



## Grievance Policy (Families)

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

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 and Educators can lodge a grievance with management with the understanding that it will be managed conscientiously and confidentially.

### National Quality Standards (NQS)

Quality Area 6: Partnership with Families and Communities	
6.1.1	There is an effective enrolment and orientation process for families
6.1.2	Families have opportunities to be involved in the service and contribute to service decisions
6.1.3	Current information about the service is available to families

Quality Area 7: Leadership and Management	
7.1.1	Appropriate governance is in place to manage the service
7.1.2	The induction of educators is, co-ordinators and staff members is comprehensive
7.1.3	Every effort is made to promote continuity of educators and co-ordinators at the service
7.2.2	The performance of educators, co-ordinators and educators is evaluated and individual development plans are in place to support performance improvement.
7.2.3	An effective self-assessment and quality improvement process is in place
7.3.1	Records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements
7.3.2	Administrative systems are established and maintained to ensure the effective operation of the service.
7.3.3	The Regulatory Authority is notified of any relevant changes to the operation of the service, of any serious incidents and of any complaints which allege a breach of legislation

7.3.4	Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner.
7.3.5	Services practices are based on effectively documented policies and procedures that are available at the service and are reviewed regularly

### 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

### 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

### 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; and
- The right to have the decision based on relevant evidence.

## **SCOPE**

This policy applies to children, families, staff, management and visitors of the 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; and are transparent and equitable

### **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 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
  - 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, 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 process using a feedback form.
- Track complaints to identify recurring issues within the Service.
- Notify the Department of Education and Communities within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised.

## Families

We have a 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 the service.

In general, grievances are best resolved by talking with the relevant Educator associated with a particular child and/or family.

### The Educators will:

- Listen to the families 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

### **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 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 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

**Source**

- Education and Care Services National Regulation
- National Quality Standards
- ACECQA
- Human Rights and Equal Opportunities Commission

**Review**

Policy Review Date

May 2018