

## 7 – COMPLAINTS & GRIEVANCE POLICY

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### Position Statement

We recognise that the partnership between families, community and centre team members is most important. We also recognise our role in caring for a family's most precious treasures – their child/ren. It is therefore imperative that sound relationships are developed and that any parent or community concerns are addressed to achieve a positive resolution.

### Objective

To enhance communication and co-operation between parties with mutually satisfactory solutions the desired outcomes.

### Related Policies and Procedures

- Child Safe Standards Policy
- Child Protection and Wellbeing Policy

### Procedure

These guidelines explain the procedure for reporting and managing grievances, the roles and responsibilities of educators, staff and managers and the potential consequences of breaching our policies, procedures and Code of Conduct.

Should parents have any concerns in regards to their child's care it is essential that these concerns be raised so that the centre can address any issues and achieve a satisfactory resolution.

In the first instance concerns should be directed to the Room Leader in charge of the child's group. If it is not possible for the parent to address their concerns with the Room Leader, or they do not feel satisfied with the outcome, the parent should make their concerns known to the centre Director (Nominated Supervisor or Certificated Supervisor) who will take steps to remedy the situation. To provide a written complaint or grievance please complete the form "Parent Concern & Suggestion Form" (OPR016).

If the parent feels that their concern has not been adequately addressed, they may choose to contact either Management, the state licensing body or the Australian Children's Education and Care Quality Authority (ACECQA) whose contact numbers are displayed in the centre foyer for parent's convenience. The form to complete to report a formal complaint against the service is called "Notification of Complaints and Incidents (Other than Serious Incident)" – Form reference NL01. This form can be found on the ACECQA website.

The organisation has a strong commitment to child safety, wellbeing and protection, through implementing and adherence to the Child Safe Standards and the Information Sharing Scheme. This commitment extends to all children in our service and community with an aim for children to feel safe, secure and supported. The welfare of the children in our care will always be our first priority and we have a zero-tolerance approach to child abuse and harm. We acknowledge the importance of our organisation and community to be committed to cultural safety of aboriginal children, the cultural safety for culturally and/or linguistically diverse children and safety of children with a disability.

### Child Focused Complaints Process

With reference to Child Safe Standard, Educators and staff will need to be attuned to complaints from children and will support them, and where appropriate their parents/guardians, to access and navigate our grievance/complaint process where this is reasonable. This includes for all complaints where a child

alleges directly or indirectly their safety and wellbeing has been or could be harmed, including through the inappropriate behaviour of an adult or another child at the service.

Having a Child Focused Complaint Process includes:

- Empowering children to raise low-level concerns with an aim to improve the likelihood that they will feel comfortable making a disclosure or reporting abuse. is publicly available and accessible
- Being culturally safe
- Ensuring complaints are taken seriously and responded to promptly and thoroughly.

Having an easily understandable policies and procedures such as our Child Protection & Wellbeing Policy and Child Safe Standards Policy supports the child focused complaints process. Please refer to this policy and procedures for guidelines.

**Educators, staff, volunteers, families and visitors will:**

- raise the grievance/complaint directly with the person concerned. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should remain private, confidential, respectful and open-minded, will not involve other educators, staff, volunteers or visitors (eg parents) and will take place away from children
- raise the grievance/complaint with the Approved Provider or Nominated Supervisor (or another manager/supervisor if the Approved Provider or Nominated Supervisor is involved) if they are unable to resolve the concern, or feel unable to raise the matter directly with the person concerned. The Approved Provider or Nominated Supervisor (or supervisor) may request the issue be put in writing. Employees should provide all relevant information, including what the problem is, any other person involved in the problem and any suggested solution. Educators are encouraged to communicate openly about the issue.
- raise any grievance involving suspected or actual unlawful activity (including bullying) with the Approved Provider or Nominated Supervisor immediately and privately
- be confident that their concerns will be thoroughly investigated, but aware that the outcome may not result in the action requested.

**Educators, staff, volunteers, families and visitors will not:**

- get involved in complaints/ grievances that don't concern them. This is not ethical or helpful in managing the complaint.
- raise complaints with an external complaints body, such as a court or Tribunal, without using our grievance procedures and appeal process first.

The Approved Provider or Nominated Supervisor will:

- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- properly, fairly, confidentially and impartially investigate the issue including:
  - thoroughly investigating the circumstances and facts and inviting all affected parties (individually) to provide information or respond where appropriate . To encourage teamwork and respect, the issue may be discussed at an educator meeting if the privacy of the people involved can be protected.
  - inviting the complainant to have a support person present during an interview (eg health and safety representative, but not a lawyer acting in a professional capacity)
- provide all affected parties with a clear statement of the outcome of the investigation within seven working days of receiving the verbal or written complaint.
  - If the resolution of the complaint involves a written agreement, all parties must agree with the wording etc.
  - If the Approved Provider or Nominated Supervisor decides not to proceed with the investigation after initial enquiries, he or she will give the complainant the reason/s in writing.

- keep appropriate records of the investigation and outcome, and store those records in accordance with our Privacy and Confidentiality Policy and Record Keeping and Retention Policy. Unsubstantiated complaints against educators/staff may be retained on file if the person has been given the opportunity to record a comment on the documentation
- monitor ongoing behaviour and provide support as required
- ensure the parties are protected from victimisation
- offer external review by a Tribunal or alternate organisation where employees, visitors and volunteers are unhappy with the outcome of the grievance procedure. Workplace bullying matters may be referred to the Fair Work Commission which can direct employers to take specific actions against workplace bullies or the Work Health and Safety (WHS) Regulator which may investigate whether WHS duties have been contravened
- request feedback on the grievance process using a questionnaire
- track complaints to identify recurring issues within the Service
- notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Refer Incident, Injury, Trauma and Illness Policy.

**Outcomes may include:**

- an apology and a commitment that certain behaviour will not be repeated (monitoring this over time)
- education and training in relevant laws, policies or procedures (eg bullying awareness, leadership skills)
- assistance in locating relevant counselling services
- disciplinary procedures including a verbal or written warning, termination of employment or transfer to a different position at the Service
- ensuring any inequality or inequity is remedied
- providing closer supervision
- modifying Service policies and procedures
- developing new policies and procedures.

Outcomes will take into consideration relevant industrial relations principles and guidelines and make provision for procedural fairness. The Approved Provider or Nominated Supervisor will consider:

- the number of complaints (or breaches)
- the opportunities given to adhere to a policy or procedure and/or change behaviour.
- the opportunities given to respond to the allegations.
- the seriousness of the complaint (or breach), and whether it impacted the safety and welfare of other employees, volunteers or visitors.
- whether a policy, procedure or complaint is reasonable.

**Complaints that must be notified to Regulatory Authority**

The Approved Provider or Nominated Supervisor will notify the regulatory authority using form [NL01 Notification of Complaints, Incidents and Additional Children in an Emergency](#):

- within 24 hours of any complaints alleging that the safety, health or wellbeing of a child is being compromised at the service
- within 24 hours of any complaints that the National Law has been breached

We welcome parent and community feedback and parents are regularly encouraged to comment upon the standard of care provided at our centre both formally (through parent surveys) and informally (with regular verbal communication).

Please note that this service has a zero tolerance for adult behaviour that is verbally or physically threatening. Team members faced with such a situation are to direct parents to the Adult Behaviour policy and contact the police for assistance if required.

**Evaluation and Review**

This policy will be reviewed at least annually.

Family and team member feedback will be considered in the review process. Changes in legislation, regulations and standards will be considered.

Any changes to this policy will be communicated to families and team members verbally and in writing (Notice Boards and Newsletters). Policies will also be discussed at staff meetings and changes to policies recorded on the Record of Changes to Centre Policies.

**Policy Reviewed: 21/6/2023**

**Next Policy Review: 15/6/2024**

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**Reference:**

**NQS**

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| QA4 | 4.2   | <i>Management, educators and staff are collaborative, respectful and ethical.</i>  |
|     | 4.2.2 | <i>Professional standards guide practice, interactions and relationships.</i>  |
|     | 4.2.1 | <i>Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.</i> |
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| QA7 | 7.2.3 | <i>Educators, co-ordinators and staff members' performance is regularly evaluated and individual plans are in place to support learning and development.</i> |
|     | 7.1.2 | <i>Systems are in place to manage risk and enable the effective management and operation of a quality service.</i>   |
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*Education and Care Services National Law Act 2010  
Education and Care Services National Regulations  
Child Safe Standards – 1 July 2022  
Child Wellbeing and Safety Act 2005 (Vic)  
United Nations Convention on the Rights of the Child*