

# GRIEVANCES AND COMPLAINTS MANAGEMENT POLICY (GENERAL)

## NATIONAL QUALITY STANDARD (NQS)

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.

## EDUCATION AND CARE SERVICES 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

## Purpose

Montessori Works has developed a policy and procedures 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.

- 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

Montessori Works 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.

## Responsibilities of the Approved Provider

- Treat all grievances seriously and as a priority
- Ensure grievances remain confidential
- Ensure grievances reflect procedural fairness and natural justice
- 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)**).
- 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

- Treat all grievances seriously and as a priority
- Ensure grievances remain confidential
- Ensure grievances reflect procedural fairness and natural justice
- 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.
- 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

## 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.
- Always maintain Confidentiality
- Always maintain Professionalism
- Educators will not become involved in complaints or grievances that do not concern them.
- Educators will not raise complaints with an external complaints body, such as a court or Tribunal, without exhausting the Services' grievance procedures

## 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.
- 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 the management of grievances
- Attempt to discuss their grievances with the relevant Educator associated with a child and/or family as the first step to resolving the issue
- Always maintain confidentiality.

## Making a complaint

Written guidelines detailing complaint procedures are available in the service's Family Handbook. This is also displayed in the foyer for easy reference.

- 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.
- 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>

## 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 Family Handbook and displayed in the foyer of the service (**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.

## 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

## Related Statutory Obligations & Considerations

<b>Australian Children's Education &amp; Care Quality Authority (ACECQA)</b>	<a href="https://www.acecqa.gov.au/">https://www.acecqa.gov.au/</a>
<b>Children (Education and Care Services) National Law (NSW) No 104a</b>	<a href="https://www.legislation.nsw.gov.au/#/view/act/2010/104a/full">https://www.legislation.nsw.gov.au/#/view/act/2010/104a/full</a>
<b>Education and Care Services National Regulations</b>	<a href="https://www.legislation.nsw.gov.au/#/view/regulation/2011/653">https://www.legislation.nsw.gov.au/#/view/regulation/2011/653</a>

## Related Telephone Numbers

- Early Childhood Directorate 1800 619 113

## Amendment History

Version	Amendment	Date/
002	Policy Title Additional Points added Formatting NQS & Regulations Added	September 2019

This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the *Education and Care Services National Regulation*, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Date: March 2020

Version: 002

Last Amended By: Susan Chahwan

Next Review: 2021

Position: Susan Chahwan