

A culture of open communication, in which the Approved Provider, educators, staff and families are able to comment on the Service's practices and influence management decisions, allows the Approved Provider to become aware of potential concerns before they turn into formal grievances and complaints (NQS QA 7).

Educators and staff and families have the right to have legitimate grievances investigated and resolved.

The Regulatory Authority must receive and investigate complaints arising under National Law and National Regulations (section 260).

The Approved Provider's responsibilities in relation to serious incidents and complaints include:

The Approved Provider must display the name and telephone number of the person at the education and care service to whom complaints may be addressed (regulation 173(2)(b)); display the contact details of the Regulatory Authority (regulation 173(2)(e)); develop policies and procedures in relation to dealing with complaints (regulation 168(2)(o)) & notify the Regulatory Authority of serious incidents and any complaints which allege a breach of legislation (Section 174(2)(a) and (b), regulation 12).

### Complaints

From 1 October 2018 Services are required to notify the regulatory authority of a complaint that alleges:

- a serious incident has occurred or is occurring while a child is being educated and cared for by a service
- the National Law and/or National Regulations have been contravened (section 174(2)(b))

### Serious Incident and emergency

Changes have been made to the definitions of 'serious incident' and 'emergency' for notification purposes to regulatory authorities. The notification of a serious incident to a regulatory authority is needed where emergency services attended an education and care service in response to an emergency, rather than as a precaution or for any other reason.

An emergency is defined as an incident, situation or event where there is an imminent or severe risk to the health, safety and wellbeing of any person present at a service.

There is a summary of all notifications and timeframes on the Department of Education & Training website

[https://www.education.vic.gov.au/childhood/providers/regulation/Pages/incidents\\_complaints.aspx#link15](https://www.education.vic.gov.au/childhood/providers/regulation/Pages/incidents_complaints.aspx#link15) as at 08/06/2021.

### Notification of serious incidents and complaints to the Regulatory Authority

The Regulatory Authority must be notified of a serious incident (section 174(2)(a)) or complaint (section 174(2)(b)) in writing in the case of the death of a child, as soon as practicable but within 24 hours of the death, or the time that the person becomes aware of the death; any other serious incident, within 24 hours of the incident or the time that the

person becomes aware of the incident; a complaint within 24 hours of the complaint or incident using the NQAits portal via the ACECQA website.

### **Which notifications must be investigated?**

Notifications of serious incidents and complaints, that allege the safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service and/or the National Law and/or National Regulations may have been contravened, will be investigated by the Regulatory Authority.

### **The Regulatory Authority in Victoria**

The Department of Education and Training, Quality Assessment and Regulation Division can be contacted on 1300 307 415 or by email at [licensed.childrens.services@edumail.vic.gov.au](mailto:licensed.childrens.services@edumail.vic.gov.au).

### **Procedure**

- (i) Verbal complaints may be made to the Approved Provider or Nominated Supervisor and will be dealt with informally.
- (ii) The Approved Provider may use their discretion to determine whether an educator or staff member should be informed of a verbal complaint against them.
- (iii) Where a verbal complaint is deemed to be a concern in relation to the health and safety of children the Approved Provider has the responsibility to investigate the matter even though the complainant does not want to make a written complaint.
- (iv) If there is a trend or pattern of complaints, formal or informal, against an educator of staff member an investigation will be carried out.
- (v) Formal complaints are written complaints received by the Service about the Service.
- (vi) If the complainant is not happy with the outcome of a verbal complaint, a formal complaint may be lodged.
- (vii) Complaints that appear serious in nature that relate directly to a child's health, safety and/or wellbeing or relate to Child Protection & ChildFIRST (Orange Door) Notifications Policy; Child Safe Standards Child Safety Policy; Record Keeping, Confidentiality/Privacy/Sharing Information; Fraud Prevention/Risk Management and/or Conflict of Interest Policies may be considered Formal Complaints by the Approved Provider and the process for formal complaints should be followed.
- (viii) Formal complaints must be in writing, clearly identifying the problem and all relevant details, and signed by the person making the complaint.
- (ix) Formal complaints will be treated as confidential where possible.
- (x) Investigation of complaints will be carried out by the appropriate officer, with all results and outcomes registered on the confidential complaints file.
- (xi) Relevant parties will be informed of outcomes.

#### References:

Australian Children's Education & Care Quality Authority National Quality Standard  
Education and Care Services National Act 2010 & Regulations 2011