



CHABAD MALVERN

Early Learning Centre

Complaints and Grievance Policy

Aim

The policy supports and guides the actions of each stakeholder that accesses the service. This includes children and families but also educators, management and the wider community. The service has 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.

Implementation

These procedures explain the procedure for reporting and managing grievances, the roles and responsibilities of educators, staff and managers and the potential consequences of breaching our policies and procedures and Code of Conduct.

Educators, staff, volunteers and visitors will:

- Raise the grievance or complaint directly with the person they have grievance with. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should be based on the principles of privacy, confidentiality, respect and open-mindedness, will not involve other educators, staff, volunteers or visitors (eg parents) and will take place away from children.
- Raise the grievance or complaint with the Nominated Supervisor (or another manager/supervisor if the grievance involves the Nominated Supervisor) if they are unable to resolve the concern, or feel uncomfortable raising the matter directly with the person concerned. The Nominated Supervisor (or other manager) may ask for the issue to be put in writing. Employees should provide all relevant information, including what the problem is, any other person involved in the problem and any suggested solution. Educators are encouraged to communicate openly about the issue.
- Raise any grievance involving suspected or actual unlawful activity (including bullying) with the Approved Provider or Nominated Supervisor immediately and privately.
- Report inappropriate behaviour (harassment, bullying, and discrimination) even if it does not directly involve them. This includes witnessing inappropriate conversations, communication or ongoing situations that makes you feel uncomfortable.
- Be confident that their concerns will be thoroughly investigated, but aware that the outcome may not result in the action requested.

Educators, staff, volunteers and visitors will not:

- Become involved in complaints or grievances that do not concern them. This is neither ethical nor likely to advance the grievance process or outcome.
- Raise complaints with an external complaints body, such as a court or Tribunal, without exhausting our grievance procedures.

The Nominated Supervisor will:

- Treat the complaint seriously and deal with it as a matter of priority in a confidential and impartial manner.
- Discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- Properly investigate and fairly and impartially consider the issue. This will include:
 - Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and relevant
 - Discussing the nature of the complaint (or breach) and giving an educator, staff member, volunteer or visitor an opportunity to respond. To encourage teamwork and respect, the issue may be discussed at an educator meeting if the privacy of the people involved can be protected.

- Allowing them to have a support person present during an interview (eg health and safety representative, however this does not include a lawyer acting in a professional capacity)
- Providing the manager or employee with a clear written statement outlining the outcome of the investigation.
- Advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
 - If the complaint has been put in writing, or the parties involved request a written response, Nominated Supervisor will provide a written response outlining the outcome. If a written agreement about the resolution of the complaint is prepared, all parties must agree it accurately reflects the resolution.
 - If the Nominated Supervisor decides not to proceed with the investigation after initial enquiries, he or she will give the complainant the reason/s in writing.
 - Keep appropriate records of the investigation and outcome, and store those records in accordance with our Privacy, Confidentiality & Record Keeping Policy.
 - Monitor ongoing behaviour and provide support as required.
 - Ensure the parties are protected from victimisation.
 - Offer external review by a Tribunal or alternate organisation where employees, visitors and volunteers are unhappy with the outcome of the grievance procedure. Workplace bullying matters may be referred to the Fair Work Commission which can direct employers to take specific actions against workplace bullies or the Work Health and Safety (WHS) Regulator which may investigate whether WHS duties have been contravened.
 - Request feedback on the grievance process using a questionnaire.
 - Track complaints to rectify identify recurring issues within the Service.
 - Notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Please refer to our Incident, Injury, Trauma and Illness Policy.

Outcomes may include:

- Gaining an apology and a commitment that certain behaviour will not be repeated and monitoring this over time.
- Education and training in relevant laws, policies or procedures (eg bullying awareness, leadership skills).
- Assistance in locating relevant counselling services.
- Disciplinary procedures including a verbal or written warning, termination of employment or transfer to a different position at the Service.
- Redressing any inequality which occurred to the complainant.
- Providing closer supervision.
- Modifying Service policies and procedures.
- Developing new policies and procedures.

Outcomes will take into consideration relevant industrial relations principles and guidelines and make provision for procedural fairness. The Nominated Supervisor will consider:

- The number of complaints (or breaches).
- The opportunities given to adhere to a policy or procedure and/or change behaviour.
- The opportunities given to respond to the allegations.
- The seriousness of the complaint (or breach), and whether it impacted the safety and welfare of other employees, volunteers or visitors.
- Whether a policy, procedure or complaint is reasonable.

Notifiable Complaints

For notifiable serious incidents, see Incident, Injury, Trauma and Illness Policy.

In relation to serious incidents and complaints, the approved provider must:

- Display the name and telephone number of the person at the education and care service to whom complaints may be addressed (regulation 173(2)(b))
- Display the contact details of the Regulatory Authority (regulation 173(2)(e))

- Develop policies and procedures in relation to dealing with complaints (regulation 168(2)(o))
- Notify the Regulatory Authority of serious incidents and any complaints which allege a breach of legislation (section 174(2)(a) and (b), regulation 12)
- Have processes in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner (element 7.3.4).

A complaint (section 174(2)(b)) is a complaint that alleges:

- The safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service; or
- The National Law and/or National Regulations has been contravened.
- Notification of serious incidents and complaints to the Regulatory Authority
- The Regulatory Authority must be notified of a complaint (section 174(2)(b)) in writing within 24 hours of the complaint or incident (Notification of a complaint – form NL01)
- These forms are available on ACECQA website: www.acecqa.gov.au

Direct complaints to the Regulatory Authority

- Direct complaints can be made to the Regulatory Authority where the complaint alleges that:
- the safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the approved education and care service; or
- The National Law and/or National Regulations has been contravened.
- The Regulatory Authority in Victoria
- The Department of Education and Early Childhood Development, Quality Assessment and Regulation Division can be contacted on 1300 307 415 or by email at licensed.childrens.services@edumail.vic.gov.au.
- Serious incidents and complaints should be directed to the relevant Quality Assessment and Regulation area team. Details of area offices are available in the fact sheet Quality Assessment and Regulation – Regional Offices available at www.education.vic.gov.au/childhood/providers/regulation.

Parent Grievances

Any parent/caregiver with a concern or complain in relation to the running of our Service either in administration or child interaction should do the following:

- Voice their complaint or concern with the parent coordinator, nominated supervisor or approved provider.
- Write their complaint or concern addressing it to the parent coordinator, nominated supervisor or approved provider. You will receive a personal response unless you have chosen to be anonymous.
- Parents can speak to any educator or member of staff about a specific complaint or concern. Educators or staff will put in steps to address your concern or complaint as quickly as possible. However, educators and staff do reserve the right to have the complaint put in writing.
- If a service-wide problem has been brought to our attention, all families and staff may be informed of the contents of your complaint but not your name.

Educator Grievances

All breaches of our Code of Conduct (including corruption, maladministration and waste of resources) and complaints or grievances from educators, staff members, families, visitors and volunteers associated with the workplace will be managed in line with our Grievance Guidelines.

This includes incidents of bullying, discrimination and harassment at the Service. Our Service takes any incident of (alleged) bullying, discrimination or harassment very seriously because it can cause significant health and wellbeing issues for employees.

Grievances can occur in all workplaces and handling them properly is important for maintaining a safe, healthy, harmonious and productive work environment. Documented grievance procedures are important because:

- Staff and visitors need to know a process exists for receiving and managing grievances and complaints fairly, impartially, promptly and thoroughly.
- They help to ensure small issues or problems do not escalate.
- Supervisors and managers need to be aware of issues causing conflict.
- Documentation provides evidence and a record of the grievance and the outcome.
- Complaints facilitate continuous improvement of Service operations.

Depending on the nature of the breach, suitable outcomes may include:

- Emphasising the relevant component of the child protection risk management strategy, for example, the code of conduct
- Providing closer supervision
- Further education and training
- Mediating between those involved in the incident (where appropriate)
- Disciplinary procedures if necessary
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

Sources

- Education and Care Services National Regulations 2011
- National Quality Standard
- Occupational Health and Safety Act 2004
- Fair Work Act 2009
- Preventing and Responding to Workplace Bullying: Safe Work Australia Draft Code of Practice
- Anti-bullying jurisdiction: Fair Work Commission
- Educator and Management Policy
- Interactions with Children Policy
- Child Protection Policy
- Governance Policy
- Privacy, Confidentiality and Record Keeping Policy

Review

The policy will be reviewed annually. The review will be conducted by:

- Management
- Employees

Last reviewed: May 2024 **Date for next review:** May 2025

NQS

Quality Area 7	
7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.2.1	There is an effective self-assessment and quality improvement process in place.

National Regulations

Regulation	
173	Prescribed information to be displayed
174	Time to notify certain circumstances to Regulatory Authority
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority

