

Early Learning

Complaints and Grievances Policy

Overarching Statement

The *Keeping Children Safe Policy* of the Uniting Church in Australia Synod of Victoria and Tasmania (refer to *Sources*) is the overarching whole of church policy to be implemented by individuals and entities involved with or connected to the Uniting Church. All children who are involved in any of the Church's activities, events or programs have a right to feel and be safe. The Church is committed to provide safe environments where children are cared for, respected, nurtured and sustained.

Policy Statement

Uniting Early Learning 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 privacy and confidentiality at all times.

Executive Summary

Uniting Early Learning is required under legislation to develop a complaint/grievance policy and procedure. This process, at the same time, will be consistent with the organisational wide policy and practice in relation to complaint management.

UnitingCare services welcomes feedback from families and the community about our early childhood: services, systems, programs and practices. Any complaint about the care and education of children is taken seriously. When dissatisfaction is expressed: informally or formally, verbally or written, externally or internally, a complaint process is initiated. It is expected that any concerns raised will be acknowledged and resolved before the issue instigates a grievance procedure.

All complaints and grievances will be documented, lodged, investigated, resolved and evaluated to support service quality improvement. There is no requirement for a complaint to be written before the matter is investigated. Transparent and written procedures (refer to Attachment 13c) will enable timely and professional responses to promote positive outcomes.

Where appropriate, a dispute resolution procedure will be instigated to resolve matters of concern (refer to Attachment 13c). A partnership approach, where all parties act in good faith and work toward a mutually acceptable outcome will support productive solutions. Effective communication between all parties involved is essential with the

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right to be heard honoured. Complaints will be dealt with integrity and in an objective and unbiased manner. Any conflict of interests will be managed responsibly. Interpreter services will be engaged where appropriate. Seeking external advice to assist resolution may be necessary.

Notifiable complaints, grievances or complaints that are unable to be resolved appropriately in a timely manner must be referred to a *Grievances Subcommittee* (refer to Attachment 13b).

When a complaint or grievance has been assessed as 'notifiable', the Approved Provider/Licensee must notify the Regulatory authority (refer to Attachment 13d). The Approved Provider/Licensee 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 Regulatory authority.

Current Environmental Context

In most cases, dealing with complaints and grievances is the responsibility of the Approved Provider/Licensee. Complaints or grievances may be received from anyone who comes in contact with the service including parents, volunteers, students, members of the local community and other agencies. It is to be noted that this policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

There may be occasions when the complainant reports the complaint or grievance directly to the Regulatory authority. If the Regulatory authority then notifies the Approved Provider/Licensee about a complaint they have received, the Approved Provider/Licensee 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 instigated by the Regulatory authority.

Attachment 13a: Responsibilities relating to the Complaints and Grievances Policy

Attachment 13b: Sample terms of reference for a Grievances Subcommittee

Attachment 13c: Complaint and grievance procedure

Attachment 13d: Flowchart notifiable complaint escalation process

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Reference/Sources

This policy should be read in conjunction with the following:

- *Keeping Children Safe Policy* of the Uniting Church in Australia Synod of Victoria and Tasmania, Approved June 2015:
- <https://www.victas.uca.org.au/UCA%20Resources/Documents/Keeping%20Children%20Safe%20Policy.pdf>
- *Code of Conduct Policy*
- *Incident, Injury, Trauma and Illness Policy*
- *Inclusion and Equity Policy*
- *Interactions with Children Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Children's Services Regulations 2009*: Regulation 105
- Department of Education and Training – Regional Office details are available under 'Contact Us' on the website: www.education.vic.gov.au
- *Education and Care Services National Law Act 2010*: Section 174(2)(b)
- *Education and Care Services National Regulations 2011*: Regulations 168(2)(o), 170-172, 173(2)(b), 181
- *Incidents and complaints* (National Quality Framework) Fact Sheet Department of Education and Training 2016
- *Kindergarten Funding Guide* Department of Education and Training 2016 (Vic)
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
- *Responding to complaints* (Vic legislation) Practice Note Department of Education and Training 2015

Authorisation

This policy was adopted by Uniting Early Learning on: 16 May 2017

Review

This policy is to be reviewed by 19 December 2017

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Attachment 13a - Responsibilities relating to the Complaints and Grievances Policy

National Regulations & Act

AP=Approved Provider

NS=Nominated Supervisor

CS=Certified Supervisor

Victorian Regulations & Act

L=Licensee

PN=Primary Nominee

N=Nominee

Action	Approved Provider/ Licensee	NS, PN, CS, N, Educators; staff	Parents
Be familiar with and enact the legislative requirements, service policies and the policy and procedures for dealing with complaints and grievances	x	x	
Ensure the name and telephone number of the person responsible at the service to whom complaints may be addressed are displayed prominently at the service	x		
Ensure the contact details of the Regulatory Authority are displayed prominently at the service	x		
Advise parents and staff of the <i>Complaints and Grievances Policy</i> and procedures upon enrolment or employment at the service	x		
Ensure this policy is available for inspection at the service at all times	x		
Be aware of and committed to the principles of communicating and sharing information with service employees, members and volunteers	x		
Respond to all complaints and grievances in the most appropriate manner and at the earliest opportunity	x		
Treat all complainants fairly and equitably	x		
Provide a <i>Complaints and Grievances Register</i> and ensure that all staff record complaints and grievances along with outcomes	x		
Establish a Grievances Subcommittee to investigate and resolve grievances (refer to Attachment 13b)	x		
Refer notifiable complaints, grievances or complaints that are unable to be resolved appropriately in a timely manner to the Grievances Sub-committee/investigator	x		
Inform DET in writing within 24 hours of serious incident, or notifiable complaint	x		
Receive recommendations from the Grievances Subcommittee/investigator and take appropriate action	x		
Identify, prevent and address potential concerns before they become complaints/grievances	x	x	
Respond to and resolve issues as they arise where practicable		x	
Maintain professionalism and integrity at all times		x	
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		x	

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Action	Approved Provider/ Licensee	NS, PN, CS, N, Educators; staff	Parents
Inform complainants of the service's <i>Complaints and Grievances Policy</i>		x	
Record all complaints and grievances in the <i>Complaints and Grievances Register</i>		x	
Notify the Approved Provider/Licensee if the complaint escalates and becomes a grievance, is a notifiable complaint or is unable to be resolved appropriately in a timely manner		x	
Provide information as requested by the Approved Provider/Licensee e.g. written reports relating to the grievance		x	
Work co-operatively with the Approved Provider/Licensee and DET in any investigations related to grievances about the service, its programs or staff		x	
Comply with the service's <i>Privacy and Confidentiality Policy</i> and maintain confidentiality at all times	x	x	x
Discuss a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the Complaints and Grievances procedures			x
Communicate (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable			x
Raise any unresolved issues or serious concerns directly with the Approved Provider/Licensee, via the Nominated Supervisor/Primary Nominee or through the Grievances Subcommittee/investigator			x
Co-operate with requests to meet with the Grievances Subcommittee/investigator and/or provide relevant information when requested in relation to complaints and grievances			x

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

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Attachment 13b - Sample terms of reference for a Grievances Subcommittee

DATE ESTABLISHED: [Date]

Purpose

[Choose one that is appropriate]

A Grievances Subcommittee has been established by the Approved Provider/Licensee of [Service Name] to investigate and resolve grievances lodged with [Service Name].

An investigator/panel of investigators has been appointed by the Approved Provider/Licensee of [Service Name] to investigate and resolve grievances lodged with [Service Name].

Membership

[If a Grievances Subcommittee is established]

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

[If an investigator or a panel of investigators is appointed]

[Specify the membership.]

Time period nominated

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

Meeting requirements

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

Decision-making authority

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

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

Budget allocation

All expenditure to be incurred by the subcommittee/investigator must be approved by the Approved Provider/Licensee. A request in writing must be submitted by the subcommittee/investigator.

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Reporting requirements of the committee

The subcommittee/investigator is required to keep minutes of all meetings held. These are to be kept in a secure file. Copies are to be made available on request to parents and/or complainants.

The convenor is required to present a written report to the Approved Provider/Licensee 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/investigator

Responding to complaints in a timely manner

Investigating all complaints received in a discreet and responsible manner

Implementing the procedures outlined in Attachment 13c – Complaint and grievance procedure

Acting fairly and equitably, and maintaining confidentiality at all times

Informing the Approved Provider/Licensee if a complaint is assessed as notifiable

Keeping the Approved Provider/Licensee informed about complaints that have been received and the outcomes of investigations

Providing the Approved Provider/Licensee with recommendations for action

Ensuring decisions are based on the evidence that has been gathered

Reviewing the terms of reference of the Grievances Subcommittee/investigator at commencement and on completion of their term. Suggestions for alterations are to be presented to and approved by the Approved Provider/Licensee/Licensee

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Attachment 13c - Complaint and grievance procedure

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*

discuss the complaint directly with the complainant, ensuring a clear and accurate understanding of the issue/s of concern

action the complaint, engaging a translator if necessary to facilitate understanding and communication

ensure the Responsible person is aware of the complaint

enter the complaint in the *Complaints and Grievances Register* (refer to *Glossary*) 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/Licensee if the complaint escalates and becomes a grievance (refer to *Glossary*), a notifiable complaint (refer to *Glossary*) or is unable to be resolved appropriately in a timely manner.

Dealing with a grievance

When a grievance is lodged with the service:

the staff member receiving the grievance will record all relevant details regarding the grievance in the *Complaints and Grievances Register* (refer to *Glossary*) and immediately inform the Approved Provider/Licensee

the Approved Provider/Licensee must inform the service's Grievances Subcommittee, and appoint an investigator(s) to investigate the grievance

the Grievances Subcommittee will assess the grievance to determine if it is a notifiable grievance (refer to *Glossary*)

if the grievance is notifiable, the Approved Provider/Licensee will be responsible for notifying the Regulatory authority. This must be in writing within 24 hours of receiving the complaint

the written report to the Regulatory authority needs to be submitted using the appropriate forms 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/Licensee is unsure if the complaint is a notifiable complaint, it is good practice to contact the Regulatory authority 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/panel of investigators. 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/Licensee if their involvement is required under any other service policies

if the grievance is a notifiable complaint (refer to *Glossary*), inform the complainant of the requirements to notify the Regulatory authority of the grievance and explain the role that they 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/Licensee 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/investigator 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/investigator to discuss the complaint and provide additional information where relevant

provide access to a translator or support person if required

nominate a subcommittee member or investigator 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 the Regulatory authority 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 the wider organisation, 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/Licensee).

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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/Licensee

ensure that any recommendations or actions are in accordance with relevant legislation and funding requirements including, but not limited to:

- *Children's Services Act 1996*
- *Children's Services Regulations 2009*
- *Education and Care Services National Law Act 2010*
- *Education and Care Services National Regulations 2011*
- *Kindergarten Funding Guide (refer to Sources)*
- State and Federal funding agreements

report outcomes that may include relevant information gained in investigations and consultations to the Approved Provider/Licensee and, where required, provide any recommendations for consideration by the Approved Provider/Licensee

inform the Approved Provider/Licensee on involvement and the outcomes of any investigation by the Regulatory authority. The Approved Provider/Licensee 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/Licensee 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/Licensee.

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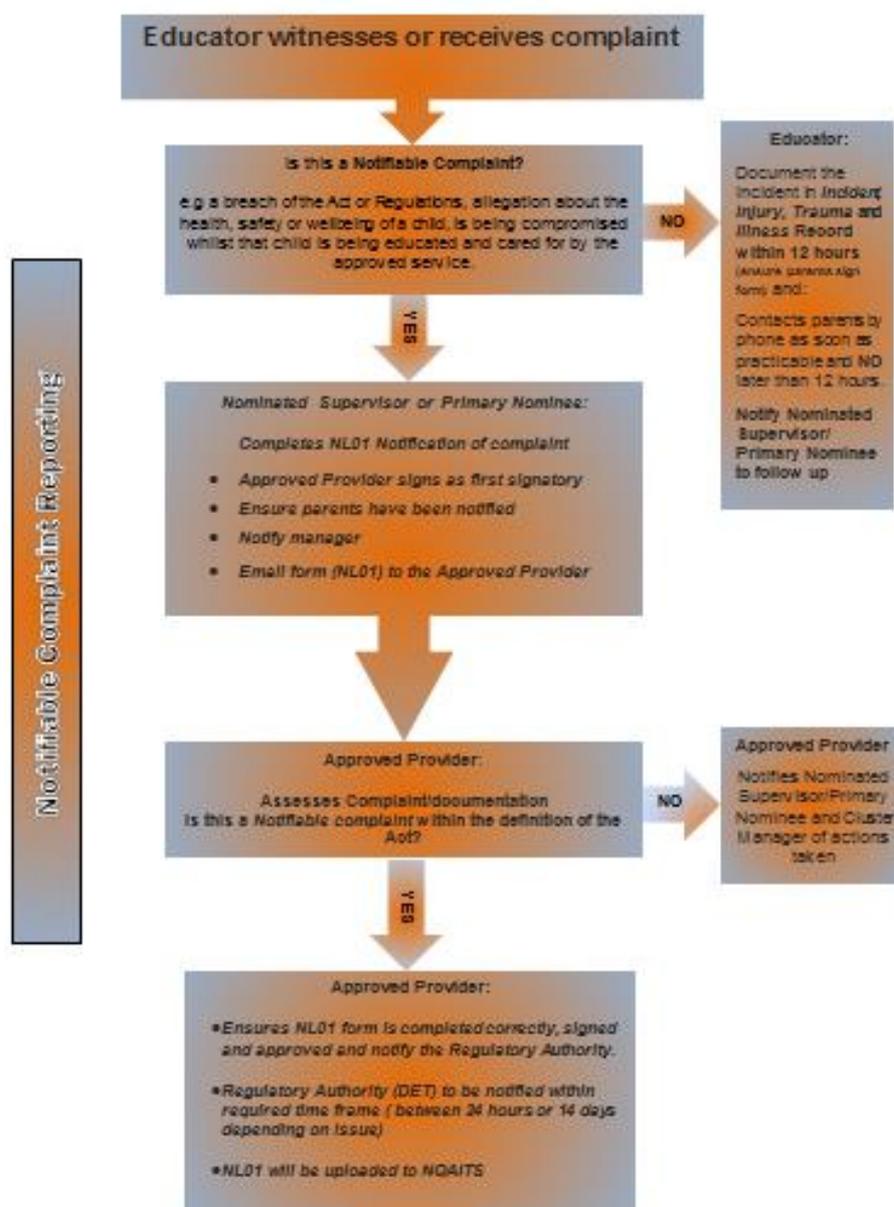
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Attachment 13d - Flowchart notifiable complaint escalation process

A notifiable complaint 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
- that legislative and statutory requirements have been contravened.

(Children's Services Act 1996, Children's Services Regulations 2009, Education and Care Services National Law Act 2010, Education and Care Services National Regulations 2011)



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