

## 6.2 COMPLAINTS HANDLING POLICY & PROCEDURES

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### INTRODUCTION

Lindfield Montessori School 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. 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.
- Handling complaints objectively and ensuring that complainants do not suffer any reprisals from making a complaint.

### PURPOSE

- This Policy applies to Lindfield Montessori Preschool in handling complaints made in respect of services by the school or against staff members, which includes employees, contractors and volunteers. This procedure does not extend to personal grievances between parents, guardians or other members of the school community.
- Our school values the feedback of educators, staff, families and the wider community as a mechanism to support the continuous improvement of our service.

### WHISTLEBLOWING COMPLAINTS

This policy does not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints is dealt with in the school's whistleblowing policy.

In summary, a whistleblowing disclosure is a disclosure which:

- Is made by a board member, staff member, or a person who supplies goods and services to the school, including a volunteer, an employer of a supplier or a relative of any of these people
- Involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity
- Is made to a senior staff member, or officer of the school, the school's auditor, or a person who the school has authorised to collect such disclosures.

## RELATED POLICIES

Complaints about reportable conduct will be addressed in accordance with the school's Child Protection Policy.

Complaints regarding a grievance between staff members about work matters, including work relationships and decision made by other staff members which impact on their work, are addressed in accordance with the school's Staff Grievance Policy.

Complaints regarding unlawful discrimination, harassment or bullying between staff are generally addressed in accordance with the school's Discrimination, Harassment and Bullying Statement.

Complaints regarding staff conduct and educational/operational matters are covered in this Policy.

## CONFIDENTIALITY

All parties involved in complaints handling are required to maintain appropriate confidentiality, including relation to handling and storing records.

## COMPLAINTS

A complaint or grievance is an expression of dissatisfaction made to the school about an educational and/or operational matter relating to services provided by the school or the behaviour or decisions of a staff member, contractor or volunteer, including misconduct.

If a parent/carer or student has a concern about the conduct of a staff member, they should raise their concern with the school. If a complaint that concerns the behaviour of a staff member may constitute reportable conduct, the matter will be addressed in accordance with the school's Child Protection Policy. Please refer to the school's Child Protection Policy for information about reportable conduct. Complainants are not required to assess whether their concern meets the threshold of reportable conduct before making a complaint. Any concern about a child's wellbeing may be reported under this policy.

Complaints may be made by a parent/carer.

The school will seek to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal complaint.

### **Making a Complaint**

Informal complaints may be raised by a complainant directly with the person involved. However, if the complainant does not feel comfortable doing so or the matter is one where it may not be appropriate to do so a complaint can be made to the Principal. Any complaint about the conduct of a staff member should be raised directly with the Principal in the first instance.

Should the matter not be resolved through informal processes, the complainant may raise the matter formally with the school. A formal complaint can be made in writing to the Principal.

Where a person wishes to make a formal complaint concerning the Principal the complaint should be made in writing to the Committee President at  
***president@lindfieldmontessori.nsw.edu.au***

Written guidelines detailing complaint procedures are available under the heading 'Complaints Procedure' in this policy.

### The School

The Principal will generally acknowledge receipt of a formal complaint in writing as soon as practicable.

### Responsiveness

All complaints will be acknowledged and responded to as soon as practicable. Complaints will be dealt with in a timely manner and complainants will be kept informed about the progress of their complaint and anticipated timeframes. Allegations of suspected harm or risk of harm to a child or possible victims of crime, will be actioned immediately by urgent referral or reporting to the relevant agency.

### **Assessing a Complaint**

The Principal generally will assess the complaint and determine:

- Whether the complaint is one to be addressed under this policy or is a staff grievance and is reportable conduct matter which are dealt by the relevant policy
- The priority of the complaint in accordance with the urgency/and or seriousness of the matter raised
- Whether the school may be required to report the matter to the Police, Family and Community Services or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.

### **Managing a complaint**

The Principal generally will manage a formal complaint by:

- a) advising the complainant of the likely steps that will be undertaken by the School in relation to the complaint;
- b) if appropriate, advising the relevant parties of the complaint at the relevant time and providing them with an opportunity to respond;
- c) collecting any additional information, the School considers necessary to assess the complaint;

- d) making a decision about how the complaint will be resolved (“resolution decision”);  
and
- e) advising the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the Principal and if appropriate, any proposed action to be taken.

There may be circumstances where some of the steps outlined above are not appropriate and the school will determine, on a case-by-case basis the most appropriate method of handling the complaint.

A complainant and the relevant parties that the complaint is about may choose to have an appropriate support person present at any meeting with representatives of the School about the complaint. However, the School maintains the right to determine whether the person’s preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the School to be inappropriate

Where possible, complaints will be dealt with immediately, by the child’s educator as this is usually the person with the closest relationship with the family. If the complaint is about an issue that the educator considers to be outside their control, or the family does not feel they wish to share it with the educator, the complainant will be directed to the appropriate person for their complaint to be resolved.

Where an educator believes, they will have to share a confidence with another person in order to resolve an issue, or the nature of a complaint requires that a third party has to be informed in order to meet legislative requirements, they will inform the family of the need prior to any further discussions on the matter.

- The complaint will be documented and any legal requirements in relation to the complaint considered, such as the need to notify regulatory authorities.
- The educator will attempt to diffuse emotions by acknowledging what they are feeling, and state positively that they wish to seek a solution to the issue that is causing concern.
  - Ask questions to help clarify their concerns. For example, the statement ‘I never know what is happening with my child’ may be further clarified by asking questions such as ‘What things would you like our service to share with you about your child’s day?’
  - Ask the complainant if they have any solutions that they feel could be put in place to resolve their issues.
- If possible, the problem will be resolved immediately. If this is not possible, the complainant will be advised that the issue will be given top priority, and dealt with as soon as possible and a suitable time and place will be organised to discuss the issue.
- If the issues are complex, the complainant will be asked to put their concerns in writing.
- Where mediation is required, all parties will have the right to the appointment of the mediator.

## Complaints procedure

1. Informal complaints are to be raised by a complainant directly with the person involved.
2. If the complainant does not feel comfortable doing so, or the matter is one where it may not be appropriate to do so, a complaint can be made to the Principal in writing via [principal@lindfieldmontessori.nsw.edu.au](mailto:principal@lindfieldmontessori.nsw.edu.au)
3. Should the matter not be resolved, the complainant may raise the matter formally with the school via the Committee President at [president@lindfieldmontessori.nsw.edu.au](mailto:president@lindfieldmontessori.nsw.edu.au)
4. The complaint is to be acknowledged and responded to in writing as soon as practicable.
5. The complainant is to be advised of the likely steps that will be undertaken.
6. The Principal/Committee President is to advise the relevant parties of the complaint and provide them with an opportunity to respond.
7. The school is to collect any additional necessary information.
8. The school is to make a decision as to how the complaint will be resolved.
9. The school will advise the complainant in writing and any other relevant parties, of the resolution decision and any purpose action to be taken.

Complainants will be kept informed about the progress of their complaint and anticipated timeframes (*allegations of suspected harm or risk of harm to a child or possible victims of crime will be actioned immediately by urgent referral or reporting to the relevant agency*).

### 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) of National Law). Refer to the Child Protection Policy.

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:

- Any incident where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.
- Any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.
- The death of a child while that child is being educated and cared for at the service or following an incident while that child was being cared for by the service.
- 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 the service, 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 the service premises by someone not authorised to do this.
- Any circumstance where a child is mistakenly locked in or locked out of the service premises or any part of the premise.
- Any emergency for which emergency services attended. NOTE: It does not mean an incident where emergency services attended as a precaution.

A serious injury, illness or trauma includes but is not limited to:

- Amputation
- Anaphylactic reaction requiring hospitalisation
- Asthma requiring hospitalisation
- Broken bone/Fractures
- Bronchiolitis
- Burns
- Diarrhoea requiring hospitalisation
- Epileptic seizures
- Head injuries
- Measles
- Meningococcal infection
- Sexual assault
- Witnessing violence or a frightening event

## Direct Complaints

Families can make a complaint directly to the Regulatory Authority where the complaint alleges that:

- The safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service.
- The relevant legislation has been contravened.

Contact details are available on the school noticeboard at the entrance of the school.

## Follow-Up and Review

Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with:

- We will analyse the complaint to determine if any policy or procedural changes need to be implemented.
- The Approved Provider will follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction. Families will be contacted to determine if they were satisfied with the way the issue was resolved, and educators' will be consulted about the outcome from an operational viewpoint.
- All complaints will be recorded in the Complaints Register on the password protected Google Drive. This document is updated and maintained by the Business Manager and the School Principal.

## ROLES AND RESPONSIBILITIES

### Approved Provider

- When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify the Regulatory Authority within 24 hours.
- In instances where the complainant reports directly to the Regulatory Authority, the Approved Provider will still have responsibility for investigating and dealing with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by the Regulatory Authority.
- Identifying, preventing and addressing potential concerns before they become formal complaints/grievances.
- Ensuring that the name and telephone number of the person to whom complaints and grievances may be addressed are displayed prominently at the main entrance on the school noticeboard.
- Ensuring that the address and telephone number of the Regulatory Authority displayed prominently on the main noticeboard of the school.
- Advising parents/guardians of the complaints and grievances policy and procedures upon enrolment.

- Ensuring that this policy is available for inspection at the service at all times.
- Providing a Complaints and Grievances Register.

### **Nominated Supervisor**

- Responding to and resolving issues as they arise where practicable.
- Discussing minor complaints directly with the party involved as a first step towards resolution.
- Informing complainants of the service's complaints and grievances policy recording all complaints and grievances in the complaints and grievances register.
- Notifying the approved provider if the complaint escalates 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
- Working co-operatively with the approved provider, in any investigations related to a complaint made.

### **Early Childhood Educators**

- Ensuring that grievances and complaints are dealt with in accordance with this policy.
- Listening to and aiming to resolve complaints and grievances in a positive way.
- Reporting any grievances and complaints to the Nominated Supervisor and maintaining all relevant documentation.
- As requested, supporting the Nominated Supervisor and Approved Provider in the above roles.

### **Families**

- Raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures.
- Communicating 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 or staff.
- Maintaining complete confidentiality at all times.
- Co-operating with requests to provide relevant information when requested in relation to complaints and grievances.

## MONITORING, EVALUATION AND REVIEW

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy every two years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

<b>Relevant Legislation</b>	Education and Care Services National Regulations 2011. Reg. 168 (2) (o), 176 (2) (b) Children (Education and Care Services National Law Application) Act 2010 Section 174 (2) (b) Privacy and Personal Information Protection Act 1998 (NSW) Health Records and Information Privacy Act 2002 Privacy Act 1988 (Cth) Privacy Regulation 2013
<b>Related to NQS QA</b>	7.1
<b>Related Policies</b>	Student Discipline Behaviour Management Procedure Code of Ethics Statement Grievance Procedure Discrimination, Harassment and Bullying Statement for Employees, Contractors and Volunteers Child Protection Policy
<b>Sources &amp; Further Reading</b>	Policy adapted from Community Early Learning Australia <a href="http://www.acecqa.gov.au">www.acecqa.gov.au</a> NSW Ombudsman (2004) Effective Complaint Handling. NSW Ombudsman 3 <sup>rd</sup> Edition 28 February 2017

POLICY REVIEWED	MODIFICATIONS	NEXT REVIEW DATE
February 2023	Checked regulations, updated copy	2024