

COMPLAINTS

Quality Area 6: Collaborative partnerships with Families and Communities

Standard 6.1: Respectful and supportive relationships with families are developed and maintained

Quality Area 7: Leadership and Service management

Standard 7.1: Effective leadership promotes a positive organisational culture and builds a professional learning community

Standard 7.2: There is a commitment continuous improvement

Standard 7.3: Administrative systems enable the effective management of a quality service

Education and Care Services National Regulations 2011

168 Education and Care service must have policies and procedures

173 Prescribed information to be displayed

176 Time to notify certain information to Regulatory Authority

PURPOSE

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 Service philosophy

Procedural fairness

Our Service believes in procedural fairness that govern the strategies and practices, which include:

- 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.

POLICY

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

PROCEDURE

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

The Grievance Policy ensures that all persons are presented with procedures that:

- Value the opportunity to be heard;
- Promote conflict resolution;
- Encourage the development of collaborative partnerships;
- Ensure that conflicts and grievances are mediated fairly; and are transparent and equitable

Privacy and Confidentiality

- Management, Staff and Educators, will adhere to our Privacy and Confidentiality Policy when dealing with grievances. However, in some instances, including if a grievance involves a child protection issue, an outside agency and or services such as police will 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

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Should a conflict of interest arise during a grievance or complaint that involve the Nominated Supervisor, then the Approved Provider or other Management will be nominated as an alternative mediator.

Our service 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 services Code of Conduct must be adhered to.

Families, Educators, Staff and Community

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 service.

In general, grievances may be resolved by talking with the relevant party.

However, all parties have the option to make their complaint directly to the Nominated Supervisor of the Service.

When a complaint is made, the Nominated Supervisor will:

- Treat all grievances seriously and as a priority
- Request the complainant provide their grievance in writing if they have not already
- Notify the Approved Provider and other Management of the complaint
- Discuss the issue with the complainant within 24 hours of receiving the written complaint
- The person(s) named in the complaint 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.
- Investigate and document the grievance procedure fairly and impartially. This will consist of:
 - Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent
 - 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

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- If required an interpreter will be sourced
- Advise the complainant and all affected parties of the outcome within 7 working days of the resolution of the complaint.
 - Management will provide a written response outlining the outcome and provide a copy to all parties involved
 - If a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflect the resolution.
- Keep appropriate records of the complaint, 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 feedback form.
- Track complaints to identify recurring issues within the Service.
- Notify the Department of Education and Communities within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised.

Outcomes

The final outcome of any complaint investigated will involve one of the following;

1. The exoneration of the person named in the complaint
2. Management's conclusion that the complaint cannot be substantiated , together with written clarification of future recommendations
3. An official warning in writing – 3 x official warnings will result in suspension or dismissal
4. The immediate suspension or dismissal from the service

The complainant 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 or the NSW Ombudsman

Associated Forms/information:

- Service contract agreement
- Educator Code of Conduct
- Confidentiality of Records agreement
- Complaints register

Failure to comply with this policy may result in disciplinary action or termination of employment or registration as an educator