

# Complaints - procedure

Quality Education and Care NT as the Regulatory Authority for education and care services in the Northern Territory

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Read this with the Complaints policy.

## 1. Summary

As part of its functions as the Regulatory Authority in the Northern Territory, Quality Education and Care Northern Territory (QECNT) is required to receive and investigate complaints arising under the National Law. Additionally, the Regulatory Authority may receive complaints about any aspect of the services provided by the Regulatory Authority.

This procedure has been developed to provide clear systematic processes for managing complaints received by the Regulatory Authority.

## 2. Complaints about education and care services

### 2.1. Receiving a complaint

#### 2.1.1. Initial contact

A complaint can be made by phone or in writing.

The Regulatory Authority will acknowledge a complaint within 3 working days. This can be done in person, by telephone, email or in writing. If acknowledgement is made verbally, it must be documented by the Regulatory Authority in NQA ITS.

In our initial contact, authorised officers will:

- engage with the complainant, listen with care and seek to understand the complainants concern
- clarify the complainants desired outcomes and manage outcome expectations the complainant is seeking
- provide information about the complaint process and estimated timeframes.

##### 2.1.1.1. Phone

Complaints made by phone will be directed to an authorised officer, who will take sufficient details from the complainant to ensure the complaint can be appropriately assessed and actioned. This may involve asking the complainant further questions or requesting documentation that may assist in progressing the complaint.

This phone call will serve as acknowledgement of the complaint.

The authorised officer will enter this complaint into the NQA ITS. This will generate a report number that will be used to refer to the complaint from there on.

##### 2.1.1.2. Writing or email

Complaints made in writing will be directed to an authorised officer. If there is insufficient information, the authorised officer will attempt to contact the complainant either by phone or by email to gather further details to ensure the complaint can be appropriately assessed and actioned. This may involve asking the complainant further questions or requesting documentation that may assist in progressing the complaint.

All complaints in writing will be acknowledged within 3 working days. An email or phone call requesting further information will serve as acknowledgement of the complaint.

The authorised officer will enter this complaint into the NQA ITS. This will generate a case number that will be used to refer to the complaint from there on.

### 2.1.2. Anonymous complaints

Should a complainant wish to remain anonymous, an authorised officer will discuss with the complainant any difficulties that may arise from this. For example, where a complaint appears to naturally identify a complainant by its nature or where a complainant wants to be notified of an outcome however will not provide contact details.

It is important that the authorised officer gets sufficient details from the complainant to assess and progress the complaint to a meaningful outcome.

The authorised officer will make a note on NQA ITS to show that the complainant wishes to remain anonymous. This can be done by going to the Case, selecting the Complaint Details tab and in the Complainant Information area, selecting Yes next to Remain Anonymous.

### 2.1.3. Determining priority

Complaints received by the Regulatory Authority will be risk assessed and prioritised taking into account:

- the nature and extent of the issues raised
- the level of complexity, sensitivity or risk associated with the complaint
- the individual needs and circumstances of the parties to the complaint
- whether the service is aware of the complaint
- resources available to respond to the complaint effectively and efficiently
- whether expert advice or formal investigation is likely to be required.

### 2.1.4. Immediate action and referring certain matters

Some complaints may raise concerns that require immediate action, for example:

- potential or actual immediate risk to the safety of a child, young person, or other persons
- issues or conduct that require mandatory reporting or notification to an external body
- suspected criminal conduct, such as suspected fraud.

If the Regulatory Authority receives information that suggests that the safety, health or wellbeing of a child may be compromised, it must also make referrals to other relevant agencies including but not limited to the Territory Families, the Office of the Children's Commissioner, or Northern Territory Police (NT Police).

### 2.1.5. Assigning an authorised officer

The Regulatory Authority's Director or Assistant Directors will assign the report to an appropriately trained authorised officer to manage and progress the complaint.

## 2.2. Assessment

### 2.2.1. Assess initial information

Once a report has been assigned, authorised officers must assess the complaint to determine:

- the nature of the complaint
- what further information will be required to progress the complaint to a meaningful outcome
- any immediate risk to the health or safety of children and how these will be managed
- actions already taken to resolve the complaint
- the authorising environment, for example, the legislation, standards, policies, guidelines, procedures, or other directives relevant to the issues of the complaint
- any potential for media or public interest
- if the complaint falls within scope of the Complaint policy or needs to be redirected elsewhere
- whether any effort has been made to address the complaint with the education and care service
- whether there are factors that should raise the priority of the complaint
- the outcome sought and if this outcome is reasonable. If necessary, an alternative solution will be discussed.

### 2.2.2. Gather further information

The QECNT Triage form is a template tool that may assist authorised officers in analysing issues, assessing risk, sourcing information, and coordinating tasks and activities.

A triage form must be used for all complaints that are not resolved at the first point of contact.

The authorised officer will gather enough information to ensure the complaint is assessed in its entirety and can be progressed to a meaningful outcome.

Further information may be requested from the complainant such as:

- further details about the complaint to provide a clearer understanding of the issue
- documentation such as doctors reports, emails and copies of text messages
- photographs held by the complainant
- formal statements from the complainant.

The education and care service or approved provider may also be requested to provide information. This may be done informally either verbally or in writing, or an authorised officer may use powers granted under the National Law to obtain this information. The timeframe for providing this information will be specified in the request.

Information requested may include, but is not limited to:

- copies of documents such as policies and procedures, forms, records
- evidence to show certain action has been taken by the service
- copies of previous correspondence with the parent
- information or accounts from educators or service staff.

### 2.2.3. Final assessment and recommendation

After gathering all the required information to appropriately assess the complaint, the authorised officer will:

- review all the information gathered and weigh it against the complaint allegations to determine if there has been a breach of the National Law or National Regulations
- review any steps taken by the service to resolve the complaint including mitigating actions taken or the outcomes of any investigations by the approved provider
- ensure the complainant is updated on the progress of the matter and provide an opportunity to comment if required
- provide recommendations on actions to be taken that ensures:
  - the complaint has been appropriately managed
  - any breaches of the National Law and National Regulations have either already been corrected or that further corrective action will be taken.

### 2.3. Approval

After assessment, the QECNT Triage form will be forwarded to the appropriate delegate for approval. In reviewing the final assessment, the delegate will consider:

- if the assessment has considered all issues raised in the complaint and any other issues that have surfaced during the assessment
- that the authorised officer has made recommendations to close out the complaint appropriately including letters to the complainant and any other relevant party
- if the recommendations appropriately manage the complaint
- if the recommendations appropriately manage any breaches of the National Law and National Regulations
- resources required to implement the recommendations
- that recommendations made can be enacted within the powers provided under the National Law and National Regulations.

### 2.4. Actioning recommendations

After the delegate has signed the QECNT Triage form any actions required to be undertaken to finalise the complaint will be directed back to the authorised officer to complete those actions. This may include:

- issuing compliance notices, emergency action notices, compliance directions or enforceable undertakings
- conducting compliance visits
- commencing investigations
- writing final outcome letters to all parties involved.

### 2.5. Complaint outcome

All parties to a complaint will be provided communication in writing about the outcome of the complaint.

Authorised officers will communicate directly with the complainant and verbally foreshadow outcomes ahead of providing the outcome in writing.

There are a number of outcome templates for authorised officers to tailor to the appropriate audience, but at a minimum, outcome letters will include:

- the outcome of the complaint
- any action that is going to be taken, by whom and when
- the reason or reasons for the decision
- any internal or external options for review.

The outcome of a complaint may not always be to the satisfaction of all parties. If this is the case, you will have the opportunity to have the decision reviewed. See section 4. Reviews, for further information.

## 2.6. Close the complaint

Authorised officers will:

- send all approved communication in writing to the parties of the complaint
- ensure all record keeping has been completed
- finalise the complaint in NQA ITS
- document any steps taken to follow up on the complaint outcome.

## 3. Complaints about Quality Education and Care NT

A complaint can be made by phone or by writing directly to the Regulatory Authority's Director. Please contact the Regulatory Authority for the Director's current contact information.

The Director will advise the Executive Director, Quality Standards and Regulation (ED-QSR) of the complaint as that position is responsible for the overall management of the complaint.

The Director and ED-QSR will determine the course of action to be taken and will delegate an appropriate person or area, external to the Regulatory Authority, to manage the complaint.

If a complaint about the Regulatory Authority is received from the Office of the Ombudsman NT or Office of the Independent Commissioner Against Corruption, this will be sent directly to the Chief Executive of the Department of Education and Training, who is also the Regulatory Authority. The Chief Executive will delegate the complaint to an appropriate delegate to manage the complaint.

Complainants will be advised who is responsible for managing their complaint. Complaint managers will manage the complaints, liaise with complainants and make enquiries in relation to the complaint. This may include documentation held by the Regulatory Authority. Complaint managers will make recommendations and forward these to the appropriate delegate for approval.

The complainant must be informed of the outcome of the complaint in writing. Complaint managers are encouraged to communicate directly with the parties and verbally foreshadow outcomes ahead of providing the outcome in writing.

When communicating the outcome, complaint managers should:

- summarise the issues of complaint
- explain the steps taken to action the complaint
- state the outcome of the process
- provide reasons for the outcome decision
- detail the information taken into consideration in reaching the decision
- if appropriate to do so, include supporting documentation relied upon to make the decision, such as relevant legislation, policy, or other material
- if appropriate to do so, provide details of any recommendations for further action
- provide information about the complainant's right of review.

## 4. Reviews

### 4.1. Internal reviews conducted within the department

If a complainant is not satisfied with how their complaint has been dealt with by the Regulatory Authority they can request for it to be reviewed internally.

Requests for reviews should be made within 10 days of receiving the outcome of complaint unless there are circumstances that may have reasonably prevented the complainant from requesting the review within 10 days such as illness, needing advice from another person about seeking a review, an advocate or adviser being unavailable within the 10 day timeframe.

Requests should be in writing and give the reasons for the request for review and which part of their complaint is the subject of their review request.

Requests for reviews should be made directly to the Director. Please contact the Regulatory Authority for the Director's current contact information.

The Director will advise the ED-QSR of the review.

The Director and ED-QSR will determine the course of action to be taken and will delegate an appropriate person to manage the review.

The review should be completed as soon as practically possible.

If the complainant is still unsatisfied following the internal review, a request for review can be made to an external body such as the Office of the Ombudsman NT.

### 4.2. External reviews conducted external to the department

If, upon receipt of the outcome letter, a complainant believes that the Regulatory Authority has not adequately or appropriately investigated the complaint to the best of its ability, including by the internal review process explained above, a review can be requested by lodging a complaint with the Office of the Ombudsman NT.

## 5. Related legislation, policy, and resources



## 5.1. Legislation

- *Education and Care Services (National Uniform Legislation) Act 2011* is the legislation that adopts the National Law. The Schedule to the *Education and Care Services National Law Act 2010 (Vic)* sets out the National Law - <https://legislation.nt.gov.au/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
- *Education and Care Services National Law Act 2010 (VIC)*- <https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/020>
- *Education and Care Services National Regulations (NSW)* - <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653>
- *Information Act 2002* - <https://legislation.nt.gov.au/en/Legislation/information-act-2002>
- *Ombudsman Act 2009* - <https://legislation.nt.gov.au/en/Legislation/ombudsman-act-2009>
- *Independent Commissioner Against Corruption Act 2017* - <https://legislation.nt.gov.au/Legislation/independent-commissioner-against-corruption-act-2017>
- *Privacy Act 1988 (Cth)* - Australian Privacy Principles – <https://www.oaic.gov.au/privacy/australian-privacy-principles>

## 5.2. Resources

- ACECQA Complaints Guidelines - <https://www.acecqa.gov.au/sites/default/files/2021-06/DealingWithComplaintsGuidelines.pdf>
- National Quality Standard - <https://www.acecqa.gov.au/nqf/national-quality-standard>
- Guide to the National Quality Framework - <https://www.acecqa.gov.au/nqf/about/guide>

Acronym	Definition
ACECQA	Australian Children's Education and Care Quality Authority
ED-QSR	Executive Director, Quality Standards and Regulations
QECNT	Quality Education and Care, Northern Territory
NQF	National Quality Framework
NQS	National Quality Standards
NQA ITS	National Quality Agenda IT System
NT	Northern Territory

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