

ST. CATHERINE'S EARLY EDUCATION CENTRE

DEALING WITH COMPLAINTS AND GRIEVANCES

St. Catherine's Early Education Centre will investigate all complaints and grievances fairly and document in a timely manner. Complaints or grievances may be received from anyone who comes in contact with St. Catherine's Early Education Centre children, parents/guardians, volunteers, students, members of the local community, and other agencies.

Relevant Legislation and Standards

National Quality Standards:

Quality Area 6: Collaborative Partnerships		
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.

National regulations:

Education and Care Services Nation Law and Regulations	
Sec. 172	Offence to fail to display prescribed information
Sec.174	Offence to fail to notify certain information to Regulatory Authority
168(2)(o)	Education and care service must have policies and procedures... for dealing with complaints
173(2)(b)	Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at the service
176	Time to notify certain information to Regulatory Authority
12	Meaning of serious incident

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Related Policies

Child Safe Environment / Child Protection Policy

Code of Conduct Policy

Enrolment and orientation Policy

Governance Policy

Incident, Injury, Trauma and Illness Policy

Interactions and relationships Policy

Privacy and Confidentiality Policy

Record Keeping and Retention Policy

Responsible Person Policy

Visitors to the centre Policy

Scope

This policy applies to children, families, staff, educators management, approved provide, nominated supervisor, students, volunteers and visitors of the service.

Purpose

The *Education and Care Services National Regulations* requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170).

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

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- Adhering to our Service Philosophy

Procedural fairness and natural justice

Our 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

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 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: *(In relation to this policy)*

Complaint: (In relation to this policy) Expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. [AS/NZS 10002:2014 Complaint Management Standard]

Complaints and Grievances Register: (In relation to this policy) records information about complaints and grievances received at the service, together with a record of the outcomes. This register will be kept in a secure file, accessible only to the Centre Director and Approved provider and the Regulatory Authority. The register can provide valuable information to the Approved provider on meeting the needs of children and families at the service.

General complaint: A general complaint may address any aspect of the service e.g. a lost clothing item or the service's fees. Services do not have to inform DET, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

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Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g. the service is in breach of a policy, or the service did not meet the care expectations of a family or a *workplace grievance* is a complaint raised towards an employer by an employee due to a violation of legalities (workplace policies, employment contract, national standards).

Mediator: A person who attempts to make 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 *Education and Care Services National Law-and Regulations*, 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 Regulatory authority 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 Department of Early Childhood Education and Care 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
- 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 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.

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The Approved Provider will notify the regulatory authority of any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service, or any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.

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.

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, Nominated Supervisor or 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 must be adhered to.

The Approved Provider/ Nominated Supervisor / Responsible Person will:

- Treat all grievances and complaints seriously and as a priority
- Ensure grievances and complaints remain confidential
- Ensure grievances and complaints 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.
 - 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, Hr representative, Lawyer, colleague, friend or family member. A support person may provide support by taking notes during the meeting, clarifying questions and allegations made, help formulate responses, engage in discussions and are more than a passive

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observer, aid in understanding processes, request breaks and be an emotional support. A support person cannot represent the employer, speak on their behalf or advocate for the organisation.

- 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 those 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 and complaints 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. Notification must include any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service or any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.

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 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 Approved Provider or Nominated Supervisor.
- Maintain confidentiality at all times.

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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 Nominated Supervisor 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.
- Involve the Approved Provider or Licensee 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 people(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 Department of Education and Communities.
- If the grievance is of a serious nature, the Nominated Supervisor is responsible to inform the Department of Education and Communities.

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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 the satisfaction resolution that has been achieved.
- 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.

Continuous Improvement

- Complaints provide our Service with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community.
- Our Service is committed to resolving complaints through prompt investigation, open communication, and transparent processes.

Sources

- Education and Care Services National Regulations
- National Quality Standard
- Education and Care Services National Law Act 2010 (amended 2023)
- Human Rights and Equal Opportunities Commission
- ACECQA www.acecqa.gov.au
- Revised National Quality Standards

Review

The policy will be reviewed regularly.

The review will be conducted by:

- Management
- Employees
- Families
- Interested Parties

Date Reviewed	Modifications	Next Policy Review Date
July 2017		August 2017
August 2017	Changes made with the addition to	May 2019

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	Definitions of terminology to ensure a clear understanding when dealing with a compliant and grievance. Families Responsibilities Evaluation of complaints and grievances	
May 2019	Updated the references to comply with the revised National Quality Standard	August 2021
August 2021	Additional legislation added Changes made to add regulatory authority Addition section added on continual improvements related policies amended	August 2022
Oct 2022	definitions checked related policies updated minor changes made through out	Oct 2024
Oct 2024	No majoe changes to the policy Sources updated	Oct 2026

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Name of complainant:	
Date:	
Person who received the complaint:	Date:
Is this a complaint or Grievance	

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Nature of complaint: If complaint received in writing staple to back of this form

Outcome of complaint:

**Is this a notifiable complaint: Yes/No MUST NOTIFY WITHIN 24 HOURS?
Have you filled out a serious incident report online (Acequa)**

Person who notified DET:.....Date:.....

Person reported to:.....