

## **Braidwood Preschool Assoc Complaints and Feedback Management Policy**

### **Aim:**

To outline the policy and procedure for managing complaints and feedback which are addressed to Braidwood Preschool.

### **Introduction:**

The grievances and complaints management policy supports and guides the actions of each stakeholder that accesses the service; this not only includes children and families but also staff/carers, management and the wider community.

- Braidwood Preschool's Complaints and Feedback Management Policy values:
  - procedural fairness and natural justice;
  - a code of ethics and conduct;
  - a service culture free from discrimination and harassment;
  - transparent policies and procedures; and
  - avenues for recourse and further investigation.
- The Grievances and Complaints Management Policy ensures that all persons have access to procedures that:
  - value the opportunity to be heard;
  - promote conflict resolution;
  - ensure that conflicts and grievances are mediated fairly; and
  - are transparent and equitable.
- Braidwood Preschool has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to complaints and feedback management and procedures.
- In meeting the service's duty of care, management committee and staff agree to implement and endorse the service's Complaints and Feedback Management Policy.
- The *Occupational Health and Safety Act* states that employers have a duty of care to their employees to ensure that the working environment supports emotional and mental wellbeing.

### **Relevant Legislation:**

Children's Services Regulation, 2004. Part 7 Clauses 85 (2) (f) and 88

Children's Services Regulation, 2004 Schedule 1 Clause 4 requires the service to give written notification to the Director-General, of any non-trivial complaint about the conduct of the service, and of any action taken in response to the complaint.

Ombudsman Act Section 25(A)

### **Definition:**

#### **What is a complaint?**

A complaint is:

- an expression of dissatisfaction with the service offered or provided, with the conduct of a staff member or a committee member, or with a committee decision.
- a concern that provides feedback regarding some aspect of the service provided by Braidwood Preschool, that identifies issues requiring a response.

(A good way of determining whether an expression of dissatisfaction is a complaint or not is to ask: "What is being sought and what is needed to resolve this matter?" If some action or response is identified, then you are dealing with a complaint.)

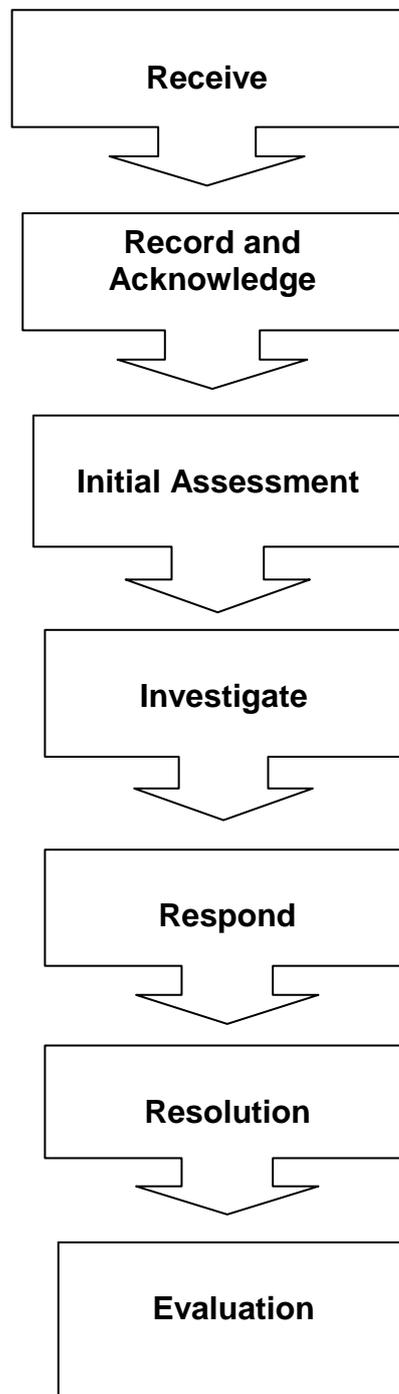
Complaints may be made in person, by telephone, letter, survey, and in some cases through the media.

## **Grievances and complaints management procedure:**

The four major stages in the process are:

1. Receive the complaint
2. Record the complaint
3. Assess the complaint
4. Investigate the complaint
5. Resolve the complaint.

### **Grievances and complaints management procedure**



## **Receiving Complaints**

Complaints may be received in person, over the telephone or in writing. Staff must accept complaints and know what action they can take to resolve them.

With complaints received verbally staff should:

- Give a calm explanation of what happened if they do know why it happened.
- Offer an apology if warranted. (eg “I’m sorry that you feel that way”, “I’m sorry that this happened”
- Encourage the complainant to discuss their concerns with the Director or member of the Management committee, or offer to pass on the information to the Director or member of the Management committee, or
- Speak to the Director or member of the Management committee on behalf of the complainant.
- Advise the complainant of the complaint management process.
- Comprehensively record the conversation and concerns, along with all necessary details (names, contact details) on Complaints and Feedback Form.
- If possible, provide a copy of the completed record to the complainant to ensure they agree that it is factually correct, and ask complainant to sign form.
- Advise them of the appropriately identified person if they wish to send any written correspondence.
- Commence actioning the complaint if possible.

## **Registering and Acknowledging Complaints**

As soon as a complaint is received:

- Acknowledge its receipt within five calendar days. Acknowledgement should be in writing.

Written acknowledgements should:

- Explain the complaints process
  - Identify contact person/details for the complainant
  - Expected timeframes and what might be requested from the complainant,
- Assess the complaint and assign it to the relevant person to co-ordinate its management.

## **Initial Assessment**

The purpose of the assessment process is to:

- classify the complaint appropriately to determine appropriate action, with reference to Children’s Services Regulation, 2004 Schedule 1 Clause 4, and to Braidwood Preschool Child Protection Policy, Allegations against employees.
- ensure the process is commensurate to the seriousness of the complaint and the issues raised
- ensure fairness to any staff concerned.

## **Identify the issues raised**

- Identify the issues for resolution, which includes the key concerns raised by the complainant, as well as any other issues that arise.
- If any or all of the issues are unclear, before progressing the matter, clarify them with the complainant.

## **Identify the parties involved**

- The relevant parties are those key people involved with the complaint plus those involved with the incident that is the subject of the complaint. They may not always be a respondent to the complaint, but may be key people in the provision of service.
- If individual clinicians are identified in a complaint then they must be advised of the concern.

## **Rate the severity of the complaint**

Rate the severity of the complaint with reference to Children's Services Regulation, 2004 Part 7 Clause 88 and Schedule 1 Clause 4.

The initial severity assessment will help determine:

- who will deal with the complaint,
- who needs to be notified both internally and externally and
- the best method to achieve resolution.

Assessment results include:

- Provide information, reassurance, or an apology for perceived unsatisfactory conduct or service.
- Conduct a face-to-face meeting using facilitated resolution or mediation.
- Conduct an investigation

If the complaint is assessed as being non-trivial, then Clause 88 of the Children's Services Regulations 2004 must be followed.

If the complaint is a child protection issue, follow the NSW Ombudsman Procedures for Responding to Allegations against Employees

## **Investigate the complaint**

### **Information collection**

All complaints require to a greater or lesser degree a fact-finding process in order to determine what has happened and what course of action is required in response.

Consideration is required to determine:

- what information to obtain
- where it is to be obtained
- how it should best be collected (interview, site inspection, phone call, email), and
- how it is communicated (report, statement)
- Consider who may be appropriate to provide specialist or expert advice/review.
- Consider whether information is needed from external agencies
- Consider whether information needs to be secured.
- Construct a chronology of events, or flow chart, particularly if the matter is complex.
- Identify who may be interviewed and the appropriate order of interviews.
- Consider if an interpreter is required.
- Consider whether an on-site investigation is appropriate.
- Determine the applicable standards/procedures/policies and whether they were adhered to.

### **Analysis and review**

As information is collected, it must be analysed and reviewed. Analysis includes identifying:

- what can be agreed upon between the parties
- what facts are in dispute
- is information provided relevant and reliable
- sufficient information has been gathered to determine whether particular policies have been followed.
- whether there are inconsistencies
- whether independent verification has been obtained

### **Respond**

Once the information has been analysed, the person managing the complaint makes findings and recommendations for action. Actions taken by the service to resolve a complaint must be based on the evidence, address any system, process or practitioner issues.

Options for appropriate action may include:

- Offering an apology

- Develop or amend policy/procedure
- Training/education of staff or parents
- Modification of the environment
- Ongoing monitoring of the issue, or
- No action recommended
- Refer to Children's Services Regulation, 2004. Part 7 Clause 88 and Schedule 1 Clause 4, and if the written notice of the complaint has been sent to the Director-General, the written notice of any action taken will also need to be sent to Director-General.

The Director or President must ensure that the outcome and recommendations are clearly communicated to the complainant, staff, and management, and integrated into policy and procedure.

### **Complaint Resolution - Final Response**

Final responses will be in the form of a letter from the Director or the President.

The final response must be factually correct and:

- Include an apology. Note: This is not necessarily about accepting blame or fault, but will sometimes be an acknowledgement of the complainant's experience and their feelings.
- Address each of the points the complainant has raised with a full explanation or give the reason(s) why it is not possible to comment on a specific matter.
- Give specific details about the investigation, i.e. sources of information, what was discovered, etc
- Give details of action taken as a result of the complaint
- Provide the name and contact details of the author of the letter.
- Offer to meet the complainant with the key staff involved. If there is a reason why a specific issue cannot be addressed this should be stated.
- Include details of further action available to the complainant.

### **Other information:**

#### **Point of contact Complaints**

Ideally, most complaints will be dealt with directly and quickly at the point where the problem arises. Escalation of complaints may be avoided where staff are able to resolve complaints at first contact.

Often, no changes to procedures are required, as many complaints involve an acknowledgement of the complainant's perspective, an explanation of events and validation of the complainant's satisfaction with the explanation.

Complaints should be referred to Director or President if they:

- remain unresolved,
- involve serious consequences,
- involve a number of different staff,
- need action that is beyond the responsibility of the staff at point of contact,
- require escalation or reporting to an external body

#### **File Maintenance**

The delegated staff or committee member managing the complaint will be responsible for maintaining the appropriate file or record, in accordance with Children's Services Regulation, 2004 Schedule 1 Clause 4.

Copies of letters/emails sent including up-date letters, acknowledgement letters, letters requesting information or clarification, letters notifying parties of a complaint, should become part of the record. File notes should record the subject matter of telephone conversations and other actions.

## Investigation Checklist

- Contact the complainant to:
  - Obtain any additional information to fully understand the complaint and clarify issues of concern;
  - identify desired outcome;
  - determine if they have any supporting documentation or witnesses;
- offer assistance if additional information is required and the complainant requires support, eg, language, sight;
- Provide information on the investigation process and anticipated time frames to complainant
- Register complaint and document significant actions during the investigation.
- Assess the complaint - is there a jurisdiction issue, should the matter be referred to another agency or higher level in organisation? Identify any handling factors.
  - Does the investigator have sufficient experience and/or qualifications? Does the investigator have any conflicts of interest? Is the investigator assigned to the complaint suitable? Is a small team of people with relevant expertise to conduct the investigation needed?
- Check previous complaints from the complainant and identified practitioner or service area.
- Are there any immediate safety issues that need to be addressed?
- Maintain confidentiality.
- Analyse the complaint, identify each issue raised, identify relevant parties and identify sources of information including policies and guidelines.
- Seek clinical/professional advice.
- Formulate an investigation plan.
- Gather information - interviews, reports, medical records, policies and guidelines other relevant documentation.
- Continuous analysis - compare information when obtained, to identify gaps, inconsistencies or ambiguities in the information. Consult clinical/professional adviser as required.
- Ensure requirements of procedural fairness are met:
  - was the respondent given sufficient details of the complaint?
  - was the respondent given an opportunity to respond to the complaint?
  - was the respondent informed of any adverse proposed actions and the grounds for these?
  - were submissions made by the respondent duly considered?
- Prepare an investigation report noting information obtained and recommendations for any corrective action.
- Advise relevant parties of outcome.

### **Sample acknowledgement letter**

[On corporate letterhead] Reference No:

To: [Name]

Address: [Line One]

[Line Two]

[Line Three]

Insert Date:

Dear [insert name],

I have received your complaint about [brief description].

Thank you for bringing your concerns to our attention. We value feedback from clients and their families as it enables us to improve and provide a better service.

Your complaint is currently being investigated. I will keep you informed of progress and hope to resolve your complaint as soon as possible.

If you have any queries or would like to discuss anything in the meantime, please feel free to contact me on [insert telephone no. and days available if part-time].

Yours sincerely,  
[name and position title]

### **Sample Letter confirming a complaint has been resolved**

[On corporate letterhead] Reference No:

To: [Name]

Address: [Line One]

[Line Two]

[Line Three]

Insert Date:

Dear [insert name],

Thank you for discussing your concerns about [insert details about the complaint] on [insert date of telephone discussion or face-to-face meeting].

I wish to confirm that we have agreed to [insert details about agreed facts, any actions taken or promised to be taken].

I understand that you do not want us to take any further action on this matter. Please let me know if there is anything else you would like to discuss with me.

Thank you for taking the time to assist us.

Yours sincerely,

[name and position title]

## **Dealing With Complaints – Easy Reference for Staff**

Complaints are a valuable source of feedback for Braidwood Preschool . All parents and their families and friends have the right to make a complaint about any aspect of the service provided by Braidwood Preschool. They should be treated with respect and their complaint attended to quickly.

### **What to do when receiving a complaint**

- Introduce yourself.
- Listen carefully to what the person is saying.
- Try to see things from their point of view.
- Clarify anything you're not sure about.
- Deal with the issue on the spot if possible.
- Write down the details on a complaint/feedback form
- Thank the person for their feedback.
- Tell them what will happen next.

### **What NOT to do when receiving a complaint**

- Be defensive or take it personally.
- Blame others.
- Make assumptions without checking your facts.
- Argue with the consumer.
- Be dismissive – it takes courage to complain.

### **Difficult situations**

- Remain polite and respectful.
- Focus on the issue at hand, rather than the personalities.
- Take time to understand what the problem is – there may be an easy solution.
- Be prepared to listen, without getting caught up in emotions – the person wants to be heard.
- Be patient.
- Provide information or an expression of regret as appropriate.
- Ask another staff member for help if necessary.

### **References**

NSW Dept of Health [Complaint Management Policy \(PD2006\\_073\)](#), [Complaint management Guidelines](#)

[http://www.health.nsw.gov.au/policies/gl/2006/pdf/GL2006\\_023.pdf](http://www.health.nsw.gov.au/policies/gl/2006/pdf/GL2006_023.pdf) (procedures)

Child Protection Policy Braidwood Preschool

Ombudsman Act

Section 25A(1) of the Ombudsman Act defines 'reportable conduct' as:

- any sexual offence or sexual misconduct committed against, with or in the presence of a child - including a child pornography offence
- any assault, ill-treatment or neglect of a child
- any behaviour that causes psychological harm to a child – even if the child consented to the behaviour.

The *Community Services (Complaints, Reviews & Monitoring) Act 1993* (CS-CRAMA) applies to all government and non-government community services provided, funded, licensed or authorised by Community Services or Ageing, Disability and Home Care. Our workshops bring services up to speed on their obligations under CS-CRAMA. This workshop has been developed specifically for the community services sector, and provides an overview of essential elements for an effective complaint handling system.

**NSW Ombudsman Child Protection in the workplace – Responding to allegations against employees**

**Braidwood Preschool Assoc Feedback and Complaints Form**

