

	<b>Procedure</b> <b>Governance Infrastructure</b>	
	<b>Complaints Management</b>	<b>GI-PRO-1.13-01</b>

## Scope

This procedure:

- applies to all SDN services and to all SDN staff members
- relates to complaints received from all sources including families and external stakeholders
- applies to all forms of complaint including online, written and verbal.

## Out of Scope

This procedure does not address matters that constitute a staff grievance, identifying and responding to concerns of risk of harm, reportable conduct or the identification of a workplace hazard. Reports relating to these matters are covered by the following policies and procedures:

- *Grievances Policy and Procedure* for handling staff grievances
- *Child Protection and Wellbeing Policy* and its associated procedures for matters relating to responding to concerns of risk of harm, working with children checks and/or responding to allegations of reportable conduct
- *Work Health and Safety Policy* for matters relating to workplace safety
- *Responding to Allegations of Reportable Conduct Procedure*.

## Key Terms

For the definitions of Complaint, Complainant and Reportable Conduct, please refer to *Complaints Management* and *Child Protection and Wellbeing* Policies.

### SDN staff member

A staff member who is employed by SDN including permanent and casual.

### Manager

A Centre Director, Program Manager, Program Co-ordinator, Service Manager or Team Leader

### Senior manager

The immediate manager of a Centre Director, Program Manager, Program Co-ordinator, Service Manager or Team Leader

<b>Approved by</b> Senior Leadership Team	<b>Approval Date</b> September 2017	<b>Review Date</b> September 2021	<b>Page</b> 1 of 8
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## Procedure Details

### When a complaint includes allegations of risk of harm to children

On occasions a complaint may contain a number of matters to be addressed, then the complaint will be split and each of the matters will be handled in line with the relevant procedure.

#### Example 1

If a family makes a complaint about their child being injured by another child in the SDN service, where the child causing the injury was exhibiting signs of being at risk of harm, the matters raised in the complaint require the use of both the *Complaints Management Procedure* and the *Responding to Concerns of Risk of Harm Procedure*. One does not replace the other and both sets of children and families must be supported appropriately.

#### Example 2

When a complaint includes an allegation of reportable conduct.

If a family makes a complaint alleging that their child (or other children) were possibly being harmed by an SDN staff member, the SDN staff member receiving the complaint would immediately notify the Head Of Agency (the CEO), as set out in the *Reporting an Allegation of Possible Reportable Conduct Procedure*.

### Receiving and reporting of complaints

Person responsible	Steps
Staff member receiving a complaint	<ol style="list-style-type: none"> <li>1. receive complaint               <ol style="list-style-type: none"> <li>1.1. for verbal complaints, proceed to step #2</li> <li>1.2. for written complaints, proceed to step #3</li> <li>1.3. for complaints received via the SDN website, proceed to Step #4</li> </ol> </li> <li>2. for verbal complaints,               <ol style="list-style-type: none"> <li>2.1. gathers all relevant details of the complaint by actively listening</li> <li>2.2. verbally acknowledges receipt of the complaint</li> <li>2.3. offers the option of filling out an SDN <i>Complaint Form (Part A)</i></li> <li>2.4. if the Complainant opts to fill out an SDN <i>Complaint Form</i>, sends a copy of a <i>Complaints Form</i> to the Complainant for completion of <i>Part A</i> of the form and on receipt of the <i>Complaints Form</i> from the Complainant, implements the 'Next Steps' Section of <i>Part A</i> of the Form. Proceed to step #7 in the Section under heading 'Responding to Complaints'</li> <li>2.5. if the Complainant opts not to fill out an SDN <i>Complaint Form</i>, documents the details of the verbal complaint using the <i>Complaints Form (Part A)</i> and implements the 'Next Steps' Section of <i>Part A</i> of the Form. Proceed to step #7 in the Section</li> </ol> </li> </ol>

COMPLAINTS MANAGEMENT PROCEDURE		GI-PRO-1.13-01	
Approved by Senior Leadership Team	Approval Date September 2017	Review Date September 2021	Page 2 of 8

Person responsible	Steps
	<p>under heading 'Responding to Complaints'</p> <p>3. for written complaints,</p> <p>3.1. for completed <i>Complaints Form (Part A)</i> received from the Complainant, implements the 'Next Steps' Section of <i>Part A</i> of the Form. Proceed to step #7 in the Section under heading 'Responding to Complaints'</p> <p>3.2. for complaint letters/emails received, documents details of the complaint on <i>Part A</i> of the <i>Complaints Form</i>, and implements the 'Next Steps' Section of <i>Part A</i> of the Form. Proceed to step #7 in the Section under heading 'Responding to Complaints'</p>
Relevant staff member	<p>4. for complaints received via the SDN website's Feedback Form</p> <p>4.1. receives and reviews feedback / complaint received</p> <p>4.2. forwards the email containing the feedback / complaint to the relevant Manager</p> <p><i>Note: When the user clicks submit the content of the form, it automates into an email to <a href="mailto:feedback@sdn.org.au">feedback@sdn.org.au</a> and this is forwarded directly to <a href="mailto:accountability@sdn.org.au">accountability@sdn.org.au</a> immediately.</i></p>
Manager	<p>5. receives email containing the complaint from <a href="mailto:accountability@sdn.org.au">accountability@sdn.org.au</a> and ensures that the staff member receiving the complaint</p> <p>5.1. records the complaint in the <i>Complaints Form (Part A)</i></p> <p>5.2. implements the 'Next Steps' Section of <i>Part A</i> of the Form</p> <p>5.3. Proceeds to step #7 in the Section under heading 'Responding to Complaints'</p>
Office of the CEO	<p>6. Complaints may come directly to the office of the CEO</p> <p>6.1. CEO determines delegation of complaint management</p> <p>6.2. records the complaint in the <i>Complaints Form (Part A)</i> and files records</p> <p>6.3. If Office of CEO is dealing with complaint directly and not delegating management proceed to step #1 in the Section under heading 'Responding to Complaints'</p>
Staff member receiving a complaint	<p>7. explains the <i>Complaints Management Policy and Procedure</i> to the Complainant and provides advice on next steps</p> <p>8. asks Complainant to sign <i>Part B</i> of the <i>Complaint Form</i></p>

<b>COMPLAINTS MANAGEMENT PROCEDURE</b>		<b>GI-PRO-1.13-01</b>	
Approved by Senior Leadership Team	Approval Date September 2017	Review Date September 2021	Page 3 of 8

Person responsible	Steps
	<p>If a complaint relates to either or both of the following:</p> <ul style="list-style-type: none"> <li>complaints alleging that a serious incident has occurred or is occurring; or that the National Law or National Regulations have been contravened</li> <li>complaints alleging that a National Regulation or Law has been breached</li> </ul> <p>9. It is to be reported immediately to the Nominated Supervisor records details in the <i>Complaints Register</i></p> <p>On a quarterly basis the <i>Complaints Register</i> is submitted to <a href="mailto:accountability@sdn.org.au">accountability@sdn.org.au</a>.</p>

### Responding to complaints

Person responsible	Steps
Manager	<ol style="list-style-type: none"> <li>upon receipt of complaint, responds to the Complainant within two business days and coordinates with the staff member handling the complaint for updates</li> <li>if the complaint cannot be resolved within two business days, issue an acknowledgment to the Complainant and advises the Complainant about SDN's <i>Complaints Management Policy and Procedure</i> and offers to make a copy of these available</li> <li>maintains communication with the Complainant until the matter is resolved. The frequency of communication will be agreed between the Complainant and the Manager.</li> </ol> <p>Implement 'Resolving Complaints' Procedure Details below.</p>

### Resolving complaints

Person responsible	Steps
Staff member handling the complaint	<ol style="list-style-type: none"> <li>plans and implements an investigation into the complaint including gathering information and assessment of risk</li> <li>completes <i>Part C</i> of the <i>Complaints Form</i></li> <li>addresses the complaint by discussing options with the Complainant and discussing reasonable steps that would resolve the matter immediately</li> <li>if the Complainant is satisfied with the steps taken or proposed, informs</li> </ol>

COMPLAINTS MANAGEMENT PROCEDURE		GI-PRO-1.13-01	
Approved by Senior Leadership Team	Approval Date September 2017	Review Date September 2021	Page 4 of 8

Person responsible	Steps
	<p>the Community Leader. Go to step #6.</p> <p>5. if the Complainant is not satisfied with the steps taken or proposed,</p> <p>5.1. escalates the complaint to the direct line manager</p> <p>5.2. notes escalation on the <i>Complaints Form (Part D)</i> along with the results of any further investigation or discussion with the Complainant on <i>Part E</i> of the <i>Complaints Form</i></p>
Manager	<p>5.3. assesses if the complaint alleges a breach of the education and care Regulations or Law. This will require a report to the regulatory authority.</p> <p>5.4. for complaints where an agreement has not been reached the manager establishes a plan and a timetable for addressing the complaint and ensures that the Complainant is informed and in agreement with the plan and timetable. The plan is recorded onto Part E of the <i>Complaints Form</i></p> <p>The escalation process will continue until the complaint has been resolved or it has been referred to an external authority or process (such as the NSW Ombudsman, the ACT Children &amp; Young People Commissioner and NSW Anti-Discrimination Board).</p> <p>The SDN CEO or a Complainant may seek to refer a Complaint to an external authority for guidance or resolution, particularly with the parties are unable to reach a resolution on their own. Relevant authorities are the NSW Ombudsman in NSW or the Children &amp; Young People Commissioner in the ACT. Refer to the <i>Effective Complaint Handling Guidelines 2<sup>nd</sup> edition</i> (Sections 7 and 12), ACT Children &amp; Young People Commissioner or NSW Anti-Discrimination Board.</p> <p>5.5. coordinates with relevant unit/s and Complainant to ensure that the plan and timetable are followed/ implemented as agreed</p> <p>5.6. when the Complainant is satisfied with the steps taken or proposed, informs relevant Senior Manager; otherwise, generates a blank copy of the last page of the <i>Complaints Form</i> and completes <i>Part E</i> until the Complainant is satisfied with the steps taken or proposed</p>
Staff member handling the complaint/Manager	6. logs the resolution of complaint in the <i>Complaints Form</i> and <i>Complaints Register</i>

<b>COMPLAINTS MANAGEMENT PROCEDURE</b>		<b>GI-PRO-1.13-01</b>	
Approved by Senior Leadership Team	Approval Date September 2017	Review Date September 2021	Page 5 of 8

Person responsible	Steps
	7. asks Complainant to sign the <i>Complaints Form (Part D or Part F as relevant)</i> for confirmation/acknowledgement of agreement/s 8. files the <i>Complaints Form</i> and all relevant supporting documentation within 2 business days from receipt of signature
Senior manager	9. informs her/his immediate manager of the complaint and the resolution where they consider that the matter has been of a serious nature may recur or has implications beyond their community 10. ensures that the <i>Complaints Register</i> is updated 11. coordinates with the relevant Executive Lead or Policy Coordinator if the need to develop or update policy/procedure/form is identified to address a gap or to improve practice/processes. Refer to the <i>Policy Framework</i> and its associated procedure.

### Complaints that allege a serious incident has occurred or is occurring; or that the *National Law or National Regulations* have been contravened in SDN Children’s Education and Care Centres

If a complaint relates to an SDN Children’s Education and Care Centre and contains an assertion that:

- a serious incident has occurred or is occurring, or
- a breach of the regulations or law has occurred

SDN is required to notify the Regulatory Authority, Australian Children’s Education and Care Quality Authority (ACECQA) within 24 hours of being notified of complaint. Steps 1 and 2 within this section are to be completed within a 24 hour time frame and are in addition to the preceding steps ‘Receiving and Reporting of Complaints’ within this procedure.

Person responsible	Steps
Manager	1. prepares all relevant documentation and information required before logging in to NQA ITS 2. completes all parts of the <i>ACECQA NL01: Notification of Complaints and Incidents (other than serious incidents) Form</i> using the NQA ITS System and submits the SDN Complaints Form as supporting evidence. The NQA ITS will generate a notification of receipt  <i>Note: Under no circumstances are staff to save part-completed NL01 forms within NQA ITS. Part completed forms compromise the security of information management and must be either deleted or submitted.</i>  sends two completed documents ( <i>ACECQA NQA ITS Notification of receipt</i> and <i>SDN Complaints Form</i> ) to the relevant Community Leader

COMPLAINTS MANAGEMENT PROCEDURE		GI-PRO-1.13-01	
Approved by Senior Leadership Team	Approval Date September 2017	Review Date September 2021	Page 6 of 8

Person responsible	Steps
	and <a href="mailto:accountability@sdn.org.au">accountability@sdn.org.au</a> Continue with step #1 on page 4 under section 'Responding to complaints'
Relevant staff member	3. updates complaints records and uploads the file name on to SDN Link
Relevant Shared Services staff member	4. updates the insurers about potential claims.

## Complaints regarding children's health and safety and wellbeing in SDN Programs

If a complaint relates to an SDN Program and contains an assertion that alleges a child's health, safety or wellbeing has been, is being or may be compromised, SDN Staff are required to notify their manager within 24 hours of being notified of complaint. Steps 1 and 2 within this section are to be completed within the 24 hour time frame and are in addition to the preceding steps 'Receiving and Reporting of Complaints' within this procedure.

Person responsible	Steps
Manager	1. sends the SDN <i>Complaints Form</i> to the relevant Community Leader and <a href="mailto:accountability@sdn.org.au">accountability@sdn.org.au</a> 2. continue with step #1 on page 4 under section 'Responding to complaints'
Relevant staff member	3. updates complaints records and uploads the file name on to SDN Link
Office of the CEO	4. updates complaints master table where and files documents securely
Relevant Shared Services staff member	5. updates the insurers about potential claims.

## Related SDN Documents

### Policies

- GI-HLP-1.01: Policy Framework
- GI-HLP-1.09: Privacy
- GI-HLP-1.10: Code of Conduct
- GI-OP-1.13: Complaints Management
- GI-OP-1.14: Communication with Families
- SD-HLP-2.02: Child Protection and Wellbeing
- HR-OP-3.09: Grievances
- WHS-HLP-4.01: Work Health and Safety

COMPLAINTS MANAGEMENT PROCEDURE		GI-PRO-1.13-01	
Approved by Senior Leadership Team	Approval Date September 2017	Review Date September 2021	Page 7 of 8

## Procedures

- GI-PRO-1.01-01: Policy Development and Review
- GI-PRO-1.14-01: Feedback Management
- SD-PRO-2.02-01: Reporting an Allegation of Possible Reportable Conduct
- SD-PRO-2.02-02: Responding to Concerns about Risk of Harm
- HR-PRO-3.09-01: Grievances

## Forms/Templates

- GI-FRM-1.13-01-01: Complaints Form
- GI-FRM-1.13-01-02: Complaints Register

## Relevant Legislation/Regulations

- Education and Care Services National Law Act 2010, sections 172(f) and 174(2)(b)
- Education and Care Services National Regulations 2011, regulations 168(2)(o), 173(2)(b) and 176
  - Schedule 1: National Quality Standard, standards 7.2 and 7.3, elements 7.3.1, 7.3.3 to 7.3.5

## Other References/Related Documents

- For external resources and support: NSW Ombudsman, Ph: 02 9286 1000  
[www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
- NSW Anti-Discrimination Board – <http://lawlink.nsw.gov.au/adb>
- NSW Ombudsman – Effective complaint handling guidelines – 2nd edition (December 2010) –  
[http://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0012/3612/GL\\_EffectiveComplaintHand\\_Dec10.pdf](http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0012/3612/GL_EffectiveComplaintHand_Dec10.pdf)
- Children & Young People Commissioner -  
<http://www.hrc.act.gov.au/childrenyoungpeople/content.php/category.view/id/36>

<b>COMPLAINTS MANAGEMENT PROCEDURE</b>		<b>GI-PRO-1.13-01</b>	
Approved by Senior Leadership Team	Approval Date September 2017	Review Date September 2021	Page 8 of 8