

7.04V COMPLIMENTS AND COMPLAINTS

QUALITY AREA 7 | VERSION 1.0



PURPOSE

This policy provides a clear set of guidelines for:

- receiving and dealing with compliments and complaints at LEVNT EC Services
- procedures to be followed in investigating complaints.

Note: This policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

POLICY STATEMENT

VALUES

In order to fulfil our mission, LEVNT ECS Service operate to educate children in a Christian environment by providing inspiring education opportunities that enable them to reach their full potential. The foundation of Lutheran Education is the gospel of Jesus Christ which informs all learning and teaching, all human relationships and all activities of LEVNT EC Services.

Therefore, LEVNT EC Services are committed to:

- providing an environment of mutual respect and open communication
- recognising excellence and gratitude
- complying with all legislative and statutory requirements
- dealing with disputes and complainants with fairness and equity
- establishing mechanisms to respond to complaints in a timely way
- treating information in relation to complaints with sensitivity.

SCOPE

This policy applies to the Approved Provider, persons with management or control, nominated supervisor, persons in day-to-day charge, parents/guardians, student educators, volunteers and contractors attending LEVNT EC Services.

BACKGROUND

Compliments are expressions of praise, encouragement or gratitude about service, staff, management or program. Compliments provide valuable feedback about the level of satisfaction with service delivery and are a valuable indicator of the effectiveness of a service. Compliments impart useful insights about the aspects of service that are most meaningful to children, families and stakeholders, and provide an opportunity to recognise the efforts of staff, foster a culture of excellence and boost morale.

Complaints may be received from anyone who comes in contact with LEVNT EC Services including parents/guardians, volunteers, students, members of the local community and other agencies.

In most cases, dealing with complaints will be the responsibility of the Approved Provider. All complaints, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint.

When a complaint has been assessed as 'notifiable', the Approved Provider must notify Department of Education (DE) of the complaint. The Approved Provider will investigate the complaint and take any actions deemed necessary, in addition to responding to requests from and assisting with any investigation by DE.

There may be occasions when the complainant reports the complaint directly to DE. If DE then notifies the Approved Provider about a complaint they have received, the Approved Provider will still have responsibility for investigating and dealing with the complaint as outlined in this policy, in addition to co-operating with any investigation by DE.

DE will investigate all complaints 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* and/or the *Education and Care Services National Regulations 2011*.

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms refer to the Definitions file of each LEVNT EC policy folder.

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.

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.

Complaints Register: (In relation to this policy) records information about complaints received at the service, together with a record of the outcomes. This register must be kept in a secure file, accessible only to educators and responsible persons at the service. The register can provide valuable information to the Approved Provider on meeting the needs of children and families at the service.

Compliment: a compliment is an expression of praise, encouragement or gratitude. It may relate to an individual staff member, a team, the program or the service.

Dispute: a dispute is an expression of dissatisfaction made to a body, related to the conduct of the activities of the body, or the resolution process itself, where a response is explicitly or implicitly expected.

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

Mediator: A person (neutral party) who attempts to reconcile differences between disputants.

Mediation: An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

RESPONSIBILITIES

Actions which are legislated requirements of the ECEC sector are indicated with **LR**.

	Approved Provider and/or persons with management and control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Parents, guardians and carers	Contractors, volunteers and those on student placement
Being familiar with the Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011, service policies, constitution, and procedures	LR	✓	✓	✓	✓
Acknowledging compliments and thanking complementor for their interest and feedback	✓	✓			
Saving compliments and sharing with relevant parties	✓	✓			
Ensuring that compliments and complaints are monitored and used to continually improve the quality of the service	LR	✓			
Identifying, preventing and addressing potential concerns before they become a formal complaint	LR	✓	✓		✓
Ensuring that the name and telephone number of the responsible person (refer to Staffing Policy) to whom complaints may be addressed are displayed prominently at the main entrance of the service	LR	✓			
Ensuring that the address and telephone number of the Authorised Officer at the DE regional office are displayed prominently at the main entrance of the service	LR	✓			
Advising parents/guardians and any other new members of LEVNT EC Services of the Compliments and Complaints policy and procedures upon enrolment	LR	✓			
Ensuring the complaints processes is child focused, understood broadly (including by children, their families, staff and volunteers), culturally safe and compliant with privacy laws, reporting obligations and employment law	LR	✓			
Ensuring that the management of a complaint that alleges a child is exhibiting harmful sexual behaviours is child focused, culturally safe and compliant with privacy laws, reporting obligations and employment law	LR	✓			
Ensuring that children have access to age appropriate information, support and complaints processes in ways that are culturally safe, accessible and easy to understand	LR	✓	✓		✓
Ensuring that this policy is available for inspection at the service at all times	LR	✓			
Being aware of, and committed to, the principles of communicating and sharing information with service employees, members and volunteers	LR	✓			
Responding to all complaints in the most appropriate manner and at the earliest opportunity	LR	✓	✓		✓
Treating all complainants fairly and equitably	LR	✓	✓		
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)	LR	✓	✓	✓	
Communicating (preferably in writing) any concerns or compliments relating to the management or operation of the service as soon as is practicable		✓	✓	✓	✓
Providing a Complaints Register and ensuring that staff record complaints along with outcomes	LR	✓			
Providing information as requested by the Approved Provider e.g. written reports relating to the complaint		✓	✓	✓	✓
Notifying the Approved Provider if the complaint is a notifiable complaint or is unable to be resolved appropriately in a timely manner		✓	✓	✓	✓

	Approved Provider and/or persons with management and control	Nominated supervisor and persons in day-to-day charge	Early childhood teachers, educators and all other staff	Parents, guardians and carers	Contractors, volunteers and those on student placement
Complying with the service's Privacy and Confidentiality Policy at all times	LR	✓	✓	✓	✓
Establishing a Complaints Subcommittee or appointing an investigator to investigate and resolve complaints as required as determined through establish processes.	✓	✓			
Referring notifiable complaints, or complaints that are unable to be resolved appropriately and in a timely manner to the Complaints Subcommittee/ investigator	✓	✓			
Co-operating with requests to meet with the Complaints Subcommittee and/or provide relevant information when requested in relation to complaints	✓	✓	✓	✓	✓
Informing DE 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	LR	✓			
Working co-operatively with the Approved Provider and DE in any investigations related to complaints about LEVNT EC Services, its programs or staff	✓	✓	✓	✓	✓
Receiving recommendations from the Complaints Subcommittee/Investigator and taking appropriate action	✓	✓			
Analysing complaints, concerns and safety incidents to identify causes and systemic failures to inform continuous improvement	✓	✓			
Maintaining professionalism and integrity at all times (refer to Code of Conduct policy)	✓	✓	✓		✓

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- assess whether a satisfactory resolution has been achieved in relation to issues arising from this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of a policy review cycle, or as required
- notify all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk

AUTHORISATION & REVIEW

This policy was adopted by Lutheran Education VIC, NSW, TAS and ACT Ltd as Approved Provider on 29 September 2023.

REVIEW DATE January 2026 or earlier as required.

ATTACHMENTS

ATTACHMENT 1: Dealing with Compliments

Compliments can be made by a number of different channels including verbally, in writing or via the online Compliments and Complaints form.

The online Compliments and Complaints form will be promoted to families of the service, and will be available on the service website.

When a compliment is received, the person who the compliment is addressed to will:

- acknowledge and thank the person who provided the compliment using their preferred method of correspondence
- record details of the compliment in the Compliments and Complaints register
- share the compliment with the individual, their immediate supervisor and leadership

The Service Leader and LEVNT Early Childhood Manager will review the Compliments and Complaints Register at the end of each Term and provide a report to the LEVNT EC Committee for analysis.

ATTACHMENT 2: Dealing with Complaints

DEALING WITH A COMPLAINT

When a complaint is received, the person to whom the complaint is addressed will:

- inform the complainant of the service's *Compliment and Complaint Policy*
- encourage the complainant to resolve the complaint with the person directly, or to submit their complaint in writing. If required, the person who has verbally received the complaint will document the complaint to assist the complainant
- record all relevant details in the Complaints Register together with the desired resolution

The Service Leader or delegate will:

- assess the complaint for severity, safety, complexity, impact and the need for immediate action
- inform the Approved Provider if the complaint is a notifiable complaint or is unable to be resolved appropriately in a timely manner
- comply with the service's *Privacy and Confidentiality Policy* with regard to all meetings/discussions in relation to a complaint
- appoint an investigator(s) to investigate the matter. The investigator may be from the Service, LEVNT or external depending on the nature of the matter
- the investigator will assess the complaint to determine if it is a notifiable complaint

DEALING WITH A NOTIFIABLE COMPLAINT

When a formal complaint is lodged with the service:

- if the complaint is notifiable, the Approved Provider will be responsible for notifying DE. This must be in writing within 24 hours of receiving the complaint
- the written report to DE needs to be submitted using the appropriate forms from ACECQA and will 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 Complaints Subcommittee/investigator
- any other relevant information
- if the Approved Provider is unsure if the complaint is a notifiable complaint, it is good practice to contact DE for confirmation.

INVESTIGATOR RESPONSIBILITIES AND PROCEDURES

The investigator will:

- deal with the complaint in a timely manner
- consider the nature and the details of the complaint
- identify which service policies (if any) the complaint involves
- inform the Approved Provider if their involvement is required under any other service policies
- if the complaint is a notifiable complaint, inform the complainant of the notification requirements and explain the role that the notified authority may take in investigating the complaint
- maintain appropriate records of the information and data collected, including minutes of meetings, incident reports and copies of relevant documentation relating to the complaint
- respect the confidential nature of information relating to the complaint. The Approved Provider and the investigator must handle any complaint in a discreet and professional manner
- store all written information relating to complaint securely and in compliance with the service's *Privacy and Confidentiality Policy*.

INVESTIGATING THE COMPLAINT AND GATHERING RELEVANT INFORMATION

When investigating the complaint and gathering relevant information, the investigator will:

- offer the complainant the opportunity of meeting with the investigator to discuss the complaint and provide additional information where relevant
- inform the complainant of the procedures for dealing with the complaint if the complainant does not take up the opportunity to attend a meeting

- meet with individual witnesses, and give right of reply to the person against whom the allegations are made in relation to any accusation or information relating to an alleged incident
- document the time, date and detail of meetings/discussions, and follow this up with a letter to the complainant outlining the information discussed
- be available to meet with external regulators, if required, and provide additional information as requested
- review relevant information and documents
- obtain any other relevant information or documentation that will assist in resolving the complaint
- seek advice, where appropriate, from individuals and organisations that may be able to assist in resolving the complaint (any cost in seeking advice will require prior approval by the Approved Provider).

FOLLOWING THE INVESTIGATION

Once the investigation of the complaint is complete, the investigator will:

- meet with the Service Leader to discuss the information gathered and determine further action, including generating recommendations to be presented to the Approved Provider
- ensure that any recommendations or actions are in accordance with relevant legislation and funding requirements including, but not limited to:
 - Education and Care Services National Law Act 2010
 - Education and Care Services National Regulations 2011
 - The Kindergarten Guide report outcomes that may include relevant information gained in investigations and consultations to the Approved Provider and, where required, provide any recommendations for consideration by the Approved Provider
- inform the Approved Provider on the involvement of DE and the outcomes of any investigation by DE. The Approved Provider will review the report and any investigator recommendations and will be responsible for making decisions on the action to be taken (if any), including relevant review mechanisms
- advise the complainant and other relevant parties of any decisions made by the Approved Provider in relation to the complaint
- monitor progress on any actions taken by the Approved Provider.

APPEALS PROCESS

Requests for review of a decision are to be made in writing and briefly set out reasons for the appeal and the outcome sought.

An application for review of a decision can be made to the Executive Director of LEVNT.

- The Executive Director has discretion not to proceed with an appeal which may include, but is not limited to instances where:
 - the application for review is not timely;
 - the application for review is frivolous or vexatious;
 - the applicant has previously applied for review of the same action; and/or
 - the applicant does not have sufficient direct personal interest in review of the action.
- Upon receipt of an application for review, the Executive Director will determine the most appropriate way to review the decision.
- Once the review is completed, the Executive Director will advise the applicant of the decision.

There are no further avenues for internal appeal available.

The Service Leader and LEVNT Early Childhood Manager will review the Compliments and Complaints Register at the end of each Term and provide a report to the LEVNT EC Committee for analysis.

REFERENCES

LEGISLATION & STANDARDS

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Children and Young Persons (Care and Protection) Act 1998 (157/1998) (NSW)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Information Privacy Act 2000 (Vic)
- Privacy and Personal Information Protection Act 1998 (PPIP Act) (NSW)
- National Quality Standard, Quality Area 7: Governance and Leadership
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Regulations 2013(Cth)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- New South Wales Legislation: <https://legislation.nsw.gov.au/>
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

SOURCES

- ACECQA: www.acecqa.gov.au
- Commonwealth Ombudsman – Better practice complaint handling guide: www.ombudsman.gov.au/publications/better-practice-guides
- Better-practice-complaint-handling-guide
- Department of Education (DE) – Regional Office details are available under ‘The Department’: www.education.vic.gov.au
- NSW Department of Education: <https://education.nsw.gov.au/>
- ELAA Early Childhood Management Manual: www.elaa.org.au
- Kindergarten Funding Guide: www.education.vic.gov.au
- Start Strong Community Preschools Program Guidelines: <https://education.nsw.gov.au/early-childhood-education/operating-an-early-childhood-education-service/grants-and-funded-programs/start-strong-funding/start-strong-for-community-preschools/2023-start-strong-for-community-preschools-program-guidelines>
- Victorian Ombudsman – Complaints: Good Practice Guide for Public Sector Agencies September 2016: <https://assets.ombudsman.vic.gov.au/assets/Best-Practice-Guides/Complaints-Good-Practice-Guide-for-Public-Sector-Agencies.pdf?mtime=20191217165914>
- New South Wales Ombudsman: <https://www.ombo.nsw.gov.au/>

RELATED POLICIES

- Inclusion and Equity
- Incident, Injury, Trauma and Illness
- Child Safe Environment and Wellbeing
- Supervision of Children
- Code of Conduct
- Staffing
- Staff Grievance and Dispute Resolution
- Interactions with Children
- Enrolment & Orientation
- Governance & Management of the Service
- Privacy and Confidentiality
- Fees – Long Day Care
- Fees - Kindergarten