

## Complaints Handling Policy

<b>Published</b>	<b>November 2019</b>
<b>Review Date</b>	<b>September 2022</b>
<b>Sources</b>	Education and Care Services National Regulations, October 2020 Guide to the Education and Care Services National Law and the Education and Care Services National Regulations, October 2020 Guide to the National Quality Standard, February 2018 <a href="http://www.lawlink.nsw.gov.au">www.lawlink.nsw.gov.au</a> (retrieved 3 November 2010) Early Childhood Australia, Code of Ethics

### **Aim:**

Country Children's Early Learning will ensure parents, Educators and staff of the Co-ordination Unit are able to raise and have resolved any grievance or complaint they may have regarding the service without fear of retribution.

### **Explanation:**

Country Children's Early Learning has the responsibility to prevent, identify and promptly resolve problems whenever possible in the service. Every staff member, Educator and parent/guardian has a responsibility to treat others in a way that will not cause distress. Where a grievance does arise, it must be resolved in a fair, objective and timely manner with a minimum of conflict and disruption. It is important to ensure grievances are resolved by discussion and negotiation between the parties concerned. A mediating problem-solving approach should be adopted with efforts made to encourage constructive communication between the parties involved.

### **Definitions:**

#### **Grievance**

A grievance is any matter related to work or the work environment that is causing concern or distress to any individual or group of individuals. Grievances may arise from any act, situation, discussion or omission, which may be considered unfair, discriminatory or unjust.

#### **Grievant**

The person who raises the grievance is referred to as the grievant.

#### **Respondent**

The person or persons who are alleged to have instigated the cause of the grievance are said to be the respondents.

#### **Support Person**

A person nominated by the respondent as support through the process.

#### **Notifications**

Providers are required to notify the regulatory authority of a complaint that alleges a serious incident has occurred or is occurring: or that the national Law or national Regulations have been contravened.

**Responsibilities:****In relation to the Co-ordination Unit Staff, Educators and Families:**

- Abide by their obligations under the current Education and Care Services National Regulations and the current National Quality Standard in relation to handling grievances and complaints
- The Approved Provider must notify the Regulatory Authority of certain circumstances and information, this includes any serious incident or complaint that occurs within the service. Notice must be provided within certain timeframes depending on the incident or complaint. As detailed in the following table:
- The nominated supervisor has an obligation to identify and resolve (as far as possible) causes of stress without waiting for a grievance to be expressed
- The grievance should be brought to the attention of the appropriate person as soon as possible
- All grievances are to be treated seriously, fairly and impartially and in line with current Country Children's Early Learning Policies, Guidelines and Procedures
- The grievant should state the substance of the issue and the resolution sought
- If a grievance is not immediately resolvable in the judgement of the parties involved then the grievance needs to be put in writing, including the substance of the grievance and the outcomes sought
- The respondent has a right to know what the grievance is, to be heard in reply to the issues raised and to receive feedback in reference to any outcomes
- Wherever possible, grievances should be resolved in a way that is satisfactory to all involved
- It is essential that the confidentiality and the integrity of the grievance resolution process be protected, those involved in the grievance procedure must ensure confidentiality and discuss the matter only with people directly involved in the process
- Educators and co-ordination unit staff have the right to seek assistance from a support person of their choice when responding to a complaint against them
- The nominated supervisor is to ensure that accurate notes are kept or request a written account from the grievant of their grievance
- Any complaint that is not "obviously trivial in nature" by a parent/guardian, is provided in writing to the Early Childhood Education and Care Directorate within one week of the complaint and written notice is to be given to the Early Childhood Education and Care Directorate of any action to be taken as soon as is practicable after the action is taken
- Where resolution is not achieved, the nominated supervisor is to advise all parties of their rights to seek external advice and to make a written report
- Records will be kept of any grievances raised, action taken, outcomes reached, method of resolution and feed-back from originating person

**Procedure:**

- It is expected the grievance should initially be discussed with the person concerned and try to have the grievance resolved on an informal level
- Every effort should be made to resolve the grievance at this level before moving on to the following steps

**Between Family and Educator/s or Staff:**

- If the grievance is not resolved satisfactorily either party can bring the matter to the attention of Country Children's Early Learning Pty Ltd (Licensee) to assist in the resolution of the matter
- Any grievance, which has been fully discussed between the Licensee and the parties involved, if still unresolved the matter can be referred to:
  - Family Day Care Australia Ph: 1800 621 218
  - Department of Education and Communities – Early Childhood Education and Care Directorate Ph: 1800 619 113
  - NSW Ombudsman Ph 1800 451 524

**Between Educator and Co-ordination Unit Staff:**

- The Educator has the right to approach the staff member concerned and to expect to have the grievance addressed in an understanding and sensitive manner
- If unresolved the Educator can contact Country Children's Early Learning, the Licensee who will attempt to find a resolution or an acceptable compromise by both parties
- If still unresolved the Educator may refer the matter to the NSW Carer Association for further mediation

**Between the Service and the Educator:**

- In the event the service is dissatisfied with an Educator, or if a complaint is made by a parent, staff member or community member, the Educator must be verbally notified of the complaint by Country Children's Early Learning and another staff member
- If the complaint relates to a breach of Regulations or of special conditions of the service Country Children's Early Learning will investigate the circumstances and discuss the complaint with the Educator
- Country Children's Early Learning will advise the Educator of non-compliance with the Regulations and/or conditions of the service, and issue a warning that further non-compliance may result in de-registration proceedings
- The verbal advice will be followed up in writing to the Educator
- Country Children's Early Learning will notify DECS of the complaint as required under the Education and Care Act
- If a parent of a child provided with the service makes a complaint to the licensee about the conduct of the service, the licensee must, unless the complaint is of an obviously trivial nature give written notice of the complaint to the Early Childhood Education and Care Directorate within one week after the complaint is made, and give written notice to the Early Childhood Education and Care Directorate of any action taken in response to the complaint as soon as reasonably practicable after the action is taken
- If the Educator contravenes the Regulations or conditions again, the Co-ordination Unit Staff or Nominated Supervisor of the service will report to the Licensee, and de-registration may be recommended
- Country Children's Early Learning Pty Ltd will advise the Educator if s/he has been removed from the Family Day Care Register and the reasons for this course of action
- Country Children's Early Learning Pty Ltd will advise the Department of Education and Communities in writing the date from which the Educator is no longer registered with the service
- From 1 January 2006, Educators can appeal their de-registration with a service through the Administrative Appeals Tribunal, if they feel they have been unfairly treated information can be found at [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)

**Between Educator and Educator:**

- Discuss with the person concerned and attempt to resolve the grievance
- If unresolved the Educator can contact Country Children’s Early Learning or another Co-ordination Unit staff member who will attempt to find a resolution or an acceptable compromise by both parties
- If still unresolved the Educator may refer the matter to the NSW FDC Association or NSW Carers’ Association for further mediation

**Between the Scheme and Staff:**

- In the first instance the employees shall attempt to resolve the grievance between them
- If still unresolved the Nominated Supervisor, in consultation with the parties involved, will determine the next course of action

**Continual Monitoring and Improvement:**

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Co-ordination Staff accessing current relevant information
- Co-ordination Staff and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

**Policy Review**

Date Revised	Comments
March 2012	Added relevant regulations and quality standards in relation to the new Education and Care Services National Regulations and National Quality Standard
January 2013	Added information for In Home Care
October 2013	Scheduled Policy Review – updated change of Department Names and Contact details
April 2014	Added extra information about notification timeframes and types
April 2015	Scheduled Policy Review – No changes made
October 2016	Scheduled Policy Review – No changes made
October 2017	Notification Requirements under Education and Care Act
May 2018	Update of sources and Addition of Serious Incident , change of circumstance and complaints to Notify Table