



PURPOSE

The aim of this policy is to ensure Edenhope Early Childhood Service personnel understand how to receive and respond to complaints and grievances and the procedures to be followed in investigating complaints and grievances by a families and carers, children, stakeholders, or colleagues.

POLICY STATEMENT

Complaints or grievances may be received from anyone who comes in contact with Edenhope Early Childhood Service including but not limited to families and carers, volunteers, students, members of the local community and other agencies. In most cases, dealing with complaints and grievances will be the responsibility of Edenhope Early Childhood Service. All complaints and grievances, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint.

When a complaint or grievance has been assessed as 'notifiable', the Edenhope Early Childhood Service will notify Department of Education and Training (DET), Quality Assessment and Regulation Division (QARD) and the West Wimmera Shire Council of the complaint or grievance. Notifications to DET will be made through the National Quality Agenda IT System (NQA ITS) portal. The Edenhope Early Childhood Service will investigate the complaint or grievance and take any actions deemed necessary, in addition to responding to requests from and assisting with any investigation by QARD.

There may be occasions when the complainant reports the complaint or grievance directly to QARD. If this occurs, QARD is responsible to then notify Edenhope Early Childhood Service and West Wimmera Shire Council about a complaint they have received. After this, West Wimmera Shire Council is still responsible to investigate and deal with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by QARD. Or any other responsible authority.

QARD will investigate all complaints and grievances it receives about a service, where it is alleged that the health, safety, or wellbeing of any child within the service may have been compromised, or that there may have been a contravention of the Education and Care Services National Law Act 2010 (National Law) and the Education and Care Services National Regulations 2011 (National Regulations).

All staff should feel safe and confident to raise concerns, issues, complaints and provide feedback about their workplace. It is important that employee complaints are appropriately addressed, managed efficiently and effectively, and resolved at the workplace level if possible.

West Wimmera Shire Council is committed to:

- Providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- Ensuring all personnel, including volunteers and students, understand and adhere to all Edenhope Early Childhood Service policies and deliver high quality education and support
- Complying with all legislative and statutory requirements
- Dealing with disputes, complaints and complainants with fairness and equity
- Establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- Maintaining confidentiality at all times.

Edenhope Early Childhood Service is responsible for:

- Being familiar with the National Law and the National Regulations, service policies and constitution, and complaints and grievances policy and procedures
- Identifying, preventing, and addressing potential concerns before they become formal complaints/grievances
- Being aware of, and committed to, the principles of communicating and sharing information with service employees and volunteers



- Responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- Treating all complainants fairly and equitably
- Complying with the Edenhope Early Childhood Services Complaints Policy and maintaining confidentiality at all times (Regulations 181, 183)
- Investigating and resolving grievances
- Informing QARD in writing within 24 hours of receiving a notifiable complaint (refer to **Appendix 1: Definitions**) (Act 174(4), Regulation 176(2)(b))
- Taking appropriate action in response to grievances
- Addressing employees concerns and complaints.

The Nominated Supervisor is responsible for:

- Ensuring that the name and telephone number of the Responsible Person to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (Regulation 173(2)(b) of the National Regulations)
- Ensuring that the address and telephone number of the QARD Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- Advising families and carers of the West Wimmera Shire Council Edenhope Early Childhood Service Complaints Policy upon enrolment
- Ensuring that this policy is available for inspection at the service at all times (Regulation 171)
- Responding to and resolving issues as they arise where practicable
- Maintaining professionalism and integrity at all times
- Discussing minor complaints directly with the party involved as a first step towards resolution (the parties will be encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)
- Dealing with situations in which an issue is unable to be resolved by:
 - Notifying West Wimmera Shire Council if the complaint escalates and becomes a grievance, is a notifiable complaint (refer to Definitions) or is unable to be resolved appropriately in a timely manner
 - Providing the complainant with the contact number of the appropriate West Wimmera Shire management person if they wish to speak with someone immediately
 - Working with West Wimmera Shire Council as required and providing information requested by West Wimmera Shire Council; for example, written reports related to the complaint/grievance
- Complying with the Edenhope Early Childhood Service Confidentiality and Record-keeping Policy and maintaining confidentiality at all times (as required by National Regulations, r181)
- Working cooperatively with West Wimmera Shire Council and DET in any investigations related to complaints or grievances about the service, programs, or staff
- Informing complainants of this Complaints Policy
- Complying with the service's Confidentiality and Record-keeping Policy and maintaining confidentiality at all times (Regulations 181, 183 of the National Regulations)
- Raising concerns directly with West Wimmera Shire Council management (Refer to **Appendix 2: Raising a concern or complaint as an employee**)
- Ensuring that all staff understand and follow complaint processes (Refer to **Appendix 1: Definitions**)
- Ensure that staff are supported if they make or report a complaint about any aspect of service delivery (Refer to **Appendix 3: Child Care Subsidy Complaints**).



Families and Carers are responsible for:

- Raising a complaint directly with the person involved, in an attempt to resolve the matter in accordance with this policy
- Communicating any concerns relating to the management or operation of the service as soon as is practicable
- Raising any unresolved issues or concerns directly with West Wimmera Shire Council management
- Maintaining complete confidentiality at all times
- Co-operating with requests to meet with West Wimmera Shire Council and/or provide relevant information when requested in relation to complaints and grievances.
- Providing families and carers with information to make a complaint. In relation to Child Care Subsidy complaints (refer to **Appendix 3**: Child Care Subsidy Complaints)

Roles and Responsibilities

Role	Responsibility
Educators and Supervisors	Educators, Supervisors, Nominated Supervisor/Educational Leader will oversee the implementation and service adherence to this policy All Educators are responsible for the daily implementation of the policy when directly supervising children.
West Wimmera Shire Council	Provide official sign off on the Policy

Policy Review

The Policy will be reviewed every 12 months. The ongoing monitoring and compliance to this policy will be overseen by Nominated Supervisor and Person with Management or Control of the Service where practical. Feedback from QARD, received through the assessment and rating process and/or compliance visits will inform this policy review. Feedback from stakeholders, e.g., families and carers, school community etc. will also inform policy updates and review.

REFERENCES

Legislation, Standards and Provisions

- [Education and Care Services National Law Act 2010](#)
- [Education and Care Services National Regulations 2011](#)
- [A New Tax System \(Family Assistance\) \(Administration\) Act 1999](#)
- [A New Tax System \(Family Assistance\) Act 1999](#)
- [Child Care Subsidy Minister's Rules 2017](#)
- [Child Care Subsidy Secretary's Rules 2017](#)
- [Family Law Act 1975](#)
- [National Quality Standard, Quality Area 7 – Governance and Leadership](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Public Interest Disclosures Act 2012 \(Vic\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Information Privacy Act 2000 \(Vic\)](#)
- [Privacy Act 1988](#)



- [Privacy Regulations 2013](#)
- [Public Interest Disclosures Act 2012 \(Vic\)](#)

Supporting Documents

- **Australian Children's Education and Care Quality Authority (ACECQA)**
[ACECQA National Quality Standard](#)
[National Quality Agenda IT System](#)
[ACECQA Sample forms and templates](#)
- **Australian Government Department Education, Skills and Employment (DESE)**
[Child Care Provider Handbook - Child Care Subsidy System 2019](#)
[Guide to Additional Child Care Subsidy \(child wellbeing\)](#)

ATTACHMENTS

Attachment 1: **Definitions**

Attachment 2: **Raising concerns and complaints as an educator**

Appendix 3: ***Child Care Subsidy related complaints***

AUTHORISATION

The Approved Provider of West Wimmera Shire Kindergartens adopted this document on 22/04/2018.

REVISION	DATE APPROVED	AUTHOR	SIGNATURE	DATE OF NEXT REVISION
1	1/08/18	C. Hurley		1/08/21
2	13/04/22	N. Hollis		13/04/25
3	05/01/23	Tracey Bone		05/01/24



COMPLAINTS POLICY

LONG DAY CARE
WEST WIMMERA SHIRE COUNCIL

Acknowledgement

I acknowledge:

- receiving the West Wimmera Shire Council's Edenhope Early Childhood Service Complaints Policy;
- that I will comply with the policy; and
- that dependent on the seriousness of any breach there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your Name:	
Signed:	
Date:	
Edenhope Early Childhood Service sign off:	Date:



Attachment 1

Definitions

Complaint: (In relation to this policy) a complaint is defined as an issue of a minor nature that can be resolved promptly or within 24 hours and does not require a detailed investigation. Complaints include an expression of displeasure, such as poor service, and any verbal or written complaint directly related to the service (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health, and safety matters (unless related to the safety of the children) and issues related to the legal business entity, such as the incorporated association or co-operative.

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

General complaint: A general complaint may address any aspect of the service e.g., a lost clothing item, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g., the service is in breach of a policy, or the service did not meet the care expectations of a family.

Notifiable complaint: A complaint that alleges a breach of the National Law or National Regulations has occurred, the service's policies and procedures have not been followed, or alleges that the safety, health or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the [insert approved provider name], then to QARD within 24 hours of the complaint being made (Section 174(2)(b) of the National Law, Regulation 176(2)(b) of the National Regulations). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact QARD for confirmation. Written reports to QARD must include:

- Details of the event or incident
- The name of the person who initially made the complaint
- If appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- Contact details of a nominated member of the Grievances Subcommittee/investigator
- Any other relevant information

Written notification of complaints must be submitted using the NQA ITS portal forms, which can be found on the Australian Children's Education and Care Quality Authority (ACECQA) website:

<https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>.

Serious incident: An incident resulting in the death of a child, or an injury, trauma, or illness for which a reasonable person would consider required urgent medical attention from a registered medical practitioner or emergency services or for which the child attended or ought reasonably to have attended a hospital. e.g., whooping cough, broken limb, anaphylaxis reaction. This also includes an incident in which a child appears to be missing, cannot be



accounted for, is removed from the service in contravention of the regulations, or is mistakenly locked in/out of the service premises (Regulation 12). A serious incident should be documented in an Incidents, Injury, Trauma, and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. QARD must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

Whistleblowers: Victorian law also provides some legal protections to 'whistleblowers' making 'public interest disclosures' under the [Public Interest Disclosures Act 2012 \(Vic\)](#). Public interest disclosures are disclosures about a range of types of 'improper conduct' which are defined by the Act.

There are specific requirements that must be fulfilled for a report or complaint to be a public interest disclosure and for an employee to receive the legal protections of making a public interest disclosure. It is important that anyone who thinks they may be a whistle-blower or anyone wanting to make a public interest disclosure to have their complaint or report properly assessed to determine whether it meets the requirements of the Public Interest Disclosures Act 2012 (Vic). Refer to the West Wimmera Shire Council *Fraud and Corruption Control Policy*.



Attachment 2

Raising concerns and complaints as an educator

PROCEDURES

The Approved Provider is responsible for:

- being familiar with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, service policies and constitution, and complaints and grievances policy and procedures
- identifying, preventing and addressing potential concerns before they become formal complaints/grievances
- ensuring that the name and telephone number of the Responsible Person (refer to *Staffing Policy*) to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (Regulation 173(2)(b))
- ensuring that the address and telephone number of the Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- advising parents/guardians and any other new members of West Wimmera Shire Council Edenhope Early Childhood Service of the complaints and grievances policy and procedures upon enrolment
- ensuring that this policy is available for inspection at the service at all times (Regulation 171)
- being aware of, and committed to, the principles of communicating and sharing information with service employees, members and volunteers
- responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- treating all complainants fairly and equitably
- providing a *Complaints and Grievances Register* (refer to *Definitions*) and ensuring that staff record complaints and grievances along with outcomes
- complying with the service's *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)
- establishing a Grievances Subcommittee or appointing an investigator to investigate and resolve grievances
- referring notifiable complaints (refer to *Definitions*), grievances (refer to *Definitions*) or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee/investigator
- informing DET in writing within 24 hours of receiving a notifiable complaint (refer to *Definitions*) (Act 174(4), Regulation 176(2)(b))
- receiving recommendations from the Grievances Subcommittee/investigator and taking appropriate action.

The Nominated Supervisor, Certified Supervisors, educators and other staff are responsible for:

- responding to and resolving issues as they arise where practicable
- maintaining professionalism and integrity at all times
- discussing minor complaints directly with the party involved as a first step towards resolution (the parties are encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)



- informing complainants of the service's *Complaints and Grievances Policy*
- recording all complaints and grievances in the *Complaints and Grievances Register* (refer to *Definitions*)
- notifying the Approved Provider if the complaint escalates and becomes a grievance (refer to *Definitions*), is a notifiable complaint (refer to *Definitions*) or is unable to be resolved appropriately in a timely manner
- providing information as requested by the Approved Provider e.g. written reports relating to the grievance
- complying with the service's *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)
- working co-operatively with the Approved Provider and DET in any investigations related to grievances about the West Wimmera Shire's Early Childhood Services, its programs or staff.

Parents/guardians are responsible for:

- raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures
- communicating (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable
- raising any unresolved issues or serious concerns directly with the Approved Provider, via the Nominated Supervisor/educator or through the Grievances Subcommittee/investigator
- maintaining complete confidentiality at all times
- co-operating with requests to meet with the Grievances Subcommittee and/or provide relevant information when requested in relation to complaints and grievances.

Volunteers and students, while at the service, are responsible for following this policy and its procedures.

[Appendix 3](#)

Child Care Subsidy related complaints

If the complaint relates to Child Care Subsidy payment, contact 1300 667 276 or email cshelpdesk@dese.gov.au.

The Child Care Tip-off Line should be used by families and carers, providers or their employees to raise concerns about practices relating to the management of subsidies on 1800 664 231 or email tipoffline@dese.gov.au