



# COMPLAINTS AND GRIEVANCES POLICY

Mandatory – Quality Area 7

## PURPOSE

This policy will provide guidelines for:

- receiving and dealing with complaints and grievances at Stables Kindergarten
- procedures to be followed in investigating complaints and grievances.

Note: This policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

## POLICY STATEMENT

### 1. VALUES

Stables Kindergarten 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.

### 2. 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, parents/guardians, children and others attending the programs and activities of the Stables Kindergarten.

### 3. BACKGROUND AND LEGISLATION

#### Background

Complaints or grievances may be received from anyone who comes in contact with Stables Kindergarten including parents/guardians, volunteers, students, 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 Department of Education and Training (DET) of the complaint or grievance. 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 DET.

There may be occasions when the complainant reports the complaint or grievance directly to DET. If DET 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 DET.

DET 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*.

### Legislation and standards

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)*
- *Education and Care Services National Law Act 2010*: Section 174(2)(b)
- *Education and Care Services National Regulations 2011*: Regulations 168(2)(o) and 176(2)(b)
- *Information Privacy Act 2000 (Vic)*
- *National Quality Standard*, Quality Area 7: Governance and Leadership
- *Privacy Act 1988(Cth)*
- *Privacy Regulations 2013(Cth)*

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: <http://www.legislation.vic.gov.au/>
- Commonwealth Legislation – ComLaw: <http://www.comlaw.gov.au/>

## 4. 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.

**Complaints/Grievances Notification Form:** (In relation to this policy) records information about complaints and grievances received at the service, together with a record of the outcomes. This form must be kept in a secure file, accessible only to educators and Responsible Persons at the service. The form can provide valuable information to the Approved Provider on meeting the needs of children and families at the service.

**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 DET, 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 secretary of DET 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 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 notifiable complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) or submitted via ACECQA's online portal NAQ-ITS.

**Responsible Person:** The Approved Provider (if that person is an individual, and in any other case the person with management or control of the service operated by the Approved Provider) or a Nominated Supervisor or person in day-to-day charge of the service in accordance with the National Regulations.

**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 (DET) 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.

## 5. SOURCES AND RELATED POLICIES

### Sources

- ACECQA: [www.acecqa.gov.au](http://www.acecqa.gov.au)
- Department of Education and Training (DET) – Regional Office details are available under 'Contact Us' on the DET website: [www.education.vic.gov.au](http://www.education.vic.gov.au)
- ELAA *Early Childhood Management Manual*: [www.elaa.org.au](http://www.elaa.org.au)
- *The Kindergarten Guide* (Department of Education and Training) is available under *early childhood / service providers on the DET website*: [www.education.vic.gov.au](http://www.education.vic.gov.au)

### Service policies

- *Code of Conduct Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*

## PROCEDURES

**The Approved Provider and Persons with Management or Control 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 Authorised Officer at the DET regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- advising parents/guardians and any other new members of Stables Kindergarten 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 fairly and equitably
- providing a *Complaints/Grievance Notification Form* (refer to Attachment 3) 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)
- establishing a Grievances Subcommittee to investigate and resolve grievances (refer to Attachment 1 – Sample terms of reference for a Grievances Subcommittee)
- Appoint a subcommittee convenor who will be responsible for organising the meetings
- 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 Nominated Supervisor and Persons in Day to Day Charge, 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*
- recording all complaints and grievances in the *Complaints/Grievance Notification Form* (refer to Attachment 3)
- notifying the Approved Provider 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 Approved Provider 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 Approved Provider and DET in any investigations related to grievances about Stables Kindergarten, its programs or staff.

### **Parents/guardians are responsible for:**

- **not** approaching any child other than their own, in relation to a grievance or complaint
- 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 using the *Complaints/Grievance Notification Form* (refer to Attachment 3) any concerns relating to the management or operation of the service as soon as is practicable to the committee of management.
- raising any unresolved issues or serious concerns directly with the Approved Provider, via the Nominated Supervisor/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 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 Approved Provider 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.

## **ATTACHMENTS**

- Attachment 1: Sample terms of reference for a Grievances Subcommittee
- Attachment 2: Dealing with complaints and grievances
- Attachment 3: Complaints/Grievances Notification Form
- Attachment 4: Complaints Policy Flow Chart

## **AUTHORISATION**

This policy was adopted by the Approved Provider of Stables Kindergarten on 24<sup>th</sup> March 2021.

**REVIEW DATE:** 24/03/2023

## **ATTACHMENT 1**

### **Terms of reference for a Grievances Subcommittee**

DATE ESTABLISHED: [Date]

#### **PURPOSE**

- A Grievances Subcommittee has been established by the Approved Provider of Stables Kindergarten to investigate and resolve grievances lodged with Stables Kindergarten.

#### **MEMBERSHIP**

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

Names of Subcommittee:

- 1.
- 2.
- 3.

#### **TIME PERIOD NOMINATED**

The Grievances Subcommittee shall be appointed for [insert time frame e.g. one year].

#### **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.

If the complaint/grievance is raised against a member of the subcommittee, they will stand aside, and another committee member will be asked to stand in whilst the matter is resolved.

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

#### **BUDGET ALLOCATION**

All expenditure to be incurred by the subcommittee/investigator must be approved by the Approved Provider. 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.
- The convenor is required to present a written report to the Approved Provider about the grievance, ensuring that privacy and confidentiality are maintained according to the service'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 Approved Provider if a complaint is assessed as notifiable
- Keeping the Approved Provider informed about complaints that have been received and the outcomes of investigations
- Providing the Approved Provider 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 Approved Provider

## **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 service's *Complaints and Grievances Policy*
- encourage the complainant to resolve the complaint with the person directly, or to submit their complaint in writing to the committee of management.
- enter the complaint in the *Complaints and Grievances Register* (refer to *Definitions*) together with the outcome
- comply with the service's *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 *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 service:

- 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 Approved Provider
- the Approved Provider must inform the service's 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 Approved Provider 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/investigator
  - any other relevant information
- if the Approved Provider is unsure if the complaint is a notifiable complaint, it is good practice to contact DET for confirmation.

#### **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 service 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 *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 Approved Provider 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 service'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 Approved Provider).

### **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 Approved Provider
- 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*
- report outcomes that may include relevant information gained in investigations and consultations to the Approved Provider and, where required, provide any recommendations for consideration by the Approved Provider. *The Kindergarten Guide* (refer to Sources)
- inform the Approved Provider on the involvement of DET and the outcomes of any investigation by DET. The Approved Provider will review the report and any subcommittee/investigator 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 Approved Provider 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 Approved Provider.

### **ATTACHMENT 3**

# Complaints/Grievance Notification Form

Our service is committed to providing high quality care and meeting both our families and children's needs. We thank you for taking the time to complete this form and giving us the opportunity to resolve your concern.

## **SECTION 1: YOUR DETAILS**

Do you want to remain anonymous? (Indicate your response with an X)

yes	<input type="checkbox"/>	no	<input type="checkbox"/>
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## **PERSONAL DETAILS**

First Name:	
Last Name:	
Postal address:	
Telephone number:	
Mobile number:	
Email address:	

Do you require an interpreter?

yes	<input type="checkbox"/>	no	<input type="checkbox"/>	If <b>yes</b> , which language?	
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## **SECTION 2: FEEDBACK MADE ON ANOTHER PERSON'S BEHALF**

Please provide the following details about the person on whose behalf you are acting:

First Name:	
Last Name:	
Postal address:	
Telephone number:	
Mobile number:	
Email address:	

**Please provide details of your relationship to the person on whose behalf you are acting:**

Are you a legal representative for the person who received the service?

(e.g. parent of a child under 18 years or guardian – indicate your response with an X)

yes	<input type="checkbox"/>	no	<input type="checkbox"/>
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If **yes**, please provide details:

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Does the person know you are making a complaint on their behalf? (Indicate your response with an X)

yes		no	
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If **no**, please provide the reason why:

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Are we able to speak with the person who received the service? (Indicate your response with an X)

yes		no	
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If **no**, please provide the reason why:

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### **SECTION 3: OTHER PERSON'S CONSENT FOR FEEDBACK MADE ON THEIR BEHALF**

If you are providing this feedback on another person's behalf, we require the consent of the other person to obtain and pass on personal information relevant to this feedback. Please provide evidence of this consent when submitting this form, e.g., signed consent (as provided below) from the person on whose behalf you are acting.

I, \_\_\_\_\_ (insert name of person giving consent) give permission to \_\_\_\_\_ (insert name of person receiving consent) to provide or collect relevant information on my behalf to assist with this complaint/grievance or feedback, as necessary.

Signature:		Date:	
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### **SECTION 4: PLEASE PROVIDE DETAILS OF THE SERVICE THAT THE FEEDBACK CONCERNS**

Name of the service provider:	
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Address of office location of service:	
Contact person's name and position in the service:	

**SECTION 5: PLEASE STATE YOUR CONCERNS**

Please provide details of your main concerns, including what events led to making the complaint, grievance or feedback, approximate dates and who was involved.

**SECTION 6: WHAT ACTION HAVE YOU ALREADY TAKEN IN RELATION TO THIS FEEDBACK?**

Have you discussed your concerns with the service provider or another agency or person for assistance with these concerns? (Indicate your response with an X)

yes		no	
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If **yes**, with whom and what was the outcome?

**SECTION 7: WHAT OUTCOMES WOULD YOU LIKE AS A RESULT OF PROVIDING YOUR FEEDBACK?**

**SECTION 8: PRIVACY**

The Stables Kindergarten is committed to protecting your privacy. We collect and handle personal information that you provide on this form for investigating and responding to your concern.

The Stables Kindergarten will only use your information in accordance with relevant privacy and other laws. In order for us to provide services to you effectively and efficiently, we may need to share your personal information with our Committee of Management or the Grievances Subcommittee (all members of our Committee of Management and Grievances Subcommittee have signed non-disclosure statements restraining them from disclosing any information to any other person other than a current committee member)

If you choose to remain anonymous, Stables Kindergarten may be unable to deliver the full range of services you require.

If you wish to contact Nadia Totham or Mark Basile who are responsible for managing the personal information that you provide on this form, please call Nadia on 9404 1419 or Mark on 9407 3100.

You also have the right to access your information and seek its correction under the *Freedom of Information Act 1982*. For information about making a Freedom of Information application, please access link below and follow the steps provided.

<https://www.oaic.gov.au/freedom-of-information/faqs-for-individuals/how-do-i-make-a-freedom-of-information-request>

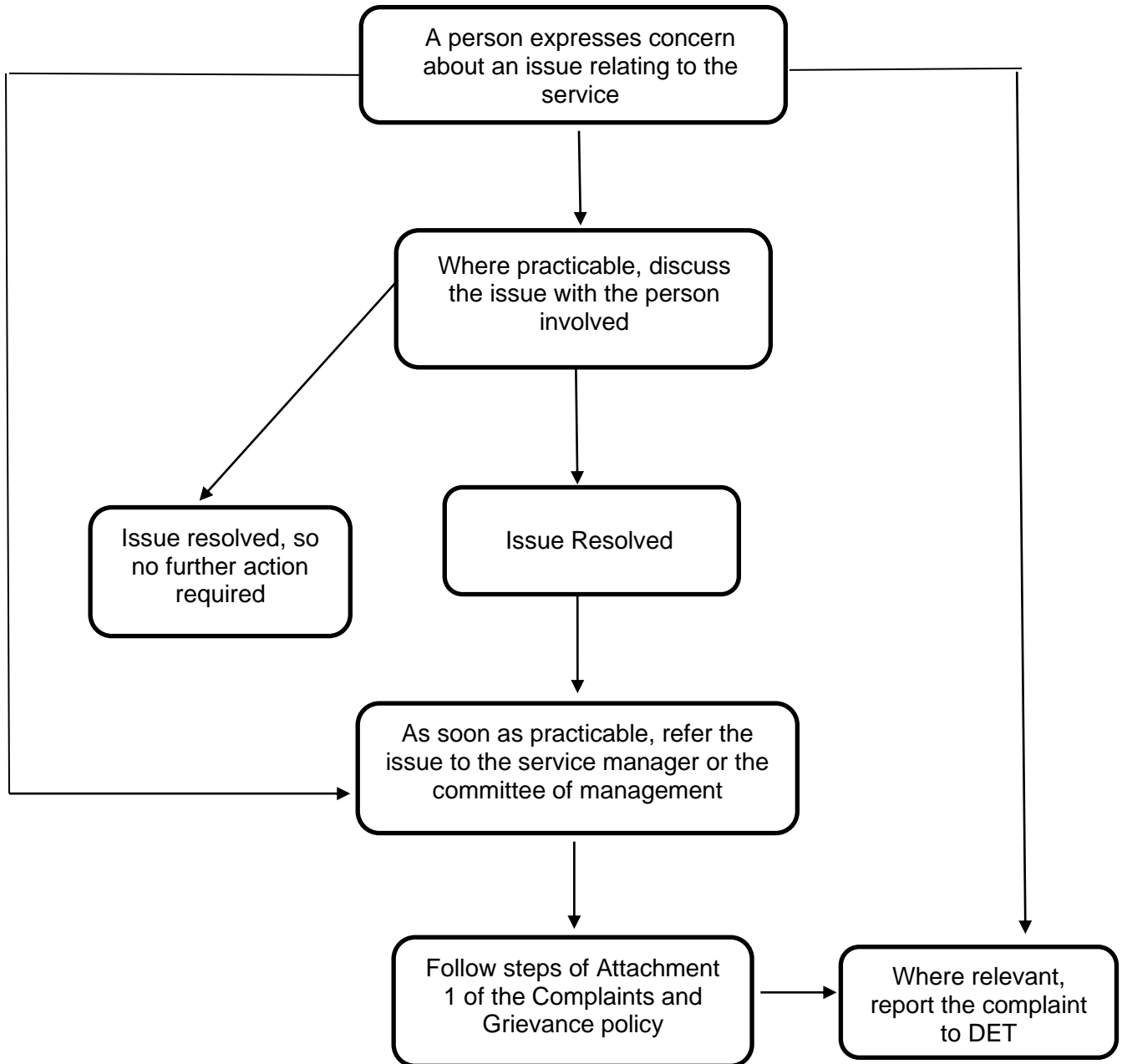
**SECTION 9: DECLARATION**

Signature declaring information provided is true and correct.

Signature:		Date:	
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**ATTACHMENT 4**

# COMPLAINTS POLICY FLOW CHART



Service Manager:  
Nadia Totham  
9404 1419