

Complaints and Grievance policy/procedure -L3

This policy/procedure **MUST** be read in conjunction *with Uniting Feedback Policy*.

Purpose

The effective management of complaints and grievances recognises that complaints are an opportunity for critical reflection and can drive quality improvements. The purpose of this document is to provide a process for addressing a complaint made towards a Uniting education and care service or the individual conduct and behaviour of Uniting Early Learning staff, and educators.

It is to be noted that this procedure does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

Background

A **complaint** is defined as an issue of a minor nature that can be resolved promptly or within 24 hours, and does not require a detailed investigation. Complaints include an expression of concern, dissatisfaction, unmet expectation, or frustration by, parents or internal/external stakeholder, and any verbal or written complaint directly related to the service.

A **notifiable complaint** is a complaint that alleges:

- the safety, health or wellbeing of a child or children was or is being compromised while being educated and cared for by the approved education and care service; or
- the contravention of an Act or Regulation has occurred.

Notifiable complaints must be investigated and reported to the Approved Provider. Some notifiable complaints will be reported to the regulatory authority by the Approved Provider in writing within 24 hours of the complaint.

A **grievance** is a formal statement (written or verbal) that cannot be addressed immediately and involves matters of a more serious nature, e.g. the service is in breach of a procedure/regulation or child protection issues.

Current Environmental Context

Uniting Early Learning is required under legislation to develop a complaint/grievance policy and procedure. This process, at the same time, will be consistent with the organisational wide procedure and practice in relation to complaint/feedback management.

If anyone has a concern, problem or complaint regarding the care, protection, or safety of a child/ren, they should speak with an educator from the child's room in the first instance. In most cases, the complaint will be resolved without delay. For issues not resolved at this level, the complaint will be discussed between the parent, the service's Responsible person and the educator, where appropriate. For complaints not resolved at this level a grievance procedure will be adopted.

Once identified, a grievance in the first instance will be discussed between the parent, Responsible person, and Service Coordinator. If the concern is not able to be resolved at this level, the grievance will be escalated to the Area Manager for resolution. If concerns still exist, contact with the regulatory authority can be made.

DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 1 of 8
Document Author	EL-Practice Manager	Document Version	V 5.0	Procedure No. 013
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Early Learning Attachment and forms

Attachment 13a: Responsibilities relating to the Complaints and Grievances procedure

Attachment 13b: Complaint and grievance procedure

Attachment 13c: Notifiable Complaint/Grievance reporting process overview

Attachment 13d: Investigation Process

[Form No: 13.1: Complaints and Grievances Register](#)

[Form No: 13.2: Complaint & Grievance feedback form](#)

[Form No: 13.3: Compliments, Complaints or concerns feedback](#)

[Form No: 9.4: Serious compliant form](#)

Reference/Sources

This procedure should be read in conjunction with

Uniting Child Safety Policy – Uniting adopts the Uniting Church Australia National Child Safety Policy Framework, 2019 and the principles of this Policy Framework

- Code of Conduct Policy
- Incident, Injury, Trauma and Illness Policy
- Inclusion, Diversity and Equity Policy
- Interactions with Children Policy
- Privacy Policy
- Staffing Policy
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Children's Services Amendment Act 2019
- Children's Services Regulations 2020:
- Department of Education and Training – Regional Office details are available under 'Contact Us' on the website: www.education.vic.gov.au
- Education and Care Services National Law Act 2010: Section 174(2)(b)
- Education and Care Services National Regulations 2011: Regulations 168(2)(o), 170-172, 173(2)(b), 181
- [Kindergarten Funding Guide](#) Department of Education and Training 2016 (Vic) [Link here](#)
- National Quality Standard, Quality Area 7: Leadership and Service Management
- National Quality Standard. Information Sheet Quality Area 7 Using Complaints to Support Continuous Improvement. Australian Children's Education & Care Quality Authority, Feb 2018
- Tasmanian Licensing Standards for Centre Based Child Care Class 5 2014. Standard 16 c) (iv)

This policy/procedure is shared with the whole service community with opportunities to provide feedback/input

Authorisation

This procedure was adopted by Uniting Early Learning on: 10/12/2020

Review

This procedure is to be reviewed by: 10/12/2021

Procedure Owner (Level 3)

Early Learning Executive Officer

DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 2 of 8
Document Author	EL Practice Manager	Document Version	V 5.0	Procedure No. 013
Date Published	10/12/2020	Revision Due Date	10/12/2021	

Attachment 13a - Responsibilities relating to the Complaints and Grievances Procedure

Approved Provider

- Be familiar with and enact the legislative requirements, service policies and the procedures for dealing with complaints and grievances.
- Ensure the name and telephone number of the person responsible at the service to whom complaints may be addressed are displayed prominently at the service.
- Ensure the contact details of the Regulatory Authority are displayed prominently at the service.
- Advise parents and staff of the *Complaints and Grievances Procedure* upon enrolment or employment at the service.
- Ensure this procedure is available for inspection at the service at all times.
- Be aware of and committed to the principles of communicating and sharing information with service employees, members and volunteers.
- Respond to all complaints and grievances in the most appropriate manner and at the earliest opportunity.
- Treat all complainants fairly and equitably.
- Provide a *Complaints and Grievances Register* (form 13.1) and ensure that all staff record complaints and grievances along with outcomes. [Click here](#)
- Inform DET in writing within 24 hours of serious incident, or notifiable complaint via the ACECQA NQATIS portal.
- Identify, prevent and address potential concerns before they become complaints/grievances.
- Comply with the Uniting *Privacy and Confidentiality* policy and maintain confidentiality at all times.
- Provide your families with a copy or a link to the [Consumer Handbook](#) (Welcome to Uniting Vic.Tas).

Responsible person, educators & staff

- Be familiar with and enact the legislative requirements, service policies and the procedure and practice for dealing with complaints and grievances.
- Notify and inform the Approved Provider within 12 hours where practicable of any serious incident or notifiable complaint/grievance.
- Inform DET in writing within 24 hours of serious incident, or notifiable complaint.
- Identify, prevent and address potential concerns before they become complaints/grievances.
- Respond to and resolve issues as they arise where practicable.
- Maintain professionalism and integrity at all times.
- Discussing minor complaints directly with the party involved as a first step towards resolution. The parties are encouraged to discuss the matter professionally and openly work together to achieve a desired outcome.
- Inform complainants of the *Complaints and Grievances Procedure*.
- Record all complaints and grievances in the *Complaints and Grievances Register* (form 13.1).
- Provide information as requested by the Approved Provider e.g. written reports relating to the grievance.
- Work co-operatively with the Approved Provider and DET in any investigations related to grievances about the service, programs or staff.
- Comply with the Uniting *Privacy* policy and maintain confidentiality at all times.

DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 3 of 8
Document Author	EL Practice Manager	Document Version	V 5.0	Procedure No. 013
Date Published	10/12/2020	Revision Due Date	10/12/2021	

Parents

- Comply with the Uniting *Privacy and Confidentiality* policy and maintain confidentiality at all times.
- Discuss a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the *Complaint and Grievance* procedures.
- Communicate (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable.
- Raise any unresolved issues or serious concerns directly with the Approved Provider, via the Responsible Person.

Note: Additional assistants, volunteers, contractors, students and FDC educators, while at the service, are responsible for following this procedure and its process.

DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 4 of 8
Document Author	EL Practice Manager	Document Version	V 5.0	Procedure No. 013
Date Published	10/12/2020	Revision Due Date	10/12/2021	

Attachment 13b - Complaint and grievance procedure

Dealing with a complaint

When a complaint is received, the person to whom the complaint is addressed will:

- inform the complainant of the *Complaints and Grievances Procedure*.
- discuss the complaint directly with the complainant, ensuring a clear and accurate understanding of the issue/s of concern.
- action the complaint, engaging a translator if necessary, to facilitate understanding and communication.
- ensure the Responsible person is aware of the complaint.
- document the complaint in the *Complaints and Grievances Register* (form 13.1) together with the outcome.
- comply with the Uniting *Privacy and Confidentiality* policy with regard to all meetings/discussions in relation to a complaint.
- inform the Approved Provider if the complaint escalates and becomes a grievance ([refer to Glossary](#)), a notifiable complaint or is unable to be resolved appropriately in a timely manner.

Dealing with a grievance/notifiable complaint

When a grievance is lodged with the service:

- the staff member receiving the grievance will record all relevant details regarding the grievance in the *Complaints and Grievances Register* (form 13.1) (refer to *Glossary*).
- the staff member is to escalate grievance to line manager and ensure Area Manager is notified.
- an investigator is to be appointed.
- an investigation is to be conducted.
- if the grievance/complaint is notifiable, the Approved Provider will be responsible for notifying the Regulatory Authority. This must be in writing within 24 hours of receiving the grievance/complaint.
- If the complaint/grievance alleges that a Uniting staff member, educator or volunteer has abused a child, the Quality and Program Performance division must be notified to enable a report to be made under the Reportable Conduct Scheme.

Investigating the grievance and gathering relevant information (see flowchart attachment c)

When investigating the grievance and gathering relevant information, the Investigator will:

- meet with individual witnesses and give right of reply to the person against whom the allegations are made in relation to any accusation or information relating to an alleged incident.
- offer the complainant the opportunity of meeting with the investigator to discuss the complaint and provide additional information where relevant.
- provide access to a translator or support person if required.
- inform the complainant of the procedures for dealing with the grievance.
- if the complainant does not take up the opportunity to attend a meeting
 - document the time, date and detail of meetings/discussions, and follow this up with a letter to the complainant outlining the information discussed.
- be available to meet with the Regulatory Authority staff, if required, and provide additional information as requested.
- review relevant information and documents.
- obtain any other relevant information or documentation that will assist in resolving the grievance.
- seek advice, where appropriate, from the wider organisation, individuals and organisations that may be able to assist in resolving the grievance (any cost in seeking advice will require prior approval by the Approved Provider).

DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 5 of 8
Document Author	EL Practice Manager	Document Version	V 5.0	Procedure No. 013
Date Published	10/12/2020	Revision Due Date	10/12/2021	

Investigator responsibilities and procedures (see flowchart attachment e)

In the event of a grievance being lodged, the investigator will:

- deal with the grievance in a timely manner.
- disclose any conflict of interest.
- consider the nature and the details of the grievance.
- identify which Uniting and/or Early Learning policies (if any) the grievance involves.
- inform the Approved Provider if their involvement is required under any other service policies.
- if the grievance is a notifiable complaint (refer to *Glossary*), inform the complainant of the requirements to notify the Regulatory Authority of the grievance and explain the role that they may take in investigating the complaint.
- where appropriate, inform and request advice from the relevant Uniting People & Culture representative.
- maintain appropriate records of the information and data collected, including minutes of meetings, incident reports and copies of relevant documentation relating to the grievance.
- respect the confidential nature of information relating to the grievance. The Approved Provider and the investigator must handle any grievance in a discreet and professional manner.
- store all written information relating to grievances securely and in compliance with the Uniting *Privacy and Confidentiality* policy.

Following the investigation

Once the investigation of the grievance is complete:

- attempts will be made to resolve the grievance by mutual agreement of the parties involved.
- the investigator will meet to discuss information gathered and determine further action, including generating recommendations to be presented to the Approved Provider.
- any recommendations or actions are in accordance with relevant legislation and funding requirements including, but not limited to:
 - *Child Care Act 2001 (Tas)*
 - *Children's Services Amendment Act 2019 (Vic)*
 - *Children's Services Regulations 2020 (Vic)*
 - *Education and Care Services National Law Act 2010*
 - *Education and Care Services National Regulations 2011*
 - *Kindergarten Funding Guide (Vic)*
 - State and Federal funding agreements
 - *Tasmanian Licensing Standards for Centre Based Child Care Class 5 (October 2014)*
- reported outcomes, that include relevant information gained in the investigation and any consultations, are presented to the Approved Provider
- follow up to ensure the parties involved are satisfied with the outcome and monitor progress on any actions taken by the Approved Provider

The Approved Provider:

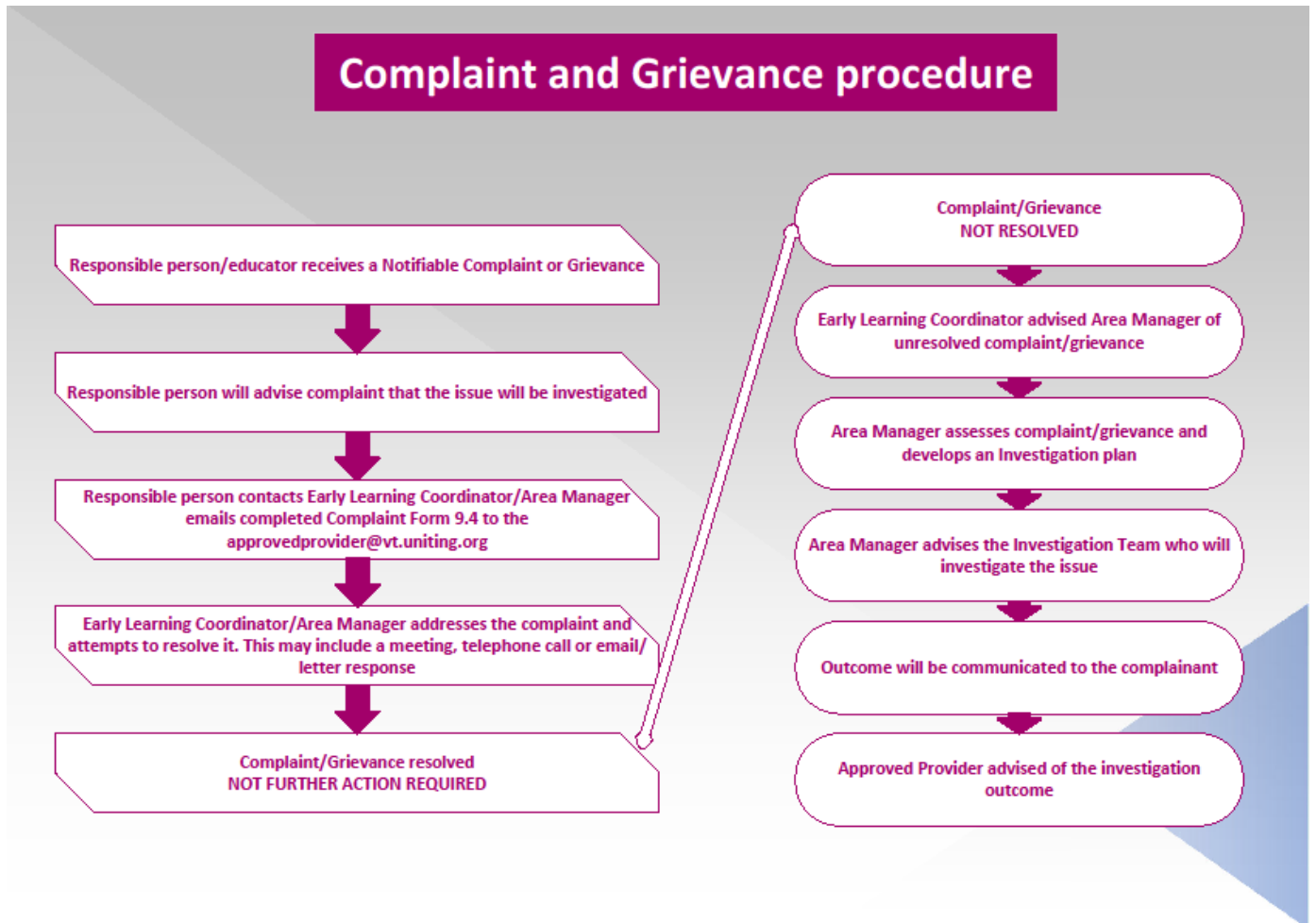
- is informed of any involvement, and the outcomes of any investigation by the Regulatory Authority.
- reviews the report and any investigator recommendations and will be responsible for making decisions on the action to be taken (if any), including relevant review mechanisms.
- advises the complainant and other relevant parties of any decisions made by the Approved Provider in relation to the grievance.
- follows up to ensure the parties involved are satisfied with the outcome and monitor progress on any actions taken by the Approved Provider.
- Conducts a review of allegation and response provided to the notification.

DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 6 of 8
Document Author	EL Practice Manager	Document Version	V 5.0	Procedure No. 013
Date Published	10/12/2020	Revision Due Date	10/12/2021	

Attachment 13c - Notifiable complaint /grievance reporting procedures overview

A notifiable complaint is a complaint that alleges:

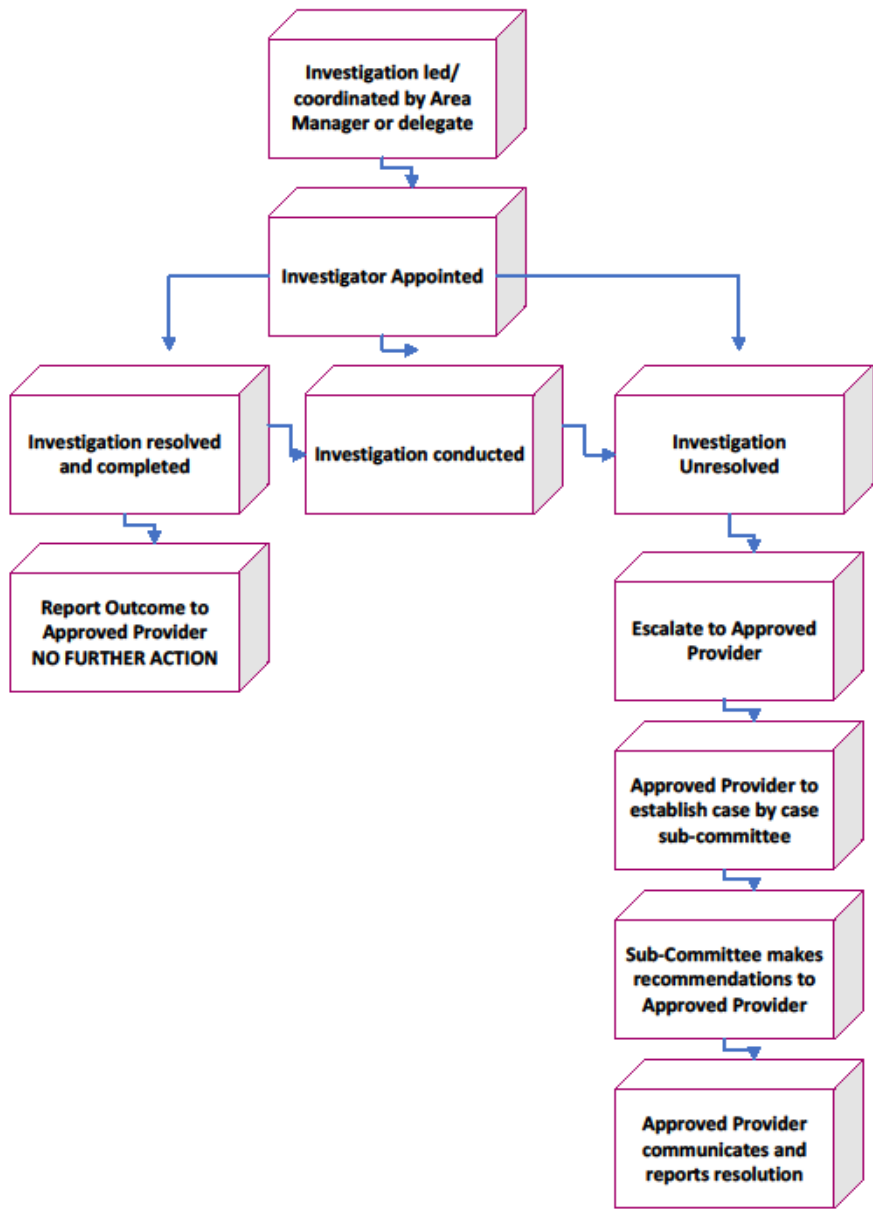
- the safety, health or wellbeing of a child or children was or is being compromised while being educated and cared for by the approved education and care service; or
- that the National/State Laws/Regulations have been contravened.



DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 7 of 8
Document Author	EL Practice Manager	Document Version	V 5.0	Procedure No. 013
Date Published	10/12/2020	Revision Due Date	10/12/2021	

Attachment 13d – Investigation Process

Complaints and Grievance Policy Procedure



DOCUMENT TITLE & NUMBER		COMPLAINTS AND GRIEVANCE POLICY/PROCEDURE-(Level 3)		
Content Owner	Uniting Early Learning – Executive Officer			Page 8 of 8
Document Author	EL Practice Manager	Document Version	V 5.0	Procedure No. 013
Date Published	10/12/2020	Revision Due Date	10/12/2021	