

COMPLIMENTS AND COMPLAINTS

QUALITY AREA 7 | ELAA version 1.1



PURPOSE

This policy will provide guidelines for:

- receiving and dealing with compliments and complaints at Denzil Don Kindergarten
- procedures to be followed in investigating complaints.



POLICY STATEMENT

VALUES

Denzil Don Kindergarten, along with its broader community, is 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 processes to respond to complaints in a timely way.
- treating complaints with sensitivity.

SCOPE

This policy applies to staff, students, volunteers, visitors, parents/carers, children, and others attending programs and activities at Denzil Don Kindergarten, including offsite excursions.

RESPONSIBILITIES	Approved provider and persons with management or control	Nominated supervisor and persons in day-to-day charge	All other staff including teaching and non-teaching	Parents/carers	Contractors, volunteers, and students
R indicates legislation requirement and should not be deleted					
Being familiar with <i>Education and Care Services National Law Act 2010, Education and Care Services National Regulations 2011</i> , service policies, constitution, and procedures	R	√	√	√	√
Sharing compliments with relevant parties	√	√			
Ensuring that compliments and complaints are reflected upon to improve the quality of the service continually	R	√			

Identifying, preventing, and addressing potential concerns before they become a formal complaint	R	√	√		√
Ensuring that the name and mobile number of the responsible person (<i>refer to Staffing Policy</i>) to whom complaints may be addressed are displayed prominently at the main entrance of the service (<i>National Law: Section 172, Regulation173(2)b</i>)	R	√			
Ensuring the address and telephone number of the Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (<i>Regulation 173(2)(e)</i>)	R	√			
Advising parents/carers and new service members of the <i>Compliments and Complaints Policy</i> upon enrolment	R	√			
Ensuring the complaints processes is child-focused, understood broadly (including by children, families, staff, and volunteers), culturally safe, and compliant with privacy laws, reporting obligations, and employment law.	R	√			
Ensuring 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	R	√			
Ensuring children have access to age-appropriate information, support, and complaints processes in ways that are culturally safe, accessible, and easy to understand	R	√	√		√
Ensuring that this policy is always available for inspection at the service (<i>Regulation 171</i>)	R	√			
Being aware of and committed to the principles of communicating and sharing information with service employees, members, and volunteers	R	√			
Responding to all complaints in the most appropriate manner and at the earliest opportunity	R	√	√		√
Treating all complainants fairly and equitably	R	√	√		
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)	R	√	√	√	
Communicating any concerns or compliments relating to service management or operation as soon as is practicable		√	√	√	√
Providing a Complaints Register (<i>refer to Definitions</i>) and ensuring that staff record complaints along with outcomes	R	√			
Providing information as requested by the approved provider, e.g., written reports relating to the complaint		√	√	√	√
Notifying the approved provider if the complaint is notifiable (<i>refer to Definitions</i>) or is unable to be resolved appropriately and promptly		√	√	√	√
Always complying with the service's Privacy and Confidentiality Policy (<i>Regulations 181, 183</i>)	R	√	√	√	√

Establishing a Complaints Subcommittee or appointing an investigator to investigate and resolve complaints when required (<i>refer to Attachment 1 & 2</i>)	√	√			
Referring notifiable complaints (<i>refer to Definitions</i>) or complaints that are unable to be resolved appropriately and promptly to the Complaints Subcommittee	√	√			
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 (<i>refer to Definitions</i>) has occurred at the service or that the Education and Care Services National Law has been breached (<i>National Law: Section 174, Regulation 176(2)(b)</i>)	R	R			
Working cooperatively with the approved provider and DET in any investigations related to complaints about Denzil Don Kindergarten, its programs, or staff.	√	√	√	√	√
Receiving recommendations from the Complaints Subcommittee and taking appropriate action	√	√			
Analysing complaints, concerns, and safety incidents to identify causes and systemic failures to inform continuous improvement	√	√			
Always maintaining professionalism and integrity (<i>refer to Code of Conduct policy</i>)	√	√	√		√

BACKGROUND AND LEGISLATION



BACKGROUND

Compliments are praise or gratitude about the service, staff, management, and/or program. Compliments provide valuable feedback regarding the level of satisfaction with service delivery and are a valuable indicator of the effectiveness of a service. Compliments impart helpful 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 liaises with Denzil Don Kindergarten.

In most cases, dealing with complaints will be the Centre Coordinator's responsibility. All complaints must be assessed to determine whether they are general or notifiable (*refer to Definitions*). Depending on the severity of the complaint, the Committee of Management will be advised of it and may assist with resolution and outcomes.

When a complaint has been assessed as 'notifiable,' the Centre Coordinator provider must notify the Department of Education and Training (DET). The approved provider will investigate the complaint and take any necessary actions, in addition to responding to requests from and assisting with any investigation by DET.

There may be occasions when the complainant reports the complaint directly to DET. If DET then notifies the Centre Coordinator about a complaint received, the Centre Coordinator provider is still responsible for investigating and handling the complaint as outlined in this policy, in addition to cooperating with any investigation by DET.

DET 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 the Education and Care Services National Regulations 2011*.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Information Privacy Act 2000 (Vic)
- 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
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au



DEFINITIONS

The terms defined in this section relate specifically to this policy. Refer to the definitions file on the kindergarten website for regularly used terms.

Complaint: (in relation to this policy) generally an issue of a minor nature that can be resolved 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, such as the incorporated association or co-operative.

Complaints Register: a record of complaints received by the service including steps taken to resolve/address the complaint and any outcomes due to the complaint. The register lives on Teams and is accessible only to the Centre Coordinator, Educational Leader, and Committee of Management.

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

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



SOURCES AND RELATED POLICIES

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 and Training (DET) – Regional Office details are available under ‘The Department’: www.education.vic.gov.au
- ELAA Early Childhood Management Manual: www.elaa.org.au

- Kindergarten Funding Guide: www.education.vic.gov.au
- 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>

RELATED POLICIES

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

EVALUATION



To assess if the values and purposes of the policy have been achieved, the service will:

- seek feedback from all affected by the policy regarding its effectiveness.
- monitor complaints as recorded in the Complaints Register to assess whether satisfactory resolutions have been achieved.
- review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner.
- keep the policy up to date with current legislation, research, policy, and best practice.
- revise the policy and procedures as part of the policy review cycle or as required.
- notifying all affected by this policy at least 14 days before making significant changes to it or its procedures unless a lesser period is necessary due to risk (*Regulation 172 (2)*).



ATTACHMENTS

- Attachment 1: Terms of reference for a Complaints Subcommittee.
- Attachment 2: Dealing with complaints.



AUTHORISATION

This policy was adopted by the approved provider of Denzil Don Kindergarten on 22/12/2023.

REVIEW DATE: 22 / DECEMBER / 2025

ATTACHMENT 1. TERMS OF REFERENCE FOR A COMPLAINTS SUBCOMMITTEE

PURPOSE

The Committee of Management (CoM) may establish a Complaints Subcommittee to investigate more serious complaints and determine an effective and appropriate resolution. The decision to do so (or not) will be on a case-by-case basis.

MEMBERSHIP FOR COMPLAINTS SUBCOMMITTEE

The CoM must nominate three people and include at least one responsible person (*refer to Definitions*).

TIME PERIOD NOMINATED

The Complaints Subcommittee shall be appointed for the duration of the complaint investigation.

MEETING REQUIREMENTS

The subcommittee convenor is responsible for organising meetings as soon as is practicable after receiving a complaint.

DECISION-MAKING AUTHORITY

The subcommittee must fulfill only those tasks and functions outlined in these terms of reference.

The CoM may decide to alter the decision-making authority of the subcommittee at any time.

REPORTING REQUIREMENTS OF THE SUBCOMMITTEE

- The subcommittee is required to take and securely store all meeting minutes.
- The convenor must present a report to the CoM about the complaint, ensuring that privacy and confidentiality are maintained according to the service's *Privacy and Confidentiality Policy*.

TASKS AND FUNCTIONS OF THE COMPLAINTS SUBCOMMITTEE

- Responding to complaints promptly
- Investigating all complaints received discreetly and responsibly.
- Implementing the procedures outlined in *Attachment 2 – Dealing with complaints*.
- Acting fairly and equitably and always maintaining confidentiality
- Informing the approved provider if a complaint is assessed as notifiable.
- Keeping the approved provider informed about the complaint(s), including the investigation outcomes.
- Providing the approved provider with recommendations for action
- Ensuring decisions are based on the evidence gathered.
- Reviewing the terms of reference of the Complaints Subcommittee at commencement and on completion of their term. Suggested change(s) are to be presented to and approved by the approved provider.

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 put their complaint in writing.
- the staff member receiving the complaint will share it with the Centre Coordinator and/or Educational Leader. They will support the staff member in assessing the severity of the complaint and the urgency, including whether it is a notifiable complaint (*refer to Definitions*).
- comply with the *Privacy and Confidentiality Policy* regarding all meetings/conversations about the complaint.
- the Centre Coordinator will notify the Committee of Management (CoM) if the complaint cannot be resolved or is serious and requires their support. The CoM may form a Complaint Subcommittee if necessary.

DEALING WITH A NOTIFIABLE COMPLAINT

When a formal complaint is lodged with the service:

- if the complaint is notifiable, the Centre Coordinator will notify DET. This must be in writing within 24 hours of receiving the complaint (*Regulation 176(2)(b)*)
- the report to DET 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 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 the Centre Coordinator (or member of the Complaints Subcommittee).
 - any other relevant information
- if unsure if the complaint is notifiable, it is good practice to contact DET for confirmation.

COMPLAINTS SUBCOMMITTEE RESPONSIBILITIES AND PROCEDURES

When deemed necessary to form a Complaints Subcommittee, the subcommittee will:

- convene as soon as possible to deal with the complaint promptly.
- disclose any conflict of interest relating to any subcommittee member. Such members must stand aside from the investigation and subsequent process.
- consider the nature and the details of the complaint.
- identify which policies (if any) the complaint involves.
- inform the CoM President if their involvement is required under any other service policies.
- if the complaint is notifiable (*refer to Definitions*), inform the complainant of the requirements to notify the DET and explain their role 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.
- apply confidentiality to the complaint.
- store complaint records securely, in compliance with the *Privacy and Confidentiality Policy*.

INVESTIGATING THE COMPLAINT AND GATHERING RELEVANT INFORMATION

When investigating the complaint and gathering relevant information, the Complaints Subcommittee will:

- meet with witnesses and give the right of reply to the person against whom the allegations are made about any accusation or information relating to an alleged incident.
- offer the complainant the opportunity to meet with the subcommittee to discuss the complaint and provide additional information.
- nominate a subcommittee member to inform the complainant of the procedures for dealing with the complaint if the complainant does not attend a meeting.
- document all details of meetings and email the complainant outlining the information discussed.
- be available to meet with DET, if required, and provide additional information as requested
- 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 resolution (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 Complaints Subcommittee will:

- meet to discuss the information gathered and determine further action, including generating recommendations to be presented to the Committee of Management (CoM).
- ensure recommendations or actions are in accordance with relevant legislation and funding requirements, including, but not limited to:
 - The Kindergarten Guide (*refer to Sources*) report outcomes that may include relevant information gained in investigations to the approved provider and, where required, provide any recommendations for consideration by the approved provider.
- inform the CoM of the involvement of DET and the outcomes of the DET investigation (when relevant). The CoM will review the report and any subcommittee recommendations and will be responsible for deciding on the action to be taken (if any).
- advise the complainant and other relevant parties of the outcome and decisions made by the CoM.
- follow up to ensure the parties involved are satisfied with the outcome and monitor the progress of actions taken by the CoM.