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## GRIEVANCES AND COMPLAINTS MANAGEMENT POLICY

### QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

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#### National Quality Standard (NQS)

Quality Area 4: Staffing Arrangements		
4.1.1	<b>Organisation of educators</b>	The organisation of educators across the service supports children's learning and development.
4.1.2	<b>Continuity of Staff</b>	Every effort is made for children to experience continuity of educators at the service
4.2	<b>Professionalism</b>	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	<b>Professional collaboration</b>	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	<b>Professional standards</b>	Professional standards guide practice, interactions and relationships.

Quality Area 6: Collaborative Partnerships		
6.1	<b>Supportive relationships with families</b>	Respectful relationships with families are developed and maintained and families are supported in their parenting role
6.1.2	<b>Parent views are respected</b>	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	<b>Collaborative partnerships</b>	Collaborative partnerships enhance children's inclusion, learning and wellbeing.

<b>Quality Area 7: Governance and Leadership</b>		
<b>7.1.2</b>	<b>Management Systems</b>	Systems are in place to manage risk and enable the effective management and operation of a quality service
<b>7.2.1</b>	<b>Continuous Improvement</b>	There is an effective self-assessment and quality improvement process in place.

**Education and Care Services National Regulations**

<b>Children (Education and Care Services) National Law</b>	
<b>168</b>	Education and care service must have policies and procedure
<b>173</b>	Prescribed information to be displayed
<b>176</b>	Time to notify certain information to Regulatory Authority

## Introduction

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

It is foreseeable that feedback will include divergent views, which may result in complaints. This policy details our Centre's procedures for receiving and managing grievances and complaints. Parents, educators, visitors, students and the community can lodge a grievance or complaint, with the understanding that it will be managed conscientiously and confidentiality.

Woden Early Childhood Centre (WECC) has a duty of care to ensure all persons are provided with a high level of equity and fairness in relations to grievances and complaints management procedures. WECC is committed to effectively dealing with grievances and disputes in the workplace.

The *Grievance and Complaints Management* policy supports and guides the actions of each stakeholder that accesses WECC. This not only includes children and families but also educators, management and the wider community.

## Purpose

WECC aims 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 WECC's philosophy

## Scope

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

## Implementation

Grievances and complaints can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. The Grievances and Complaints Management 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

For the purpose of this policy a grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature or where a serious incident has occurred. Whereas a complaint is 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 Centre (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, workplace health and safety matters (except associated with the safety of children).

### *Procedural fairness and natural justice*

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

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

### *Privacy and Confidentiality*

**All parties** involved in a grievance or complaint **must** maintain a high degree of confidentiality at all times during the resolution process.

Management and Staff will adhere to our *Privacy and Confidentiality* policy when dealing with grievances and complaints. However, if a grievance involves a staff member or child protection issues, a government agency may need to be informed.

### *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 complaints that involves the Management Committee, the Nominated Supervisor or Director, another level of Management will be nominated as an alternative mediator who will attempt to make people involved in the issue conflict come to an agreement.

WECC may also engage the resources of the Independent Conflict Resolution Service to assist with the mediation and attempt to bring about a peaceful settlement or compromise between

disputants through the objective intervention of a neutral party. We will ensure that throughout the conflict resolution process WECC's Code of Conduct must be adhered to.

#### *Notifiable complaints*

Any complaints that allege a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety and wellbeing of a child at the Centre may have been compromised are known as 'notifiable complaints' and must be reported by the Management Committee, Nominated Supervisor or Director 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 Management Committee, Nominated Supervisor or Director is unsure whether the matter is a notifiable complaint they must contact The Department of Early Childhood Education and Care for clarification.

Written reports setting out notifiable complaints 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
- 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*

A serious incident is 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 Centre in contravention of the Regulations or is mistakenly locked in/out of the Centre premises (Regulation 12).

A serious incident should be documented in an Incident, Injury, Trauma and Illness Record (sample form available on the ACECQA website) 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 Centre (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

#### *Grievances and Complaints: General Information*

Complaints may be raised with any staff member employed at the WECC.

Grievances must be raised with the Management Committee, Nominated Supervisor or Director.

All grievances and complaints will be treated seriously and as a high priority.

On being informed of a grievance or complaint, the Management Committee, Nominated Supervisor or Director will:

- discuss the issue with the complainant either immediately or with 24 hours of receiving the

- verbal or written complaint.
- If the matter cannot be easily resolved, investigate and document the grievance fairly and impartially
  - this will consist of:
    - reviewing the circumstances and facts of the grievance (or breach) and inviting all affected parties to provide information where appropriate and pertinent
    - discussing the nature of the grievance (or breach) and giving an educator, staff member, volunteer or visitor an opportunity to respond
    - permitting them to have a support person present during the consultation as appropriate (for example: union representative)
  - advise the complainant and all affected parties of the outcome of the investigation within seven (7) working days of receiving the verbal or written grievance. This will include providing a written statement outlining either:
    - a summary of the resolution that was reached in response to the grievance.
    - an action plan with proposed steps towards resolution.
  - should management decide not to proceed with the investigation after initial inquiries, or an immediate resolution is reached, a written notification outlining the reasoning will be provided to the complainant

If the complainant is not satisfied with the response to their grievance or complaint, they have the option of requesting a review of the response from the next level management or an external body such as the Education Directorate.

During the grievance process, the Management Committee/Nominated Supervisor /Director will:

- keep appropriate records of the investigation and outcome, and store those records in accordance with our *Privacy and Confidentiality* policy and our *Record Management, Retention and Archiving* 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
- notify the Education Directorate within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised

All grievances and complaints received at the centre will be recorded (along with the outcome) on a Complaints Register to allow identification of recurring issues within WECC. This register must be kept in a secure file, accessible only to educators and Children Education and Care Assurance. The register will provide valuable information to the Management Committee Nominated Supervisor of the Centre to ensure children and family's needs are being met.

### Family Grievances

Families with complaints or grievances relating to educators are encouraged to raise any concerns directly with the relevant educators in the first instance. Should families feel uncomfortable doing this, they should raise their concerns with the Management Committee, Nominated Supervisor or Director.

On being informed of a grievance or complaint, the educators, Management Committee, Nominated Supervisor, Director will:

- listen to the family's view of what has happened
- clarify and confirm the grievance or complaint
- encourage and support the family to seek a balanced understanding of the issue

- discuss possible resolutions available to the family. These could include external support options
- assist the family to determine a preferred way of solving the issue
- record the discussion and outcomes of any meetings as appropriate, confirming the details with the family at the end of the meetings
- maintain confidentiality at all times

If the grievance or complaint cannot be easily resolved, further investigation will be undertaken. This will involve, as appropriate:

- the collection of written evidence
- conflict resolution if necessary
- interviews with relevant people concerning the grievance.

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 told of the decision and the reason for it.

The family will be informed that if they are not satisfied with any final decision relating to the grievance or complaint procedure that they should consult with an external body for further advice such as the Education Directorate.

If the grievance is of a serious nature, the Management Committee, Nominated Supervisor and Director are responsible for informing the Education Directorate.

### Staff Grievances

Educators, staff, volunteers and visitors will:

- be aware of the possible ramifications of the actions when dealing with staff issues
- raise the grievance or complaint directly with the person they have a grievance within a professional manner and at an appropriate time. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should be based on the principles of privacy, confidentiality, respect and open-mindedness, will not involve other educators, staff, volunteers or visitors (e.g. parents) and will take place away from the children
- raise the grievance or complaint with the Management Committee, Nominated Supervisor or Director if they are unable to resolve the concern or feel uncomfortable raising the matter directly with the person concerned. The Management Committee, Nominated Supervisor or Director may ask for the issue to be put in writing
- provide all relevant information, outlining the issue, identifying any other person involved in the problem and any suggested solution
- communicate openly about the issue with the relevant parties
- raise any grievance involving suspected or actual unlawful activity (including bullying) with the Management Committee, Nominated Supervisor or Director immediately and privately

When the persons involved cannot resolve the grievance between them in a constructive and professional way then the following steps will be followed:

1. The aggrieved person is to contact their immediate supervisor (Room Leader, Nominated Supervisor Director or Management Committee) who will act as a Mediator. The Mediator will have an interview with the persons involved and clarify facts, work out whether advice is needed from other sources, discuss options available and help to formulate a plan of action. If an employee does not feel comfortable approaching their supervisor, or the conflict is with their immediate supervisor, they can contact the next level of management to act as Mediator.
2. If an amicable resolution does not occur at this meeting the Mediator is to present a report to the next level of Management outlining:
  - the nature of the grievance
  - the procedures followed to date
  - the solution(s) sought
  - the recommended plan of action or resolution
3. If an agreement is reached on the proposed plan of action the Mediator is to present a report to the next level of Management outlining:
  - the nature of the grievance
  - the procedures followed to date
  - the solution(s) agreed upon
  - the plan of action to reach this solution and review time if warranted
  - a copy of this report is to be provided to all persons involved in the grievance, and a copy is to be retained at the workplace

The Mediator will seek advice from other sources as necessary throughout this process (e.g. unions, Work Cover and funding bodies).

Meetings will also be arranged as necessary with the aggrieved person(s) throughout the process.

#### *Resolution of Grievances*

Grievances are considered resolved when all persons involved agree to a solution, when the cause of the grievance has been removed or resolved, and when arrangements have been made, if appropriate to repair any damage and distress suffered by the persons involved. Strategies agreed upon by both parties are to be put in place to help avoid further conflict.

#### *Unresolved Conflict*

If resolution of the conflict is unsuccessful after all procedures in the *Grievances and Complaints Management* policy have been followed it may then be necessary to take disciplinary action.

#### *Confidentiality*

Mediators are to use discretion and to do their utmost to maintain confidentiality. Any breach of this confidentiality could result in a charge of misconduct. However, confidentiality cannot be guaranteed in the following situations: if it is considered that someone is in danger, if disciplinary

action or criminal investigation might be necessary, or if employer liability might be involved.

No action will be taken against the person about whom a formal complaint is lodged until they are made aware of any allegations so that they may respond.

#### *Support Person*

A Staff Member (members) is able to nominate a support person to attend any meetings with them. This person may be a union representative.

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

- become involved in complaints or grievances that do not concern them
- raise complaints with an external complaints body, such as a court or Tribunal, without exhausting our grievance procedures

### Related policies / documents

- *Code of conduct*
- *Complaints and feedback*
- *Privacy and confidentiality*
- *Privacy and confidentiality statement*

### Sources and references

- National Quality Standards
- Australian Children's Education and Care Quality Authority (ACECQA)
- Human Rights and Equal Opportunities Commission – <https://www.humanrights.gov.au>
- Fair Work Australia – <https://www.fairwork.gov.au>
- ACT Ombudsman - <http://www.ombudsman.act.gov.au/>

### Key contacts

Director:  
The Director  
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### Authorisation

*Jennifer Hayes*  
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*2019 WECC Management Committee*