



# Springwood and District Preschool Kindergarten

## Complaints and commendation Policy

### **Legislation:**

*Education and Care Services National Law Act 2010*

*Education and Care Services National Regulation 2018*

*Complaints, Appeals and Monitoring Act 1993*

### **NATIONAL QUALITY STANDARD (NQS)**

#### **QUALITY AREA 6: COLLABORATIVE PARTNERSHIPS**

6.1	<i>Supportive relationships with families</i>	<i>Respectful relationships with families are developed and maintained and families are supported in their parenting role.</i>
6.1.2	<i>Parent views are respected</i>	<i>The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.</i>
6.2	<i>Collaborative partnerships</i>	<i>Collaborative partnerships enhance children's inclusion, learning and wellbeing.</i>

#### **QUALITY AREA 7: GOVERNANCE AND LEADERSHIPS**

7.1.2	<i>Management Systems</i>	<i>Systems are in place to manage risk and enable the effective management and operation of a quality Service.</i>
7.2.1	<i>Continuous Improvement</i>	<i>There is an effective self-assessment and quality improvement process in place.</i>

#### **LEGISLATIVE REQUIREMENTS/EDUCATION AND CARE SERVICES NATIONAL REGULATIONS**

<i>Sec. 172</i>	<i>Offence to fail to display prescribed information</i>
<i>Sec.174</i>	<i>Offence to fail to notify certain information to Regulatory Authority</i>
<i>12</i>	<i>Meaning of serious incident</i>
<i>168(2)(o)</i>	<i>Education and care service must have policies and procedures... for dealing with complaints</i>



170	<i>Policies and procedures must be followed</i>
171	<i>Policies and procedures to be kept available</i>
173(2)(b)	<i>Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at preschool</i>
176	<i>Time to notify certain information to Regulatory Authority</i>
183	<i>Storage of records and other documents</i>

[Privacy and Personal Information Protection Act 1998 \(NSW\)](#)

[Health Records and Information Privacy Act 2002](#)

[Privacy Act 1988 \(Cth\)](#)

[Privacy Regulation 2013](#)

### Policy Statement

Our Education and Care Service affirms that people have a right to question and influence decisions made and services provided. We take complaints seriously and manage them in a confidential, timely, transparent, and meaningful way.

This Policy details our preschool's procedures for receiving and managing informal and formal complaints. Families, parents, visitors, students and members of the community can lodge a grievance or complaint with management in the understanding that it will be managed conscientiously and confidentially.

We achieve this by:

- *Maintaining the confidentiality of all parties in line with policy and legislative requirements.*
- *Acknowledging that the common goal is to achieve an outcome acceptable to all parties.*
- *Acting in good faith and in a calm and courteous manner.*
- *Showing respect and understanding of each other's point of view and value difference, rather than judge and blame.*
- *Recognising that all parties have rights and responsibilities which must be balanced.*
- *Complaints will be handled objectively, and complainants will not suffer any reprisals from making a complaint.*

### PURPOSE

The *Education and Care Services National Regulations* requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170).

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

### *Procedural fairness and natural justice*

Our preschool 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.

### *Rationale:*

Springwood and District Preschool Kindergarten is accountable to clients and to the wider community. Consumers' rights to complain and have complaints addressed effectively are protected by the Community Services Complaints, Appeals and Monitoring Act 1993.

Springwood and District Preschool Kindergarten supports consumer rights to receive a high quality service. Parents have a right to have a say in their child's care and be satisfied with preschool received. We also recognise their right to complain about or appeal against any action or decision that has consequences for themselves or their children.

### *Scope*

This policy applies to management, the approved provider, nominated supervisor, students, staff, families, volunteers, visitors (including contractors) and children of preschool.

### *Aim:*

- To provide Springwood and District Preschool Kindergarten consumers with an avenue for commendation and complaints.
- To make this procedure known and readily available.
- To resolve complaints as quickly and as fairly as possible.

### *CONTINUOUS IMPROVEMENT*

Complaints provide our preschool with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community. Our preschool is committed to resolving complaints through prompt investigation, open communication, and transparent processes. Our *Dealing with Complaints Policy* will be updated and reviewed annually in consultation with families, staff, educators and management.

To ensure complaints and grievances are handled appropriately, the Nominated Supervisor will:



- evaluate each individual complaint and grievance as recorded in the *Complaints and Grievance Management Register* to assess that a satisfactory resolution that has been achieved.
- review complaints and grievances as recorded in the *Complaints and Grievance Management Register* to ensure a pattern of similar grievances is not occurring.
- review the effectiveness of the preschool policy and procedures to ensure all complaints and grievances have been handled fairly and professionally.
- consider feedback from staff, educators and families regarding the policy and procedure.

Grievances and complaints can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. Our *Dealing with Complaints Policy* ensures that all persons are presented with procedures that:

- value the opportunity to be heard.
- promote conflict resolution.
- encourage the development of harmonious partnerships.
- ensure that conflicts and grievances are mediated fairly, and
- are transparent and equitable.

**Notifiable complaint:** A complaint that alleges a breach of the *Education and Care Services National Law and Regulations*, National Quality Standard or alleges that the health, safety or wellbeing of a child at preschool may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Regulatory Authority within 24 hours of the complaint being made – (Section 174[2] [b], Regulation 176[2][b]).

If the Nominated Supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact the [Regulatory Authority](#) for confirmation. Written reports 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* (or Nominated Supervisor)
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using [NQA ITS](#) (National Quality Agenda IT System).

**Serious Incident:** An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from preschool 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 *Incident, Injury, Trauma and Illness Record* as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at preschool (Regulation 176(2)(a)). These records are required to be retained for the periods specified in Regulation 183. The Approved Provider will notify the regulatory authority of any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at preschool, or any allegation that sexual or physical abuse of a child has occurred or is occurring at preschool.

#### PRIVACY AND CONFIDENTIALITY

Management and educators will adhere to our *Privacy and Confidentiality Policy* when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a relevant government agency will need to be informed. (See: Reportable Conduct Scheme in our *Child Protection Policy*). **Responding to incidents, disclosures and suspicions of child abuse or harm**

#### NSW

##### *Conflict of interest*

It is important for the complainant to feel confident in:

- being heard fairly.
- an unbiased decision-making process.

Should a conflict of interest arise during a grievance or complaint that involves the Approved Provider or Nominated Supervisor, other Management will be nominated as an alternative mediator.

Our preschool may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the preschools Code of Conduct is adhered to.

##### *The responsible person will:*

- ensure that obligations under the *Education and Care Services National Law and Regulations* are met.
- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at preschool.
- ensure information about our *Dealing with Complaints Policy* is easily accessible to all families, visitors and volunteers.
- treat all grievances and complaints seriously and as a priority.
- ensure grievances and complaints remain confidential.
- ensure grievances and complaints reflect procedural fairness and natural justice.
- ensure people feel safe or comfortable when making a complaint, including children.
- ensure educators, staff, volunteers and students are well informed about the different ways children may express concerns, distress and disclose harm as well as the process for



responding to disclosures from children- including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child. (ACECQA 2023)

- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint.
- investigate and document the grievance or complaint fairly and impartially.
- provide details of an outcome following an investigation if required.

The investigation will consist of:

- reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
- discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer or visitor an opportunity to respond.
- permitting the accused person to have a support person present during the consultation (for example: Union Representative or family member; however, this does not include a lawyer acting in a professional capacity)
- providing the employee with a clear written statement outlining the outcome of the investigation
- advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
  - management will provide a written response outlining the outcome and provide a copy to all parties involved.
  - if a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflect the resolution.
- should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
- keep appropriate records of the investigation and outcome and store these records in accordance with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- monitor ongoing behaviour and provide support as required.
- ensure the parties are protected from victimisation and bullying.
- request feedback on the grievance or complaint process using a feedback form.
- track complaints to identify recurring issues within preschool.
- notify the Regulatory Authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Notification must include any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at preschool or any allegation that sexual or physical abuse of a child has occurred or is occurring at preschool.

### ***Educators will:***

- listen to the family's view of what has happened.
- clarify and confirm the grievance or complaint, documenting all the facts prior to the investigation.



- encourage and support the family to seek a balanced understanding of the issue.
- discuss possible resolutions available to the family. These would include external support options.
- encourage and assist the family to determine a preferred way of solving the issue.
- record the meeting, confirming the details with the family at the end of the meeting.
- maintain confidentiality at all times.
- refer families (as necessary) to Service policies that may assist in resolving the grievance or complaint.

*If the grievance cannot be resolved, it is to be referred to the Nominated Supervisor who will investigate further:*

- if appropriate, collect relevant written evidence. This evidence will be treated in strict confidence and will be held in a secure place.
- involve the Approved Provider in the conflict resolution as required.
- should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts.
- third parties providing evidence must also be made aware that the matter is to be kept confidential.

Should the grievance or complaint be lodged against another person(s), these persons, will be interviewed separately and impartially. Individuals must be given the opportunity to respond fully to the allegations and may have another person present, as a support person, if they wish. If after investigation, it is concluded that the grievance is substantiated:

- both parties will be told of the decision and the reason for it.
- immediate and appropriate steps will be taken to prevent the grievance from recurring.
- if after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reason.
- the family will be informed that if they are not satisfied with any decision relating to the grievance procedure that they should consult with an external body for further advice such as the Regulatory Authority.
- if the grievance or complaint is of a serious nature, or there is a reasonable belief the complaint is any allegation of sexual or physical abuse the Approved Provider is responsible to inform the Regulatory Authority.

### **Families will:**

- be informed of our duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of complaints. The complaints procedure for families ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our Service.
- attempt to discuss their complaints with the relevant educator associated with a particular child and/or family as the first step to resolving the issue.



- communicate any concerns they may have in writing addressed to the Approved Provider or Nominated Supervisor [see: *Complaints/Grievance Form*]
- raise any unresolved concerns with the Approved Provider or Nominated Supervisor
- maintain confidentiality at all times.
- be provided with details of external agencies to contact should they feel our preschool has not resolved their concerns (e.g., regulatory authority)

### **Procedure:**

A commendation is an expression of appreciation towards a person, event, or practice within preschool.

Ensure that obligations under the *Education and Care Services National Law and Regulations* are met.

Ensure people feel safe or comfortable when making a complaint, including children.

Ensure educators, staff, volunteers and students are well informed about the different ways children may express concerns, distress and disclose harm as well as the process for responding to disclosures from children- including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child. (ACECQA 2023)

A complaint is an expression of dissatisfaction with how you are treated, or the way things are done, e.g.:

- Policies and procedures
- Staff behaviour or decisions
- Management Committee decisions or activities access to preschool.
- Quality of preschool received.

This applies to anyone who is affected by Springwood and District Preschool Kindergarten, e.g.

- Parents and guardians (current or past consumers).
- Other professionals.

- All complaints need to be documented at all times.
- A person appointed by you on your behalf can make complaints. This advocate may be a family member, friend, a professional or anyone else you choose.
- Upon entry to the preschool, all families have:
  - The right to make a complaint.
  - How to make a complaint.
  - What will happen with the complaint.
  - Avenues for complaint outside the agency.
  - In recognition of using complaints as a means to improve our service Springwood and District Preschool Kindergarten is pro-active in providing opportunities for clients to express dissatisfaction and to make suggestions:
    - Through surveys and questionnaires.
    - Through approaching the Nominated Supervisor.





- All complaints will be treated as confidential.
- The complaints procedure has three levels:
  1. Internal – simple, straightforward complaints should be referred to and resolved wherever possible by the staff concerned. Staff should record and refer records of all complaints to the Director (Nominated Supervisor).
  2. Formal – more complex or serious matters should be made in writing and referred to the Director (Nominated Supervisor) or most senior staff member available. All such complaints will be passed on to the Management Committee.
  3. External – if complaints cannot be resolved internally, the complainant should be  
Complaints, incidents and serious incidents must be notified to the regulatory authority through the [\*National Quality Agenda IT System \(NQA IT System\)\*](#). Log in to access the portal where you can select the incident or complaint type and enter the required information.

### ***Internal Complaint***

Complaints Steps:

1. Be referred to an immediate staff member.
2. Be referred to the Nominated Supervisor
3. Be referred to the Management Committee
4. Be referred to Community Services or the NSW Ombudsman.

Complaints procedure should be:

- Timely.
- Fair and equitable.
- Solutions based.
- Non-judgemental.
- Involve all parties.

Complaints can be made:

- By phone.
- In person.
- In writing (see Attachment 1 – Notification of Complaints Form).

### ***Formal***

- A formally written complaint is referred by the (Director) Nominated Supervisor to the Management Committee.
- The letter is always replied to by the (Director) Nominated Supervisor and the Complaints handling procedure is outlined to the complainant.
- The Management Committee may decide to convene a special or executive meeting to deal with the complaint.
- The Management Committee will review the letter and the complaint and reply to the complainant with decisions or outcomes.
- The **Report Handling Procedure** should:
  1. Clearly identify the **problem** that arose;
  2. Identify **causes**, including both systemic elements and personal factors;



3. Estimate the likelihood of **recurrence**;
4. Propose **strategies** to prevent or limit recurrence;
5. Include a **benefit-cost** analysis of any system change; and
6. Make **recommendations** for any necessary system changes.

Springwood and District Preschool Kindergarten will try to resolve any problems as soon as possible; the longest it should take is 14 days following the next Management Committee meeting. The complainant will be given regular updates on the progress of the complaint.

### *External*

#### **Notifiable Complaint**

Complaints alleging that the safety, health or wellbeing of a child was or is being compromised, or that the law has been breached must be reported by the Approved Provider to the Regulatory Authority within 24 hours of the complaint being made ([Section 174\(2\)\(b\), Regulation 176\(2\)\(b\)](#)).

Refer to preschool [Child Protection Policy and Procedure](#).

Complaints, incidents and serious incidents must be notified to the regulatory authority through the [National Quality Agenda IT System \(NQA IT System\)](#). Log in to access the portal where you can select the incident or complaint type and enter the required information.

Approved Providers are required to notify the regulatory authority of a complaint that alleges:

- A serious incident has occurred or is occurring while a child is being educated and cared for by a service.
- The National Law and/or National Regulations have been contravened.
- A serious incident can include:
  - The death of a child while that child is being educated and cared for at preschool or following an incident while that child was being cared for by preschool.
  - A serious injury or trauma while the child is being educated and cared for, which: Required urgent medical attention from a registered medical practitioner; or
  - The child attended or should have attended a hospital.
  - Any incident involving serious illness at preschool, where the child attended, or should have attended a hospital (e.g. severe asthma attack, seizure or anaphylaxis).
  - Any circumstance where a child appears to be missing or cannot be accounted for.
  - Any circumstance where a child appears to have been taken or removed from preschool premises by someone not authorised to do this.
  - Any circumstance where a child is mistakenly locked in or locked out of preschool premises or any part of the premises.
  - Any emergency for which emergency services attended. NOTE: It does not mean an incident where emergency services attended as a precaution.



## Complaints Process

*Should you wish to contact our Regulatory Authority OR Our Service complaints process please refer to the information below;*

*Springwood Preschool Kindergarten supports consumer rights to receive a high quality service. Parents have a right to have a say in their child's care and be satisfied with preschool received. We also recognise their right to complain about or appeal against any action or decision that has consequences for themselves or their children.*

### **All complaints will be treated as confidential.**

***Springwood Preschools complaints procedure has three levels:***

1. **Internal** – simple, straightforward complaints should be referred to and resolved wherever possible by the staff concerned. Staff should record and refer records of all complaints to the **Director - Jessica Jefferies** (Nominated Supervisor).  
[director@springwoodpreschool.org.au](mailto:director@springwoodpreschool.org.au)
2. **Formal** – more complex or serious matters should be made in writing and referred to the Director (Nominated Supervisor) or most senior staff member available. All such complaints will be passed on to the **Management Committee, Pat Wilby (President of Management Committee)** C/O [admin@springwoodpreschool.org.au](mailto:admin@springwoodpreschool.org.au)
3. **External** – if complaints cannot be resolved internally, the complainant should be Complaints, incidents and serious incidents must be notified to the regulatory authority through the [National Quality Agenda IT System \(NQA IT System\)](#).

### **Contact Details Below**

NSW Ombudsman 1800 451 524  
Community Services Commission  
NSW Ombudsman, Complaints  
[handling policy template](#)  
at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Level 3, 128 Chalmers St Surry Hills  
NSW

NSW Early Childhood & Care  
Directorate  
Department of Education &  
Communities  
Locked Bag 5107  
Parramatta NSW, 2124

Phone - (02) 9384 4999 (Sydney  
metro)  
Toll free 1800 060 409 (NSW country)  
Fax - (02) 9384 4948  
TTY - (02) 9384 4984  
Email: [mail@csc.nsw.gov.au](mailto:mail@csc.nsw.gov.au)

Website: [www.det.nsw.edu.au](http://www.det.nsw.edu.au)  
Email [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au)  
Phone: 1800619113  
Fax 86331810

***There is a summary of all notifications and timeframes  
on the ACECQA website:  
[acecqa.gov.au/nqf-changes/information-sheets-and-resources](http://acecqa.gov.au/nqf-changes/information-sheets-and-resources)***



**DEFINITIONS**

**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. [AS/NZS 10002:2014 Complaint Management Standard]

**Complaints and Grievances Management Register:** Records information about complaints and grievances received at preschool, along with the outcomes. These documents must be securely stored, accessible only to management and the Regulatory Authority. They can provide valuable information to the Approved Provider and Nominated Supervisor of preschool to ensure children and family's needs are being met.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. A *workplace grievance* is a complaint raised towards an employer by an employee due to a violation of legalities (workplace policies, employment contract, national standards).

**Mediator:** A person who attempts to assist and support people involved in a conflict come to an agreement.

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

**Notifiable complaint:** A complaint that alleges a breach of the *Education and Care Services National Law and Regulations*, National Quality Standard or alleges that the health, safety or wellbeing of a child at preschool may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Regulatory Authority within 24 hours of the complaint being made – (Section 174[2] [b], Regulation 176[2][b]).

**Source:**

Australian Children's Education & Care Quality Authority. (2014).

ACECQA-[Using Complaints to support continuous improvement](#). (2023).

Australian Government Department of Education. *Child Care Provider Handbook* (2022)

<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>

Australian Human Rights Commission: <https://www.humanrights.gov.au>

Education and Care Services National Law Act 2010. (Amended 2023).

[Education and Care Services National Regulations](#). (Amended 2023).

Fair Work Australia: <https://www.fairwork.gov.au/>

Guide to the National Quality Framework. (2017). (Amended 2023).

Queensland Government- Guide for effective complaints management

<https://earlychildhood.qld.gov.au/legislationAndGuidelines/Documents/effective-complaints-management-guide.pdf>

Revised National Quality Standard. (2018).

[Western Australian Education and Care Services National Regulations](#)

POLICY REVIEWED BY	Name:	Committee Member	Date
POLICY REVIEWED		NEXT REVIEW DATE	
MODIFICATIONS	<ul style="list-style-type: none"> <li>• updated related legislation</li> <li>• NQF changes effective 1 Oct 2023</li> </ul>		



**ATTACHMENT 1:****NOTIFICATION OF COMPLAINT FORM**

<b>Date:</b>	<b>Comments:</b>
I wish to complain about the following aspects of Springwood and District Preschool Kindergarten:	
I believe the following action needs to be taken:	
<p>I wish this complaint to be forwarded to the Nominated Supervisor and/ or Management Committee for resolution.</p> <p>I wish to be kept informed regarding these matters and understand that should the matter not be resolved within 14 days then the complaint will automatically be forwarded to the Management Committee.</p> <p>Should I not be happy with the Management Committee's decision then I may take this matter to the Community Services Commission.</p>	
Name:	
Address:	
Signed:	

