

Complaints and Grievances Policy

1. Authorisation

This policy was adopted by the Dawson Street Child Care Co-operative (DSCCC) Committee of Management, at its meeting on 23 May 2018.

2. Review Date

This policy shall be reviewed in May 2020 or earlier if needed.

3. Scope

This policy applies to parents/guardians, the Management Committee, the Director, educators and any other person involved with the centre.

All complaints, notifiable or otherwise, from DSCCC members (ie: families) will be handled under this Complaints and Grievances Policy.

Complaints received from DSCCC members by the centre will be dealt with under this policy.

This policy does NOT include complaints by staff, industrial or employment matters, occupational health and safety matters (unless related to the safety of children) and issues related to the legal business entity, such as the Co-operative.

The substance of this policy is contained in Attachment 2.

4. Background and Relevant Legislation

Acts and Regulations

Relevant legislation and standards include but are not limited to:

- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Children, Youth and Families Act 2005* (Vic)
- *Co-operatives National Law Application Act 2013* (Vic)
- Co-operatives National Law (Victoria) Local Regulations 2014
- *Education and Care Services National Law Act 2010* (Vic): Section 174(2)(b)
- Education and Care Services National Regulations 2011: Regulations 168(2)(o) and 176(2)(b)
- *Health Records Act 2001* (Vic)
- *Information Privacy Act 2000* (Vic)
- *National Quality Standard*, Quality Area 7: Governance and Leadership
 - Standard 7.1.2: Systems are in place to manage risk and enable the effective management and operation of a quality service
- *Privacy Act 1988* (Cth)
- *Privacy Regulations 2006* (Cth)
- *Co-operatives National Law Application Act 2013*
- Co-operatives National Law (Victoria) Local Regulations 2014

5. Definitions

Complaint: (in relation to this policy) 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 displeasure, such as poor service, and any verbal or written complaint directly related

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to the Centre (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (unless related to the safety of children) and issues related to the Co-operative.

Complaints and Grievances Register: (In relation to this policy) records information about complaints and grievances received at the centre, together with a record of the outcomes. This register must be kept in a secure file, accessible only to educators and Responsible Persons at the centre. The register can provide valuable information to the Director on meeting the needs of children and families at the Centre.

DET: Department of Education and Training.

Dispute resolution procedure: The method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

General complaint: A general complaint may address any aspect of the service e.g. a lost clothing item or the centre's fees. The centre does not have to inform DET, but the complaint must be dealt with as soon as practicable to avoid escalation of the issue.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g. the centre is in breach of a policy or the centre did not meet the care expectations of a family.

Mediator: A person who mediates, especially one who reconciles differences between disputants.

Mediation: An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the centre may have been compromised. Any complaint of this nature must be reported by the Director to the secretary of DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If the Director is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation. Written reports to DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises (Regulation 12). A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority (DET) must be notified within 24 hours of a serious incident occurring at the centre (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

6. Policy Statement

Values

DSCCC is committed to:

- The resolution, where possible, of complaints to the mutual satisfaction of those involved.
- Providing an environment of mutual respect and open communication, where the expression of opinion is encouraged. Fairness and equity in dealing with disputes, complaints and complainants.
- Compliance with all legislative and statutory requirements.
- Establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances.
- Maintaining confidentiality at all times.

Purpose

DSCCC will:

- Provide clear procedures for making and dealing with complaints.
- Comply with all legislative requirements.
- Investigate all complaints, dealing with them as soon as practicable.
- Attempt to resolve the complaint to mutual satisfaction of those involved.

7. Procedures

The Director is responsible for:

- being familiar with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, centre policies and constitution, and complaints and grievances policy and procedures
- identifying, preventing and addressing potential concerns before they become formal complaints/grievances
- ensuring that the name and telephone number of the Responsible Person (refer to *Staffing Policy*) to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the centre (Regulation 173(2)(b))
- ensuring that the address and telephone number of the Authorised Officer at the DET regional office are displayed prominently at the main entrance of the centre (Regulation 173(2)(e))
- advising parents/guardians and any other new members of DSCCC of the complaints and grievances policy and procedures upon enrolment
- ensuring that this policy is available for inspection at the centre at all times (Regulation 171)
- being aware of, and committed to, the principles of communicating and sharing information with centre employees, members and volunteers
- responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- treating all complainants fairly and equitably
- providing a *Complaints and Grievances Register* (refer to *Definitions*) and ensuring that staff record complaints and grievances along with outcomes
- complying with the centre's *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)

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- establishing a Grievances Subcommittee to investigate and resolve grievances (refer to Attachment 1 – Sample terms of reference for a Grievances Subcommittee)
- referring notifiable complaints (refer to *Definitions*), grievances (refer to *Definitions*) or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee
- informing DET in writing within 24 hours of receiving a notifiable complaint (refer to *Definitions*) (Act 174(4), Regulation 176(2)(b))
- receiving recommendations from the Grievances Subcommittee and taking appropriate action.

The educators and other staff are responsible for:

- responding to and resolving issues as they arise where practicable
- maintaining 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)
- informing complainants of the centre's *Complaints and Grievances Policy*
- recording all complaints and grievances in the *Complaints and Grievances Register* (refer to *Definitions*)
- notifying the Director if the complaint escalates and becomes a grievance (refer to *Definitions*), is a notifiable complaint (refer to *Definitions*) or is unable to be resolved appropriately in a timely manner
- providing information as requested by the Director e.g. written reports relating to the grievance
- complying with the centre's *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)
- working co-operatively with the Director and DET in any investigations related to grievances about DSCCC, its programs or staff.

Parents/guardians are responsible for:

- raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures
- communicating (preferably in writing) any concerns relating to the management or operation of the centre as soon as is practicable
- raising any unresolved issues or serious concerns directly with the Director, via the educator or through the Grievances Subcommittee
- maintaining complete confidentiality at all times
- co-operating with requests to meet with the Grievances Subcommittee and/or provide relevant information when requested in relation to complaints and grievances.

Volunteers and students, while at the Centre, are responsible for following this policy and its procedures.

8. Evaluation

In order to assess whether the values and purposes of the policy have been achieved, the Director will:

- monitor complaints and grievances as recorded in the *Complaints and Grievances Register* to assess whether satisfactory resolutions have been achieved
- review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner
- Consider feedback from staff, parents/guardians, volunteers regarding the policy.

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Attachments

- Attachment 1: Terms of reference for a Grievances Subcommittee
- Attachment 2: Dealing with complaints and grievances

Date Reviewed	Details of Changes (if any)	Date of Next Review
April 2018	Minor changes only	April 2020
April 2016	Minor changes only.	April 2018

ATTACHMENT 1

Terms of reference for a Grievances Subcommittee

DATE ESTABLISHED: [Date]

Purpose

- A Grievances Subcommittee has been established by the Dawson Street Management Committee to investigate and resolve grievances lodged with Dawson Street Child Care Cooperative (DSCCC).

Membership

Three people are nominated by the Director, and membership must include a minimum of one Responsible Person (refer to *Definitions*).

Time period nominated

The Grievances Subcommittee shall be appointed as needed.

Meeting requirements

The subcommittee convenor is responsible for organising meetings as soon as is practicable after receiving a complaint or grievance.

Decision-making authority

The subcommittee is required to fulfil only those tasks and functions as outlined in these terms of reference.

The Director may decide to alter the decision-making authority of the subcommittee at any time.

Budget allocation

All expenditure to be incurred by the subcommittee must be approved by DSCCC Management Committee. A request in writing must be submitted by the subcommittee.

Reporting requirements of the committee

- The subcommittee is required to keep minutes of all meetings held. These are to be kept in a secure file.

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- The convenor is required to present a written report to the DSCCC Management Committee about the grievance, ensuring that privacy and confidentiality are maintained according to the centre's *Privacy and Confidentiality Policy*.

Tasks and functions of the Grievances Subcommittee

- Responding to complaints in a timely manner
- Investigating all complaints received in a discreet and responsible manner
- Implementing the procedures outlined in *Attachment 2 – Dealing with complaints and grievances*
- Acting fairly and equitably, and maintaining confidentiality at all times
- Informing the Director if a complaint is assessed as notifiable
- Keeping the Director informed about complaints that have been received and the outcomes of investigations
- Providing the Director with recommendations for action
- Ensuring decisions are based on the evidence that has been gathered
- Reviewing the terms of reference of the Grievances Subcommittee at commencement and on completion of their term. Suggestions for alterations are to be presented to and approved by the Director.

ATTACHMENT 2

Dealing with complaints and grievances

Dealing with a complaint

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

- inform the complainant of the Centre's *Complaints and Grievances Policy*
- encourage the complainant to resolve the complaint with the person directly, or to submit their complaint in writing
- enter the complaint in the *Complaints and Grievances Register* (refer to *Definitions*) together with the outcome
- comply with the Centre's *Privacy and Confidentiality Policy* with regard to all meetings/discussions in relation to a complaint
- inform the Director if the complaint escalates and becomes a grievance (refer to *Definitions*), a notifiable complaint (refer to *Definitions*) or is unable to be resolved appropriately in a timely manner.

Dealing with a grievance

When a formal complaint or grievance is lodged with the Centre:

- the staff member receiving the formal complaint or grievance will record all relevant details regarding the grievance in the *Complaints and Grievances Register* (refer to *Definitions*) and immediately inform the Director
- the Director/Management Committee must establish a Grievances Subcommittee to investigate the grievance
- the Grievances Subcommittee will assess the grievance to determine if it is a notifiable grievance (refer to *Definitions*)
- if the grievance is notifiable, the Director will be responsible for notifying DET. This must be in writing within 24 hours of receiving the complaint (Regulation 176(2)(b))
- the written report to DET needs to be submitted using the appropriate forms from ACECQA and will include:
 - details of the event or incident
 - the name of the person who initially made the complaint
 - if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
 - contact details of a nominated member of the Grievances Subcommittee
 - any other relevant information
- if the Director is unsure if the complaint is a notifiable complaint, it is good practice to contact DET for confirmation.

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Grievances Subcommittee responsibilities and procedures

In the event of a grievance being lodged, the Grievances Subcommittee will:

- convene as soon as possible to deal with the grievance in a timely manner
- disclose any conflict of interest relating to any member of the subcommittee. Such members must stand aside from the investigation and subsequent processes
- consider the nature and the details of the grievance
- identify which centre policies (if any) the grievance involves
- inform the Director if their involvement is required under any other centre policies
- if the grievance is a notifiable complaint (refer to *Definitions*), inform the complainant of the requirements to notify DET of the grievance and explain the role that DET may take in investigating the complaint
- 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 Director and the subcommittee must handle any grievance in a discreet and professional manner
- store all written information relating to grievances securely and in compliance with the centre's *Privacy and Confidentiality Policy*.

Investigating the grievance and gathering relevant information

When investigating the grievance and gathering relevant information, the Grievances Subcommittee 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 subcommittee to discuss the complaint and provide additional information where relevant
- nominate a subcommittee member to 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 DET 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 individuals and organisations that may be able to assist in resolving the grievance (any cost in seeking advice will require prior approval by the Director).

Following the investigation

Once the investigation of the grievance is complete, the Grievances Subcommittee will:

- endeavour to resolve the grievance by mutual agreement of the parties involved
- meet to discuss the information gathered and determine further action, including generating recommendations to be presented to the Director
- ensure that any recommendations or actions are in accordance with relevant legislation and funding requirements including, but not limited to:
 - *Education and Care Services National Law Act 2010*
 - *Education and Care Services National Regulations 2011*
 - *Victorian kindergarten policy, procedures and funding criteria*

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- report outcomes that may include relevant information gained in investigations and consultations to the Director and, where required, provide any recommendations for consideration by the Director
- inform the Director on the involvement of DET and the outcomes of any investigation by DET. The Director will review the report and any subcommittee recommendations and will be responsible for making decisions on the action to be taken (if any), including relevant review mechanisms
- advise the complainant and other relevant parties of any decisions made by the Director in relation to the grievance
- follow up to ensure the parties involved are satisfied with the outcome and monitor progress on any actions taken by the Director.