

## GRIEVANCE POLICY (Families)

Feedback from families, educators, staff and the wider community is fundamental in creating an evolving Childcare Service working towards the highest standard of care and education.

It is foreseeable that feedback will include divergent views, which may result in complaints. This Policy details our Service's procedures for receiving and managing informal and formal complaints. Parents can lodge a grievance with management in the understanding that it will be managed conscientiously and confidentially.

### NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.
6.2	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service
7.2.1	Continuous Improvement	There is an effective self-assessment and quality improvement process in place.

### EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

168	Education and care service must have policies and procedure
173	Prescribed information to be displayed
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

**RELATED POLICIES**

Child Protection Policy	Privacy and Confidentiality Policy
Code of Conduct Policy	Record Keeping and Retention Policy
Family Communication Policy	Respect for Children Policy
Grievance Policy (General)	Responsible Person Policy
Grievance Policy (Staff)	Student and Volunteer Workers Policy
Interactions with Children, Family and Staff Policy	

**PURPOSE**

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We will ensure that all persons making a complaint are guided by the following policy values:

- Procedural fairness and natural justice
- Code of ethics and conduct
- Culture free from discrimination and harassment
- Transparent policies and procedures
- Opportunities for further investigation
- Adhering to our Service philosophy

Our OSHC Service believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision maker
- The right to have the decision based on relevant evidence.

**SCOPE**

This policy applies to children, families, staff, management, and visitors of the OSHC Service.

**IMPLEMENTATION**

Grievances can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. The Grievance Policy ensures that all persons are presented with procedures that:

- Value the opportunity to be heard
- Promote conflict resolution
- Encourage the development of harmonious partnerships

- Ensure that conflicts and grievances are mediated fairly
- Are transparent and equitable.

## DEFINITIONS

**Complaint:** An issue of a negligible nature that can be resolved within 24 hours and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, 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 associated with the safety of children).

**Grievances Management Forms/File:** Records information about complaints and grievances received at the Service, along with the outcomes. These documents must be securely stored, accessible only to educators and Regulatory Authority. They can provide valuable information to the Approved Provider and Nominated Supervisor of the Service to ensure children and family's needs are being met.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If the service is in breach of a regulation causing injury or possible harm to a child.

**Mediator:** A person who attempts to assist and support people involved in a conflict come to an agreement.

**Mediation:** An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standard or alleges that the health, safety or wellbeing of a child at the Service may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Department of Early Childhood Education and Care within 24 hours of the complaint being made – (Section 174[2] [b], Regulation 176[2][b]).

If the Director is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation. Written reports 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 (or Nominated Supervisor)
- Any other relevant information

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using NQA ITS (National Quality Agenda IT System).

**Serious Incident:** An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. 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 Incident, Injury, Trauma and Illness Record as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the Service (Regulation 176(2)(a)). These records are required to be retained for the periods specified in Regulation 183.

## PRIVACY AND CONFIDENTIALITY

- Management and Educators will adhere to our *Privacy and Confidentiality Policy* when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a government agency may need to be informed. (see: Reportable Conduct Scheme in our Child Protection Policy).

## CONFLICT OF INTEREST

It is important for the complainant to feel confident in:

- being heard fairly
- an unbiased decision-making process

Should a conflict of interest arise during a grievance or complaint that involves the Approved Provider or Nominated Supervisor, other Management will be nominated as an alternative mediator.

Our Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Services Code of Conduct is be adhered to.

### Management/Nominated Supervisor will:

- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service
- ensure information about our *Grievance Policy* is easily accessible to all families
- treat all grievances seriously and as a priority
- ensure grievances remain confidential
- ensure grievances reflect procedural fairness and natural justice
- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- investigate and document the grievance fairly and impartially. The investigation will consist of:
  - Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
  - Discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer or visitor an opportunity to respond.
  - Permitting the accused person to have a support person present during the consultation (for example: Union Representative or family member; however, this does not include a lawyer acting in a professional capacity).
  - Providing the employee with a clear written statement outlining the outcome of the investigation.
- Advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.

- Management will provide a written response outlining the outcome and provide a copy to all parties involved.
- If a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflect the resolution.
- should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
- keep appropriate records of the investigation and outcome and store these records in accordance with our Privacy and Confidentiality Policy and Record Keeping and Retention Policy.
- monitor ongoing behaviour and provide support as required.
- ensure the parties are protected from victimisation and bullying.
- request feedback on the grievance process using a feedback form.
- 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.

#### **Educators will:**

- listen to the family's view of what has happened
- clarify and confirm the grievance, documenting all the facts prior to the investigation
- encourage and support the family to seek a balanced understanding of the issue
- discuss possible resolutions available to the family. These would include external support options.
- encourage and assist the family to determine a preferred way of solving the issue
- record the meeting, confirming the details with the family at the end of the meeting
- maintain confidentiality at all times
- refer families (as necessary) to Service policies that may assist in resolving the grievance.

#### ***If the grievance cannot be resolved, it is to be referred to the Nominated Supervisor who will investigate further:***

- if appropriate, collect relevant written evidence. This evidence will be treated in strict confidence and will be held in a secure place
- involve the Approved Provider or Licensee in the conflict resolution as required
- should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts
- third parties providing evidence must also be made aware that the matter is to be kept confidential.

Should the grievance be lodged against another person(s), these person(s) will be interviewed separately and impartially. Individuals must be given the opportunity to respond fully to the allegations and may have another person present, as a support person, if they wish. If after investigation, it is concluded that the grievance is substantiated:

- both parties will be told of the decision and the reason for it.
- immediate and appropriate steps will be taken to prevent the grievance from recurring.
- if after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reason.
- the family will be informed that if they are not satisfied with any decision relating to the grievance procedure that they should consult with an external body for further advice such as the Regulatory Authority.
- If the grievance is of a serious nature, the Nominated Supervisor is responsible to inform the Regulatory Authority. ACECQA

#### Families will:

- be informed of our duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of grievances. The grievance procedure for families ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our Service
- attempt to discuss their grievances with the relevant Educator associated with a particular child and/or family as the first step to resolving the issue
- communicate (preferably in writing) any concerns they may have.
- raise any unresolved concerns with the Approved Provider or Nominated Supervisor
- maintain confidentiality at all times

#### Evaluation:

To ensure complaints and grievances are handled appropriately, the Nominated Supervisor will:

- evaluate each individual complaint and grievance as recorded in the *Complaints and Grievance Register* to assess that a satisfactory resolution that has been achieved.
- review complaints and grievances as recorded in the *Complaints and Grievance Register* to ensure a pattern of similar grievances is not occurring
- review the effectiveness of the Service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally
- consider feedback from Staff, Educators and Families regarding the policy and procedure

## SOURCE

Australian Children's Education & Care Quality Authority. (2014).

Australian Human Rights Commission: <https://www.humanrights.gov.au>

Commonwealth Ombudsman. (2009). Better practice guide to complaint handling: [https://www.ombudsman.gov.au/data/assets/pdf\\_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf](https://www.ombudsman.gov.au/data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf)

Education and Care Services National Regulation. (2011).

Fair Work Australia: <https://www.fairwork.gov.au/>

National Quality Standard. (2017).

## REVIEW

POLICY REVIEWED	AUGUST 2020	NEXT REVIEW DATE	AUGUST 2021
MODIFICATIONS	<ul style="list-style-type: none"> <li>• minor editing</li> <li>• additional related policies</li> <li>• reference to Reportable Conduct Scheme added</li> <li>• link to Regulatory Authority added</li> </ul>		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
AUGUST 2019	New policy created for Out of School Hours Care	AUGUST 2020	