



These guidelines are part of a series intended to assist in the development of your service's policies and procedures required under regulations 168 and 169. They set out the main components to be included in your policies and procedures, and considerations for each component.

They should guide how you develop your policies and are not an exact format to be followed.

# DEALING WITH COMPLAINTS

## POLICY GUIDELINES

Under the *Education and Care Services National Regulations*, an approved provider must ensure that policies and procedures are in place for dealing with complaints (Regulation 168) and take reasonable steps to ensure those policies and procedures are followed (Regulation 170).

The main regulatory requirements related to complaints are:

- The approved provider must notify the regulatory authority 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 (Section 174). (Family day care educators are required to notify the approved provider (Section 174A)).
- The name and telephone number of the person to whom complaints can be made must be clearly displayed at the service (Regulation 173, Section 172) and in the case of a family day care service, at each residence, venue and office of the family day care service (Regulation 173A, Section 172) .
- Your policy and procedures should address these requirements, as well as quality practices relating to dealing with complaints that align with the National Quality Standard.
- Every service is different so it is not sufficient to apply generic policies and procedures to multiple services. You will need to contextualise your policies and procedures to your service's operations and its unique context.

Your policy and procedures should address these requirements, as well as quality practices relating to safe transportation of children that align with the National Quality Standard.

Every service is different, so it is not sufficient to apply generic policies and procedures to multiple services. You will need to contextualise your policies and procedures to your service's operations and its unique context.

### 1. Title

*Dealing with complaints policy*

### 2. Policy statement

The policy statement will reflect your service's philosophy and approach to dealing with complaints.

*For example:*

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

### 3. Background

Your policy needs to include a statement of why this policy is in place.

*For example:*

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.

### 4. Legislative requirements

Your policy must be consistent with, and refer to, legislative requirements for dealing with complaints.

Examples include, but are not limited to:

Section 172	Offence to fail to display prescribed information
Section 174	Offence to fail to notify certain information to Regulatory Authority
Regulation 174A	Family day care educator to notify certain information to approved provider
Regulation 143B	Ongoing management of family day care educators
Regulation 168	Education and care service must have policies and procedures
Regulation 169	Additional policies and procedures – family day care
Regulation 170	Policies and procedures to be followed
Regulation 171	Policies and procedures to be kept available
Regulation 172	Notification of change to policies or procedures
Regulation 173	Prescribed information to be displayed - education and care service other than a family day care service
Regulation 173A	Prescribed information to be displayed – family day care service
Regulation 176	Time to notify certain information to Regulatory Authority

When writing your policy, you will need to break down what is required under each regulation and how your service will meet these requirements. How these work in practice will be contained in your procedures.

As you reflect on your Dealing with complaints policy, it might highlight the need to split its various areas into different policies and procedures that can be readily accessed by all staff members to follow.

## 5. Principles to inform your policy

All decision-making should be carried out in accordance with the principles of your service's *Dealing with complaints policy*. Examples of principles could include, but are not limited to:

- 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.

## 6. Key terms

To make it easier for your audience, provide definitions of key terms that may not be used every day. For example:

Term	Meaning	Source
ACECQA – Australian Children's Education and Care Quality Authority	The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources, and services to support the sector to improve outcomes for children.	<a href="http://acecqa.gov.au">acecqa.gov.au</a>
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.	Australian and New Zealand Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014
Complaints handling	Effective resolution of a problem before it becomes worse and providing a remedy.	Commonwealth Ombudsman – Better practice complaint handling guide
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.	Guide to the NQF (Regulatory Authority Powers – Monitoring, compliance and enforcement)
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.	<i>Privacy Act 1988</i> (Cth)

## 7. Links to other policies

Refer to related policies and procedures, for example::

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

## 8. Induction and ongoing training

State information about induction training and frequency of ongoing training and information sharing to assist managers, coordinators, educators, and other staff to fulfil their roles effectively.

## 9. Policy created/reviewed

Include the date the policy was created, reviewed or changes were made.

## 10. Monitoring, evaluation, and review

State when the policy will be reviewed and who will be responsible for this. All policies need to be monitored and reviewed regularly to ensure that they are up to date and compliant with the National Law and National Regulations. Your policy should record the dates it has been reviewed or when changes were made, as well as the next review date. In the event of a revision or change of policy, you will need to ensure educators and families are made aware of the changes and the revised policy, removing access to electronic or hardcopies of the older versions. Follow appropriate record keeping processes for each updated version of the policy.

Your procedures should be written in clear and concise language, making them easy to read, understand and implement.

The steps and guidelines you document will not only guide your practice, but also inform regulatory authorities of roles and responsibilities at the service.

When thinking about your procedures for dealing with complaints for your service, they need to be practical and achievable. For example, if your procedures state that you record all complaints, you will need to make sure steps are in place for this to occur.

## 11. Checklist

Have you referenced the relevant regulations and are these reflected in the policy?

Does the title provide a clear and concise statement identifying the intent of the policy?

Have you checked the policy requirements and referenced related legislation that applies to your service type?

Does your policy statement provide a framework for decision-making and ensure consistent practice?

Does your policy statement reflect your service's philosophy?

Is it clear why this policy exists?

# DEALING WITH COMPLAINTS

## PROCEDURES GUIDELINES

Under the *Education and Care Services National Regulations*, an approved provider must ensure policies and procedures are in place for dealing with complaints. These guidelines are part of a series intended to assist in the development of your policies and procedures required under regulations 168 and 169. They are to guide you to develop your policies and procedures, and are not an exact format to be followed.

Your procedures should be written in clear and concise language, making them easy to read, understand and implement.

The steps and guidelines you document will not only guide your practice, but also inform regulatory authorities of roles and responsibilities at the service.

When thinking about your procedures for dealing with complaints for your service, they need to be practical and achievable. For example, if your procedures state that you record all complaints, you will need to make sure steps are in place for this to occur.

### 1. Title

*Dealing with complaints procedures*

### 2. Reference to policy and philosophy

Here you refer to your *Dealing with complaints policy* as seen in your policy documents. You can reference where you will find the policy to help those looking for it.

Your procedures will also reflect your service's overall philosophy and evidence-based quality practice guidelines for dealing with complaints.

### 3. Procedures

This is where you detail the way you will implement the *Dealing with complaints policy*.

It is the 'How to' in your service and includes specific step-by-step procedures for dealing with complaints.

Some areas that will be outlined here will include:

- where the procedures will be kept
- when they were last reviewed
- templates and documents that might be required and/or used as a part of the procedures (e.g. complaint record form)
- resources required for the implementation of procedures
- systems to monitor the implementation of the procedures.

As you reflect on your *Dealing with complaints policy*, it might highlight the need to split its various areas into different procedures, which will be displayed or accessed by all educators and staff to follow in relation to their required actions.

### 4. Roles and responsibilities

This is where you will designate specific roles and responsibilities for the people who hold different positions within your service. This needs to align with the *Education and Care Services National Regulations* (see pp. 6–7 below).

It is important to note that it is the legal responsibility of approved providers to ensure systems are in place to minimise risk and ensure health and safety procedures are implemented by the responsible people in services including family day care (FDC) environments (if applicable). Ultimate responsibility lies with the approved provider to ensure their service/s are meeting the requirements under the *Education and Care Services National Law*.

When developing this section consider:

- What are the roles and responsibilities of the approved provider, nominated supervisor, educators, other staff, volunteers, students and families in your service in relation to dealing with complaints?
- How will you clearly define these roles and expectations and where will it be documented?
- Why are clear and robust procedures for dealing with complaints important for children's safety, health and wellbeing?
- How are children empowered to understand the complaints handling processes?
- How will you learn from the administration of these procedures to improve your practices?
- How will you ensure that the necessary tools are available so the approved provider, nominated supervisor, educators and other staff members can follow the procedures? How will they be made aware of the procedures?
- Do the roles and responsibilities reflect your service type?

An example of roles and responsibilities could include, but is not limited to:

Roles	Responsibilities
Approved provider	<ul style="list-style-type: none"> <li>• ensure that obligations under the <i>Education and Care Services National Law</i> and <i>National Regulations</i> are met</li> <li>• ensure the name and contact number of the person to whom complaints can be made is clearly displayed at the service (and FDC residence or approved venue, if applicable)</li> <li>• ensure that 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 <i>Education and Care Services National Law</i> has been breached</li> <li>• discuss the complaint with the complainant and make notes from the meeting or discussion</li> <li>• ensure the inclusion of policies and procedures for managing complaints alleging that a child is exhibiting harmful sexual behaviours</li> <li>• ensure policies and procedures dealing with complaints include matters relating to the provision of a complaint handling system that is child focused</li> <li>• take reasonable steps to ensure that nominated supervisors, educators and staff follow the <i>Dealing with complaints policy</i> and procedures</li> <li>• ensure that copies of the policy and procedures are readily accessible to nominated supervisors, coordinators, educators and staff, and available for inspection</li> <li>• 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</li> <li>• notify families at least 14 days before changing the policy or procedures if the changes will:               <ul style="list-style-type: none"> <li>» affect the fees charged or the way they are collected or</li> <li>» significantly impact the service’s education and care of children or</li> <li>» significantly impact the family’s ability to utilise the service</li> </ul> </li> <li>• regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly</li> <li>• ensure that complaints result in reviews of relevant policies, procedures and practices.</li> </ul>
Nominated supervisor	<ul style="list-style-type: none"> <li>• ensure that regulatory obligations are met in relation to dealing with complaints</li> <li>• implement procedures for dealing with complaints</li> <li>• inform families and the broader service community of the <i>Dealing with complaints policy</i> and procedures</li> <li>• discuss the complaint with the complainant</li> <li>• ensure the approved provider is aware of the complaint, if it is a notifiable complaint, or if a complaint cannot be resolved</li> <li>• ensure the complaint is documented</li> <li>• work co-operatively with the approved provider, educators, staff and/or the complainant during the investigation or resolution of a complaint</li> <li>• ensure educators, staff, volunteers and students are well informed about their child protection responsibilities and reporting and privacy obligations</li> <li>• 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</li> <li>• regularly review the policy and procedures to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly</li> <li>• ensure that complaints result in reviews of relevant policies, procedures and practices.</li> </ul>

Roles	Responsibilities
Educators	<ul style="list-style-type: none"> <li>• understand and implement the <i>Dealing with complaints policy</i> and procedures</li> <li>• report all complaints received to the nominated supervisor and/or approved provider promptly so timeframes can be adhered to</li> <li>• support the nominated supervisor and approved provider in the investigation and/or resolution of complaints</li> </ul>
Educators, cont.	<ul style="list-style-type: none"> <li>• understand and are aware of child protection law and their individual responsibilities</li> <li>• 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</li> <li>• support children to know who to talk to if they are feeling unsafe and understand the complaint handling processes.</li> </ul>
Families	<ul style="list-style-type: none"> <li>• be familiar with and follow the <i>Dealing with complaints policy</i> and procedures</li> <li>• raise any issues or complaints in line with the policy and procedures</li> <li>• cooperate with service representatives dealing with complaints.</li> </ul>

The following table will assist you in developing procedures specific to your service's needs and context. Referring to the *Education and Care Services National Regulations* when you are writing your procedures will assist you to ensure that you are meeting your obligations.

Areas to include in your procedures	Things to consider and outline in each area (this will be specific to the context of your service)	Strategies for monitoring and implementing procedures	Related policy and/or procedures
<p><b>Preparing for and dealing with complaints</b></p> <p><b>Act:</b> 172, 174, 174A</p> <p><b>Regs:</b> 143B, 168–173, 173A, 176</p> <p><b>QA2</b></p> <p><b>QA4</b></p> <p><b>QA5</b></p> <p><b>QA6: 6.1</b></p> <p><b>QA7: 7.1.2, 7.2.1</b></p>	<ul style="list-style-type: none"> <li>• Ensuring the name and contact number of the person to whom complaints can be made is clearly displayed at the service (and FDC residence or approved venue, if applicable).</li> <li>• The processes to ensure that the regulatory authority is notified within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the <i>Education and Care Services National Law</i> has been breached.</li> <li>• How best to communicate with children and families about the complaint’s procedures.</li> <li>• What the processes are for receiving and managing complaints (method, etc.), including complaints alleging that a child is exhibiting harmful sexual behaviours.</li> <li>• Communicating with the complainant at all stages of the process – timeframes, methods, etc.</li> <li>• What the procedures will be to respond to, monitor, follow up on and investigate complaints, and associated steps to follow with timeframes.</li> <li>• Whether educators and staff should have the authority to resolve straightforward matters, with more serious or complex matters escalated to service leadership.</li> <li>• Who will be responsible for investigating complaints.</li> <li>• Specific processes for investigating a complaint that concerns a staff member, noting any sensitivities and reporting requirements.</li> <li>• Specific processes if the complaint is about another child and/or their family.</li> <li>• How often to review the procedures to ensure complaints are investigated promptly, fairly, and thoroughly.</li> <li>• What records you will keep in relation to complaints.</li> <li>• What steps you will take to support people for them to feel safe or comfortable when making a complaint (e.g. anonymously), including children.</li> </ul>	<ul style="list-style-type: none"> <li>• Make sure your policy and procedures are available for all to access.</li> <li>• Consider creating a checklist of the things that the person responsible for communicating with the complainant should discuss at each stage of the process.</li> <li>• Provide induction training for the educators and other staff and regular updates and reviews at team meetings on complaints management and the procedures.</li> <li>• Ensure all educators and other staff understand their responsibilities in relation to complaints, as well as the processes for responding to disclosures from children.</li> <li>• Ensure that the complaints policy and procedures are discussed with families as part of enrolment and orientation.</li> <li>• Ensure that the provision of the complaint handling system is child focused, with processes for children to understand who to talk to if they are feeling unsafe and know what will happen if they do.</li> <li>• Provide training in investigation best practice to the individuals who will be asked to lead as part of their role/responsibilities.</li> <li>• Ensure that educators, staff, volunteers and students are aware of their responsibilities under child protection law and gain an understanding of the different ways children express concern or disclose harm.</li> <li>• Consider what complaints may require an external investigation (if a conflict of interest exists or if no one at the service holds the requisite skills).</li> </ul>	<ul style="list-style-type: none"> <li>• Incident, injury, trauma and illness</li> <li>• Providing a child safe environment</li> <li>• Enrolment and orientation</li> <li>• Governance and management</li> <li>• Staffing</li> </ul>



Areas to include in your procedures	Things to consider and outline in each area (this will be specific to the context of your service)	Strategies for monitoring and implementing procedures	Related policy and/or procedures
<p><b>Preparing for and dealing with complaints, cont.</b></p>	<ul style="list-style-type: none"> <li>• How you will maintain the privacy and confidentiality of those involved.</li> <li>• How you will deal with difficult, aggressive, or repeat complainers.</li> <li>• How staff are supported through the complaint process.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider the system to be used to record the complaints and outcomes.</li> </ul>	
<p><b>Resolving complaints</b></p> <p><b>Act:</b> 174, 174A</p> <p><b>Regs:</b> 143B, 168-172, 176</p> <p><b>QA2</b></p> <p><b>QA4</b></p> <p><b>QA6:</b> 6.1</p> <p><b>QA7:</b> 7.1.2, 7.2.1</p>	<ul style="list-style-type: none"> <li>• How you will let the complainant know what actions you will take because of their complaint.</li> <li>• How you will inform other parties of the outcome of the complaint, if relevant (e.g. your service community).</li> <li>• What the process will be if the complainant is unhappy with your proposed resolution of the complaint (e.g. a right to appeal, etc.).</li> <li>• How you will use the complaint to identify any issues or areas of improvement for your service.</li> <li>• Whether your policies, procedures or practices need amending because of the experience with the complaint.</li> </ul>	<ul style="list-style-type: none"> <li>• Create a process to inform complainants of the outcome of a complaint or investigation.</li> <li>• Create a system to reflect on the outcomes of complaints and any changes that may have resulted.</li> <li>• Consider processes for identifying goals and strategies for inclusion in the Quality Improvement Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• Incident, injury, trauma, and illness</li> <li>• Providing a child safe environment</li> <li>• Governance and management</li> </ul>

## 5. Procedures created/reviewed

Include the date the procedures were created or reviewed.

## 6. Monitoring, evaluation, and review

Your service, in consultation with educators and other key staff, families and other stakeholders, should review the effectiveness of these procedures within a set timeframe or earlier if there is a change in relevant legislation.

State when the procedures will be reviewed and who will be responsible for this. All procedures need to be monitored and reviewed regularly to ensure that they are up to date and compliant with the National Law and National Regulations.

Your procedures should record the dates they have been reviewed or when changes were made, as well as the next review date. In the event of a revision or change of procedure, you will need to ensure educators and families are made aware of the changes and the revised procedure, removing access to electronic or hardcopies of the older versions.

Follow appropriate record keeping processes for each updated version of the procedures.

## 7. Checklist

Do the *Dealing with complaints procedures* align with your Dealing with complaints policy?

Have your procedures been written in plain English and can they be easily implemented by an educator or staff new to your service?

Have your policies and procedures been communicated to families?

Is it clear who is responsible for the implementation of the procedures?

Are all educators and other staff aware of the procedures and can they implement them if required?

Do you need to develop any resources to monitor and record the procedures?

## REFERENCES AND RESOURCES

Include links to useful resources that have helped inform the development of your policy. Be mindful of any state or territory specific content.

Some examples include, but are not limited to:

- ACECQA – [Guide to the National Quality Framework](#)
- ACECQA – [Occasional Paper 5: Leadership and management in education and care services](#)
- ACECQA – [Opening a new service](#)
- ACECQA – [Using Complaints to support continuous improvement](#)
- Australian Human Rights Commission – [Child Safe Organisations](#)
- Commonwealth Ombudsman – [Better practice complaint handling guide](#)
- NSW Ombudsman – [Effective complaint handling guidelines](#)
- NT Ombudsman – [Complaints management resources](#)
- Queensland Government – [Guide for effective complaints management](#)
- Tasmanian Ombudsman – [Smart Complaining](#)
- Victorian Ombudsman – [Complaints: Good Practice Guide for Public Sector Agencies September 2016](#)
- WA Ombudsman – [Guidelines on Complaint Handling](#)