



Dealing with Complaints Policy

Policy first issued	2 nd August 2016
Current review date	12 th July 2023
Personnel responsible	Childcare Operations

NQS 7 Governance and Leadership

NQS

QA 6		Engagement with the service - Families are supported from enrolment to be involved in the service and contribute to service decisions.
QA 7	7.1.2	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.

National Law

Section	172	Offence to fail to display prescribed information
	174	Offence to fail to notify certain information to Regulatory Authority

Regulations

Regs	12	Meaning of serious incident
	168	Education and care service must have policies and procedures
	173	Prescribed information to be displayed
	175	Prescribed information to be notified to Regulatory Authority
	176	Time to notify certain information to Regulatory Authority

Aim

To ensure that all grievances (complaints) are investigated in a timely, transparent, thorough and impartial manner, and that affected parties are advised of the outcome and their rights of appeal.

Related Policies

Educator and Management Policy
 Incident, Injury, Trauma and Illness Policy
 Privacy and Confidentiality Policy

Managing Breaches and Complaints / Grievances

All breaches of our Code of Conduct (including corruption, maladministration and waste of resources) and complaints or grievances from educators, staff members, children, families, visitors and volunteers associated with the workplace will be managed in line with our Grievance Guidelines.

This includes incidents of bullying, discrimination and harassment at the Centre. Our Centre takes any incidence of (alleged) bullying, discrimination or harassment very seriously because it can cause significant health and wellbeing issues for employees.

Educators and staff will also 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 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 Centre, if not already implementing the procedures in the Child Protection Policy.

Grievances can occur in all workplaces and handling them properly is important for maintaining a safe, healthy, harmonious and productive work environment. Documented grievance procedures are important because:

- Staff and visitors need to know a process exists for receiving and managing grievances and complaints fairly, impartially, promptly and thoroughly.
- They help to ensure small issues or problems do not escalate.
- Supervisors and managers need to be aware of issues causing conflict.
- Documentation provides evidence and a record of the grievance and the outcome.
- Complaints facilitate continuous improvement of Centre operations.

The Nominated Supervisor will ensure all complaints are investigated in line with this Policy and Procedure, and that the name of the Nominated Supervisor is clearly displayed near the front entrance.

Grievance Guidelines

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.

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 (e.g. parents) and will take place away from children.
- Raise the grievance / complaint with the Nominated Supervisor (or another manager / supervisor if the 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 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.

Union members may seek assistance or support from their trade union at any time.

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 of Tribunal, without our grievance procedures and appeal process first.

The 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 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 to support culturally safe practices or a health and safety representative - but not a lawyer acting in a professional capacity)

- Provide all affected parties with a clear written statement (letter, email or SMS) 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 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.
- Enter the complaint in the *Complaints and Grievance Log* and create a file in the K Drive with the documents collated from the investigation, letters and emails of communication with the complainant and the outcome.
- 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 Centre.
- Notify the regulatory authority within 24 hours of a complaint.

Privacy and Confidentiality

Where possible and safe to do so, the identity of the complainant will be kept confidential as will the identity of any employee or volunteer who is subject to a complaint. Where it is not possible to properly investigate a complaint without identifying the complainant, the Complaints Officer will advise the complainant of this and will not proceed if the complainant does not wish to be identified *unless not investigating the complaint may pose a serious risk to the safety or wellbeing of children or adults at the Centre, or a resolution to the complaint is necessary to ensure an effective and harmonious working environment.*

Likewise, the identity of any employee or volunteer who is the subject of a complaint will not be revealed *unless this is absolutely necessary to properly investigate the complaint, or to ensure a safe, harmonious environment for adults and children at the Centre.* Where complaints are made against employees or volunteers, the Nominated Supervisor will provide support which is appropriate in the circumstances.

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 (e.g. 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 Centre.
- Ensuring any inequality or inequity is remedied.
- Providing closer supervision.
- Modifying Centre 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 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 children, other employees, volunteers or visitors.
- Whether a policy, procedure or complaint is reasonable.

Grievance Procedure

Staff Complaints Procedure

- Discuss issue with the person directly.
- Staff member to discuss with the team leader of your room – team leader must then report issue to the Centre Director.
- Discuss issue directly with Centre Director for assistance.

Please note in addition to above:

- At no time is it acceptable to discuss other staff members in a negative way to any member of the staff team.
- If a fellow staff member discusses a team member in a negative way to you, you are required to report it to the Centre Director immediately.

* You must also tell the person being negative:

- That you do not want to listen to them being negative about a team member.
- That they need to solve their issue with that person directly or approach the Centre Director for assistance.
- That you will be informing the Centre Director that they have breached our '*Staff Concerns Procedure*'.

Consequences for breaching the procedure

- Staff members who engage in discussing other staff members in a negative way will be given a written warning.
- Staff members who have listened to another member of staff being negative and fail to report it to the Centre Director will also be given a written warning.

Negative communication about members of staff is destructive to our team.

Serious matters can be discussed with

Iain Cowan,

CEO, The Eltham College Foundation Ltd

PO Box 40 Eltham 3095

Phone: (03) 9437 1421

Staff complaints response

Staff member is to:

- Report the concern to the Centre Director immediately, along with a written report of the complaint.

Centre Director should:

- Respond to the staff member with the concern immediately. Speak personally or arrange a time to meet.
- Seek options to resolve the issue with both parties involved in the issue.
- Draft a formal letter about the incident. One copy is to go to the staff member and the other to be kept in the staff members file.
- Assure that the employees involved are comfortable with the outcome.
- Inform the CEO of the complaint.
- If the issue is unable to be resolved the CEO will assist in this process.
- Inform the CEO of the outcome.

- Keep all concerns and complaints confidential.

If the complaint is lodged with DET, a written report with relevant documentation is required to be provided. Contact our Children's Service advisor and the CEO immediately.

Complaints that must be notified to Regulatory Authority

The Nominated Supervisor will notify the regulatory authority using form **NL01 Notifications 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 Centre.
- Within 24 hours of any complaints that the National Law has been breached.

Sources

Education and Care Services National Regulations 2011

National Quality Standard

Early Years Learning Framework

Dealing with Employee Work-related Concerns and Grievances Policy and Guidelines: NSW DPC

Review

The policy will be reviewed annually. The review will be conducted by:

- Management
- Employees
- Families
- Interested Parties

Last reviewed: 12.07.2023

Date for next review: July 2024