

Making a direct complaint to the Department about a licensed children's service

Practice Note | March 2011

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Staff members in children's services are encouraged to build strong relationships with parents and to use a wide range of communication strategies to share information with parents about the service and their children's learning and development. In this way open and honest communication is developed and concerns can be raised and resolved before they become complaints. These concerns will usually be resolved by staff members in a timely manner by communicating with parents and working with them to address the concerns raised.

However, occasionally, a complaint about a licensed children's service is made directly to the Department of Education and Training (the Department) where the complainant:

- is dissatisfied with the service's response to their complaint; or
- does not wish to complain directly to the service.

This practice note has been developed to assist licensed children's services and people considering making a complaint to understand the processes and obligations involved when a complaint has been made directly to the Department.

Complaints which are investigated by the Department

The Department investigates complaints that allege that:

- the health, safety or wellbeing of any child being cared for or educated by the children's service may have been compromised; or
- there may have been a contravention of the *Children's Services Act 1996* (Act) or the *Children's Services Regulations 2009* (Regulations).

A complaint about a licensed children's service may be made by telephone, in writing or in person to the relevant office of the Department.

Other complaints

Complaints about issues such as service fees or employment conditions of staff members are not investigated by the Department as these matters are

outside the scope of the Victorian Act and the Victorian Regulations. Where appropriate, such complaints will be referred to the most relevant agency.

Confidentiality

All complaints are treated confidentially and may be made anonymously. The identity of the complainant cannot be disclosed unless the complainant provides their written consent or a court grants leave for this to occur.

When the complainant provides their name and contact details, the Department will provide information about the outcome of the investigation.

Complaints made directly to the proprietor

Complaints may be made directly to the proprietor of a licensed children's service. Each service must have provisions for managing complaints. This includes processes to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner. The Regulations require the complaint be dealt with in a timely and discreet manner.

The proprietor must also notify the Department where it is alleged that the health, safety or wellbeing of any child cared for or educated by the licensed children's service may have been compromised, or there may have been a contravention of the Act or Regulations (regulation 105).

Display of contact person's name for complaints

The name and telephone number of the person at the licensed children's service to whom complaints should be addressed must be displayed at the main entrance where the service operates (regulation 40(1)(h)).

Provision for dealing with complaints

The proprietor of a children's service must ensure information about the service's provision for dealing with complaints is available for inspection at the service at all times the service is open to care for or educate children (regulation 41(i)). A children's service must also ensure that the address and telephone number of the responsible office of the Department is displayed prominently at the main entrance to the service's premises (regulations 40(1)(i)).

Investigations of complaints by the Department

The Department investigates all complaints that are of a regulatory nature. The action that the Department takes depends on the nature of the complaint. Complaints that are of a relatively minor nature such as maintenance issues may simply require a phone call from the Department to the licensed children's service to gain further information. However, more serious issues will require an inspection of the service and a follow-up investigation.

This investigation may involve:

- taking statements from possible witnesses,
- interviewing the proprietor and/or staff members,
- taking photographs or observations at the licensed children's service; or
- seizing evidence.

When the investigation is completed, the person making the complaint to the Department and the service will be notified in writing of the outcome of the investigation. The service may be required to provide further advice to the Department about how they have rectified any non-compliances identified through the investigation.

Action by the Department

After gathering and assessing the information relating to the complaint, the Department will determine what action

to take. Depending on the outcome of the investigation a number of actions will be considered, including but not limited to:

- increased monitoring of the service;
- reducing the period of the licence;
- placing a condition or restriction on a licence; or
- prosecution.

Information will be published on the Department's website about a children's service where serious non-compliance with the legislation has resulted in statutory action or prosecution.

In some cases the Department will take no further action after an investigation. Publication of enforcement and compliance action is available at:

www.education.vic.gov.au/childhood/providers/regulation/Pages/enforcementaction.aspx

Further information about complaints

Further information and advice about complaints may be sought from an authorised officer in the relevant regional office of the Department.

Contact details for regional offices are available in the fact sheet *Quality assessment and regulation – regional offices* available at:

www.education.vic.gov.au/childhood/providers/regulation/Pages/vcspracnotes.aspx

For further enquiries please contact the **Quality Assessment and Regulation Division**

Phone: 1300 307 415

email: licensed.childrens.services@edumail.vic.gov.au

Related practice note

- *Responding to complaints*

Related fact sheet

- *Publication of information*