

Warradale Community Children's Centre acknowledges the traditional custodians of the land we live on today and we pay our respects to the Aboriginal and Torrens Strait Islander People past, present and emerging.



## Grievances and Complaints Policy

### National Quality Standard (NQS)

| 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.  |

### Education and Care Services National Regulations

| Children (Education and Care Services) National Law |   |
|---|---|
| 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  |

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## 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 the philosophy of Warradale Community Children's Centre.

## Procedural fairness and natural justice

Warradale Community Children's Centre 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.

## 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.

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- 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 Centre (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (except associated with the safety of children).

**Complaints and Grievances Register:** Records information about complaints and grievances received at the Centre, along with the outcomes. This register must be kept in a secure file, accessible only to Directors and the Department of Education.

**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 make people involved in a conflict come to an agreement. The Management Committee shall appoint a Grievance Officer annually.

**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 Standards 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 Nominated Supervisor to the Regulation and Standards Board (The Board) within 24 hours of the complaint being made – (Section 174[2] [b], Regulation 176[2][b]).

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If the Director is unsure whether the matter is a notifiable complaint, it is good practice to contact the Board 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)
- Any other relevant information

Online 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 (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 Service (Regulation 176(2)(a)). 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

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child protection issues, an appropriate 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 involve the Approved Provider, Director or other Management an alternative mediator will be nominated.

Warradale Community Children's Centre 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 Warradale Community Children's Service's Code of Conduct must be adhered to.

## Leadership will:

- 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. This 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.

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- Discussing the nature of the complaint (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 (for example: Union Representative, 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.
- Monitor ongoing behaviour and provide support as required.
- Ensure the parties are protected from victimisation and bullying.
- Request feedback on the grievance process.
- Track complaints to identify recurring issues within the Service.
- Notify the Board within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised.

**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 grievances and complaints management and procedures. The grievance procedure for families ensures fair opportunity for all

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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.
- Communicate (preferably in writing) any concerns they may have.
- Raise any unresolved concerns with the Director.
- Maintain confidentiality at all times.

#### **The 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.
- Stimulate, 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.

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

- If appropriate, collect relevant written evidence. This evidence will be treated in strict confidence.
- Ensure evidence is kept in a secure and confidential place.

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- Involve the Management Committee and Grievance Officer in the conflict resolution if necessary.
- Should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts.
- They 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 told 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 Board.
- If the grievance is of a serious nature, the Director is responsible to inform the Board.

## Evaluation

This policy is seen to be working when complaints and grievances are handled appropriately.



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## Source

- Education and Care Services National Regulation
- National Quality Standards
- ACECQA
- Human Rights and Equal Opportunities Commission
- Revised National Quality Standards
- ECA – Code of Ethics

## Record of Policy Adoption and Amendment:

| Version | Date     | Details  | Author                           | Next Review Date |
|---------|----------|--|----------------------------------|------------------|
| 1.0     | 22/4/18  | Policy developed   | Trish Cook                       | July 2021        |
| 1.1     | 27/07/21 | Removed the educator to have access to the grievance folder. | Lori Hart and Dian Faranda-Pluke | July 2024        |
| 1.2     | 4/8/2023 | Policy reviewed added serious incident clause.               | Stephanie Bilsborow              | 4/8/2024         |