

### Complaints Procedure

#### Complaints Management Procedure

Past, present and future service users or a third party acting on their behalf have the right to provide feedback, or complain and be heard on any issue.

The ECMS Complaints Management Process is divided into five steps<sup>1</sup>:

1. Receive
2. Record
3. Acknowledge
4. Resolve
5. Communicate

#### 1. Receive

- Listen openly to the concerns being raised by the person who is raising the complaint
- Ask the person who is making the complaint what outcome they are seeking
- Provide the person who has raised the complaint with clear advice about the complaints process, the time the process takes and set clear expectations
- Be empathetic towards the affected person and action all commitments made
- Identify if the situation poses an immediate threat or danger and may require a specialised response (for example police, emergency services etc.).
- If the complaint alleges a contravention of the Education and Care Services Legislation, it must be reported through to the ECMS Central Compliance Desk where it will be notified to the Regulatory Authority (DET).

#### 2. Record

- Record all relevant information about the complaint
- Use the words of the person making the complaint

#### 3. Acknowledge

<sup>1</sup> DHHS Compliment and complaint management policy for use by funded agencies)

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- (Reportable complaints) Send [Acknowledgment of Feedback and complaints](#) to the person who made a complaint. This assists with building a relationship of trust and confidence. This will be done within 24 hours.
- The person who complains may wish to remain anonymous. This must be respected.
- Provide realistic expectations and refer the matter to other organisations where identified as being more suitable
- Avoid conflicts of interest and appoint a neutral person to investigate the complaint
- Provide realistic timeframes

#### 4. Resolve

- Keep the person who made the complaint informed of the progress of their complaint on a regular basis.
- Request additional information where required and provide a timeframe for this to be completed.
- Where timelines are not met, explain the reasons why to the person who made the complaint
- Continue to record all discussions and actions
- Focus on the complaint matter only. Do not undertake a whole review

#### 5. Communicate

- Where possible discuss the outcome verbally with the person who made the complaint before providing written advice and allow them an opportunity to make further contact following the receipt of the written outcome
- Always include what further action may be available to the person making the complaint, this may include them seeking support from an external agency
- Review the complaint investigation and take into account any new information available
- Provide learnings from the complaint to other areas of the organisation to improve service delivery
- Provide the opportunity for the person who made the complaint to feedback on the complaints process

Parents/guardians are also able to discuss any issues of concern with the Department of Education and Training - Children's Services Authorised Officer on telephone number:

- Northern Region: (03) 9412 2729
- Southern Region: (03) 8765 5600
- Western Region: (03) 8397 0247
- Eastern Region: 1300 651 940
- Grampians Region: (03) 5337 8444

*ECMS is required to inform the Department within 24 hours if a complaint alleges that:*

- a child's health, safety or wellbeing has been compromised
- the relevant legislation has been contravened.

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In addition, ECMS is required to implement the ECMS Child Safe policy reporting procedure as per the Child Safety Standards, where the matter is in relation to responding to incidents, disclosures and suspicions of abuse.

*ECMS is also required to inform the Commission of Children and Young People within 3 business days of receiving a complaint that alleges reportable conduct under the Victorian Reportable Conduct Scheme.* Reportable conduct is any behaviour or alleged behaviour that is one or more of the following types:

- (i) any sexual offence or sexual misconduct committed against or in the presence of a child,
- (ii) any physical violence committed against or in the presence of a child,
- (iii) any behaviour that causes significant emotional or psychological harm to a child, or
- (iv) the significant neglect of a child

Such alleged conduct is reportable irrespective of whether it occurs at work or outside the workplace.

**Service users will not be adversely affected by raising and lodging complaints.** During the resolution of a complaint, service provision continues for the child/ren. ECMS respects a parent/carers decision to withdraw their child/ren from the service.

### Procedure - Notifiable complaints to DET

1. When a complaint is received at service level, the Nominated Supervisor/Centre Director notifies the ECMS Central Compliance Desk
2. All reportable complaints are completed and logged through the ACECQA online portal by the Compliance desk within 24 hours.
3. The Area Manager/Centre Director makes contact with the person who lodged the complaint to discuss next actions within 24 hours.
4. The Area Manager ensures any additional reports and associated documents are sent to the compliance email.
5. Where required, the Director, Early Childhood Education (ECE) briefs the CEO of the nature of the complaint.
6. The Compliance Desk enters the reportable complaint into the ECMS complaints register.
7. Where follow up is required with DET, they will notify the service and this follow up is signed off by the Director, ECE/Approved Provider.
8. The Compliance Desk will review the complaints register on a monthly basis and develop a report for the CEO and on a quarterly basis provide a full trending report
9. [Feedback and complaints](#) – document the initial complaint (if not already documented) and follow up actions. (See actions under Receive, Record, Acknowledge, Resolve)
10. [Acknowledgment of Feedback and complaints](#) – provides a receipt of the complaint (See actions under Acknowledge and Communicate)

Parents/Family/Carers can make a complaint directly to ECMS on (03) 8481 1100 at any time.

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*Direct complaints can be made by service users to the Department 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*

ECMS endeavours to resolve all complaints as quickly as practicable. It is acknowledged that where a serious complaint is made, often investigations into these complaints will take some time. Where an investigation is warranted, ECMS will commence this investigation within 24 hours of the complaint being received and will work quickly to have a response to the person who made the initial complaint within five business days.

We also acknowledge that DET may wish to investigate a complaint. ECMS will make all documentation available for the investigating officer.

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## Procedure- Reportable Conduct & Reportable Allegations

1. If a complaint that might constitute a reportable allegation is received at the service level, then the Nominated Supervisor/Centre Director notifies the Compliance Desk
2. If a complaint that might constitute a reportable allegation is received anywhere else within ECMS (e.g., reception, People and Capability staff, etc.), then the staff member that receives the complaint must notify the Compliance Desk
3. The Compliance Desk determines whether the complaint actually constitutes a reportable allegation and, if it does, the Compliance Desk implements the ECMS Reportable Conduct Procedure

## Procedure- Non - Notifiable complaints

For Noting: **ANY complaint alleging a contravention of the Education and Care Services Legislation is notifiable.**

Non-notifiable complaints are complaints managed at the service level, (for example a complaint about car parking, mislaying children's clothes etc). It is the Nominated Supervisor/Centre Director's responsibility to manage the complaints process and ensure a record of complaints is kept at service level using [Reporting & monitoring template](#).

There are two additional documents to support this process:

- [Feedback and complaints](#) - document the initial complaint and follow up actions. (Receive, Record, Acknowledge, resolve)
- [Acknowledgment of Feedback and complaints](#) - provides a receipt of the complaint (Acknowledge and Communicate)

ECMS endeavours to have non reportable complaints resolved within 24 to 48 hours.

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