



Dealing With Complaints

Policy Statement

The service fosters positive relationships between families, educators, staff and management. Everyone has the right to a positive, responsive and respectful environment and response to any concerns. Solutions are sought to resolve all disputes, issues and concerns in a fair, prompt, timely, confidential and professional manner.

Implementation

- The details of any complaint, resulting in a grievance must be heard and clearly documented.
- The person receiving the grievance must act. This may mean making observations, investigating the allegations, questioning other people or researching further. The employer may have to decide if the allegations are in breach of policy or unlawful.
- The rules of natural justice must be applied.
- Support/protection is offered to the person submitting a grievance.
- The accused person's replies to the allegations must be considered.
- Independent advice may be sought.
- Decisions are made and all parties are notified of the outcomes.
- Strategies are arranged to protect and support the parties involved, which eliminate the risks.
- The NBCA must notify the regulatory authority in writing within 24 hours of any complaints alleging that a serious incident has occurred at the service or that the Education and Care Services National Law has been breached (section 174). (Family day care educators are required to notify the approved provider (section 174A).)
- The name and telephone number of the person to whom complaints can be made must be clearly displayed at the service (section 172, regulation 173).

Strategies to Consider

- Independent advice may be sought.
- Some or all parties are required to self-reflect on their behaviours.
- Training
- Mediation – internal and/or external.
- Consider advice and recommendations of a mediator.
- Counselling.
- Mentoring.
- Performance management.
- Formally reporting the incident if unlawful.
- Internal transfer of position, role of duties.
- Offer of resignation.
- Exclusion from the service.
- Dismissal of employment.



Principles of Natural Justice

- Natural justice refers to the duty to act fairly. The right to a fair hearing requires that individuals should not be penalised by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the case, a fair opportunity to answer it, and the opportunity to present their own case.
- NBCA will take all reasonable measures to adhere to the principles of "Natural Justice":
- The person who is subject to a complaint must know the basis of the complaint or allegations made against them.
- This person must have the opportunity to put their case forward.
- All parties to the grievance must have the right to be heard.
- All relevant evidence and submissions must be considered.
- The employer must not take into account matters that are not relevant.
- The person or people who lay the charge must not determine the charge.
- The decision maker must be fair and just.

People's Rights

- The person who submits a grievance must not be victimised.
- The accused must not be accused publicly (defamation).
- The accused person's right is the grievance remains confidential and they have an opportunity to answer or respond to the allegation in a formal resolution process.
- The employer has a right to confront an individual regarding behaviour they perceived to be harassing.
- The employer can dismiss an employee on the grounds of committing a severe case of harassment or refusing to terminate harassing behaviours.
- The accused has the right to be informed that the appropriate process has been followed.
- The accused has the right to know who lodged the grievance against them and on what grounds.
- All parties are obliged to self-reflect and make efforts to alleviate the situation, modify their behaviour or take steps to protect themselves from hazardous situations.
- The person responsible for dealing with grievance's or making decisions has a right to explain all aspects clearly to all parties but must also be respected and treated without bias.

Staff and Families

- Staff and families have access to the Grievance Procedure and other related policies prior to raising a concern with the service.
- Confidential conversations will take place in a quiet area away from other families, children, educators and staff.
- Meetings/conversations concerning grievances will be documented and filed in a secure place.
- Staff, educators and families will be respectful at all times.
- Grievances will only be discussed in a calm and respectful manner. Abuse of any kind will not be tolerated.

Grievance Procedure

- Families are able to discuss any grievances with the educational room leader or director at a mutually suitable time. The director will ensure no disadvantage occurs for the families involved and may recommend the involvement of other persons with relevant knowledge or expertise.
- If the staff or family member is not satisfied with the outcome, the director may refer the grievance to the Management Committee on behalf of the staff or family.



- The Management Committee will consider any grievance referred as soon as possible and respond in writing.
- If the staff or family member is not satisfied with the outcome, they are able to contact the Children's Education and Care Assurance on 6207 1114.
- If the issue remains unresolved, families can contact the Children and Young People Commissioner on 6205 2222.
- All grievances brought to the attention of educators, staff, the director or the Management Committee will be evaluated and utilised as part of the services ongoing improvement process.

Management Committee Grievance Procedure

- If a grievance is brought to a member of the Management Committee, the member must ensure the grievance has been addressed with the director of the service first. If this has not occurred, the family or staff member are to be directed to do so in the first instance.
- The Management Committee member will address the concern with the director, and inform the executive members of the Management Committee.
- All grievances will be investigated, documented and filed in a secure place.
- A committee member may raise their grievance in writing addressed to the President, Secretary or Public Officer. The recipient of the grievance shall acknowledge receipt in writing as soon as possible.
- The recipient will raise the grievance at the next Management Committee meeting. The identity of the person lodging the complaint may not be stated without his/her approval.
- All correspondence between parties can include the use of email, typed and handwritten forms of communication.

Policy Links

Policies:

- Bullying and Harassment
- Code of Conduct
- Compliance and Quality Improvement
- Diversity, Equity and Inclusion
- Family and Community Partnerships
- Management Committee

NQS: 6.1 and 7.2

Regulations: 12, 143B, 168-176

Sources:

- Service Information Handbook
- National Quality Framework
- NBCA Management Committee Handbook
- Education and Care Services National Law (2011) Section 174 Time to notify certain circumstances to the Regulatory Authority.




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