

Moreland Early Years Management

COMPLAINT AND GRIEVANCE POLICY AND PROCEDURE

Mandatory – Quality Area 7

PURPOSE

Moreland Early Years Management and its early years services are committed to service excellence, high quality program and service delivery.

The purpose of this policy and procedure is to achieve consistent handling of complaints, grievances and concerns in Moreland Early Years Management early years services and provide a procedure for all teachers and educators to follow should a complaint, grievance and issue arise. All attempts should be made to resolve matters, as soon as practical and at an early years service level. All concerns, complaints and grievances will be attended to by Moreland Early Years Management in a fair and equitable manner.

Moreland Early Years Management and early years teachers and educators acknowledge every complaint, concern and feedback as an opportunity to reflect and continue to improve quality in our early years services.

POLICY STATEMENT

Moreland Early Years Management early years services are committed to:

- Providing an environment of mutual respect and open communication, where the expression of opinions is encouraged and valued;
- Maintaining a service culture free from discrimination and harassment;
- 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.

BACKGROUND AND LEGISLATION

Moreland Early Years Management and its early years services has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievances and complaints management and procedures.

Any Moreland Early Years Management early years services early childhood teacher and/or educator can receive any complaint and grievance notifications.

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)*

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- *Education and Care Services National Regulations 2011*: Regulations 168(2)(o) and 176(2)(b)
- *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 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/>

PROCEDURES

It is the responsibility of Moreland Early Years Management and early years service early childhood teachers and educators to prevent and address any concerns.

Moreland Early Years Management will:

- Ensure that all staff and new members of an early years service managed by Moreland Early Years Management will be advised of and expected to be aware of this policy and its procedures.
- Ensure all complaints and grievances are assessed, investigated, addressed and, if necessary, the appropriate authority notified depending on the nature of the complaint.
- Respond to all complaints and grievances in the most appropriate manner and at the earliest opportunity.
- Treat all complainants fairly and equitably and in confidential manner.
- Ensure that all Complaints and Grievances are documented and stored safely and confidentially.

Comply with Moreland Early Years Management's Privacy and Confidentiality Policy and maintain confidentiality at all times.

Parents will:

- Be provided with clear written guidelines detailing complaints and issue resolution procedures.
- Have access to the early year service's philosophy, policies and procedures.

Early childhood teachers and educators will:

- Ensure that the details of the Approved Provider (Moreland Early Years Management), Nominated Supervisor and Person in Management and Control to whom complaints and grievances may be addressed, are displayed prominently at the main entrance of the service.

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- Communicate with the Moreland Early Years Management early years manager about any concern/grievance a family member has raised with them regarding their child's health, wellbeing and or safety as soon as practicable and within 24 hours.
- Be required to complete a complaint template (see attached) and forward it to the Moreland Early Years Management Manager within 24 hours.
- Ensure that the address and telephone number of DET regional office are displayed prominently at the main entrance of the service.
- Comply with Moreland Early Years Management *Privacy and Confidentiality Policy* and maintain confidentiality at all times (Regulations 181, 183).
- Maintain professionalism and integrity at all times.
- In the first instance, discuss complaint, issue or grievance openly and respectfully.

Parent complaint regarding health safety and wellbeing of children in Moreland Early Years Management early years services

In most cases, dealing with complaints and grievances will be the responsibility of all teachers and educators and Moreland Early Years Management. All complaints and grievances received, need to be assessed to determine whether they are a general feedback or a concern that is a 'notifiable complaint' (refer to *Definitions*).

When a complaint or grievance has been assessed as 'notifiable', Moreland Early Years Management must notify Department of Education and Training (DET) of the complaint or grievance. Moreland Early Years Management 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.

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

Step 1

The parent is encouraged to discuss any concerns, complaints and grievance, with the relevant early childhood teacher or educator. The early childhood teachers and educators should endeavour to resolve the issue/grievance with the parent as soon as practicable, if appropriate.

All confidential discussions with parents will take place in a quiet area away from others.

Step 2

The early childhood teacher and/or educator will communicate the matter with Moreland Early Years Management.

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Step 3

The Moreland Early Years Management early years manager will make contact with the complainant, investigate and address the matters of concern and will convey the decision to that parent and the early childhood teacher or educator involved while maintaining confidentiality.

The Moreland Early Years Management early years manager will report all concerns, complaints or grievances to the board of Moreland Early Years Management.

Complaint, grievance and concerns between early childhood teachers and educators

The confidentiality and integrity of all early childhood teachers and educators concerned will be maintained. All early childhood teachers and educators involved have a responsibility to ensure that information regarding the grievance is treated with the utmost confidentiality and it is not to be discussed with any party not directly involved with the resolution of the grievance.

* Any concern related to the health, wellbeing and safety of children must be communicated with the Moreland Early Years Management early years management.

Step 1

The early childhood teachers and educators should endeavour to resolve the issue/grievance with their team member as soon as practicable, if appropriate.

An early childhood teacher or educator has the right to have a union representative support him or her at any stage of the process. When this occurs Moreland Early Years Management early years manager will need to be notified and involved.

Step 2

If the issue/grievance cannot be resolved, the early childhood teachers and educators should raise the grievance with Moreland Early Years Management with the view of having the matter resolved within 5 working days unless otherwise agreed for a longer period of time. Moreland Early Years Management may request written reports or documentation relating to the grievance.

This involves the early years manager notifying the other team member involved at the earliest opportunity of the nature of the dispute or grievance/complaint and that they will be following a formal process in resolution of the matter.

Step 3

Early childhood teachers and educators of Moreland Early Years Management or Moreland Early Years Management itself may request to have the matter mediated.

The Moreland Early Years Management Manager will investigate, address the matters of concern in alignment with industrial relations process, the award and conditions that they are employed under and if necessary, the Moreland Early Years Management disciplinary process.

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Time frames must be allowed for, for the completion of the various stages of addressing the matter, grievance/complaint.

All early childhood teachers and educators involved are required to cooperate through this formal process and provide information as required by the Moreland Early Years Management manager.

DEFINITIONS

The terms defined in this section relate specifically to this policy and procedure. For commonly used terms e.g. Approved provider, Nominated Supervisor, Regulatory Authority etc. refer to General definitions section in the policy and procedure folder.

Complaint: an issue or concern that an early childhood practitioner or staff member may have.

Complainant: A person making the complaint.

DET: Department of Education and Training.

Dispute resolution procedure: The method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

Grievance: A grievance is any type of problem, concern or complaint related to an employee's work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting on an employee, that the employee thinks is unfair or unjustified.

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/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

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RELEVANT POLICIES AND PROCEDURES

Code of Conduct Policy

Incident, Injury, Trauma and Illness Policy

Inclusion and Equity Policy

Interactions with Children Policy

Privacy and Confidentiality Policy

Staffing Policy

Attachments

Attachment 1: Moreland Early Years Management Complaint notification template

Authorisation

February 2019

Review date: February 2021

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Attachment 1

Moreland Early Years Management complaint notification

Please complete the required information and email to Moreland Early Years Management within 24 hours of the complaint, grievance or issue being made.

Please tick one option

- Complaints alleging that the Law has been contravened
- Complaint alleging that a serious incident has occurred or is occurring

Service name	
Details of the person submitting the form (including Name & Role in Early Years Service)	
Date complaint received	

COMPLAINANT DETAILS

Complainant name and contact details	
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DETAILS OF CHILD/CHILDREN TO WHOM THE COMPLAINT RELATES IF RELEVANT

Name of child/children	
Gender	
Date of Birth	

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Please supply the following information:

A Copy of the complaint (or written summary) and any other relevant documentation (including correspondence, photographs, statements, etc.)

Steps taken/ actions/ strategies in response to the complaint