

Feedback from families, educators, staff and the wider community is fundamental in creating an evolving Centre 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 can lodge a grievance, with the understanding that it will be managed conscientiously and confidentially.

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 Centre philosophy

### **Procedural Fairness and Natural Justice**

Our centre believes in procedural fairness and natural justice which governs strategies and practices employed by the centre, including:

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.

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

The centre's Grievances and Complaints Management Policy values:

- Procedural fairness and natural justice;
- A code of ethics and conduct;
- A centre culture free from discrimination and harassment;
- Transparent policies and procedures; and
- 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; and
- Are transparent and equitable.

Brunswick Crèche 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. In meeting the centre's duty of care, coordination and educator agree to implement and endorse the centre's Grievances and Complaints Management Policy.

The Work Health and Safety Act states that employers have a duty of care to their employees to ensure that the working environment supports emotional and mental wellbeing.



## 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 involves the Approved Provider, Nominated Supervisor or other Management will be nominated as an alternative mediator.

Our 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 the Centres Code of Conduct must be adhered to.

## Grievance Guidelines

The policy explain the procedure for reporting and managing grievances, the roles and responsibilities of educators, and staff and the potential consequences of breaching our policies and procedures and Code of Conduct.

*Educators, staff, volunteers and visitors will:*

- Raise the grievance or complaint directly with the person they have grievance with. 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 children.
- Raise the grievance or complaint with the Nominated Supervisor if they are unable to resolve the concern, or feel uncomfortable raising the matter directly with the person concerned. The Nominated Supervisor may ask for the issue to be put in writing. Employees should provide all relevant information, including what the problem is, any other person involved in the problem and any suggested solution. Educators are encouraged to communicate openly about the issue.
- Raise any grievance involving suspected or actual unlawful activity (including bullying) with the Nominated Supervisor immediately and privately.
- Be confident that their concerns will be thoroughly investigated, but aware that the outcome may not result in the action requested.
- Union members may seek assistance or support from their trade union at any time.
- Educators, staff, volunteers and visitors will not:
  - Become involved in complaints or grievances that do not concern them. This is neither ethical nor likely to advance the grievance process or outcome.
  - Raise complaints with an external complaints body, such as a court or Tribunal, without exhausting our grievance procedures.

*The Nominated Supervisor will:*

- Treat the complaint seriously and deal with it as a matter of priority in a confidential and impartial manner.
- 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
- Properly investigate and fairly and impartially consider the issue.

This will include:

- Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and relevant



- Discussing the nature of the complaint (or breach) and giving an educator, staff member, volunteer or visitor an opportunity to respond. To encourage teamwork and respect, the issue may be discussed at an educator meeting if the privacy of the people involved can be protected.
- Permitting them to have a support person present during an interview (eg 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.
  - If the complaint has been put in writing, or the parties involved request a written response, Nominated Supervisor will provide a written response outlining the outcome. If a written agreement about the resolution of the complaint is prepared, all parties must agree it accurately reflects the resolution.
  - If the Nominated Supervisor decides not to proceed with the investigation after initial enquiries, he or she will give the complainant the reason/s in writing.
- 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 questionnaire.
- Track complaints to rectify identify recurring issues within the Centre.
- Notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Please refer to our Incident, Injury, Trauma and Illness Policy.

#### **Outcomes may include:**

- Receiving an apology and a commitment that certain behaviour will not be repeated, and then monitoring this over time.
- Education and training in relevant laws, policies or procedures (eg bullying awareness, leadership skills).
- Assistance in locating relevant counselling services.
- Disciplinary procedures including a verbal or written warning, termination of employment or transfer to a different position at the Centre.
- Redressing any inequality which occurred to the complainant.
- Providing closer supervision.
- Modifying centres policies and procedures.
- Developing new policies and procedures.

Outcomes will take into consideration relevant industrial relations principles and guidelines and make provision for procedural fairness.

The Nominated Supervisor will consider:

- The number of complaints (or breaches).
- The opportunities given to adhere to a policy or procedure and/or change behaviour.
- The opportunities given to respond to the allegations.
- The seriousness of the complaint (or breach), and whether it impacted the safety and welfare of other employees, volunteers or visitors.
- Whether a policy, procedure or complaint is reasonable.

#### **Grievance for 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 centre.

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
- Advise the Licensee of 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
- 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.

**Grievance Report/Feedback Form can be addressed to:**

President Committee of Management  
82 Glenlyon Rd  
Brunswick 3056

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**Source:** Committee of Management, Education and Care Services National Regulations 2011, National Quality Standard, Early Years Learning Framework, ACECQA, Human Rights and Equal Opportunities Commission

**Date Implemented:** 16/04/2012

**Review Completed:** 29/04/2019

**Schedule for Review:** 29/04/2020

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National Quality Standard – NQS		
Quality Area 6: Partnership with Families and Communities		
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: Leadership and Management		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service



Education and Care Service National Regulations	
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

