significantly affecting families, they will be given 14 days' notice.

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168, 170-172, 176

Regulation 176 – Time to notify certain information to Regulatory Authority

- In accordance with the Law, section 174(3) a notice must be provided within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information.
- In accordance with the law, Section 174(2)(a):
 - In the case of the death of a child, as soon as practicable but within 24 hours of the death or the time that the person becomes aware of the death;
 - In the case of any other serious incident, within 24 hours of the incident or the time that the person becomes aware of the incident.
- In the case of a notice under section 174(2) (b) or a notice of a matter referred to in Regulation 17(2)(b) within 24 hours of the complaint or incident,
- In the case of a notice under Regulation 175(2)(ca) within 24 hours of the commencement of the attendance of the child or children at the Centre
- In any other case, within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information.

Principles to inform the policy

All decision-making should be carried out in accordance with the principles of the ELCC's Dealing with Complaints Policy:

- Children's safety, health and wellbeing is our key priority. In line with regulatory requirements, we notify the regulatory authority of any complaints alleging the occurrence of a serious incident or contravention of the Education and Care Services National Law.
- Our families are integral to our service. We welcome their input into all aspects of our service's operation, including any complaints they may have.
- We welcome complaints as an opportunity to enhance the quality of our education and care practices. We reflect on each complaint received, identifying any issues or areas of improvement for our service.
- Processes to respond to complaints and concerns are child focused.

Key Terms

- **ACECQA (Australian Children's Education and Care Quality Authority):** The independent national authority that administers the National Quality Framework.
- **Complaint:** Expression of dissatisfaction made to, or about, an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
- **Complaints handling:** Effective resolution of a problem before it becomes worse and providing a remedy.
- **Investigation:** A formal and systematic inquiry to establish facts about a complaint by collecting, documenting, examining and evaluating evidence. An investigation is not an end. Throughout an investigation, the investigator should keep an open mind about the possible outcomes of the investigation, such as education, compliance action, or a decision not to pursue the matter.
- **Personal information:** Information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - a. whether the information or opinion is true or not; and
 - b. whether the information or opinion is recorded in a material form or not.

Links to other policies:

This policy is linked to related policies and procedures, including:

- Incident, injury, trauma, and illness
- Providing a child safe environment
- Staffing
- Interactions with Children
- Enrolment and orientation
- Governance and management

Induction and Ongoing Training:

- Induction training and ongoing training will be provided to managers, coordinators, educators, and staff to assist them in fulfilling their roles effectively in implementing this policy.

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

Policy Created/Reviewed:

- This policy was created in January 2024 and will be reviewed annually or as necessary to ensure compliance with regulations and alignment with best practices.


Monitoring, Evaluation, and Review:

- This policy will be regularly monitored for compliance by designated staff members and reviewed as necessary to ensure it aligns with current regulations and guidelines.

References:

- Education and Care Services National Regulations
- South Australian Education Policy and regulations
- Catholic Education South Australia policy and regulations
- The Australian Children's Education and Care Service Authority (ACECQA)

Reviewed by David Meziniec
Tenison Woods College Principal



Signed:
Dated: 14.7.24

Reviewed by Fran Scanlon
Early Learning & Community Centre Director



Signed:
Dated: 10.7.24

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

DEALING WITH COMPLAINTS PROCEDURE

Procedure Statement

At Tenison Woods College Early Learning & Community Centre, we are dedicated to handling complaints effectively, ensuring that concerns raised by children, families, educators, staff, and the community are addressed promptly and professionally. Our complaint management system is designed to foster a child-focused approach, promoting safety, health, and wellbeing while enabling continuous quality improvement in our education and care practices. We aim to investigate all complaints and grievances with a high standard of equity and fairness.

We will ensure that all persons making a complaint are guided by the following policy values:

- Procedural fairness and natural justice;
- Code of ethics and conduct;
- Culture free from discrimination and harassment;
- Transparent policies and procedures;
- Opportunities for further investigation;
- Adhering to our Service philosophy.

Our Service believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly;
- The right to an unbiased decision made by an objective decision maker;
- The right to have the decision based on relevant evidence.

Procedure for Dealing with Complaints

Receiving Complaints

Methods of Lodging Complaints

Complaints can be lodged through:

- Verbal communication with educators or the Centre Director, Nominated Supervisors, David Meziniec or Michelle Coote, CESA (Catholic Education South Australia) or the Regulation Authority, all numbers displayed on the foyer.
- Written communication via email, all emails available in the foyer
- Anonymously through a QR code in the Centre foyer, which will be sent to the Director and administration staff emails.

Acknowledging Receipt

Upon receiving a complaint, the staff member or Centre Director, Nominated Supervisor or CESA will:

- Acknowledge receipt of the complaint within 24 hours;
- Provide the complainant with information about the next steps and the expected timeline for resolution.

Assessing and Recording Complaints

Initial Assessment

The Centre Director will:

- Assess the nature and severity of the complaint.
- Determine whether the complaint involves a serious incident or regulatory breach, requiring immediate notification to the regulatory authority.

Documentation

- All complaints will be documented in the Complaints Register, including:
- Date and time of the complaint;
- Name and contact details of the complainant (if provided);
- Description of the complaint.
- Actions taken to address the complaint.
- Resolution or outcome of the complaint.

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

Investigating Complaints Procedure

Conducting Investigations

For complaints that require further investigation, the Centre Director or Nominated Supervisor will:

- Appoint an appropriate staff member to conduct the investigation, ensuring they are impartial and have no conflict of interest;
- Gather relevant information and evidence from all parties involved;
- Maintain confidentiality and handle personal information in accordance with privacy regulations.

Providing Updates

Throughout the investigation, the Centre Director or appointed investigator will:

- Keep the complainant informed of the progress and any delays;
- Provide estimated timeframes for each stage of the investigation.

Resolving Complaints

Reaching a Resolution

Based on the findings of the investigation, the Centre Director and/or Nominated Supervisor will:

- Identify possible solutions or actions to resolve the complaint;
- Consult with relevant staff and the complainant to agree on a satisfactory resolution;
- Implement the agreed actions promptly.

Communicating the Outcome

The complainant will be informed of the outcome in writing, including:

- A summary of the investigation findings;
- Actions taken to resolve the complaint;
- Any changes implemented to prevent similar issues in the future.

Following Up and Reflecting

Follow-Up Actions

The Centre Director and/or Nominated Supervisor will:

- Follow up with the complainant to ensure they are satisfied with the resolution;
- Address any further concerns or feedback they may have.

Reflective Practice

Educators and staff will:

- Reflect on the complaint and the resolution process to identify any areas for improvement;
- Incorporate lessons learned into the Centre's practices and procedures;
- Share insights during staff meetings and professional development sessions to enhance collective understanding and skills.

Regulatory Reporting

Notification to Regulatory Authorities

In accordance with Regulation 176, the Centre Director will notify the regulatory authority within the required timeframes for:

- Death of a child or other serious incidents: within 24 hours;
- Complaints alleging a serious incident or contravention of the law: within 24 hours;
- Other notifiable matters: within 7 days of becoming aware.

Key Points to Ensure Effective Complaint Management

- **Child-Focused Approach:** Always prioritise the safety, health, and wellbeing of children.
- **Transparency:** Keep all parties informed throughout the process.
- **Confidentiality:** Protect personal information and maintain privacy.
- **Timeliness:** Address and resolve complaints promptly.
- **Continuous Improvement:** Use complaints as opportunities for reflection and improvement.

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

Complaint that alleges a child is exhibiting harmful sexual behaviours procedure

Approved providers, educators and other education and care service staff may be required to report on incidents or suspected incidents involving children under other state and territory laws including child protection legislation. Resources on identifying and responding to sexualised behaviour in children State and territory governments have created a range of resources that may assist providers and educators to identify and respond to sexualised behaviour in children.

Goals

- Nominated Supervisors ensure all voices are heard throughout the process - Follow procedures as stated previously
- Communicate to all stakeholders throughout the complaint process - updating regularly.
- Ensure current reputable training of staff to support their practice.

Notify

- We will notify the regulatory authority within 24 hours of any complaint alleging that a serious incident has occurred while a child is educated and cared for or complaints alleging that the Law has been contravened (Section 174(2)(b)).
- Under the National Regulations, policies and procedures must be in place for dealing with complaints. The name and telephone number of the person to whom complaints can be made must be clearly visible at the service (Regulation 168(2)(o) and Regulation 173(2)(b)).

All stakeholders feel they can be heard and their complaint is processed promptly. Educators will follow procedure and update relevant training to keep at the forefront of practice and ensure we are a child-safe service.

Children who have allegedly been exposed to sexual abuse by another child	<ul style="list-style-type: none"> - The child's voice is heard - Children are supported reassurance of safety in service - (5 people they trust) - Child Protection procedures are engaged
Child who has sexually abused another child	<ul style="list-style-type: none"> - Ensure they are supervised at all times - Ensure they are aware their behaviour is inappropriate, however, they are supported and intentional teaching occurs around child safety and child protection
Educators	<ul style="list-style-type: none"> - Utilise Traffic Light Framework to make informed decision - Confidentiality is upheld during all parts of the process - Intentionally teaching Child Protective behaviours - Prompt and detailed documentation & recording - Following procedure to maintain confidentiality - Make sure everyone is using language that respectfully describes the harmful behaviour and does not stigmatise the child
Nominated Supervisors/ Director	<ul style="list-style-type: none"> - Reporting under regulatory requirements (within 24 hours) - Provide educators with current and reputable training - eg traffic light framework, child protection updates every 2 years - Have a procedure for documenting discussions with the complainant - Reflection meetings with all involved individually.
Family(ies) of child(ren) who has been sexually abused	<ul style="list-style-type: none"> - Concerns are discussed with confidentiality - Seek to Support, reassure, ensure voices have been heard and offer debriefing/counselling - Family is given clear information of the progress of the complaint - Families feel confident that any concerns or issues they may raise are handled promptly and professionally
Family(ies) of a child who sexually abused another child	<ul style="list-style-type: none"> - Steps in reporting, - Refer to counselling service

The educators working at Tenison Woods College Early Learning and Community Centre are highly trained in child protection, and our organisation is committed to ensuring the safety of all children in our care. We take all complaints very seriously, especially those that allege harmful sexual behaviour by a child. In such cases, our educators will immediately inform the Nominated Supervisor and follow guidance from the traffic light framework to manage the concern or complaint, taken from 'Sexual behaviour in children and young people' developed by Government of South

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

Australia, Department of Education, AISSA and CESA. ([Link to sexual behaviour in children and young people\)procedure, guideline and resources.](#))

Sexual behaviour guide

This guide should not be used as a standalone resource, rather in conjunction with the [procedure](#) and associated 'sexual behaviour in children and young people [guideline](#)'. This guide is adapted with permission from True Relationships and Reproductive Health (2019).³

Sexual behaviour is not just about sex; it may include any talk, touch, questions, conversations and interests that relate to sexuality and relationships. Relationships can occur online and offline.

'Developmentally appropriate sexual behaviour' is a term used from a secular and developmental perspective, which may be different from cultural, ethical and religious views about sexual behaviour.

Developmentally appropriate	Concerning	Harmful
<p>Sexual behaviour is developmentally appropriate when it is:</p> <ul style="list-style-type: none"> • typical for age and/or developmental ability • between equals in age, size and developmental ability • spontaneous, curious, light-hearted, easily diverted, enjoyable, mutual and consensual • about understanding and gathering information, balanced with curiosity about other parts of life. <p>For behaviour to be assessed as developmentally appropriate, all 4 of the above characteristics must be present.</p>	<p>Sexual behaviour causes concern because of:</p> <ul style="list-style-type: none"> • the type of activity or knowledge for age and/or developmental ability • inequality in age, size, developmental ability or power • persistence, intensity, frequency or duration of behaviour • risk to the health, development or safety of the child/young person or others • unusual changes in the child/young person's behaviour. <p>Only one of the above characteristics needs to be a feature of the behaviour for it to be concerning.</p>	<p>Sexual behaviour indicates or causes harm because it is:</p> <ul style="list-style-type: none"> • not appropriate for age and/or developmental ability • between children with a significant difference in age, developmental ability or power • secretive, manipulative or involves bribery or trickery • excessive, compulsive, coercive, forceful, degrading or threatening, abusive or aggressive. <p>Only one of the above characteristics needs to be a feature of the behaviour for it to be harmful.</p>
Response	Response	Response
<ul style="list-style-type: none"> • Talk, explain and give support • Take a whole-site and/or class approach to relationships and sexual health education and skill development, with individual responses where indicated • Record behaviour inconsistent with behaviour expectations of the site and the site's response. 	<ul style="list-style-type: none"> • Record, monitor and give targeted support • Report to CARL and/or police if required • Work with others including parents and agencies where required • Create a behaviour support plan or support and safety plan if required. 	<ul style="list-style-type: none"> • Give immediate protection and follow-up support and make an official record • Report to CARL and/or police if indicated • Work with others including parents and agencies where required • Create a behaviour support plan or support and safety plan if required.

³ Traffic Lights® 'sexual behaviours in children and young people: a guide to identify, understand and respond to sexual behaviours' (v4). True Relationships and Reproductive Health, 2019, Brisbane, Queensland.

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

Examples 0 to 4 years

Developmentally appropriate	Concerning	Harmful
<ul style="list-style-type: none"> • Comfortable being nude • Body touching and holding own genitals • Unselfconscious masturbation • Interest in body parts and functions • Wanting to touch familiar children's genitals during play, toilet or bath times • Participation in games involving looking at and/or touching the bodies of familiar children eg 'show me yours and I'll show you mine' • Asking about or wanting to touch the 'sexual body parts' of familiar adults eg when in the bath or shower • Supervised online communication with family or known peers. 	<ul style="list-style-type: none"> • Masturbation in preference to other activities • Preoccupation with sexual behaviour • Explicit sexual talk, art or play • Persistently watching or following others into private spaces eg toilets, bathrooms to look at them or touch them • Pulling other children's pants down or skirts up against their will • Touching the 'sexual body parts'² of other children in preference to other activities • Touching or attempting to touch the sexual body parts of adults in ways that are persistent and/or invasive • Touching the sexual body parts of animals after redirection • Recurrent urinary tract infections • Communicating online with known people, which may include giving out personally identifying details. 	<ul style="list-style-type: none"> • Compulsive masturbation that may be self-injurious, of a persistent nature or duration • Persistent, explicit sexual themes in talk, art or play • Disclosure of sexual abuse • Simulation of sexual touch or 'sexual activity'³ • Persistently touching the 'sexual body parts' of others • Forcing other children to engage in 'sexual activity'⁴ • Sexual behaviour between young children involving penetration with objects, masturbation of others, oral sex • Indication of a sexually transmitted infection • Communicating online with unknown people, which may include giving out personally identifying details • Providing sexual images or videos online to known or unknown people.

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

Roles and responsibilities

The approved provider CESA will:

- Ensure that obligations under the Education and Care Services National Law and National Regulations are met;
- Ensure the name and contact number of the person to whom complaints can be made is clearly displayed at the service;
- Ensure the regulatory authority is notified in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached;
- Discuss the complaint with the complainant and make notes from the meeting or discussion;
- Ensure the inclusion of policies and procedures for managing complaints alleging that a child is exhibiting harmful sexual behaviours;
- Ensure policies and procedures dealing with complaints include matters relating to the provision of a complaint handling system that is child focused;
- Take reasonable steps to ensure that nominated supervisors, educators and staff follow the Dealing with complaints policy and procedures;
- Ensure that copies of the policy and procedures are readily accessible to nominated supervisors, coordinators, educators and staff, and available for inspection;
- Ensure educators, staff, volunteers and students are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures;
- Notify families at least 14 days before changing the policy or procedures if the changes will:
 - Affect the fees charged or the way they are collected;
 - Significantly impact the service's education and care of children;
 - Significantly impact the family's ability to utilise the service.
- Regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly;
- Ensure that complaints result in reviews of relevant policies, procedures and practices.

The nominated supervisor and the day-to-day responsible person will:

- Ensure that regulatory obligations are met in relation to dealing with complaints;
- Implement procedures for dealing with complaints;
- Inform families and the broader service community of the Dealing with complaints policy and procedures;
- Discuss the complaint with the complainant;
- Ensure the approved provider is aware of the complaint, if it is a notifiable complaint, or if a complaint cannot be resolved;
- Ensure the complaint is documented;
- Work co-operatively with the approved provider, educators, staff and/or the complainant during the investigation or resolution of a complaint;
- Ensure educators, staff, volunteers and students are well informed about their child protection responsibilities and reporting and privacy obligations;
- Ensure educators, staff, volunteers and students are well informed about the different ways children express concerns or distress and disclose harm, as well as processes for responding to disclosures from children;
- Regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly;
- Ensure that complaints result in reviews of relevant policies, procedures and practices.

Educators will ensure that they:

- 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;
- Support the nominated supervisor and approved provider in the investigation and/or resolution of complaints;
- Understand and are aware of child protection law and their individual responsibilities;

DEALING WITH COMPLAINTS POLICY & PROCEDURE

Section 172, 174 Regulations 168,170-172, 176

- Are aware of the different ways children express concerns or distress and disclose harm, as well as the processes for responding to disclosures from children;
- Support children to know who to talk to if they are feeling unsafe and understand the complaint handling processes.

Families will ensure they:

- Are familiar with, and follow, the Dealing with Complaints Policy and Procedures;
- Raise any issues or complaints in line with the policy and procedures;
- Cooperate with service representatives dealing with complaints.