

Complaints Handling Policy

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Sources	<p>Education and Care Services National Regulations, October 2020</p> <p>Guide to the Education and Care Services National Law and the Education and Care Services National Regulations, October 2020</p> <p>Guide to the National Quality Standard, February 2018</p> <p>www.lawlink.nsw.gov.au (retrieved 3 November 2010)</p> <p>Early Childhood Australia, Code of Ethics</p>

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

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

Serious incidents, change of circumstances and complaints to notify			
Type of notification	Responsible	Timeframe	Reference
<i>Notification to regulatory authority</i>			
Death of a child	Approved provider	As soon as practicable, but within 24 hours	Section 174(2)(a) Regulation 12 Regulation 176(2) (a)(i)
Any incident involving serious illness of a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
Any incident involving serious injury or trauma to a child while being educated and cared for which the child attended or ought reasonably to have attended a hospital, or a reasonable person would consider that the child would require urgent attention from a registered medical practitioner	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
Any emergency for which emergency services attended	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
A child is missing or cannot be accounted for or appears to have been removed from the premises by a person not authorised by a parent	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
A child is mistakenly locked in or out of the premises or any part of the premises	Approved provider	Within 24 hours of the incident	Section 174(2)(a) Regulation 12
Any incident that requires the provider to close or reduce the number of children attending	Approved provider	Within 24 hours of the incident	Section 174(2)(c) Regulation 175(2)(b)
Any complaint alleging that a serious incident has occurred or is occurring at an education and care service, or the National Law has been contravened (refer to Serious Incidents outlined in table above)	Approved provider	Within 24 hours of the complaint	Section 174(2)(b) Regulation 12

Serious incidents, change of circumstances and complaints to notify

Type of notification	Responsible	Timeframe	Reference
<i>Information for FDC Educators to report to their Approved Provider</i>			
Any serious incident while a child is being educated and cared for by the educator (refer to <i>Serious Incidents</i> outlined in <i>Incidents and Complaints</i> table above)	FDC Educator	None specified	Section 174A Regulation 12
Any complaint alleging that a serious incident has occurred or the National Law has been contravened while a child was being educated and cared for (refer to <i>Serious Incidents</i> outlined in <i>Incidents and Complaints</i> table above)	FDC Educator	None specified	Section 174A Regulation 12
Any new person over 18 years who resides at the FDC residence and any circumstance relevant to whether a resident who is over 18 years is fit and proper	FDC Educator	None specified	Regulation 164

Renovations or other changes to the FDC residence or approved venue that create a serious risk to the health, safety and wellbeing of children attending the residence or venue	FDC Educator	None specified	Regulation 176A
<i>Notification to parents</i>			
Policies: parents of children enrolled at the service are notified before making any change to a policy or procedure that may have a significant impact on the service's provision of education and care to any child enrolled at the service; the family's ability to utilise the service; any change that will affect the fees charged or the way in which fees are collected.	Approved provider	At least 14 days prior unless a lesser period is necessary because of a risk	Regulation 172
Voluntary suspension of provider approval: approved provider must notify the parents of children enrolled at the services operated by the approved provider.	Approved provider	At least 14 days prior to application for suspension	Section 37(3)