

POLICY

Grievance and Complaints Management

Family/Educator/Staff

Purpose

Emanuel Woollahra Preschool has developed a policy and procedure to foster positive relationships with all persons related to the service. Forming a partnership between the service and each child's family is central to providing effective care. These partnerships are characterised by open and extensive communication, which is respectful of, and sensitive to, cultural and other differences. In all cases where a parent might make a complaint or air a grievance, management and staff must adhere to the service's Privacy Policy. Staff members are not to involve other staff members, parents or children in an individual concern. This is unethical. It is also unethical to involve other agencies in a concern before seeing the Director. If the nature of the complaint is such that is related to a child protection issue, then management and staff are to follow the procedure outlined in the Child Protection Policy relating to the disclosure of abuse.

Our Education and Care Service affirms that people have a right to question and influence decisions made, and services provided. We take complaints seriously and manage them in a confidential, timely, transparent and meaningful way.

- The service's Grievances and Complaints Management Policy values:
 - procedural fairness and natural justice
 - a Code of Ethics and Code of Conduct
 - a service culture free from discrimination and harassment
 - transparent policies and procedures
 - avenues for recourse and further investigation
- 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

Emanuel Woollahra Preschool has 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. That is, 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.

Implementation

Responsibilities of the Approved Provider

- When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify the regulatory authority within 24 hours (**National Regulation 176(2)(b)**).
- Notifiable issues would consist of any serious incident or any complaints alleging that a serious incident has occurred while the child was at the service or that a law has been contravened (**National Law 174(2)(b)**).
- In instances where the complainant reports directly to the regulatory authority, the Approved Provider will still have responsibility for investigating and dealing with the complaint/grievance as outlined in this policy, in addition to co-operating with any investigation by the regulatory authority.
- Identifying, preventing and addressing potential concerns before they become formal complaints/grievances.
- Ensuring that the name and telephone number of the regulatory authority displayed prominently at the main entrance of the service (**National Regulation 173(2)(e)**).

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- Advising parents/guardians and any other new members of the service of the complaints and grievances policy and procedures upon enrolment.
- Ensuring that this policy is available for inspection at the service at all times.

Responsibilities of the Nominated Supervisor

- Responding to and resolving issues as they arise where practicable.
- Discussing minor complaints directly with the party involved as a first step towards resolution.
- Informing complainants of the service's complaints and grievances policy and recording all complaints and grievances in the register.
- Notifying the Approved Provider if the complaint escalates or is unable to be resolved appropriately in a timely manner.
- Providing information as requested by the Approved Provider e.g. written reports relating to the grievance.
- Complying with the service's privacy and confidentiality policy and maintaining confidentiality at all times.
- Working co-operatively with the Approved Provider in any investigations related to a complaint made.

Responsibilities of the Educators

- Ensuring that grievances and complaints are dealt with in accordance with his policy.
- Report any grievances and complaints to the Nominated Supervisor and maintain all relevant documentation.
- As requested, support the Nominated supervisor and Approved Provider in the above roles.

Responsibilities of the Family

- Raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievance procedures.
- Communicating any concerns relating to the management or operation of the service as soon as is practicable.
- Raising any unresolved issues or serious concerns directly with the Approved Provider.

Making a complaint

Written guidelines detailing complaint procedures are available in the service's Orientation Handbook and displayed in the office.

- Families may make a complaint directly to the child's educator, the Approved Provider or the Nominated Supervisor.
- Educators will discuss complaints procedures with children and encourage them to raise any issues they have.

Managing a Complaint

Where possible, complaints will be dealt with immediately by the child's educator as this is usually the person with the closest relationship with the family. If the complaint is about an issue that the educator considers to be outside of their control, or the family does not feel they wish to share it with the educator, the complainant will be directed to the appropriate person for their complaint to be resolved.

Where an educator believes they will have to share a confidence with another person in order to resolve and issue, or if the nature of a complaint requires that a third party has to be informed in order to meet legislative requirements, they will inform the family of the need prior to any further discussions on the matter.

- The complaint will be documented and any legal requirements in relation to the complaint considered, such as the need to notify regulatory authorities.

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- The complainant will be asked to provide information regarding how the situation could be rectified to their satisfaction.
- If possible, the problem will be resolved immediately. If this is not possible, the complainant will be advised that the issue will be given high priority and dealt with as soon as possible.
- If the issues are complex the complainant will be asked to put their concerns in writing.
- Where mediation is required all parties will have the right to agree to the appointment of the mediator.
- Allegations of suspected harm or risk of harm to a child or possible victims of crime will be actioned immediately by urgent referral or reporting to the relevant agency.

Notifiable Complaint

Complaints alleging that the safety, health or wellbeing of a child was or is being compromised or that the law has been breached must be reported by the Approved Provider to the Regulatory Authority within 24 hours of the complaint being made (**National Regulation 176(2)(b)**).

Notifications of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website using the NQA ITS Portal: <https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>

Refer to the service Child Protection Policy and Procedure.

Complaints, incidents and serious incidents must be notified to the regulatory authority through the National Quality Agenda IT System (NQA IT System). Log in to access the portal where you can select the incident or complaint type and enter the required information.

Approved Providers are required to notify the regulatory authority of a complaint that alleges:

- A serious incident has occurred or is occurring while a child is being educated and cared for by a service.
- The National Law and/or National Regulations have been contravened.

A serious incident can include:

- The death of a child while that child is being educated and cared for at the service or following an incident while that child was being cared for by the service.
- A serious injury or trauma while the child is being educated and cared for, which:
 - Required urgent medical attention from a registered medical practitioner; or
 - The child attended or should have attended a hospital.
- Any incident involving serious illness at the service, where the child attended, or should have attended a hospital (e.g. severe asthma attack, seizure or anaphylaxis).
- Any circumstance where a child appears to be missing or cannot be accounted for. ◁ Any circumstance where a child appears to have been taken or removed from the service premises by someone not authorised to do this.
- Any circumstance where a child is mistakenly locked in or locked out of the service premises or any part of the premises .
- Any emergency for which emergency services attended. NOTE: It does not mean an incident where emergency services attended as a precaution.

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A serious injury, illness or trauma includes but is not limited to:

- Amputation
- Anaphylactic reaction requiring hospitalisation
- Asthma requiring hospitalisation
- Broken bone/Fractures
- Bronchiolitis
- Burns
- Diarrhoea requiring hospitalisation
- Epileptic seizures
- Head injuries
- Measles
- Meningococcal infection
- Sexual assault
- Witnessing violence or a frightening event

Direct Complaints

Families can make a complaint directly to the Regulatory Authority where the complaint alleges that:

- The safety, health or wellbeing of a child or children was or is being compromised while that child/children is/are being educated and cared for by the approved education and care service
- The relevant legislation has been contravened
- Contact details are available in the Orientation Handbook and displayed in the office (**National Regulation 173(2)(e)**).

<https://www.acecqa.gov.au/help/contact-your-regulatory-authority>

If a conflict of interest arises between the parties involved in making the complaint and the person about whom the complaint is made, then the Approved Provider shall call in someone to act as an independent mediator. In this way both parties can be heard in an unbiased manner and are encouraged to bring support person to the mediation meeting.

Follow-Up and Review

Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with, we will:

- Analyse the complaint to determine if any policy or procedural changed need to be implemented.
- The Approved Provider will follow through to determine that complaints and grievances have successfully resolved to everyone's satisfaction. Families will be contacted to determine if they were satisfied with the way the issue was resolved, and educators' will be consulted about the outcome from an operational viewpoint.

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Making a complaint to the regulatory authority:

Early Childhood Education Directorate, NSW Department of Education

Address:

Locked Bag 5107

PARRAMATTA NSW 2124

Website:

education.nsw.gov.au

Email:

ececd@det.nsw.edu.au

Phone:

1800 619 113 (toll free)

Fax:

(02) 8633 1810

Definitions, Terms & Abbreviations

Term	Meaning
Persons	Children, families, staff, carers, students, volunteers and the Approved Provider
Grievance	A real or imagined cause for complaint, especially unfair treatment
Complaint	A statement that something is unsatisfactory or unacceptable

Educator/Staff Complaints

Educators or other Staff members who have a grievance should talk directly to the Educator or other Staff member they have the grievance with. Together, they should try to resolve the issue and develop possible solutions to ensure the situation does not arise again.

If the Educators or other Staff members are unable to resolve the grievance they should talk to the Director/Approved Provider/Nominated Supervisor as soon as possible. The Director/Approved Provider/Nominated Supervisor will try all avenues to solve the problem at the Education and Care Service level. If this is not possible the Director/Approved Provider/Nominated Supervisor will call on the Board to mediate the situation. The Director Approved Provider/Nominated Supervisor's role is to be non-judgmental, unbiased and fair.

It is not ethical to involve other Educators and/or Staff members or parents in an individual concern, and it is not ethical to have that concern affect Educator/Staff relationships. It is also not appropriate to involve outside agencies before seeing the Approved Provider/Nominated Supervisor and the Board with your concerns.

Educator/Staff members are always encouraged to communicate openly with Management, the Approved Provider/Nominated Supervisor, and other Staff members and to discuss any concerns informally, or at Educator/Staff meetings. Working as a team is also encouraged, and having respect for other members of the team is imperative.

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At all times Management will address and respond to issues appropriately and maintain confidentiality. Only relevant Educators/Staff will be advised of the outcomes of any grievances and resolutions.

When making a complaint against an employee, this will be done through the Ombudsman NSW.

Legislation and Sources

Australian Children's Education & Care Quality Authority (ACECQA) <https://www.acecqa.gov.au/>

Education and Care Services National Law Act 2010: Sections 174(2)(b)

<https://www.legislation.nsw.gov.au/#/view/act/2010/104a/full>

Education and Care Services National Regulations: Regulations 168(2) (o) and 176(2)(b)

<https://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

NSW Ombudsman (2004) 'Effective Complaint Handling'. NSW Ombudsman 3rd Edition 28 February 2017

Complaints Management Framework June 2015 –

www.ombo.nsw.gov.au/__data/assets/pdf_file/0004/25375/Complaintmanagement-framework-June-2015.pdf

Complaint Handling Toolkit for Community Services Organisations –

www.ombo.nsw.gov.au/__data/assets/pdf_file/0017/5813/BR_ComplaintHandling-Kit-CS-CRAMA-Brochure-2013-web.pdf

Privacy and Personal Information Protection Act 1998 (NSW)

Health Records and Information Privacy Act 2002

Privacy Act 1988 (Cth)

Privacy Regulation 2013

Related Telephone Numbers

- Early Childhood Directorate 1800 619 113

Review

Reviewed: 10 May 2019

Next Review Date: 10 May 2020