

## ARMIDALE FAMILY DAY CARE

### *Complaints Handling Policy*

<b>Related documentation Policy/policies:</b>	Code of Conduct, Providing a Child Safe Environment Policy, Governance Policy, Incident, Injury, Trauma and Illness Policy.
<b>Regulation/s/ Standards:</b>	Regulations 172, 174, 174A, 143B, 168, 169, 170, 171, 172, 173, 176. National Quality Standards 7.1 and 7.2
<b>Related procedures:</b>	De-Registration of Educator from the Service, Workplace Health and Safety
<b>References:</b>	ACECQA Guide to the National Quality Framework Privacy & Personal Information Protection Act, 1998, NSW Ombudsman Effective Complaint Handling Guidelines Commission for Children and Young People Act, 1998 Child Protection (Working with Children) Act 2012 & Regulation 2013.
	June 2024
<b>Date for review</b>	June 2025
<b>Purpose</b>	To ensure children, families, Educators, Coordination Unit staff and the community feel confident that any concerns or issues they raise will be handled promptly and professionally.
<b>Responsibility</b>	AFDC' s Board of Directors is responsible for providing effective complaints management which meets the needs of all AFDC's partners' needs.

#### **Key information:**

Armidale Family Day Care's Complaints Handling Policy is child focused as are our processes to respond to complaints and concerns. We aim to ensure that children, Educators, management, coordination unit staff families and the community can be confident that complaints and grievances are taken seriously and addressed effectively.

Families are integral to our service. We welcome their input into all aspects of AFDC's operations, including any complaints they may have.

We welcome complaints as opportunities to enhance the quality of our education and care practices, reflecting on each complaint received and identifying issues and areas for improvement.

### **Responsibilities of the Authorised Provider:**

- To 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 National Law has been breached.
- To ensure that the name and telephone number of the person to whom complaints can be made is clearly displayed at the service.
- To take reasonable steps to ensure that Management, Coordinators and Educators are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures.
- To discuss all serious complaints with the complainant, making notes accordingly.
- To ensure that policies and procedures are in place within AFDC for managing complaints alleging that a child is exhibiting harmful sexual behaviours.
- To ensure that AFDC's Complaints Handling Policy is child focused.
- To take reasonable steps to ensure that Management and Coordination staff have readily accessible copies of and follow the Complaints Handling Policy.
- To notify families at least 14 days before changing this policy if the change will affect:
  - the fees charged or the way they are collected, or
  - significantly impact the services' education and care of children, or
  - significantly impact the family's ability to use the service.
- To regularly review this Policy to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly.
- To ensure that complaints result in reviews of relevant policies, procedures and practices.

### **Responsibilities of the Nominated Supervisor:**

- To ensure that all Educators maintain adequate knowledge and understanding of the provision of education and care to children including that:
  - Any serious incident that a child is being educated and cared for as part of the service is adequately addressed, and
  - Any complaints alleging that the Law has been contravened or that a serious incident has occurred while a child is or was being educated and cared for is adequately addressed.
- To ensure that Educators are well informed about their individual child protection responsibilities, reporting and privacy obligations and processes for responding to disclosures.
- To ensure that regulatory obligations are met in relation to dealing with complaints.
- To implement procedures for dealing with complaints.
- To inform families and the broader service community of the *Complaints Handling Policy*.
- To discuss the complaint with the complainant.
- To ensure the approved provider is aware of the complaint, if it is a notifiable complaint, or if a complaint cannot be resolved.
- To ensure the complaint is documented.
- To work cooperatively with the approved provider, Educators, coordinators and/or the complainant during the investigation or resolution of the complaint.
- To regularly review this Policy to ensure serious incidents and complaints are investigated promptly, fairly and thoroughly.

- To ensure that complaints result in reviews of relevant policies, procedures and practices.

#### **Responsibilities of Educators:**

- Understand and implement this Complaints handling Policy.
- To report all complaints received to the Nominated Supervisor and/or approved provider promptly so time frames can be adhered to.
- To support the Nominated Supervisor and/or approved provider in the investigation and/or resolution of complaints.
- To understand and be aware of child protection law and their individual responsibilities.
- To be aware of the different ways children express concerns or distress and disclose harm, as well as the processes for responding to disclosures from children.
- To support children to know who to talk to if they are feeling unsafe and understand the complaint handling processes.

#### **Responsibilities of Families:**

- To become familiar with and follow the Complaints Handling Policy.
- To raise any issues or complaints in line with this Complaints Handling Policy.
- To cooperate with AFDC representatives dealing with complaints.

#### **Privacy:**

All information collected by AFDC will be maintained in accordance with:

- the principles of the Privacy and Personal Information Protection Act 1998 and accordingly will only be used for the purpose for which it is collected, or as otherwise required or authorised by law, and
- Education and Care Regulation 181 *Confidentiality of Records* set by the Approved Provider

#### **Communication:**

- Familiarity with the Complaints Handling Policy and its related components and processes will be included in Educator Induction Training.
- Complaints about the Nominated Supervisor or Coordination unit team members will be directed to the approved provider.
- Coordination Unit team meetings will regularly review the Complaints Policy as it is put into practice, including considering what complaints may require an external investigation, e.g. of a Conflict of Interest is identified.
- Families will be informed of the Complaints Handling Policy upon enrolment.

#### **Time Frames:**

- Upon receipt of a complaint alleging that a serious incident has occurred, the approved provider and/or Nominated Supervisor will communicate with the complainant immediately, report to the regulatory authority within 24 hours and take immediate action to remedy the issue or concern. This may include suspension or deregistration of an Educator.

- In all other situations the approved provider and/or Nominated Supervisor will communicate with the complainant/s within two working days.
- The Complaints Handling Procedures Policy in relation to non-reportable complaints will be implemented within seven working days of receipt of the complaint.
- Regular contact will be maintained with both parties to the complaint.
- For non-reportable complaints, if time frames are unable to be met, the parties will be contacted and advised of this.

### **Procedures for dealing with non-reportable Complaints:**

#### **Tier 1:**

- A person wishing to raise a complaint will initially be encouraged to attempt to speak directly about their issues with the other party to the complaint.
- If the complaint is not resolved at the outset, the complainant will be requested to complete a Complaint Notification Form.,
- Coordination Unit staff have clear delegation to resolve simple complaints as quickly as possible and to take remedial action to address issues.
- If the complaint can be resolved at this level, the issue will be recorded in the Company's Complaint Register, copies of the Complaint Notification Form will be provided to both parties and relevant documentation will be filed securely.

#### **Tier 2:**

- Complaints which are unable to be resolved at Tier 1 will be referred to the Company's Board of Directors, which will decide upon how the complaint will be handled. This may include:
  - interviews with both parties,
  - investigation, and/or
  - dispute resolution.
- The Board of Directors and management will review the results of all investigations having regard to Company policies, procedures and regulatory requirements and will decide upon a course of action to resolve the complaint. This may include, but is not limited to:
  - requesting the development of a risk minimisation plan between an educator and a family,
  - issuing a formal warning to an educator, or
  - reporting a serious complaint to the Director General, and or the Ombudsman,
  - terminating a family's care placement, or
  - determining the complaint is unfounded, and therefore resolved.
- A representative of the Board of Directors or Management will discuss the results of any investigations and decisions of the Board with all parties, giving them the opportunity to respond to the decision.
- Management will record all discussions and actions agreed upon and will provide a written report to all parties within five working days, providing all parties with the right of appeal.

#### **Tier 3:**

- If the approved provider, nominated supervisor, coordinator or Educator believes a child is at significant risk of harm has a mandatory requirement to report their belief immediately in accordance with above listed responsibilities. (Refer to AFDC's Child Protection Policy).
- A person complaining about violence or threatening behaviour in an education and care residence must first direct the complaint to NSW Police and must then notify the Coordination Unit at the earliest possibility.

### **Review of this Policy:**

- This Policy will be reviewed on an annual basis to ensure it is compliant with the National Law and Regulation.
- Review will take into consideration the potential need for resources and training to support the implementation of this Policy.

### **Right of Appeal:**

- If either party seeks a review of the decisions of AFDC's Board of Directors, they may refer the matter to:  
The Administrative Decisions Tribunal,  
Level 15, 111 Elizabeth Street, Sydney. NSW. 2000.  
Telephone: (02)9223 4677 or 1800 060 410.

### **Complaints Register**

A Register of Complaints is maintained in a secure location. The information recorded includes:

- The name and contact details of the complainant
- The name and contact details of the person whom the complaint is about,
- The nature of the complaint, including times and dates,
- Actions and outcomes agreed upon, and
- Reporting requirements.

### **Monitoring of the Complaints Register**

The Complaints Register will be monitored and evaluated annually by Management and reported upon to AFDC's Board of Directors at the Annual General Meeting.

### **Acknowledgement and Declaration**

I declare that I have read, understand and agree to comply with this Complaints Handling Policy and the outlined timeframes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

Role: Approved Provider/Staff Member/Educator