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Management of Grievances – Children, Parents and Guardians

Policy Statement

Samuel Gilbert Out of School Hours Care believes that members have an important role in the service and we value their comments. Our service aims to ensure that families feel free to communicate any concerns they have in relation to the service and that they will be managed with confidentiality and professionalism without disadvantaging any relevant parties.

It is important to encourage a culture of positive communication between management, educators, children and families. The service will consistently follow clear, transparent grievance and complaints handling procedures.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 6: COLLABORATIVE PARTNERSHIPS		
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.
6.2	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.
QUALITY AREA 7: GOVERNANCE AND LEADERSHIPS		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality Service.
7.2.1	Continuous Improvement	There is an effective self-assessment and quality improvement process in place.
EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS		
S. 172	Offence to fail to display prescribed information	
S.174 (2)(b)	Offence to fail to notify certain information to Regulatory Authority	
12	Meaning of serious incident	
84	Awareness of child protection law	
149	Volunteers and students	
168(2)(o)	Education and care service must have policies and procedures... for dealing with complaints	
170	Policies and procedures must be followed	

171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
173(2)(b)	Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at the service
173	Prescribed information to be displayed- education and care service
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

RELATED POLICIES

Governance and Leadership Policy Child Protection Policy Child Safe Environment Policy Code of Conduct Policy Management of Grievances - Educators Enrolment and Orientation	Interactions with Children, Family and Staff Policy Payment of Fees/Child Care Subsidy Policy Confidentiality Agreement Form Record Keeping and Retention Policy Participation of Volunteers/Students/Visitors Policy
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Purpose

The *Education and Care Services National Regulations* requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170).

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

Privacy and Confidentiality

- Management and educators will adhere to our *Confidentiality Agreement and Code of Conduct Policy* when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a relevant government agency will need to be informed. (refer to *Child Protection and Child Safe Environment Policies*).

The Approved Provider/Nominated Supervisor/Responsible Person will:

- ensure that obligations under the *Education and Care Services National Law and Regulations* are met
- ensure educators, staff, students, visitors and volunteers have knowledge of and adhere to this policy and associated procedure
- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service
- ensure information about our Management of Grievances *Policy* is easily accessible to all families, visitors and volunteers
- ensure people feel safe or comfortable when making a complaint, including children
- ensure educators, staff, volunteers and students are well informed about the different ways children may express concerns, distress and disclose harm as well as the process for responding to disclosures from children- including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child. (ACECQA 2023)
- treat all grievances and complaints seriously and as a priority
- ensure grievances and complaints remain confidential
- ensure grievances and complaints reflect procedural fairness and natural justice
- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- investigate and document the grievance or complaint fairly and impartially
- provide details of an outcome following an investigation if required.

The investigation 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.
- discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer or visitor an opportunity to respond.
- permitting the accused person to have a support person present during the consultation (for example: Union Representative, HR Representative, lawyer, colleague, friend or family member. A support person may provide support by taking notes during the meeting, clarifying questions and allegations made, help formulate responses, engage in discussions and are more than a passive observer, aid in understanding processes, request breaks and be an emotional support. A support person cannot

- represent the employer, speak on their behalf or advocate for the organisation
 - providing the 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.
 - 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.
- should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant
- keep appropriate records of the investigation and outcome and store these records in accordance with our *Confidentiality Agreement* 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 or complaint process using a feedback form
- track complaints to 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. Notification must include any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service or any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.

Educators will:

- listen to the family's view of what has happened
- clarify and confirm the grievance or complaint, documenting all the facts prior to the investigation
- encourage and support the family to seek a balanced understanding of the issue
- discuss possible resolutions available to the family. These would include external support options.
- encourage and assist the family to determine a preferred way of solving the issue
- record the meeting, confirming the details with the family at the end of the meeting
- maintain confidentiality at all times

- refer families (as necessary) to service policies that may assist in resolving the grievance or complaint.

If the grievance cannot be resolved, it is to be referred to the Nominated Supervisor who will investigate further:

- if appropriate, collect relevant written evidence. This evidence will be treated in strict confidence and will be held in a secure place
- involve the Approved Provider or Nominated Supervisor in the conflict resolution as required
- should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts
- third parties providing evidence must also be made aware that the matter is to be kept confidential.

Should the grievance or complaint be lodged against another person(s), these persons 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. If after investigation, it is concluded that the grievance is substantiated:

- both parties will be told of the decision and the reason for it
- immediate and appropriate steps will be taken to prevent the grievance from recurring
- if after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reason
- the family 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 Regulatory Authority
- if the grievance or complaint is of a serious nature, or there is a reasonable belief the complaint is any allegation of sexual or physical abuse the Nominated Supervisor is responsible to inform the Regulatory Authority.

Complaints will:

- be informed of our duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of complaints. The complaints procedure ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our service
- ensure children are able to express their concerns or allegations to either the management, educators, and/or families who are encouraged by management to complete the *Member Feedback Form* on the child's behalf

- attempt to discuss their grievances/complaints with the relevant educator associated with a particular child and/or family as the first step to resolving the issue, unless it is a reportable offence to the regulatory authority to be made with 24 hours of complaint
- communicate any concerns they may have in writing addressed to the approved provider or nominated supervisor [see: Member Feedback Form]
- raise any unresolved concerns with the approved provider or nominated supervisor
- maintain confidentiality at all times
- be provided with details of external agencies to contact should they feel our service has not resolved their concerns (e.g., regulatory authority)

Children's grievance procedures

Children will also be informed of methods of expressing their concerns at the beginning of each term. Several avenues will be available to support all ages.

1. Daily roll call chats and children's scrapbooks, located on the children feedback/planning table capture likes or dislikes
2. Regular group discussions are held between educators and children in relation to their likes/dislikes suggested improvements due to these discussions. Regular reviews of this process will be undertaken with the complete support of educators who are required to record any concerns or complaints that are held by children.
3. The Kids Representative Council (KRC) is an avenue for discussion of concerns/suggestions/improvements

Parent/guardian grievance procedures

- All confidential conversations with parents/guardians will take place in a quiet place away from children, other parents/guardians and educators.
- If a parent/guardian has a concern, complaint or comment about the service, they will be encouraged to discuss this with the Centre Manager/Centre Coordinator who will where appropriate assist the parent/guardian at the time or arrange a meeting at a mutually agreed time to discuss their concern and endeavor to reach a resolution.
- The Centre Manager /Centre Coordinator will provide the parent/guardian with an anticipated time to investigate the complaint or grievance. Every effort will be made to resolve the grievance at the Centre Manager/Coordinator level.
- Educators are to document grievances and complaints expressed by way of a phone call. All grievances and complaints will be documented on the grievance and complaint reporting form located at the sign in/out area.
- This reporting form will be communicated to the Management Committee at each meeting for discussion and resolution. If the grievance is not handled to the parent/guardian's satisfaction families should discuss the issue with the President or liaison person of the Management Committee, either in writing or verbally. The President's/Vice President's contact phone numbers can be

accessed through the Committee Resource Folder located at the sign in/out area.

- Alternatively, the NSW Regulatory Authority Department of Education and Communities Early Childhood Education and Care Directorate NSW Dept of Education and Communities can be contacted on 1800 619 113 or by mail Locked Bag 5107 Parramatta or email eced@det.nsw.edu.au.
- The Management Committee will discuss the issue with the Centre Manager/Centre Coordinator and develop a strategy for resolving the problem. This would be discussed further with the parent/guardian or if necessary, a meeting will be organised with the Centre Manager/Centre Coordinator and parent/guardian to resolve the concern.
- The parent/guardian's grievance is to be recorded and dated indicating the issue of concern and how it was resolved. Confidentiality will be maintained throughout the process.
- The Centre Manager/Centre Coordinator or Management Committee representative will inform the parent/guardian of outcomes regarding the concern. Educators will also be informed of any relevant issues to be addressed through verbal notification or if the issue has been dealt with on a more formal basis the committee or Centre Manager/Centre Coordinator will inform the individual in writing. Educators are able to nominate a support person to attend any meetings, this person may be a union representative.
- All information regarding grievances and complaints will include evidence that the investigation was conducted within a reasonable timeframe and the resolution such as amendments to policies and procedures are actioned.
- If any grievance or complaint cannot be resolved internally to the parent/guardian's satisfaction, external options will be offered, such as an unbiased third party.
- If the parent/guardian is not satisfied with the outcome or felt their rights were not respected, then they should be offered external options such as the contacting the NSW Ombudsman.

<http://www.ombo.nsw.gov.au>

Phone: 9286 1000 or 1800 451 524

Or write to

NSW Ombudsman

Level 24, 590 George St, Sydney NSW 2000

Conflicts of Interest

It is important for the complainant to feel confident in:

- being heard fairly
- an unbiased decision-making process

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

If the Centre Manager is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation. 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)
- contact details of a nominated member of the Grievances Subcommittee (or Nominated Supervisor)
- 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 and logged using NQA ITS (National Quality Agenda IT System).

Continuous Improvement/Evaluation

Complaints provide our service with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community. Our service is committed to resolving complaints through prompt investigation, open communication, and transparent processes.

Source

Australian Children's Education & Care Quality Authority. (2014).

Australia Children's Education & Care Quality Authority. (2024). [Guide to the National Quality Framework](#)

Australian Children's Education & Care Quality Authority. (2023). [Using Complaints to support continuous improvement.](#)

Australian Government Department of Education. *Child Care Provider Handbook* (Amended 2023)

<https://www.education.gov.au/early-childhood/resources/child-care-provider-handbook>

Australian Human Rights Commission: <https://www.humanrights.gov.au>

Education and Care Services National Law Act 2010. (Amended 2023).

[Education and Care Services National Regulations.](#) (Amended 2023).

Fair Work Australia: <https://www.fairwork.gov.au/>