

Complaints Management in Anglican Education and Care Services

Procedures

V1.1 (effective 12/03/2018)

1. Introduction

These procedures support the *Complaints Management in Anglican Education and Care Services Policy* (the policy) and provide direction to the Approved Provider, Education and Care Service (ECS) staff, volunteers and visitors when actioning the policy and their roles and responsibilities.

Throughout the procedures, unless otherwise indicated, the term:

- ECS staff includes the Nominated Supervisor, Director/Coordinator and all other employees;
- Responsible Person may be the Nominated Supervisor, Director/Coordinator or, in their absence, the certified supervisor who has been placed in charge of the ECS;
- Principal refers to the Principal of an Anglican school with an associated ECS; and
- Chair refers to the Chair of a Management Committee (non-school based ECS).

Information on definitions and key terms can be found in Appendix 1.

2. Three stage complaints management process

Unless specified in Section 3 below, all complaints in relation to an action, behaviour, omission or decision by the Nominated Supervisor or an ECS staff member or volunteer will be managed in accordance with the following three stage complaints management process.

Refer to section 4.4 below for information about complaints in relation to visitors to the ECS.

Stage 1 - Discuss the matter with the relevant staff member or volunteer

Wherever possible, the complainant, or their advocate, should be encouraged, in the first instance, to discuss their concerns with the staff member or volunteer whose action, behaviour, omission or decision is in question. When resolving concerns at this stage:

1. the complainant, or their advocate, should speak with the staff member or volunteer and request a time to discuss their concern with the staff member or volunteer's action, behaviour, omission or decision;
2. the complainant, or their advocate, and the staff member or volunteer may ask the Nominated Supervisor or Director/Coordinator to be present during the meeting to facilitate the discussion and provide support;
3. the complainant, or their advocate, and the staff member or volunteer may speak with the Director/Coordinator about obtaining support during the complaints management process, as outlined in section 5;
4. if the Director/Coordinator is not involved in the discussion, the staff member or volunteer should inform them of the concerns raised by the complainant, or their advocate, and the outcome of the discussion;
5. the Director/Coordinator must ensure the concerns are documented, including the names of all parties involved, the nature of the concerns, the date and time of the discussion, the agreed outcomes and any required actions;
6. the Director/Coordinator must ensure the document outlining the concerns is filed in the staff member or volunteer's personnel file and any agreed actions are completed; and
7. the Director/Coordinator should consider whether the staff member or volunteer requires any additional training or support in relation to their role and should identify any issues or strategies to be incorporated in the ECS Quality Improvement Plan.

When the complainant, or their advocate, determines that it is not appropriate to discuss the concerns with the staff member or volunteer or they do not believe their concerns have been addressed to their satisfaction, they should proceed to Stage 2 of the complaints management process.

Stage 2 – Make a complaint to the Nominated Supervisor or Director/Coordinator

When escalating a complaint to this stage, the complainant, or their advocate, can raise their complaint with the Nominated Supervisor or Director/Coordinator either in writing or in person. When resolving a complaint at this stage:

1. the complainant, or their advocate, should inform the Nominated Supervisor or Director/Coordinator of their concerns including the names of all parties involved, the nature of the concerns, any specific dates and times when incidents occurred and the complainant or their advocate's feedback about their discussion with the staff member or volunteer and rationale for their ongoing dissatisfaction with the response;
2. the Nominated Supervisor or Director/Coordinator should speak with the staff member or volunteer and obtain further information about their actions in relation to the concerns;
3. the Nominated Supervisor or Director/Coordinator should advise all parties involved about support available to them during the complaints management process, as outlined in section 5;
4. the Nominated Supervisor or Director/Coordinator must organise a meeting with the complainant, or their advocate, and the staff member or volunteer to gather further information about the ongoing concerns and develop a plan to satisfactorily resolve the complaint;
5. the Nominated Supervisor or Director/Coordinator must explain to the complainant, or their advocate, and the staff member or volunteer that they may have a support person present during the meeting;
6. the Nominated Supervisor or Director/Coordinator must ensure the meeting is documented, including the agreed outcomes and required actions, and a copy is given to the complainant, or their advocate;
7. the Nominated Supervisor or Director/Coordinator must ensure the record of the meeting is filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
8. the Director/Coordinator should consider whether the staff member or volunteer requires additional training or support in relation to their role and should update relevant items in the ECS Quality Improvement Plan.

When the complainant, or their advocate, determines that it is not appropriate to discuss the concerns with the Nominated Supervisor or Director/Coordinator or they do not believe their concerns have been addressed to their satisfaction, they should proceed to Stage 3 of the complaints management process.

Stage 3 – Escalate the complaint to the Principal or Chair

At this point in the complaints management process, the complainant, or their advocate, can progress their complaint to the Principal of the associated Anglican School or to the Chair of the Management Committee. When resolving a complaint at this stage:

1. the complainant, or their advocate, should inform the Principal/Chair of their ongoing concerns, including their feedback on previous meetings with the ECS and rationale for their ongoing dissatisfaction with the responses by the ECS to their complaints;
2. the Principal/Chair should advise the Nominated Supervisor or Director/Coordinator and staff member or volunteer that the complaint has now been escalated to and should obtain further information about the matter and the ECS's responses to the complaint, including copies of relevant documents or complaints management plans;
3. the Principal/Chair should advise all parties involved about support available to them during the complaints management process, as outlined in section 5;
4. the Principal/Chair must organise a meeting with the complainant, or their advocate, and the Nominated Supervisor or Director/Coordinator to gather further information about the ongoing concerns and, if required, develop a complaints management plan to resolve the issues;
5. the Principal/Chair must explain to the complainant, or their advocate, and the staff member or volunteer that they may have a support person present during the meeting;
6. the Principal/Chair must ensure the meeting is documented, including the agreed outcomes and required actions, and a copy is provided to the complainant, or their advocate.

7. the Nominated Supervisor or Director/Coordinator must ensure all documents in relation to the complaint are filed on the staff member or volunteer's personnel file and any agreed actions are completed; and
8. the Director/Coordinator should consider whether the staff member or volunteer requires any additional training or support in relation to their role and should update relevant items in the ECS Quality Improvement Plan.

3. Appeal a complaint process or outcome

As stated in the policy, any person who has made a complaint and who is dissatisfied with the final complaints management process or outcomes may make an appeal to the Approved Provider. The appeal should be made in writing to ecs@anglicanchurchsq.org.au and addressed to the attention of the Executive Director ASC, as the Approved Provider's delegate.

4. Specific complaints management requirements

4.1 Complaints in relation to non-compliance with legislation or regulations

All complaints alleging non-compliance with relevant legislation or regulations must immediately proceed to Stage 2 of the complaints management process and should be raised with the Nominated Supervisor or Director/Coordinator.

When the complaint relates to non-compliance with the [Education and Care Services National Law \(Queensland\)](#), the Nominated Supervisor or Director/Coordinator must immediately complete the *ECS Form 5 – NL01 Template* and forward it to the Approved Provider.

To ensure compliance with s.174 (2)(b)(ii) of the [Education and Care Services National Law \(Queensland\)](#), the Approved Provider must complete and immediately submit the NL01 Notification to the Regulatory Authority¹.

Complaints can be made directly to the Regulatory Authority. However, the Regulatory Authority recommends that, wherever possible, all attempts be made to resolve the complaint directly with the ECS.

4.2 Complaints in relation to non-compliance with child protection policies and procedures

Any complaints in relation to non-compliance with the *Child Protection in Anglican Education and Care Services Policy and Procedures* must immediately proceed to Stage 3 of the complaints management process and should be raised with the Principal of the associated Anglican School or the Chair of the Management Committee.

4.3 Complaints in relation to a serious incident

All complaints alleging that a serious incident has occurred or is occurring while a child attending an ECS was or is being educated and cared for by the approved education and care service must immediately proceed to Stage 2 of the complaints management process and should be raised with the Nominated Supervisor or Director/Coordinator.

When the complaint relates to a serious incident², the Nominated Supervisor or Director/Coordinator must immediately complete the *ECS Form 5 – C01 Template* and forward it to the Approved Provider.

To ensure compliance with s.174(2)(b)(ii) of the [Education and Care Services National Law \(Queensland\)](#), the Approved Provider must complete and immediately submit the C01 Notification to the Regulatory Authority³.

Complaints can be made directly to the Regulatory Authority. However, the Regulatory Authority recommends that, wherever possible, all attempts be made to resolve the complaint directly with the ECS.

¹ s.176 of the *Education and Care Services National Regulations 2016*

² s.174 (2)(b)(i) [Education and Care Services National Law \(Queensland\)](#)

³ As per s.176 of the *Education and Care Services National Regulations 2016*

4.4 Complaints in relation to visitors to the Education and Care Service

When an individual has a complaint about a visitor to an ECS, the individual should inform the Director/Coordinator of their concerns including the name of the visitor, if known, the organisation that the visitor works for, the names of any children involved, if relevant, and any dates and times of particular incidents related to their complaint.

The Director/Coordinator will document the concerns and forward the complaint to the organisation that employees the visitor who has been named in the complaint.

The Director/Coordinator may also need to consider the nature of the complaint and determine whether this may impact any future visits to the ECS by the person named in the complaint.

5. Providing support

Appropriate support should be offered to all parties involved in a complaint management process.

Staff and volunteers may be referred to the [Employee Assistance Service](#).

Children and parents may be referred to local counselling and support services including the school Counsellor or Chaplain or supports offered by the parish.

6. Privacy and confidentiality

All disclosed or recorded as part of a complaints management process must remain confidential and information must be managed in accordance with privacy legislation and principles. Prior to the sharing of information, consent must be obtained from the relevant parties involved in the complaints management process.

7. Managing complaints records

When recording information in relation to a complaints management process, ensure all records are factual and clearly indicate the names of all parties to the complaint, the details of the concerns or complaint, the processes used to resolve the complaint, required actions and responsible officers.

Storing and accessing complaints records

The Nominated Supervisor or Director/Coordinator must ensure all information and documents in relation to the complaint are stored on the relevant staff member or volunteers personnel file.

Prior to giving any individual access to a complaint record, the Nominated Supervisor or Director/Coordinator should consult with the Principal or Chair.

APPENDIX 1 Definitions and key terms

Definitions and key terms

Approved Provider [Qld] (Schedule 1 Education and Care Services Act 2013)

An approved provider means a person who holds a Queensland provider approval and, in relation to a service approval, means the approved provider holding the service approval.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducCareServA13.pdf>

Complaint

A complaint, for the purpose of this policy and procedures, is a report of a grievance, problem, difficulty or concern made in relation to:

- an action, behaviour, omission or decision by the Nominated Supervisor or an ECS staff member or volunteer; or
- the actions or behaviour of a visitor to the ECS.

Complaints may be raised in relation to educational or operational matters, non-compliance with legislation or regulations, non-compliance with child protection policies and procedures or allegations in relation to risks to the safety, health or wellbeing of a child while being educated.

Complainant

Any person who makes a complaint.

Natural Justice

The fundamental principles of natural justice are the right to be given a fair hearing and the opportunity to present one's case, the right to have a decision made by an unbiased decision-maker and the right to have that decision based on logically probative evidence.

Nominated Supervisor (s.5 Education and Care Services National Law [Queensland])

A Nominated Supervisor means a person who is a certified supervisor and who is nominated by the Approved Provider of the service to be the Nominated Supervisor of that service and who has consented to that nomination.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EduCareServNLawQ.pdf>

Regulatory Authority

The Division of Early Childhood Education and Care in the Department of Education and Training.

Serious Incident (s.12 Education and Care Services National Law Regulations)

Includes:

- the death of a child—
 - while that child is being educated and cared for by an education and care service; or
 - following an incident occurring while that child was being educated and cared for by an education and care service;
- any incident involving serious injury or trauma to a child occurring while that child is being educated and cared for by an education and care service—
 - which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
 - for which the child attended, or ought reasonably to have attended, a hospital;
Example: A broken limb.
- any incident involving serious illness of a child occurring while that child is being educated and cared for by an education and care service for which the child attended, or ought reasonably to have attended, a hospital;
Example: Severe asthma attack, seizure or anaphylaxis reaction.
- any emergency for which emergency services attended;
- any circumstance where a child being educated and cared for by an education and care service—
 - appears to be missing or cannot be accounted for; or
 - appears to have been taken or removed from the education and care service premises in a manner that contravenes these Regulations; or
 - is mistakenly locked in or locked out of the education and care service premises or any part of the premises.

Visitor

A visitor to the ECS is any person who visits the ECS on a one off or regular basis to provide services [paid or unpaid] to the ECS. This includes contractors, consultants and presenters of one-off programs.

Volunteer

A volunteer means a person involved in 'formal volunteering'. Formal volunteering is an activity which takes place in not for profit organisations or projects and is undertaken: to be of benefit to the community and the volunteer; of the volunteer's own free will and without coercion; for no financial payment; and in designated volunteer positions only.

This procedures document was published in **March 2018**.

Should additional information, material or assistance be required please contact:

Student Protection Support, Anglican Schools Commission

Email: ascstudentprotection@anglicanchurchsq.org.au

St Martin's House, 373 Ann Street, Brisbane QLD 4000 or GPO Box 421, Brisbane QLD 4001

Diocese of Brisbane (The Corporation of the Synod of the Diocese of Brisbane)

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