

## COMPLAINTS AND GRIEVANCES POLICY

<b>Policy Number</b>	P-Q7-M001	<b>Version Number</b>	4.00
<b>Drafted by</b>	Director of Education	<b>Approved Date:</b> <b>Review Date:</b>	February 2022 January 2023
<b>Responsibility</b>	The Board of Bubup Womindjeka Family and Children’s Centre Association (Inc.)		
<b>Related Service Policies</b>	<ul style="list-style-type: none"> <li>▪ Staff Code of Conduct Policy</li> <li>▪ Incident, Injury, Trauma and Illness Policy</li> <li>▪ Inclusion and Equity Policy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Interactions with Children Policy</li> <li>▪ Privacy and Confidentiality Policy</li> <li>▪ Staffing Policy</li> </ul>	
<b>Legislation and Standards</b>	<p>Relevant legislation and standards include but are not limited to:</p> <ul style="list-style-type: none"> <li>- Charter of Human Rights and Responsibilities Act 2006 (Vic)</li> <li>- Children, Youth and Families Act 2005 (Vic)</li> <li>- Education and Care Services National Law Act 2010: Section 174(2)(b)</li> <li>- Education and Care Services National Regulations 2011: Regulations 168(2)(o) and 176(2)(b)</li> <li>- Information Privacy Act 2000 (Vic)</li> <li>- <i>National Quality Standard</i>, Quality Area 7: Governance and Leadership</li> <li>- Privacy Act 1988 (Cth)</li> <li>- Privacy Regulations 2013(Cth)</li> <li>-</li> </ul> <p>The most current amendments to listed legislation can be found at:</p> <ul style="list-style-type: none"> <li>- Victorian Legislation – Victorian Law Today: <a href="http://www.legislation.vic.gov.au/">http://www.legislation.vic.gov.au/</a></li> <li>- Commonwealth Legislation – ComLaw: <a href="http://www.comlaw.gov.au/">http://www.comlaw.gov.au/</a></li> </ul>		
<b>Sources</b>	<ul style="list-style-type: none"> <li>▪ ACECQA: <a href="http://www.acecqa.gov.au">www.acecqa.gov.au</a></li> <li>▪ Department of Education and Training (DET) – Regional Office details are available under ‘Contact Us’ on the DEECD website: <a href="http://www.education.vic.gov.au">www.education.vic.gov.au</a></li> <li>▪ ELAA Early Childhood Management Manual: <a href="http://www.elaa.org.au">www.elaa.org.au</a></li> <li>▪ The Kindergarten Guide (Department of Education and Early Childhood Development) is available under early childhood / service providers on the DET website: <a href="http://www.education.vic.gov.au">www.education.vic.gov.au</a></li> </ul>		

### AUTHORISATION

This policy was adopted by the Bubup Womindjeka Family and Children’s Centre Board of Governance on 15<sup>th</sup> of August 2016.

### PURPOSE

This policy will provide guidelines for:

- receiving and dealing with complaints and grievances at Bubup Womindjeka Family and Children’s Centre and the procedures to be followed in investigating complaints and grievances

Note: This policy does not address complaints relating to staff grievances or employment matters. These are addressed in the Staff Complaints and Grievances Policy. The relevant awards provide information on the management of such issues.

### PRINCIPLES

Bubup Womindjeka Family and Children’s Centre is committed to:

- providing an environment of mutual respect and open communication, where the expression of opinions is encouraged

- complying with all legislative and statutory requirements
- dealing with disputes, complaints and complainants with fairness and equity
- establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- maintaining confidentiality at all times

## SCOPE

This policy applies to the Approved Provider, Persons with Management and Control, Nominated Supervisor, Persons in Day to Day Charge, educators, staff, students on placement, volunteers, contractors, parents/guardians, children and others attending the programs and activities of Bubup Womindjeka Family Children's Centre.

## DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

**Complaint:** (In relation to this policy) 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 displeasure, such as poor service, and any verbal or written complaint directly related to the service (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 the children) and issues related to the legal business entity, such as the incorporated association or co-operative.

**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 service's fees. Services do not have to inform the Department of Education and Training, but the complaint must be dealt with as soon as is 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 service is in breach of a policy or the service did not meet the care expectations of a family.

**Mediator:** A person (neutral party) who attempts to reconcile 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 service may have been compromised. Any complaint of this nature must be reported by the Approved Provider to the Regulatory Authority (Department of Education and Training) within 24 hours of the complaint being made (Section 174(2) (b), Regulation 176(2) (b)). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact the Department of Education and Training for confirmation.

**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 service in contravention of the Regulations or is mistakenly locked in/out of the service 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 (Department of Education and Training) must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2) (a)). Records are required to be retained for the periods specified in Regulation 183.

## BACKGROUND

Complaints or grievances may be received from anyone who comes in contact with Bubup Womindjeka Family and Children's Centre including parents/guardians, volunteers, students, contractors, members of the local community and other agencies.

In most cases, dealing with complaints and grievances will be the responsibility of the Approved Provider. All complaints and grievances, when lodged, need to be initially assessed to determine whether they are a general or a notifiable complaint (refer to *Definitions*).

When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify the Regulatory Authority (Department of Education and Training) of the complaint or grievance within 24 hours of the complaint being made. The Approved Provider will investigate the complaint or grievance and take any actions deemed necessary, in addition to responding to requests from and assisting with any investigation by the Department of Education and Training.

There may be occasions when the complainant reports the complaint or grievance directly to the Department of Education and Training. If the Department of Education and Training then notifies the Approved Provider about a complaint they have received, the Approved Provider will still have responsibility for investigating and dealing with the complaint or grievance as outlined in this policy, in addition to co-operating with any investigation by the Department of Education and Training.

The Department of Education and Training will investigate all complaints and grievances it receives about a service, where it is alleged that the health, safety or wellbeing of any child within the service may have been compromised, or that there may have been a contravention of the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

## IMPLEMENTATION

### BWFCC Complaints and Grievance Process

#### Making a Complaint or Grievance

Complaints may be made verbally or in writing to the Nominated Supervisor, Responsible person/s in day to day charge or the child's educator.

Grievances about a BWFCC employee, Board Member, volunteer, student or contractor may be addressed verbally or in writing to the Nominated Supervisors;

**Executive Officer** - Kellie Connor [kelliec@bwfcc.org.au](mailto:kelliec@bwfcc.org.au)

**Director of Education** - Lease Cowen [leasec@bwfcc.org.au](mailto:leasec@bwfcc.org.au)

or

**Board of Governance President** – [Board@bwfcc.org.au](mailto:Board@bwfcc.org.au)

#### Responsiveness

- All complaints or grievances will be acknowledged and responded to as soon as practicable.
- Complaints or grievances will be dealt with in a timely manner and complainants will be kept informed about the progress of their complaint or grievance and anticipated timeframes.
- Allegations of suspected harm or risk of harm to a child or possible victims of crime, will be actioned immediately by urgent referral or reporting to the relevant agency.

#### Managing a Complaint or Grievance

- When a complaint or grievance is received, inform complainant of the *Complaints and Grievances Policy*.
- Encourage complainant to resolve issue with person directly.
- Person receiving complaint to determine if it is a complaint or grievance.
- Enter complaint or grievance in Grievance and Complaint Register.

- Comply with service's *Confidentiality and Privacy Policy* in respect of all meetings and discussions in relation to the complaint or grievance.

▪

## Investigation

- Nominated Supervisor to set a meeting time with the complainant to discuss the complaint or grievance and work towards a resolution.
- If the complaint or grievance is not resolved, identify whether mediation is required (internal or external) or refer matter to the Board of Governance.
- In the case of a Serious Incident or notifiable complaint, follow all investigation procedures as required by legislation, regulation, standard and organisation policies and procedures.
- Nominated Supervisor to notify the Board of Governance of the complaint immediately if it is a notifiable complaint.

## Resolution

Each complaint or grievance will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with, the service will:

- Analyse the complaint or grievance to determine if any policy or procedural changes need to be implemented
- Staff and complainant to set out strategies and timeframes to achieve a resolution to the complaint or grievance including a meeting time to assess the progress of the resolution process.
- The Nominated Supervisor will follow through to determine that complaints and grievances have been successfully resolved to everyone's satisfaction. The complainant will be contacted to determine if they were satisfied with the way the issue was resolved, and educators' will be consulted about the outcome from an operational viewpoint.

## Notifiable Complaints

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 Nominated Supervisor to the Regulatory Authority (Department of Education and Training) within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

Written reports 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)
- Any other relevant information.

Written notification of complaints must be submitted via the National Quality Agenda IT system (NQAITs): <http://www.acecqa.gov.au/national-quality-agenda-it-system>. If the Nominated Supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact DET for confirmation.

The Nominated Supervisor is to notify the Board of Governance of the complaint immediately if it is a notifiable complaint.

## Direct Complaints

Complaints can be made directly to the Regulatory Authority, (Department and Education and Training) 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
- The relevant legislation has been contravened

## **Department of Education and Training – South Eastern Region**

General Enquires –

Phone: 03 8765 5600

Email: [sevr@edumail.vic.gov.au](mailto:sevr@edumail.vic.gov.au)

Postal address: PO Box 5 Dandenong, Victoria 3175

Location: 165-169 Thomas Street, Dandenong, Victoria 3175

<http://www.education.vic.gov.au/childhood/parents/childcare/Pages/default.aspx>

## ROLE RESPONSIBILITIES

### **The Approved Provider (Board of Governance) is responsible for:**

The Bubup Womindjeka Family and Children's Centre Board is the Approved Provider and has ultimate responsibility for the management and control of the service.

The Board delegates operational responsibility and day to day management of the service to the Nominated Supervisor and monitors the performance of the organisation, including responsibilities contained in this policy, through regular reporting and by ensuring appropriate resources are available to carry out the organisation's functions.

### **The Nominated Supervisor and Persons in day-to-day charge are responsible for:**

- being familiar with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, service 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 service (Regulation 173(2)(b))
- ensuring that the address and telephone number of the Regulatory Authority are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- advising parents/guardians and any other new members of Bubup Womindjeka Family and Children's Centre of the complaints and grievances policy and procedures upon enrolment
- ensuring that this policy is available for inspection at the service at all times (Regulation 171)
- being aware of, and committed to, the principles of communicating and sharing information with service employees, members and volunteers
- responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- treating all complainants and grievances 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 service's *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)
- appointing an investigator to investigate and resolve grievances
- 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 Board of Governance
- informing the Regulatory Authority (Department of Education and Training) in writing within 24 hours of receiving a notifiable complaint (refer to *Definitions*) (Act 174(4), Regulation 176(2)(b))
- receiving recommendations from the Board of Governance/investigator and taking appropriate action

### **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 service's *Complaints and Grievances Policy*
- notifying the Nominated Supervisor 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 Nominated Supervisor e.g. written reports relating to the grievance
- complying with the service's *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)
- working co-operatively with the Nominated Supervisor/Person in Day-to-Day Charge, Approved Provider and Department of Education and Training in any investigations related to grievances about Bubup Womindjeka Family and Children's Centre, 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 service as soon as is practicable
- co-operating with requests to meet with the Nominated Supervisor or staff and/or provide relevant information when requested in relation to complaints and grievances
- raising any unresolved issues or serious concerns directly with the Nominated Supervisor/Person in Day-to-Day Charge/educator maintaining complete confidentiality at all times

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

## **EVALUATION**

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

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- 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
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

### **Relevant Forms/Documents**

Version History			
Date	Version	Author/s	Details
July 2014	1.00	Public officer	New policy
April 2016	2.00	Chief Executive Officer	Revision for updated format, document ID, related policies and relevant legislation and standards. Addition of definitions and evaluation.
October 2017	2.00	Management Team	Minor formatting and grammatical errors have now been corrected.
January 2020	3.00	Director of Education	Policy reviewed and updated.
January 2021	3.00	Executive Officer	Policy reviewed and minor editorial amendments made.
March 2021	4.00	Executive Officer	Policy reviewed and updated.
February 2022	4.00	Director of Education	Policy reviewed and minor editorial amendments made.