

# Outside School Hours Care (OSHC) Complaints Procedures & Policy

## AIM

The aim of this policy is to ensure Loch Primary School Outside of School Hours Care (OSHC) personnel understand how to receive and respond to complaints and grievances and the procedures to be followed in investigating complaints and grievances by a families and carers, children, stakeholders, or colleagues.

## POLICY

Complaints or grievances may be received from anyone who comes in contact with Loch Primary School OSHC Service including but not limited to families and carers, volunteers, students, members of the local community and other agencies. In most cases, dealing with complaints and grievances will be the responsibility of Loch Primary School OSHC. All complaints and grievances, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint.

When a complaint or grievance has been assessed as 'notifiable', the Loch Primary School OSHC will notify Department of Education and Training (DET) Quality Assessment and Regulation Division (QARD) and the school of the complaint or grievance. Notifications to QARD will be made through the National Quality Agenda IT System (NQA ITS) portal. The Loch Primary School OSHC will investigate the complaint or grievance and take any actions deemed necessary, in addition to responding to requests from and assisting with any investigation by QARD.

There may be occasions when the complainant reports the complaint or grievance directly to QARD. If this occurs, QARD is responsible to then notify Loch Primary School OSHC about a complaint they have received. After this, Loch Primary School OSHC is still responsible to investigate and deal with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by QARD.

QARD will investigate all complaints and grievances it receives about a service, where it is alleged that the health, safety, or wellbeing of any child within the service may have been compromised, or that there may have been a contravention of the Education and Care Services National Law Act 2010 (National Law) and the Education and Care Services National Regulations 2011 (National Regulations).

All staff should feel safe and confident to raise concerns, issues, complaints and provide feedback about their workplace. It is important that employee complaints are appropriately addressed, managed efficiently and effectively, and resolved at the workplace level if possible.

**Loch Primary School OSHC is committed to:**

- Providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- Ensuring all personnel, including volunteers and students, understand and adhere to all Loch Primary School OSHC policies and deliver high quality education and support
- Complying with all legislative and statutory requirements
- Dealing with disputes, complaints and complainants with fairness and equity
- Establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- Maintaining confidentiality at all times.

**Loch Primary School Council is responsible for:**

- Being familiar with the National Law and the National Regulations, service policies and constitution, and complaints and grievances policy and procedures
- Identifying, preventing, and addressing potential concerns before they become formal complaints/grievances
- Being aware of, and committed to, the principles of communicating and sharing information with service employees and volunteers
- Responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- Treating all complainants fairly and equitably
- Complying with the OSHC Privacy and Confidentiality Policy and maintaining confidentiality at all times (Regulations 181, 183)
- Investigating and resolving grievances
- Informing QARD in writing within 24 hours of receiving a notifiable complaint (refer to **Appendix 1: Definitions**) (Act 174(4), Regulation 176(2)(b))
- Taking appropriate action in response to grievances
- Addressing employees concerns and complaints.

**The Nominated Supervisor is responsible for:**

- Ensuring that the name and telephone number of the Responsible Person to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (Regulation 173(2)(b) of the National Regulations)
- Ensuring that the address and telephone number of the QARD Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- Advising families and carers of the OSHC Complaints Policy upon enrolment
- Ensuring that this policy is available for inspection at the service at all times (Regulation 171)
- Responding to and resolving issues as they arise where practicable
- Maintaining professionalism and integrity at all times

- Discussing minor complaints directly with the party involved as a first step towards resolution (the parties will be encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)
- Dealing with situations in which an issue is unable to be resolved by:
  - Notifying Loch Primary School OSHC if the complaint escalates and becomes a grievance is a notifiable complaint (refer to Definitions) or is unable to be resolved appropriately in a timely manner
  - Providing the complainant with the contact number of the appropriate Loch Primary School OSHC Nominated Supervisor if they wish to speak with someone immediately
  - Working with Loch Primary School OSHC as required and providing information requested by Loch Primary School OSHC; for example, written reports related to the complaint/grievance
- Complying with the Loch Primary School OSHC Confidentiality and Record-keeping Policy and maintaining confidentiality at all times (as required by National Regulations, r181)
- Working cooperatively with Loch Primary School OSHC and DET in any investigations related to complaints or grievances about the service, programs, or staff
- Informing complainants of this Complaints Policy
- Complying with the service's Confidentiality and Record-keeping Policy and maintaining confidentiality at all times (Regulations 181, 183 of the National Regulations)
- Raising concerns directly with Loch Primary School OSHC school council (Refer to **Appendix 2: Raising a concern or complaint as an employee**)
- Ensuring that all staff understand and follow complaint processes (Refer to **Appendix 1: Definitions**)
- Ensure that staff are supported if they make or report a complaint about any aspect of service delivery (Refer to **Appendix 3: Child Care Subsidy Complaints**).

#### **Families and Carers are responsible for:**

- Raising a complaint directly with the person involved, in an attempt to resolve the matter in accordance with this policy
- Communicating any concerns relating to the management or operation of the service as soon as is practicable
- Raising any unresolved issues or concerns directly with Loch Primary School OSHC
- Maintaining complete confidentiality at all times
- Co-operating with requests to meet with Loch Primary School OSHC and/or provide relevant information when requested in relation to complaints and grievances.
- Providing families and carers with information to make a complaint. In relation to Child Care Subsidy complaints (refer to **Appendix 3: Child Care Subsidy Complaints**)

## **ROLES AND RESPONSIBILITIES**

Role	Responsibility
Educators and Supervisors	Educators, Supervisors, Nominated Supervisor/Educational Leader will oversee the implementation and service adherence to this policy All Educators are responsible for the daily implementation of the policy when directly supervising children.
School Council / Principal	Provide official sign off on the Policy

## REFERENCES

### LEGISLATION, STANDARDS AND PROVISIONS

- [Education and Care Services National Law Act 2010](#)
- [Education and Care Services National Regulations 2011](#)
- [A New Tax System \(Family Assistance\) \(Administration\) Act 1999](#)
- [A New Tax System \(Family Assistance\) Act 1999](#)
- [Family Law Act 1975](#)
- [Child Care Subsidy Secretary's Rules 2017 \(legislation.gov.au\)](#)
- [National Quality Standard, Quality Area 7 – Governance and Leadership](#)
- [Equal Opportunity Act 2010 \(Vic\)](#)
- [Public Interest Disclosures Act 2012 \(Vic\)](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Information Privacy Act 2000 \(Vic\)](#)
- [Privacy Act 1988 \(Cth\)](#)
- [Privacy Regulations \(Cth\)](#)
- [Public Interest Disclosures Act 2012 \(Vic\)](#)

### SUPPORTING DOCUMENTS

- [Department Education and Training \(DET\) - School Operations](#)  
[Department Education and Training: School Council](#)  
[Department of Education and Training: School Council – Conduct and Conflict of Interest](#)
- [Department Education and Training \(DET\) - Human Resources](#)  
[Department Education and Training - Complaints Information for Employees](#)  
[Department Education and Training: Conflict of Interest](#)  
[Department Education and Training: Report Fraud or Corruption](#)  
[Department Education and Training: Speak Up Service](#)
- [Australian Children's Education and Care Quality Authority \(ACECQA\)](#)  
[ACECQA National Quality Standard](#)  
[National Quality Agenda IT System](#)
- [Australian Government Department Education, Skills and Employment \(DESE\)](#)  
[Child Care Provider Handbook - Child Care Subsidy System](#)  
[Guide to Additional Child Care Subsidy \(child wellbeing\)](#)

## POLICY REVIEW AND APPROVAL

The Policy will be reviewed every 12 months. The ongoing monitoring and compliance to this policy will be overseen by Nominated Supervisor, Loch Primary School OSHC and Person with

Management or Control of the Service where practical. Feedback from QARD, received through the assessment and rating process and/or compliance visits will inform this policy review. Feedback from stakeholders, e.g., families and carers, school community etc. will also inform policy updates and review

This policy was last reviewed and updated by both School Council and OSHC staff on **27<sup>th</sup> March 2023** and is scheduled for review in **March 2024**.

## STAFF ACKNOWLEDGEMENT

I acknowledge:

- receiving the Child Safe Environment Policy;
- that I will comply with the policy; and
- that dependent on the seriousness of any breach there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your Name:		
Signed:		
Date:		
Loch OSHC sign off:		Date:

## APPENDIX 1

### DEFINITIONS

**Complaint:** (In relation to this policy) a complaint is defined as an issue of a minor nature that can be resolved promptly or within 24 hours and does not require a detailed investigation. Complaints include an expression of displeasure, such as poor service, and any verbal or written complaint directly related to the service (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health, and safety matters (unless related to the safety of the children) and issues related to the legal business entity, such as the incorporated association or co-operative.

**Dispute resolution procedure:** The method used to resolve complaints, disputes, or matters of concern through an agreed resolution process.

**General complaint:** A general complaint may address any aspect of the service e.g., a lost clothing item, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g., the service is in breach of a policy, or the service did not meet the care expectations of a family.

**Notifiable complaint:** A complaint that alleges a breach of the National Law or National Regulations has occurred, the service's policies and procedures have not been followed, or alleges that the safety, health or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the School Council to QARD within 24 hours of the complaint being made (Section 174(2)(b) of the National Law, Regulation 176(2)(b) of the National Regulations). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact QARD for confirmation. Written reports to QARD must include:

- Details of the event or incident
- The name of the person who initially made the complaint
- If appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- Contact details of a nominated member of the Grievances Subcommittee/investigator
- Any other relevant information

Written notification of complaints must be submitted using the NQA ITS portal forms, which can be found on the Australian Children's Education and Care Quality Authority (ACECQA) website: <https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>.

**Serious incident:** An incident resulting in the death of a child, or an injury, trauma, or illness for which a reasonable person would consider required urgent medical attention from registered medical practitioner or emergency services or for which the child attended or ought reasonably to have attended a hospital. E.g., whooping cough, broken limb, anaphylaxis reaction. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the service in contravention of the regulations or is mistakenly locked in/out of the service premises (Regulation 12). A serious incident should be documented in an Incidents, Injury, Trauma, and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. QARD must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

**Whistleblowers:** Victorian law also provides some legal protections to 'whistleblowers' making 'public interest disclosures under the [Public Interest Disclosures Act 2012 \(Vic\)](#). Public interest disclosures are disclosures about a range of types of 'improper conduct' which are defined by the Act.

There are specific requirements that must be fulfilled for a report or complaint to be a public interest disclosure and for an employee to receive the legal protections of making a public interest disclosure. It is important that anyone who thinks they may be a whistleblower or anyone wanting to make a public interest disclosure to have their complaint or report properly assessed to determine whether it meets the requirements of the Public Interest Disclosures Act 2012 (Vic). Refer to the Department of Education and Training [Fraud and Corruption Control Policy](#).



## APPENDIX 2

### RAISING CONCERNS AND COMPLAINTS AS A SCHOOL EMPLOYEE

Employees raising a concern or making a complaint should speak to an appropriate manager (such as the Nominated Supervisor or principal first). This is the best way to reach a quick resolution.

Principals and managers will be responsive and manage concerns and complaints fairly, respectfully, transparently and in a timely way. The Department's Guidelines for [Managing Complaints, Misconduct and Unsatisfactory Performance— Teaching Service](#) will be used by principals and managers when managing complaints, misconduct and unsatisfactory performance. In some circumstances, it may be inappropriate for employees to be raising the issue directly with their manager or principal as the allegations may relate to their conduct. In other circumstances, employees may not be satisfied with the outcome of the complaint they originally raised with their principal or manager. If this is the case employees can:

- Approach their manager's manager or their regional office
- Obtain more information about lodging a formal grievance about employment decisions or actions, including appointments or leave, to the [Merit Protection Board](#)
- Seek advice on raising concerns about unprofessional conduct from the Employee Conduct Branch
- Report suspected fraud, corruption and serious conflicts of interest (for example, on contracts) to the Department's [Speak Up](#) service by phone [1800 633 462](tel:1800633462) or email [educationspeakup@pkf.com.au](mailto:educationspeakup@pkf.com.au)

Complaints may also be made in relation to conduct to Department Education and Training employees, or school council members. In either case, the following procedures set out by Department Education and Training must be followed. If a complaint is made by or concerns a school employee, refer to [Department of Education and Training: Complaints Information - Employees](#). If the complaint relates to or is made by a school council member, refer to



## APPENDIX 3

### CHILD CARE SUBSIDY RELATED COMPLAINTS

If the complaint relates to Child Care Subsidy payment, contact 1300 667 276 or email [ccshelpdesk@dese.gov.au](mailto:ccshelpdesk@dese.gov.au).

The Child Care Tip-off Line should be used by families and carers, providers or their employees to raise concerns about practices relating to the management of subsidies on 1800 664 231 or email [tipoffline@dese.gov.au](mailto:tipoffline@dese.gov.au)