

## Policy Statement

This policy acts to ensure that:

- We recognise that families, Educators, staff and the community need to feel confident that any concerns or issues they may raise will be handled promptly and professionally
- Educators, management, staff, families and the community can be confident that complaints and grievances are taken seriously and addressed effectively
- Children's needs are prioritised when responding to complaints
- Our service takes complaints seriously and manages them in a confidential, timely, transparent and meaningful way. We achieve this by:
  - Maintaining the confidentiality of all parties in line with policy and legislative requirements
  - Acknowledging that the common goal is to achieve an outcome acceptable to all parties
  - Acting in good faith, in a calm and courteous manner
  - Showing respect and understanding of each other's point of view and value difference, rather than judge and blame
  - Recognising that all parties have rights and responsibilities which must be balanced
  - Handling complaints objectively and ensuring that complainants do not suffer any reprisals from making a complaint

## 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.

## Goals

Our service values the feedback Educators, staff, families and the wider community as a mechanism to support the continuous improvement of our service.

**Policy Created**  
February 2016

**Policy Last Updated**  
August 2023

**Policy Review Date**  
March 2025

## **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 to support them 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.

## **Strategies**

### **Making a Complaint**

- Guidelines detailing complaint procedures are available in the Parent Handbook, Staff Handbook and also at the service
- Families, children and Educators may make a complaint directly to Educators, Coordinators, the Nominated Supervisor or Approved Provider
- Educators will discuss complaints procedures with children and encourage them to raise any issues they have

### **Responsiveness**

- All complaints will be acknowledged and responded to as soon as practicable
- Complaints will be dealt with in a timely manner, and complainants will be kept informed about the progress of their complaint and anticipated timeframes
- Allegations of suspected harm or risk of harm to a child or possible victims of crime will be actioned immediately by reporting to the relevant agency
- Complaints alleging that a child is exhibiting harmful sexual behaviours will be actioned immediately by reporting to the relevant agency and complainants will be kept informed about the actions being taking in regards to the complaint

## **Managing a Complaint**

- Where possible complaints will be dealt with immediately
- 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
- All complaints will be documented and any legal requirements in relation to the complaint considered

## **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

## **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 was or is being compromised while the child is being educated and cared for by the approved education and care service
  - The relevant legislation has been contravened
  - Contact details for the Regulatory Authority are available in the Parent Handbook and displayed on the Noticeboard at the service

## **Follow Up and Review**

- Each complaint will be viewed as an opportunity for improvement
- After the complaint has been dealt with the service will:
  - Analyse the complaint to determine if any policy or procedural changes need to be implemented
  - Follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction
  - Families will be contacted to determine if they were satisfied with the way the issue was resolved
  - Educators will be consulted about the outcome from an operational viewpoint

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

- Raise the complaint directly with the person involved in an attempt to resolve the matter without recourse to the complaints and grievance procedures
- Communicate any concerns relating to the management or operation of the service as soon as is practicable
- If the grievance is not resolved satisfactorily either party can bring the matter to the attention of Country Children's Early Learning Pty Ltd (Approved Provider) to assist in the resolution of the matter
- Any grievance, which has been fully discussed between the Approved Provider and the parties involved, if still unresolved the matter can be referred to:
  - Department of Education and Communities – Early Childhood Education and Care Directorate Ph: 1800 619 113
  - NSW Ombudsman Ph: 1800 451 524

### **Between Educator and Coordinators**

- 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 Approved Provider who will attempt to find a resolution or an acceptable compromise by both parties
- If still unresolved the Educator may refer the matter for further mediation

### **Between the Approved Provider and an 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
- 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 the termination of their employment
- The warning will be followed up in writing to the Educator
- Country Children's Early Learning will advise DECS of the complaint, unless of a trivial nature

- If a parent of a child with the service makes a complaint to the Approved Provider about the conduct of the service, the Approved Provider, unless the complaint is of an obviously trivial nature will lodge a report through the NQAITS portal within one week after the complaint is made, and provide further information to the Early Childhood Education and Care Directorate as directed, including action taken in response to the complaint
- If the Educator contravenes the Regulations or conditions again, the Coordinator or Nominated Supervisor of the service will report to the Approved Provider, and written warnings may be recommended

### **Between the Approved Provider and a Family Day Care 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
- 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 the termination of their employment
- The warning will be followed up in writing to the Educator
- Country Children's Early Learning will advise DECS of the complaint, unless of a trivial nature
- If a parent of a child with the service makes a complaint to the Approved Provider about the conduct of the service, the Approved Provider, unless the complaint is of an obviously trivial nature will lodge a report through the NQAITS portal within one week after the complaint is made, and provide further information to the Early Childhood Education and Care Directorate as directed, including action taken in response to the complaint
- If the Educator contravenes the Regulations or conditions again, the Coordinator or Nominated Supervisor of the service will report to the Approved Provider, and written warnings may be recommended
- Country Children's Early Learning Pty Ltd will advise the Family Day Care 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 Family Day Care Educator is no longer registered with the service
- Family Day Care 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 a Coordinator who will attempt to find a resolution or an acceptable compromise by both parties
- If still unresolved the Educator may refer the matter for further mediation

### **Between the Approved Provider 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

### **Responsibilities**

#### **Approved Provider**

- 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
- Within 24 Hours if:
  - There has been a serious incident
  - Death of a child
  - Complaints alleging that the safety, health or wellbeing of a child was or is compromised, or that the law has been breached
- Within 7 Days if:
  - Any incident that requires the Approved Provider to close or reduce the number of children attending the service for a period
  - Any circumstances at the service that poses a significant risk to the health, safety or wellbeing of a child attending the service

#### **Approved Provider, Nominated Supervisor, Staff, Educators and Families**

- 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
- Listen to and aim to resolve complaints and grievances in a positive way

- 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 Coordinators 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 for any complaint that alleges a serious incident has occurred or is occurring while a child is being educated and cared for by the service or the National Law and or National Regulations have been contravened
- 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

## Continual Monitoring and Improvement

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Approved Provider and Coordinators accessing current relevant information
- Approved Provider, Coordinators and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

### LINKS TO:

- **Education & Care Services National Law**  
Section 172, 174, 174(a)
- **Education & Care Services National Regulations**  
143(b), 168, 169, 170, 171, 172, 173, 176
- **National Quality Standards/Elements:**  
2.1, 2.2, 4.1, 4.2, 5.1, 5.2, 6.1, 7.1.2, 7.2.1
- **Child Safe Standards**  
1, 2, 3, 4, 5, 6, 7, 8, 9, 10

## SOURCES

- Education and Care Services National Regulations - December 2021
- Education and Care Services National Law - January 2022
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations - October 2017
- Guide to the National Quality Standard - January 2020
- Implementing the Child Safe Standards: A Guide for Early Education and Outside School Hours Care Services, NSW Department of Education, 2021
- A Guide to the Child Safe Standards, NSW Office of the Children's Guardian, 2020
- ACECQA – FDC Approved Provider compliance responsibilities – October 2017
- Be You
- My Time Our Place: Framework for School Age Care in Australia
- ECA Code of Ethics
- United Nations Convention on the Rights of the Child
- CELA – Complaints Handling, June 2021
- ACECQA – Dealing with Complaints, Policy & Procedures Guideline, June 2021
- ACECQA – Using Complaints to Support Continuous Improvement
- ACECQA – Leadership & Management in Education & Care Services
- NSW Ombudsman – Effective Complaint Handling Guidelines
- Commonwealth Ombudsman – Better Practice Complaint Handling Guide

## LINKS TO OTHER POLICIES:

- Child Protection
- Child-Safe Environment
- Enrolment & Orientation
- Governance & Management
- Incident, Injury, Trauma & Illness
- Interactions with Children
- Staff Code of Conduct
- Staffing