



Responding to complaints

Practice Note | March 2011
Last updated May 2015

Staff members in children's services are encouraged to build strong relationships with parents and other members of the community and to use a wide range of communication strategies to share information about the service and the children. 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, from time to time, licensed children's services will receive complaints from a variety of sources: parents or guardians; staff members; other members of the local community; or other organisations and agencies. The causes for the complaints may be wide ranging.

Combined with other processes for families and staff to provide feedback to services, complaints can provide services with the opportunity to review and if necessary, make improvements to their services.

The Department of Education and Training (the Department) must be notified of complaints in some instances. This practice note has been developed to assist licensed children's services to understand their obligations in responding to complaints, including:

- provisions for dealing with complaints
- notifying the Department of complaints when appropriate.

Provisions for dealing with complaints

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 provisions made by services for dealing with complaints must:

- be written and available at the children's service at all times the service is operating (regulations 41(i))
- identify who will receive the complaints at the service including the name and telephone number of the person. These details must be displayed at the service (regulation 40(1)(h))
be accurate and updated when changes take place at the service. The parents or guardians of all children attending the service must be notified within 28 days after making the change (regulations 42)
- make provision for the proprietor to respond discreetly and sensitively to the complaint as soon as

the complaint is made and in a way that deals directly with the complaint (regulation 105(1))

- identify those complaints that must be notified to the Department (regulation 105).

Regulation 40(1)(i) requires the address and telephone number of the responsible office of the Department to be on display at the children's service. This may also include the contact details of the authorised officer at 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/vcspnotes.aspx

Matters that may be included in the service's complaints procedure

A children's service may wish to consider the following in developing its provisions for managing complaints:

- defining the roles and responsibilities of all parties in receiving and responding to the complaint
- setting a time frame for responding to the complaint
- advising the complainant of the procedure that will be followed to investigate the complaint
- giving the complainant an opportunity to meet with the person nominated by the service to manage complaints and provide further information if required
- providing the opportunity for all parties to clarify any issues and give their viewpoints
- the provision of interpreter services when appropriate
- seeking external advice, where appropriate to assist in the resolution of the complaint
- notifying the outcome of the complaints to all parties in a timely and sensitive manner
- specifying the processes for ensuring the policies in relation to privacy and storage of the details of the complaints
- deciding whether the issues raised in the complaint may require the change of systems and processes in the future
- deciding on the frequency of training in the handling of complaints for all staff.

Notifying complaints to the Department

The Department does not need to be notified of every complaint that is made to the children's service. For example there is no requirement to notify the Department of complaints that are related to industrial issues or employment matters, disputes over fees or occupational health and safety matters unless they directly affect the health, safety and wellbeing of the children attending the licensed service.

Regulation 105(2) requires the proprietor to notify the Secretary (through the responsible office of the Department) by telephone within 48 hours after a complaint followed by written notice as soon as practicable if the complaint alleges that:

- the health and 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).

If a proprietor is unsure whether there is a requirement to notify the Department, it is advisable to contact an authorised officer for guidance. This may clarify whether the Department needs to be formally notified. Written notification should be provided using the *Complaint notification form* available at:

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

It is the proprietor's responsibility to respond to all complaints in accordance with regulation 105(1). Complaints must be dealt with as soon as practicable after the complaint is made and as discreetly as practicable in the circumstances.

Example 1

A parent writes a letter of complaint outlining their concerns that staff members at the service working in the room where their child attends work long hours. The parent feels that the staff are not renumerated accordingly.

In this instance the proprietor would be expected to manage this complaint in line with the service's policy and procedure. If this complaint was made to the Department directly by the parent the authorised officer would refer the complainant back to the service given that the complaint does not directly relate to a contravention of the Act or the Regulations.

Example 2

A parent speaks to the proprietor of a service concerning the level of supervision in the room their child attends. The staff have been very polite and obliging but have stated that the supervision in the room is adequate. The

proprietor responds to the complaint by asking the parent to speak with the staff and there is no further follow-up after this. The parent then rings the Department and reports the complaint to an authorised officer.

In this case the Department would respond and the matter would be investigated given that it is possible that the health and safety or wellbeing of any child attending the children's service may have been compromised, or there may have been a contravention of the Victorian Act or the Victorian Regulations.

Management of complaints by the Department

The Department investigates complaints that are of a regulatory nature. The action that the Department takes depends on the nature of the complaint. More serious issues will require an inspection and follow up investigation. After gathering and assessing the information relating to the complaint, the Department will determine what action to take. 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
- 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/vcspacnotes.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

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