Complaints and Grievances Policy

Quality Area: 6: Collaborative partnerships with families and communities
7: Leadership and service management

Standard: 6.1: Respectful and supportive relationships with families are developed and maintained
7.1: Effective leadership promotes a positive organizational culture and builds a professional learning community
7.3: Administrative systems enable the effective management of a quality service

Element: 6.1.3: Current information about the service is available to families
7.1.1: Appropriate governance arrangements are in place to manage the service
7.3.3: The regulatory authority is notified of any relevant changes to the operation of the service, of serious incidents and any complaints which allege a breach of legislation
7.3.4: Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner

Purpose

This policy will provide guidelines for:
• receiving and dealing with complaints and grievances at Ellie V. Pullin Pre School
• 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

Ellie V. Pullin preschool 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 Ellie V Pullin Preschool, Nominated Supervisor, Certified Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Ellie V. Pullin Preschool.

3. Background and Legislation

Background
Complaints or grievances may be received from anyone who comes in contact with Ellie V. Pullin Preschool 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 Ellie V Pullin Preschool. 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', Ellie V Pullin Preschool must notify Department of Education and Early Childhood Development (DET) of the complaint or grievance. Ellie V Pullin Preschool 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 Ellie V Pullin Preschool about a complaint they have received, Ellie V Pullin Preschool 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 Ellie V Pullin Preschool 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), as amended 2011
- Children, Youth and Families Act 2005 (Vic), as amended 2011
- Children, Youth and Families Act 2005 (Vic), as amended 2012
- 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)
- Health Records Act 2001 (Vic), as amended 2011
- Privacy and Data Protection Act 2014 (Vic),
- National Quality Standard, Quality Area 7: Leadership and Service Management
- Standard 7.3: Administrative systems enable the effective management of a quality service
• Element 7.3.4: Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner
• Privacy Act 1988 (Cth)
• Privacy Regulations 2006 (Cth)

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

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 Ellie V Pullin Preschool e.g. a lost clothing item or Ellie V Pullin Preschool’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. Ellie V Pullin Preschool is in breach of a policy or Ellie V Pullin Preschool 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 Ellie V Pullin Preschool may have been compromised. Any complaint of this nature must be reported by Ellie V Pullin Preschool to the secretary of DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If Ellie V Pullin Preschool 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/investigator
• 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:** A serious incident is defined in regulation 12 as:

- The death of a child while being educated and cared for by Ellie V Pullin Preschool
- Any incident involving an injury or trauma, or the illness of a child that requires or ought to have required:
  - Attention of a registered medical practitioner, or
  - Attendance at a hospital
- Examples include whooping cough, broken limbs, anaphylaxis reaction
- Any incident requiring attendance by emergency services
- A circumstance where a child appears to be missing, is unaccounted for, has been removed from Ellie V Pullin Preschool contrary to the regulations, or has been locked in or out of Ellie V Pullin Preschool’s premises.

The Approved Provider must notify the Regulatory Authority (DET) in writing within 24 hours of a serious incident occurring at Ellie V Pullin Preschool (Regulation 176(2)(a)). The **Notification of Serious Incident** form (available on the ACECQA website) is to be completed and submitted online using the National Quality Agenda IT System (NQA ITS). Records are required to be retained for the periods specified in Regulation 183.

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**Ellie V Pullin Preschool Policy and Procedures**

- Complainants will be encouraged to put their complaints in writing, in order to make the terms or basis of any complaint as clear as possible.
- Those involved with a complaint will have the opportunity to present their point of view.
- Complaints to the service will be investigated as soon as practicable after being received.
- All complaints will be treated seriously and investigated, regardless of whether they are being investigated by an external organisation such as the DHS.
- A record of all complaints will be maintained and a report provided to each Committee meeting, on the number and nature of any complaints received since the previous report.

If the President, Vice President or other Committee members are personally involved in issues as a complainant, or are materially involved in the complaint, they will stand aside from participation in sub-committees, or procedures related to the investigation, or management of complaints, because of a possible conflict of interest.
Step 1: Assessment of complaint

Written complaints are to be addressed to the President or in their absence the Vice President.

On the receipt of a complaint the President or in their absence the Vice President will determine:

- Whether the complaint should be dealt with under the Complaints Policy, another of Ellie V Pullin Preschool’s policies or under the grievance procedure of Ellie V Pullin Preschool’s constitution. (See section 3 Scope for details).
- If the complaint is from an anonymous source it should be dealt with in the same manner as a named complaint.
- Whether the complaint is a notifiable complaint under Regulation 51 Children’s Services Regulation 1998 and if it is, notify the Department of Human Services within 48 hours after the complaint is received.
- Where a complaint is received that should be dealt with under this policy, the President or in their absence the Vice President will form the Complaints Sub-committee.

Step 2: Formation of Complaints Sub-committee

The Committee delegates authority to the President, or in their absence the Vice President, on the receipt of a complaint, to appoint a minimum of two Committee members (one of whom may be the President or Vice President) to form a sub-committee to deal with the complaint as set out in this policy.

The Complaints Sub-committee will:

- Meet to deal with the complaint as soon as possible.
- Consider the nature and the details of the complaint.
- Inform the complainant of the procedure for dealing with the complaint.
- Give the complainant the opportunity to meet with them to discuss the complaint and to provide additional information where relevant.
- Maintain appropriate records of the information and data collected.
- Respect the confidential nature of information relating to the complaint. The Committee and the Complaints Sub-committee will handle any complaint in a discrete and professional manner. All written information relating to the complaints will be kept in a secure place with access limited to those designated by the Committee or Complaints Sub-committee.

Step 3: Investigate the complaint and gather relevant information

Complaints Sub-committee:

- Meets individually with all witnesses to any alleged incident, giving right of reply to the person or persons against whom the allegations are made in relation to any accusation or information relating to an alleged incident.
- Reviews relevant information and documents.
- Obtains any information or documentation that will assist them in trying to resolve the complaint.
- Seeks advice, where appropriate from individuals and organisations that may be able to help resolve the complaint.
Step 4: Resolution stage

The Complaints Sub-committee will wherever possible, endeavour to resolve the complaint by mutual agreement of the parties involved.
In the event that the complaint is resolved, the Sub-committee will report this to the Committee and where appropriate set out the terms of any recommendation to be considered by the Committee.
In the event that the complaint has not been resolved to the satisfaction of the parties involved, or particular decisions require Committee approval, the Sub-committee will refer the matter to the Committee.

Step 5: Committee involvement

Where an issue is referred to the Committee, the Complaints Sub-committee will provide a report and include relevant information they have gained in investigations and consultations relating to the complaint.
The Committee reviews the report and any recommendations from the Sub-committee and makes a decision on the action, if any, to be taken, including relevant review mechanisms.

Step 6: Report back and follow up

The Complaints Sub-committee (or Committee), will advise the complainant and other relevant parties, of any decisions they have made relating to the complaint. Where appropriate the Complaints Sub-committee, (or Committee), will set in place relevant review mechanisms and/or procedures to monitor progress.

Ellie V Pullin Preschool is 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 Ellie V Pullin Preschool (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 Ellie V Pullin Preschool (Regulation 173(2)(e))
- advising parents/guardians and any other new members of Ellie V Pullin Preschool of the complaints and grievances policy and procedures upon enrolment
- ensuring that this policy is available for inspection at Ellie V Pullin Preschool at all times (Regulation 171)
- being aware of, and committed to, the principles of communicating and sharing information with service employees, members and volunteers
Complaints and Grievances Policy
Ellie V Pullin Preschool Pre-School

- 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 Ellie V Pullin Preschool’s Privacy and Confidentiality Policy and maintaining confidentiality at all times (Regulations 181, 183)
- establishing a Grievances Subcommittee or appointing an investigator to investigate and resolve grievances (refer to Attachment 1 – Sample terms of reference for a Grievances Subcommittee/investigator)
- 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/investigator
- 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/investigator and taking appropriate action.

Nominated supervisor is 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 Ellie V Pullin Preschool’s Complaints and Grievances Policy
- recording all complaints and grievances in the Complaints and Grievances Register (refer to Definitions)
- notifying Ellie V Pullin Preschool 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 Ellie V Pullin Preschool e.g. written reports relating to the grievance
- complying with Ellie V Pullin Preschool’s Privacy and Confidentiality Policy and maintaining confidentiality at all times (Regulations 181, 183)
- working co-operatively with Ellie V Pullin Preschool and DET in any investigations related to grievances about Ellie V Pullin Preschool, it’s programs or staff.

Certified supervisors, 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 Ellie V Pullin Preschool’s *Complaints and Grievances Policy*
• recording all complaints and grievances in the *Complaints and Grievances Register* (refer to *Definitions*)
• notifying Ellie V Pullin Preschool 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 Ellie V Pullin Preschool e.g. written reports relating to the grievance
• complying with Ellie V Pullin Preschool’s *Privacy and Confidentiality Policy* and maintaining confidentiality at all times (Regulations 181, 183)
• working co-operatively with Ellie V Pullin Preschool and DET in any investigations related to grievances about Ellie V Pullin Preschool, its programs or staff.

*Parents/guardians are responsible for:*

• raising a complaint directly either verbally or in writing 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 Ellie V Pullin Preschool as soon as is practicable
• raising any unresolved issues or serious concerns directly with Ellie V Pullin Preschool, via the Nominated Supervisor/educator or through the Grievances Subcommittee/investigator
• 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 Ellie V Pullin Preschool, 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, Ellie V Pullin Preschool 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 Ellie V Pullin Preschool's policy review cycle, or as required
• notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

Sources and other related policies

Sources
• KPV Early Childhood Management Manual
• ACECQA: www.acecqa.gov.au

Service Policies
• Code of Conduct
• Inclusion and Equity Policy
• Interactions with Children Policy
• Privacy and Confidentiality Policy
• Staffing Policy

Attachments

Attachment 1: Sample terms of reference for a Grievances Subcommittee/investigator
Attachment 2: Dealing with complaints and grievances

Authorisation

This policy was approved and passed by the Ellie V Pullin Preschool Committee of Management and adopted by Ellie V Pullin Preschool Pre-School on:

21st July 2014

Authorised by: __________________________ Julie Simpson [President]

Authorised by: __________________________ Betty Krober [Nominated Supervisor]

Witnessed by: ____________________________

Review Date: July 2017
Attachment 1

Sample terms of reference for a Grievances Subcommittee/investigator

DATE ESTABLISHED: [Date]

Purpose
[Choose one that is appropriate]

- A Grievances Subcommittee has been established by Ellie V Pullin Preschool of Ellie V Pullin Preschool to investigate and resolve grievances lodged with Ellie V Pullin Preschool.
- An investigator/panel of investigators has been appointed by Ellie V Pullin Preschool of Ellie V Pullin Preschool to investigate and resolve grievances lodged with Ellie V Pullin Preschool.

Membership
[If a Grievances Subcommittee is established]
Three people are nominated by Ellie V Pullin Preschool, and membership must include a minimum of one Responsible Person (refer to Definitions).

[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.
Ellie V Pullin Preschool 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 Ellie V Pullin Preschool. A request in writing must be submitted by the subcommittee/investigator.
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.
- The convenor is required to present a written report to Ellie V Pullin Preschool about the grievance, ensuring that privacy and confidentiality are maintained according to Ellie V Pullin Preschool’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 2 – Dealing with complaints and grievances
- Acting fairly and equitably, and maintaining confidentiality at all times
- Informing Ellie V Pullin Preschool if a complaint is assessed as notifiable
- Keeping Ellie V Pullin Preschool informed about complaints that have been received and the outcomes of investigations
- Providing Ellie V Pullin Preschool 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 Ellie V Pullin Preschool. If the complaint is from an anonymous source it should be dealt with in the same manner as a named complaint.
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 Ellie V Pullin Preschool’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 Ellie V Pullin Preschool’s Privacy and Confidentiality Policy with regard to all meetings/discussions in relation to a complaint
• inform Ellie V Pullin Preschool 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 Ellie V Pullin Preschool:

• 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 Ellie V Pullin Preschool
• Ellie V Pullin Preschool must inform Ellie V Pullin Preschool’s Grievances Subcommittee, if there is one, or appoint an investigator(s) to investigate the grievance
• the Grievances Subcommittee/investigator will assess the grievance to determine if it is a notifiable grievance (refer to Definitions)
• if the grievance is notifiable, Ellie V Pullin Preschool 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:
  o details of the event or incident
  o the name of the person who initially made the complaint
  o if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
  o contact details of a nominated member of the Grievances Subcommittee/investigator
  o any other relevant information
• if Ellie V Pullin Preschool is unsure if the complaint is a notifiable complaint, it is good practice to contact DET for confirmation.
Grievances Subcommittee/investigator responsibilities and procedures

In the event of a grievance being lodged, the Grievances Subcommittee/investigator 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 Ellie V Pullin Preschool 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. Ellie V Pullin Preschool and the subcommittee/investigator must handle any grievance in a discreet and professional manner
- store all written information relating to grievances securely and in compliance with Ellie V Pullin Preschool'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
- 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
- [Note: Delete the previous bullet point if not using a subcommittee]
- 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 Ellie V Pullin Preschool).
Following the investigation
Once the investigation of the grievance is complete, the Grievances Subcommittee/investigator 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 Ellie V Pullin Preschool
- 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
- report outcomes that may include relevant information gained in investigations and consultations to Ellie V Pullin Preschool and, where required, provide any recommendations for consideration by Ellie V Pullin Preschool
- inform Ellie V Pullin Preschool on the involvement of DET and the outcomes of any investigation by DET. Ellie V Pullin Preschool 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 Ellie V Pullin Preschool 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 Ellie V Pullin Preschool.