

## Complaints and Grievance Management Policy and Procedures (non-Staff)

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## Policy Statement

The Complaints and Grievance Management Policy (non-Staff) and related procedures have been developed by Heritage Early Childhood Centre (Heritage) to ensure compliance with legislative requirements and the Heritage philosophy of providing an environment of mutual respect, empathy and open communication, where the expression of opinions is encouraged.

Under the *Education and Care Services National Regulations 2011*, the service is required to have policies and procedures for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170). Effective complaints management also meets the requirements of the National Quality Framework and is a valuable way for services to consider and act on feedback from families and inform quality improvement (National Quality Standard 7, Element 7.1.2: Management systems).

Members of the Heritage community aim to work in partnership to ensure the best outcomes for the children in their education and care. The service aims to create a culture that values the opportunity to be heard, promotes equity, peaceful conflict resolution, collaborative partnerships and is free from discrimination and harassment. In addition, families are informed on enrolment of policies and procedures and are actively encouraged to be involved in all aspects of the service, including providing feedback on practices and policy development.

Despite the best efforts of all, there will be times when conflict arises, or different opinions present themselves. For example, families may request that procedures be adjusted to meet the individual needs of their child that educators feel are inappropriate. Also, families may feel concerned with behaviours witnessed or practices used by Heritage educators or management which impact their child. Similarly, educators/management may feel concerned that a behaviour/practice utilised by a family impacts on the effective operation of the service, or a visitor may feel they have been treated inappropriately and may wish to make a complaint.

This policy and its related procedures may be used by any person who accesses the Heritage service if they wish to make a general complaint or raise a formal grievance<sup>1</sup> against another person/s in the Heritage community. Where such a complaint/grievance is made, this policy must be made available to all persons involved. **Note:** This policy does not apply when there is a complaint/grievance between staff members or between staff and management. In this case, staff must refer to the: [Staff Complaints and Grievance Management Policy and Procedures](#).

This policy formally recognises, promotes, and protects each family's rights to be treated fairly, equally and with dignity.<sup>2</sup> For families to have confidence in the quality of education and care provided by Heritage, it is important they are aware of their ability to influence its operation. This includes knowing that they have the right to make a complaint and have it handled promptly, in accordance with the principles of procedural fairness and natural justice. In addition, they have the right to comment on or appeal against any action or decision that has consequences for them or their children, without fear of recrimination.

This policy also formally recognises, promotes, and protects the rights of educators, management and the Management Committee.<sup>3</sup> If, after due process, the Director, in consultation with the Management Committee, deems that a family has not complied with this policy and/or other associated policies and procedures, the Heritage Non-Compliance Procedure may commence. This involves a verbal warning, a first and final written warning and, finally, a notice of termination of their child's place.

Heritage respects the importance of and need for privacy and confidentiality when managing and dealing with complaints and grievances.<sup>4</sup> In addition, where a conflict of interest arises, an alternative arrangement for mediating the complaint or grievance will be sought.

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<sup>1</sup> Refer to: Definitions

<sup>2</sup> Refer to: Heritage Philosophy; Heritage Code of Conduct/Ethics

<sup>3</sup> Refer to: Heritage Philosophy; Heritage Code of Conduct/Ethics

<sup>4</sup> Refer to: Privacy and Confidentiality Policy

Heritage prioritises children's safety, health and wellbeing. In line with regulatory requirements, Heritage will notify the Regulatory Authority (CECA) of complaints alleging the occurrence of a serious incident or contravention of the *Education and Care Services National Law 2010*. Heritage also understands the obligation to report to the police and/or certain authorities when complaints/grievances allege conduct that may constitute Criminal Conduct, Reportable Conduct or child abuse/neglect.<sup>5</sup> Where allegations involve bullying, harassment or discrimination, Heritage understands it has obligations under anti-discrimination legislation and will research relevant components and seek advice from relevant authorities. Where a complaint/grievance is reported directly to an authority, the Director, in consultation with the Management Committee recognises the responsibility for dealing with such disputes as per this policy, in addition to co-operating with any external investigation.

## Scope

All persons who access the Heritage service (including children, families, educators, management, Management Committee members, students, visitors and outside agencies) agree to implement and endorse this policy. All complaint and grievance (non-staff) procedures will be fairly and justly applied to all parties, regardless of their role.

## Policy Aims

This policy is designed to ensure that the Heritage community is provided with a high level of equity and fairness in relation to complaint management. Specifically, it aims to ensure:

- Policies and procedures are transparent.
- Compliance with legislative requirements, the Heritage philosophy and the Heritage Code of Conduct/Ethics.
- A service culture of mutual respect, empathy and open communication
- All persons act in good faith, in a calm and courteous manner, with respect and understanding shown for each person's point of view and difference valued over judgement/blame.
- Sensitive and prompt responses by management and staff to all persons involved in the complaint or grievance process.
- All parties are recognised as having rights and responsibilities which must be balanced.
- Procedural fairness and natural justice are adhered to in the resolution process, including the right to:
  - Be heard fairly.
  - Have an unbiased decision made by an objective decision maker.
  - Have the decision based on relevant evidence.
- All reasonable steps are taken in the resolution process to respect confidentiality, provide information on a need-to-know basis, and to mitigate conflicts of interest.
- Persons who make a complaint or grievance are kept informed of the progress of the matter, avenues for recourse, and protected from victimisation or reprisal.
- A formal grievance is described as an allegation, not a fact until it has been investigated and a decision is made.
- Appropriate records are maintained, and reporting obligations adhered to throughout the resolution process.
- Complaint management is utilised as a mechanism to support the continuous improvement of the service.

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<sup>5</sup> Refer to: Definitions

## Definitions

In relation to this policy, the following definitions apply:

**Aggrieved Person:** Person making a Formal Grievance.

**Bullying:** A person or a group of people behaves unreasonably and repeatedly towards someone, and the behaviour creates a risk to their health and safety.

**Child Abuse:** Types of maltreatment that endangers a child or young person's safety, wellbeing, and development. Child abuse can be a single incident or a chronic pattern of behaviour over time and may be intentional or unintentional.

**Complainant:** Person making a General Complaint.

**Discrimination:** Treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by law. The *Discrimination Act 1991 (ACT)* (Territory) sets out personal characteristics that make discrimination in employment against the law.

**Family:** Parents and/or guardians as well as extended family members who are involved in the care of a child enrolled at Heritage.

**Formal Grievance:** A formal written statement of complaint that cannot be addressed immediately or involves matters of a more serious nature such as allegations that a staff member has used corporal punishment to discipline a child.

**General Complaint:** An issue of a minor nature that can be resolved promptly, usually within 24 hours, through an informal discussion/negotiation with educators or the Director and does not require a detailed grievance management meeting or investigation by the Committee.

**Investigation:** A formal and systematic inquiry to establish the facts about a complaint by collecting, documenting, examining and evaluating evidence. The investigation is not an end in itself and the Mediator must keep an open mind about the possible outcomes of the investigation, such as education, compliance action or a decision not to pursue the matter.

**Mediator:** A neutral, impartial and unbiased person appointed to mediate and 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.

**Neglect:** Neglect refers to a failure to provide a child/young person with the basic needs for his/her physical, emotional/psychological and intellectual development. It may be chronic or episodic. For specific examples of Child Abuse or Neglect, **refer to:** Child Protection Policy

**Notifiable Complaint:** A complaint or grievance where the Management Committee is required to notify the ACT Regulatory Authority (CECA) within 24 hours, ie, a complaint or grievance being lodged where an allegation is made that: a '[serious incident](#)' has occurred or is occurring or; the *Education and Care Services National Law* or *National Regulations* have been contravened.

**Reportable Conduct:** Child-related misconduct (whether allegations or convictions) engaged in by an employee of Heritage (including volunteers and others engaged to provide services to children) of Heritage, whether or not in the course of employment with Heritage and regardless of a child's consent.<sup>6</sup>

**Respondent:** Person against whom a General Complaint or Formal Grievance is being made.

**Sexual harassment:** The legal definition of sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where a reasonable person would anticipate that reaction in the circumstances.

## Rationale

Heritage recognises it has a duty of care to take all reasonable, practicable steps to provide the Heritage community with a safe and healthy work environment that supports the emotional and physical wellbeing of employees and children (*Work Health and Safety Act, 2011*). In addition, this policy has been developed to comply with the:

- [Education and Care Services National Law Act \(ACT\), 2010](#)
- [Education and Care Services National Regulations \(ACT\), 2011](#)
- [National Quality Standard for Early Childhood Education and Care](#)
- [Privacy Act 1988 \(Cth\)](#)

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<sup>6</sup> Refer to: Reportable Conduct Policy and Procedures

- [Children and Young People Act 2008](#)
- [Reportable Conduct and Information Sharing Legislation Amendment Act 2016](#)
- [Australian Standard AS ISO 10002-2006: Customer Satisfaction - guidelines for complaints handling in organizations.](#)
- [Human Rights and Equal Opportunities Commission Act 1986 \(Cwlth\)](#)
- [Disability Discrimination Act 1992 \(Cwlth\), Racial Discrimination Act 1975 \(Cwlth\) and Sex Discrimination Act 1984 \(Cwlth\).](#)<sup>7</sup>
- Heritage Philosophy Statement, Code of Conduct/Ethics, Privacy and Confidentiality Policy.

The Education and Care National Law	
<a href="#">Section 172</a>	<b>Offence to fail to display prescribed information</b>
<a href="#">Section 174</a>	<p><b>(2) The service must notify the Regulatory Authority of the following information:</b></p> <p>(a) any <a href="#">serious incident</a> at the approved education and care service;</p> <p>(b) any complaints alleging:</p> <p style="padding-left: 20px;">(i) that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the approved education and care service;</p> <p style="padding-left: 20px;">(ii) that this Law has been contravened.</p>
The Education and Care National Regulations	
<a href="#">R 168</a>	<p><b>(2) Policies and procedures are required in relation to the following:</b></p> <p>(o) dealing with complaints.</p>
<a href="#">R 170</a>	<p><b>Policies and procedures to be followed</b></p> <p>(1) The approved provider of the service must take reasonable steps to ensure that nominated supervisors and staff members of, and volunteers at, the service follow the policies and procedures required under regulation 168.</p>
<a href="#">R 171</a>	<b>Policies and procedures to be kept available</b>
<a href="#">R 172</a>	<b>Notification of change to policies or procedures</b>
<a href="#">R 173</a>	<p><b>Prescribed Information to be displayed</b></p> <p>b) the name and telephone number of the person at the education and care service to whom complaints may be addressed;</p>
<a href="#">R 176</a>	<p><b>Time to notify certain information to Regulatory Authority</b></p> <p>(b) in case of a notice under section 174(2)(b) or a notice of a matter referred to in regulation 175(2)(b), within 24 hours of the complaint or incident.</p>
National Quality Standard	
<a href="#">QA 2</a>	<p><b>Standard 2.2 Safety:</b> Each child is protected. Element 2.2.3 Management, educators/staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse/neglect.</p>
<a href="#">QA 4</a>	<p><b>Standard 4.2 Professionalism:</b> Management, educators, and staff are collaborative, respectful and ethical. Element 4.2.2 Professional standards guide practice, interactions and relationships.</p>
<a href="#">QA 5</a>	<p><b>Standard 5.1. Relationships between educators and children:</b> Respectful and equitable relationships are maintained with each child.</p>
<a href="#">QA 6</a>	<p><b>Standard 6.1. Supportive relationships with families:</b> Respectful relationships with families are developed and maintained and families are supported in their parenting role.</p>
<a href="#">QA 7</a>	<p><b>Standard 7.1 Governance.</b> Element 7.1.2 Management Systems: Systems are in place to manage risk and enable the effective management and operation of a quality service.</p> <p><b>Standard 7.2 Leadership.</b> Element 7.2.1 There is an effective self-assessment and quality improvement process in place.</p>

<sup>7</sup> Refer to: [Guide to Australian Discrimination Law for Employers](#)



## Summary of Key Responsibilities

Role	Responsible for:
<b>Management Committee</b>	<p>Ensuring:</p> <ul style="list-style-type: none"> <li>• A Complaints and Grievance Management Policy and associated procedures is in place that supports the Heritage Philosophy and Code of Conduct/Ethics and is readily accessible to families and educators, and for inspection by the Regulatory Authority, CECA.</li> <li>• There is a process in place to ensure the service policies and procedures are regularly updated to reflect current legislative requirements, government guidelines and best practice recommendations from recognised authorities.<sup>8</sup></li> <li>• The roles and responsibilities of the Director, educators and Heritage community are clearly defined in this policy.</li> <li>• A commitment to the principle of communicating and sharing information with the Heritage community.<sup>9</sup></li> <li>• The Director is supported in responding to general complaints in the most appropriate manner according to this policy and at the earliest opportunity unless there is a conflict of interest.</li> <li>• The Director/Nominated Supervisor is supported to be the Grievance Mediator in the case of a formal grievance being raised unless there is a conflict of interest.</li> <li>• Recommendations are received from the Grievances Mediator and appropriate actions taken in accordance with this policy.</li> <li>• Where there is a conflict of interest or the complaint is in relation to the Director, the Chair of the Management Committee or the HR Officer on the Management Committee acts as the Mediator and take appropriate action in accordance with this policy.</li> <li>• In instances where the complainant reports directly to the Regulatory Authority, the responsibility for investigating and dealing with the complaint or grievance is undertaken as outlined in this policy, in addition to co-operating with any investigation by the Regulatory Authority.</li> <li>• All complainants and aggrieved persons are treated fairly and equitably, with respect and understanding shown for each person's point of view and difference valued over judgement and blame.</li> <li>• All persons involved act in good faith and in a calm and courteous manner.</li> <li>• Confidentiality is maintained at all times in line with the Privacy and Confidentiality Policy with information shared on a need-to-know basis in order for the complaint/grievance to be actioned properly.</li> </ul>
<b>Director/ Nominated Supervisor</b>	<p>Ensuring:</p> <ul style="list-style-type: none"> <li>• They are familiar with the <i>Education and Care Services National Law Act 2010</i> and the <i>Education and Care Services National Regulations 2011</i>, the Heritage Constitution and all Heritage policies including the Complaints and Grievances Policy and Procedures.</li> <li>• This policy is available at the service at all times and reasonable steps are taken to ensure that all persons at the service follow this policy and associated procedures.</li> <li>• Parents/guardians, staff and other members of the service community are advised of the complaints and grievances policy and procedures upon enrolment/employment.</li> </ul>

<sup>8</sup> Refer to: Policy Development and Review Policy and Procedures

<sup>9</sup> Refer to: Communication and Family Involvement Policy

- The complaints procedure chart is displayed prominently at the main entrance of the service, on the Heritage website and in service Handbooks.
- The name and telephone number of the Director and Chair of the Management Committee, to whom complaints and grievances may be addressed, is displayed prominently at the main entrance of the service.
- The address and telephone number of the ACT Regulatory Authority (CECA) is displayed prominently at the main entrance of the service,
- There is a suggestions box available for families to make anonymous suggestions at the entrance to the service and is checked weekly.
- Potential concerns are identified, prevented and addressed before they become formal grievances.
- All complaints and grievances are responded to in the most appropriate manner according to this policy and at the earliest opportunity.
- Minor complaints are discussed directly with the party involved as a first step towards resolution.
- All complainants and aggrieved persons are treated fairly and equitably and given a copy of access to this policy.
- All persons involved act in good faith, in a calm and courteous manner.
- **Aggression and bullying are not tolerated at Heritage.<sup>10</sup> Aggressive complainers are reminded of the Heritage Code of Conduct/Ethics and if, after due process, the behaviour continues, the procedures in the Staff Underperformance and Misconduct Policy or the Non-Compliance Policy (non-staff) are followed.**
- The Chair of the Management Committee is notified if a complaint escalates to a formal grievance or cannot be promptly resolved.
- They act as the Grievance Mediator when a formal grievance arises, unless there is a conflict of interest, to investigate and take appropriate action according to this policy to resolve grievances.
- They work in collaboration with the Management Committee in any investigations related to a complaint/grievance.
- Information is provided as requested by the Management Committee eg. written reports relating to the grievance.
- A Complaints and Grievances Register is kept that details issues, complaints, grievances and warnings and staff are aware of how to record complaints and grievances on the appropriate forms.
- Complaints and grievances are monitored and assessed annually, via the Complaints and Grievances Register to ensure outcomes are consistent and identify areas for improvement in the provision of the service.
- Confidentiality is maintained at all times in line with the Privacy and Confidentiality Policy and information shared on a need-to-know basis in order for the complaint/grievance to be actioned properly.
- Complaints and grievances are reported as required to the relevant in consultation with the Management Committee as required.
- If the complaints or grievance alleges criminal conduct has occurred, the police are informed in the first instance.
- When a complaint or grievance is assessed as 'notifiable',<sup>11</sup> the Regulatory Authority (CECA) is notified within 24 hours.
- Where there is a reasonable belief/suspicion that an enrolled child is at risk of abuse/neglect, notifying the Child and Youth Protection Service.<sup>12</sup>
- The ACT Ombudsman is notified as soon as possible, and no later than 30 days after becoming aware of the Reportable Conduct by an employee.

<sup>10</sup> Refer to: Creating Inclusion and Equity Policy

<sup>11</sup> Refer to: Definitions

<sup>12</sup> Refer to: Child Protection Policy

<p><b>Educators/ other Staff</b></p>	<ul style="list-style-type: none"> <li>• Maintaining professionalism and integrity at all times in accordance with the Heritage Philosophy and Code of Conduct/Ethics.</li> <li>• Listening to, responding to and resolving issues as they arise where practicable.</li> <li>• Participating in good faith and a calm and courteous manner in resolving complaints appropriately according to this policy so that Heritage maintains a respectful community that contributes to its' reputation for providing high quality early education and care.</li> <li>• Discussing minor complaints directly, respectfully, professionally, and openly with the party involved as a first step towards resolution.</li> <li>• Referring complainants to the Complaints and Grievance Management Policy, in the Members Area of the website and in Policy Folders.</li> <li>• Recording all complaints on the relevant forms and storing them securely in the Complaints and Grievances Folder in the Main Office.</li> <li>• Notifying the Director if a complaint is unable to be resolved appropriately in a timely manner; escalates and becomes a formal grievance, or alleges conduct that may constitute criminal conduct, a Notifiable Complaint, Reportable Conduct, child abuse/neglect, harassment, discrimination or bullying.<sup>13</sup></li> <li>• Providing information as requested by the Management Committee eg. written reports relating to Complaints and Grievances.</li> <li>• Complying with the Privacy and Confidentiality Policy and maintaining confidentiality at all times, providing information about a complaint or grievance on a need-to-know basis to ensure it is actioned properly.</li> <li>• Working co-operatively with the Management Committee and authorities such as CECA, the ACT Ombudsman or CYPS in investigations related to Complaints and Grievances about Heritage, it's programs or staff.</li> </ul>
<p><b>Families</b></p>	<ul style="list-style-type: none"> <li>• Reading the Family Handbook, keeping up to date with service information in the Members Area of the Heritage website, and abiding by the Heritage Philosophy, Code of Conduct/Ethics and all policies and procedures.</li> <li>• Raising a complaint directly with the person involved, and attempting to resolve the matter without recourse to the formal grievance procedures.</li> <li>• Communicating (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable to the Director or Chair of the Management Committee.</li> <li>• Raising any unresolved issues or serious concerns directly with the Director or Chair of the Management Committee.</li> <li>• Acting in good faith and in a calm and courteous manner.</li> <li>• Maintaining complete confidentiality at all times.</li> <li>• Co-operating with requests to meet with the mediator to provide relevant information when requested in relation to formal grievances.</li> </ul>
<p><b>Students and Regular Volunteers</b></p>	<ul style="list-style-type: none"> <li>• Reading the Relief Educator Handbook and abiding by the Heritage Philosophy, Code of Conduct/Ethics and all policies and procedures.</li> <li>• Dealing with complaints directly with the person involved, and in accordance with this policy and attempting to resolve the matter without recourse to the formal grievance procedures.</li> <li>• Communicating any issues as soon as is practicable to the Director.</li> <li>• Acting in good faith and in a calm and courteous manner.</li> <li>• Maintaining complete confidentiality at all times.</li> <li>• Co-operating with requests to provide relevant information in relation to formal grievances.</li> </ul>

<sup>13</sup> Refer to: Definitions



## Strategies and Practices

### Communication and Family Involvement in the Running of Heritage

- Families are informed during enrolment of the Heritage Philosophy, Code of Conduct/Ethics and service policies and procedures, including the Complaints Procedure including through the Family Handbook and via the Members Area of the website.
- Families are actively encouraged to be involved in all aspects of the service, including providing feedback on service practices and policy development.<sup>14</sup>

### Collaborative Partnerships with Families

- The Heritage philosophy is to build collaborative partnerships between educators and families in order to maximise each enrolled child's wellbeing and learning.<sup>15</sup>
- Collaborative partnerships involve open communication and exchange of information, empathy, mutual support, respect for each other's views and ideas, and sensitivity to cultural or other differences.
- By building mutual trust between educators and families, Heritage aims to resolve issues as they arise through respectful discussion, reducing the likelihood of escalation to formal grievance procedures.

### Privacy and Confidentiality

Heritage is committed to ensuring privacy and confidentiality in the management of complaints and grievances.<sup>16</sup>

- Discussions regarding a general complaint or formal grievance will be held in confidence with those individuals directly involved.
- Matters that need to be raised with the Management Committee, will be given due regard for privacy & confidentiality.
- Information about a general complaint/formal grievance will only be provided to those people who need-to-know in order for the complaint/grievance to be actioned properly.
- The resolution process will be transparent and those directly involved will be informed of the progress of the complaint/grievance, possible outcomes and the reasons for decisions.
- It is understood there may be a requirement to disclose information to a third party when directed by legislative requirements. For example, if the complaint involves an educator or management, or if the nature of the complaint is about child protection issues, then a government agency may need to be informed. See: Reporting Obligations.

### Conflict of Interest

- Heritage recognises that a conflict of interest may arise during a grievance management procedure.
- Where a conflict of interest is identified an alternative mediation arrangement will be sought. For example, if a parent voices a formal grievance against the Director and the Director is the mediator, a conflict of interest would arise, and it is unlikely that the aggrieved would be heard fairly or the decision-making process would be unbiased. In this case, the Chair of the Management Committee or the HR Officer on the Management Committee would be the appropriate mediator, being impartial and unbiased.

### Training

- All Heritage staff members will be encouraged to access appropriate training so that they may participate in, encourage and respect the diversity of the Heritage community.<sup>17</sup>
- To facilitate complaint resolution at the informal, early stages, Heritage will provide access to information and training, particularly for supervisors, in managing conflict effectively.

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<sup>14</sup> Refer to: Enrolment and Graduating Rooms Policy

<sup>15</sup> Refer to: Heritage Philosophy; Family Involvement and Communication Policy

<sup>16</sup> Refer to: Privacy and Confidentiality Policy

<sup>17</sup> Refer to: Creating Inclusion and Equity Policy

## General Conflict Management Guidelines

When dealing with complaints and grievances the following general guidelines will be followed:

### When dealing with complaints, educators and families must understand that:

- People often feel strong emotions during the process of raising and responding to complaints and it is important to empathise with the other's perspective.
- Conflict isn't good or bad and is important to get things done.

### When dealing with concerns from families, educators must:

- Diffuse emotions by acknowledging feelings and stating positively a wish to find a solution.
- Actively listen to the family and ask questions to help clarify their concerns.
- Allow each person to be speak and be heard equally.
- Ask the family if they have any strategies or solutions they feel the service could put into practice to resolve their issues.
- Avoid responding immediately and defensively to the issues raised.

### When considering families' requests regarding Heritage practices, educators must:

- Balance meeting individual family needs with the requirements to provide quality education and care for all children.<sup>18</sup>
- Take into account education and care standards, recommended best practice and health and safety legislation etc.

## Procedures for Managing General Complaints and Formal Grievances

When a general complaint or formal grievance<sup>19</sup> is raised against another person at Heritage, the following a step-by-step guide will apply as to how the matter will be managed.

- **First and foremost, Heritage encourages families to discuss any concerns they have regarding the day-to-day education and care of their child at Heritage, informally with their child's Room Leader and/or the Director or whichever member of staff they feel most comfortable with, as soon as the issue arises.**
- Heritage also encourages educators to discuss any concerns they may have with the child's family and/or the Director as soon as the issue arises to avoid an escalation of the issue.

## Step 1: Managing a General Complaint - Informal Discussion

### A General complaint:

- Refers to an issue of a minor nature than can be resolved promptly, usually within 24 hours through an informal discussion/negotiation with educators or the Director and does not require a detailed grievance management meeting or investigation by the Committee.
- May include an expression of displeasure at any aspect of the service, such as poor service, a lost clothing item, the service fees etc.
- Does not include staffing, industrial or employment matters, or work, health and safety matters (unless related to the safety of the children) or issues related to the legal business entity, ie, the incorporated association.
- Does not usually have to be reported to CECA, however, may be Reportable Conduct, eg, a low-level crossing of professional boundaries in relation to a child.<sup>20</sup>

When a general complaint is received by management, the person to whom the complaint is addressed, such as the Room Leader or Director must:

1. Listen to the complainant with empathy with a view to resolving the matter in a supportive, fair and respectful manner.
2. Document the complaint using clear, precise, objective and transparent working to

<sup>18</sup> Refer to: Creating Inclusion and Equity Policy

<sup>19</sup> Refer to: Definitions

<sup>20</sup> Refer to: Reportable Conduct Policy and Procedures

- minimise confusion and misinterpretation on the General Complaint Record Form.
3. Inform the complainant of the Heritage Complaints and Grievance Management Policy and how to access it in the Members Area of the Heritage website/Policy Folders.
  4. Comply with the service's Privacy and Confidentiality Policy with regard to all meetings and discussions in relation to the complaint.
  5. Encourage the complainant to resolve the complaint with the person directly through an informal discussion where appropriate, such as when information supports a view that the complaint is not serious and has arisen from a misunderstanding or miscommunication, for example, between an educator and a family, or a visitor and an educator. The informal discussion can take the form of a conversation or meeting at a mutually convenient time with a view to coming to a positive and mutually acceptable resolution.
  6. If a resolution is reached, complete a General Complaint Record Form. Both parties must:
    - a. Understand the steps to be taken to resolve the conflict.
    - b. Agree the timeframe in which they will be undertaken.
    - c. Understand they are responsible for maintaining communication and giving open and honest feedback on progress.
  7. Inform the complainant that if at any time they feel unhappy with the progress towards a resolution of their concern, they may put the complaint in writing to the Director and/or the Chair of the Management Committee and move to the Formal Grievance Procedure.
  - 8. Inform the Director (or Chair of the Management Committee if the Director received the complaint in writing) and move on to Step 2 if the complaint:**
    - a. Is unable to be resolved appropriately in a timely manner.
    - b. Escalates and becomes a formal grievance.
    - c. Is of a serious nature and may require reporting to a government authority (eg if it is deemed to be a Notifiable Complaint or involves alleged Reportable Conduct or alleged child abuse/neglect (**refer to:** Definitions).

## Step 2: Managing a Formal Grievance - Formal Grievance Procedure

**Formal Grievance:** A formal written statement of complaint that cannot be addressed immediately or involves matters of a more serious nature such as allegations that a staff member has used corporal punishment to discipline a child.<sup>21</sup>

### 2a. Acknowledge the Grievance in Writing and Appoint a Mediator

When a formal grievance is received in writing by the Director or Chair of the Management Committee/Human Resources Officer they must follow the Formal Grievance Procedure and:

1. Acknowledge the grievance in writing **within 5 days of receipt**, inform the aggrieved person, in writing, of the start of the Formal Grievance Procedure.
2. Handle the grievance in a sensitive, discreet and professional manner, ensuring responses are given with empathy and with a view to resolving the matter in a supportive, fair and respectful manner. **Refer to:** General Conflict Management Guidelines above.
3. Provide a copy of this policy to the aggrieved person.
4. Ensure that the lines of communication are clear in the interest of fairness and privacy.
5. Consider and clarify the nature and the details of the grievance with a view to understanding the resolution being sought e.g. discontinuing certain behaviour, apology required from a staff member, changes to procedures.
6. Document the issue using clear, precise, objective and transparent wording to minimise confusion and misinterpretation on the **Formal Grievance Record Form** and include a general timeframe for resolving the conflict.
7. Comply with the Heritage Privacy and Confidentiality Policy and direct those involved not to disclose information about the grievance to others who are not directly affected.
8. Inform the Management Committee who must appoint a Mediator to investigate the grievance, taking into consideration any actual or potential conflicts of interest.
  - a. The Director will usually be appointed as the Mediator (or Chair of the Management Committee or Human Resources Officer on the Committee, or other impartial party nominated by the aggrieved person if there is deemed to be a conflict of interest).

<sup>21</sup> Refer to: Definitions

## 2b. Undertake Investigation

The Director/Mediator must:

1. Investigate and endeavour to resolve the matter without any undue delay.
  - a. It is understood that as time passes, information relevant to the complaint may deteriorate or be lost, which impacts on the fairness of the resolution process. In addition, unresolved issues can have a negative and ongoing impact on the workplace.
2. Ensure the investigation is undertaken in an equitable, transparent and fair manner.
3. Consult with/interview the relevant stakeholders/witnesses in person or by phone with due regard to privacy and confidentiality and General Guidelines above.
4. Ensure the respondent and each person involved is given the opportunity to explain their version of events in writing or through an interview, and provide them with support, a copy of this policy and additional information where relevant in relation to the grievance.
5. Review all available information, obtain relevant documents and seek advice, where appropriate, from individuals or organisations that may be able to assist in resolving the grievance. (Any costs involved will require prior approval by the Management Committee.
6. Research and take appropriate action, in consultation with the Management Committee, regarding any legal requirements in relation to the grievance including assessing if it is a Notifiable Complaint or involves alleged Criminal Conduct, Reportable Conduct or Child Abuse or Neglect.
7. Notify the police, or relevant regulatory/licensing bodies within the required timeframes.
8. Where bullying, discrimination or sexual harassment is alleged, research relevant legal components and consider contacting the Australian Human Rights Commission for advice. **Refer to:** Section on Reporting Requirements.
9. Identify which service policies (if any) the Formal Grievance involves eg, Staff Underperformance and Misconduct, Behaviour Guidance, Work Health and Safety, Code of Conduct/Ethics etc.
10. Document all discussions and interactions, including the time, date and detail of meetings/discussions on the **Formal Grievance Record Form**.
11. Ensure all other appropriate records are made of the information and data collected, including incident reports, and copies made of documentation relating to the Grievance.
12. Provide a follow up letter to the Aggrieved Person outlining any new information and inform them of the role the relevant authorities such as CECA may take in investigating the grievance. **Refer to:** Definitions. Section on Reporting Obligations.
13. Be available to meet with CECA or other relevant government bodies if required and provide additional information as requested.
14. Store all written information relating to grievances securely and in compliance with the Privacy and Confidentiality Policy and Procedures.

## 2c. Arrange Formal Grievance Meeting

Once the investigation of the Formal Grievance is complete, the Mediator must:

1. Schedule and chair a Formal Grievance meeting involving all relevant parties (this may include the family, the Director, the Chair of the Management Committee, the HR officer, relevant staff members and, where appropriate, an independent person selected from outside the Heritage community to suit the particular circumstance (for example, a child psychologist, etc).
2. Discuss the information gathered, including the role of relevant authorities such as CECA may take in investigating the grievance and any policies and procedures that may have been breached.
3. Endeavour to resolve the grievance by mutual agreement of the parties involved and following the Formal Grievance Meeting Guidelines.

### Formal Grievance Meeting Guidelines

- Each party will receive a copy of this policy prior to the meeting.
- Every attempt will be taken by all parties to resolve the conflict at the Formal Grievance Meeting.
- The meeting must be approached with a positive and productive attitude by all parties and undertaken in good faith.
- **All parties must:**
  - Deal only with the parties involved.
  - Remove blame and empathise with others' perspectives.
  - Avoid reacting defensively.
  - Listen carefully and not interrupt each other.
  - Allow each person to be heard equally.
- **The Mediator must guide all parties at the meeting to:**
  - Define and agree on the problem - what is currently happening?
  - Set a goal – what do the parties want to happen?
  - Create strategies and solutions to meet the goal – what are the options for resolution?
  - Define what actions the parties will each commit to.
- **Ensure minutes of the meeting are taken and added to the Formal Grievance Meeting Form.** Include details of resolution strategies and the timeframes agreed upon to resolve the conflict. Resolutions may include the respondent providing a formal apology to the aggrieved person, agreeing to cease certain behaviours, attending training/professional development, recommendations to the Management Committee for disciplinary action or changes to policies and procedures). Copies must be prepared and distributed to all parties present at the meeting.

#### 2d. Report Outcomes to the Management Committee

Following the meeting, the Mediator must:

1. Report outcomes in a timely manner to the Management Committee and, where required, provide any recommendations for consideration by the Management Committee. See below.
2. Advise the aggrieved person and other relevant parties in writing of any decisions made by the Management Committee in relation to the Formal Grievance.

#### **Where the Grievance allegations are admitted by the respondent or substantiated during the investigation or meeting, the Mediator must:**

1. Make recommendations to the Committee in relation to resolution of the grievance.
2. Where misconduct, serious misconduct or non-compliance with policies and procedures has been identified, advise the Management Committee to implement procedures including disciplinary action as appropriate by referring to the Staff Underperformance and Misconduct Policy or the Non-Compliance Policy (non-Staff).
3. Any recommendations for changes to policies or practices must be in accordance with relevant legislation including, but not limited to the *Education and Care Services National Law Act 2010* and *Education and Care Services National Regulations 2011*
4. Inform the Management Committee on the involvement of the government authorities such as the ACT Ombudsman, CECA or Child and Youth Protection Service, and the outcomes of any investigations by them. The Management Committee will be responsible for reviewing any investigator recommendations and making decisions on the action to be taken (if any), including relevant review mechanisms.

#### **Where the allegations are not substantiated during the investigation or meeting, the Mediator must:**

1. After due consideration, and in consultation with the Management Committee, dismiss the grievance if it appears:
  - a. The decisions and actions that prompted a grievance are affirmed as correct procedure.
  - b. To be vexatious, frivolous, or malicious.



- c. It was lodged to avoid performance management, misconduct, or other serious workplace matters.
  - d. Where the grievance is dismissed, take appropriate action including informing the aggrieved person in writing of the decision and advise them they may move onto Step 3 (below) if they are unhappy with the decision.
2. Advise the aggrieved person and other relevant parties of any decisions made by the Management Committee in relation to the grievance.
  3. Make recommendations to the Management Committee as appropriate such as providing refresher training for all staff regarding appropriate workplace behaviour or re-issuing relevant policies such as the Code of Conduct (Ethics) to all employees.

## 2e. Arrange Follow-up Meeting

The Mediator must arrange a follow-up meeting to evaluate progress, determine if the agreed resolution strategies are working, the Management Committee has implemented any agreed actions, and the matter has been resolved to the satisfaction of all parties.

### Step 3: Contact an Outside Agency

- If at any time the Aggrieved Person is unhappy with the Grievance Procedure or feels that the Grievance has not been resolved satisfactorily, it is their right to take the matter further, e.g., contact the Regulatory Authority – Children’s Education and Care Assurance (CECA) on Ph: 6207 1114.

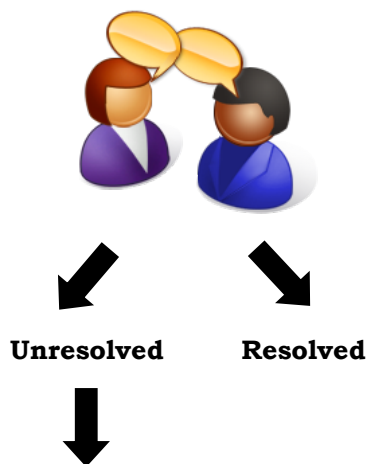
### Terminating Formal Grievance Proceedings

- The aggrieved person may terminate Formal Grievance proceedings under this policy at any time by delivering to the Director, Chairperson of the Management Committee or Human Resources Officer on the Management Committee, a written notification requesting such withdrawal.

**Refer to:** Summary Chart over-page

## Summary of Complaints and Grievance Management Procedures (non-Staff)

### Step 1: Dealing with General Complaints: Informal Discussion with Parties Involved and/or Room Leader/Director



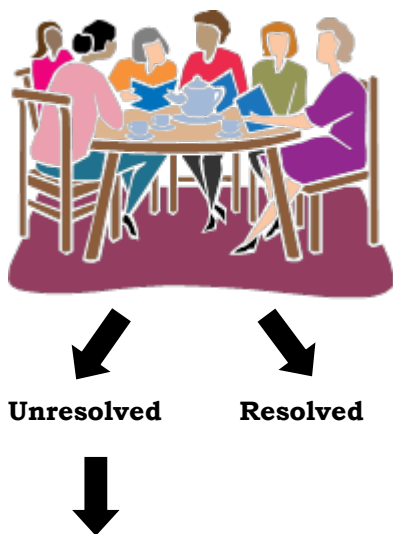
#### Managing Conflict Guidelines

- People often feel strong emotions during the process of raising and responding to complaints and it is important to empathise with the other's perspective.
- Conflict isn't good or bad and that it is important to get things done.
- Try to diffuse emotions by acknowledging feelings and stating positively a wish to find a solution.
- Actively listen and ask questions to help clarify concerns.
- Avoid responding immediately and defensively to the issues raised.
- Allow each person to speak and be heard equally.
- Balance meeting individual needs with the requirements to provide quality education and care for all children.

### Step 2: Formal Grievance Procedure:

- Write to Director/Chair of Management Committee/Human Resources Officer.
- Mediator appointed to investigate, meet with parties involved and make recommendations to Committee.

*If, after due process, it is deemed that a member of the Heritage community has not complied with Heritage policies or procedures, the Staff Underperformance and Misconduct or Non-Compliance Policy will apply.*



#### Formal Grievance Meeting Guidelines

- Every attempt will be taken by all parties to resolve the conflict.
- The meeting must be approached with a positive and productive attitude by all parties who must:
  - Deal only with the parties involved.
  - Remove blame and empathise with others' perspectives.
  - Avoid reacting defensively.
  - Allow each person to be heard equally.
  - Listen carefully and not interrupt each other.

The Mediator must guide all parties at the meeting to:

- Define and agree on the problem - what is currently happening?
- Set a goal - what do the parties want to happen?
- Create strategies and solutions to meet the goal - what are the options for resolution?
- Define what actions the parties will each commit to.
- Balance meeting individual needs with the requirements to provide quality education and care for all children.

### Step 3: Contact Outside Agency

- For example, call Children's Education and Care Assurance (CECA) on Ph: 6207 1114.

## Reporting Obligations

### Educators/Staff

- Educators/staff must inform the Director (or Chair of the Committee if the complaint is against the Director) as soon as practicable if a general complaint is received by member of staff and:
  - Is unable to be resolved appropriately in a timely manner.
  - Escalates and becomes formal grievance.
  - Is of a serious nature such as allegation of conduct that may constitute criminal activity, a Notifiable Complaint, Reportable Conduct, child abuse/neglect, bullying, discrimination or sexual harassment.

### The Director

- The Director (or Chair of the Committee/Human Resources Officer if they receive a complaint against the Director) must assess the complaint/grievance received and inform the Chair of the Management Committee/Human Resources Officer if the complaint:
  - Is unable to be resolved appropriately in a timely manner.
  - Escalates and becomes a formal grievance.
  - Is of a serious nature such as allegation of conduct that may constitute criminal activity, a Notifiable Complaint, Reportable Conduct, child abuse/neglect, bullying, discrimination or sexual harassment.
- Where there are allegations are of a serious nature, the Director, in consultation with the Chair of the Management Committee/Human Resources Officer must follow the procedures and timeframes for informing the relevant authorities as set out below.
- **Note:** If unsure whether a matter needs to be reported, the relevant authorities must be contacted for clarification.

### The Director/Chair of the Management Committee

- The outcome of complaints and grievances will be reported by the Director or Chair of the Management Committee to the Management Committee together in a timely manner, together with any recommendations for consideration by the Management Committee, such as recommendations for changes to policies or practices in a timely manner.
- Any recommendations or actions must be accordance with relevant legislation and funding requirements including, but not limited to the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

Reporting Obligations	
<b>Criminal Conduct</b>	<ul style="list-style-type: none"> <li>• If the complaints or grievance alleges criminal conduct has occurred, the police must be informed<sup>22</sup> in the first instance.</li> </ul>
<b>Notifiable Complaints</b>	<ul style="list-style-type: none"> <li>• The Director, in consultation with the Management Committee is required to notify the ACT Regulatory Authority (CECA) <b>within 24 hours</b> if a complaint or grievance is received that alleges that:                             <ul style="list-style-type: none"> <li>○ A <a href="#">serious incident</a> has occurred or is occurring or</li> <li>○ The <i>Education and Care National Law 2010</i> or <i>Regulations 2011</i> have been contravened.</li> </ul> </li> <li>• Notifications must be made to CECA via the <a href="#">NQAITS portal</a>.</li> <li>• <b>Note:</b> A complaint that is not reportable to CECA amounts to Reportable eg, a low-level crossing of professional boundaries, must still be reported to the ACT Ombudsman (see below).</li> </ul>
<b>Reportable Conduct</b>	<ul style="list-style-type: none"> <li>• The Director, in consultation with the Management Committee is required to notify the ACT Ombudsman of allegations that any employee (including volunteers and others engaged to provide services to children) has engaged in conduct that results in:</li> </ul>

<sup>22</sup> Refer to: <https://www.police.act.gov.au/>

	<ul style="list-style-type: none"> <li>○ Ill treatment.</li> <li>○ Neglect or psychological harm to a child.</li> <li>○ Misconduct of a sexual nature.</li> <li>○ Criminal offences involving a child.</li> <li>• The notification must be lodged as soon as possible, but no later than 30 days after Heritage becomes aware of the conduct.</li> <li>• The service is required to investigate any allegations of Reportable Conduct and provide a final report to the Ombudsman.</li> </ul> <p><b>Note:</b> Reportable Conduct covers a broader range of conduct compared to the types of child abuse which must be reported to CECA (see above) and Child and Youth Protection Services (CYPS), eg, a low-level crossing of professional boundaries.</p> <ul style="list-style-type: none"> <li>• Where the same information is required by CECA and the ACT Ombudsman, a copy of the CECA notification can be forwarded to the Ombudsman’s office as a substitute for the required notification (s17G Notification).</li> <li>• Where CECA investigates a Reportable Conduct matter, Heritage may decide not to investigate internally and may rely on the investigation conducted by CECA. In this circumstance, the findings of the CECA investigation can be provided by Heritage to the Ombudsman to meet reporting obligations under section 17J of the Ombudsman Act.</li> <li>• <b>Refer to:</b> Reportable Conduct Policy</li> </ul>
<p><b>Child Abuse or Neglect</b></p>	<ul style="list-style-type: none"> <li>• Matters requiring notification to the Regulatory Authority (CECA) include allegations that physical and/or sexual abuse of a child has occurred, or is occurring, while a child is being educated and cared for at Heritage. CECA must be notified <b>within 7 days</b> of receiving the complaint/grievance.</li> <li>• Where a complaint involves a reasonable belief or suspicion that an enrolled child is at risk of abuse or neglect from an employee, educators are required to notify Child and Youth Protection Services (CYPS) <b>without delay</b> using the <a href="#">Child Concern Report</a></li> <li>• Where the alleged behaviour which must be reported to CYPS does not involve an employee (for example, the allegation is against a parent), there is no requirement to report to the ACT Ombudsman (see above).</li> <li>• <b>Refer to:</b> Child Protection Policy.</li> </ul>
<p><b>Sexual harassment, discrimination or bullying.</b></p>	<ul style="list-style-type: none"> <li>• In this case, the relevant components under related human rights and anti-discrimination legislation must be researched and the relevant authorities contacted for advice, eg, the <a href="#">Australian Human Rights Commission</a> or <a href="#">Fair Work Australia</a>.</li> </ul>

**Summary of Reporting Obligations Procedure**

**Refer to:** Flow Chart over-page

## Summary of Complaints and Grievances (non-Staff) Reporting Obligations Procedure

### A Member of Staff Receives a General Complaint



Inform the Director (or Chair/Human Resources Officer of the Committee if the complaint is against the Director) if the complaint cannot be resolved in a timely manner, escalates to become a Formal Grievance or alleges conduct that may constitute criminal conduct, a Notifiable Complaint, Reportable Conduct, child abuse/neglect, harassment, discrimination or bullying (**refer to:** Definitions).



### The Director or Management Committee Receives a General Complaint or Formal Grievance



The Director, in consultation with the Chair of the Management Committee, must determine if the complaint/grievance alleges conduct that may constitute criminal conduct, a Notifiable Complaint, Reportable Conduct or child abuse/neglect (**refer to:** Definitions).



Criminal Conduct	Notifiable Complaint	Reportable Conduct	Child Abuse/Neglect
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If against an employee

Report to the [Police](#) immediately.

Report to the Regulatory Authority ([CECA](#)) within 24 hours.

Report to the [ACT Ombudsman](#) as soon as possible and within 30 days.  
*(CECA notification may be forwarded to Ombudsman).*

Report to [CECA](#) within 7 days, and [CYPs](#) Without delay

**Note:** Where a complaint/grievance alleges **bullying, discrimination or harassment**, the Director and Committee will consider contacting the [Australian Human Rights Commission](#) or [Fair Work Australia](#) for advice.



## Documenting Complaints and Grievances

- Complaints and grievances must be recorded on the relevant forms together with a record of the discussions, agreed resolution strategies, timeframes and outcomes.
  - Incident Form
  - General Complaints Record Form
  - Formal Grievance Record Form
  - Formal Grievance Meeting Form
- All documents related to complaints and grievance must be stored securely in the relevant educator or child's personal file, and in the Complaints and Grievances Folder.
- Where applicable, relevant documents will be stored in the Warning Register.<sup>23</sup>
- Confidentiality of all documents related to complaints and grievances will be ensured and will only be accessible to the Responsible Person at Heritage and other authorised staff and Management Committee members on a need-to-know basis.<sup>24</sup>

## Monitoring and Evaluation

- In order to assess whether the aims and values of the Complaints and Grievances Policy and Procedures has been achieved, the service will:
  - Revise the policy and procedures as part of the Heritage policy review cycle, or as required through the identification of practice gaps.
  - Keep the policy up to date with current legislation, research, policy and best practice.
  - Seek feedback from everyone affected by the policy regarding its effectiveness.
  - Review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner.
  - Monitor complaints and grievances as recorded in the Complaints and Grievances Folder to assess whether satisfactory resolutions have been achieved.
  - Notify parents/guardians at least 14 days before making any changes to this policy or its procedures.
- When preparing the annual **Quality Improvement Plan**, the Complaints and Grievance folder may be used by the service to assess how to better meet the needs of children and families at the service.

## Related Policies

Name	Location
Behaviour Guidance Policy and Procedures	Policy and Procedures documents provided in full in <a href="#">Members Area of Heritage website.</a>
Child Protection Policy and Procedures	
Creating Inclusion and Equity Policy and Procedures	
Employment and Recruitment Policy and Procedures	
Enrolment and Graduating Rooms Policy and Procedures	
Heritage Code of Conduct/Ethics	
Heritage Philosophy Statement	
Interactions with Children Policy and Procedures	Policy and Procedures Manuals in Main Office, Front Entrance and Staff Programming Room.
Inclusion and Equity Policy and Procedures	
Non-Compliance Policy and Procedures (non-staff)	
Privacy and Confidentiality Policy and Procedures	
Reportable Conduct Policy and Procedures	
Staff Complaints and Grievance Management Policy and Procedures	<a href="#">Service Handbooks</a>
Staff Underperformance and Misconduct Policy and Procedures	
Work Health and Safety Policy and Procedures	

<sup>23</sup> Refer: Staff Underperformance and Misconduct Policy; Non-Compliance Policy.

<sup>24</sup> Refer to: Privacy and Confidentiality Policy



## References and Further Reading

- ACT Ombudsman (2017).** [Reportable Conduct Scheme](#)
- ACECQA (2022).** [Guide to the National Quality Framework](#)
- ACECQA (2018).** [Using Complaints to Support Continuous Improvement](#)
- ACECQA (2021).** [Dealing with Complaints Policy and Procedures Guidelines](#)
- ACECQA (2017).** [Leadership and management in education and care services](#)
- ACECQA (2022).** [Notifications and Timeframes](#)
- ACT Ombudsman.** [Complaint Handling Guidelines](#)
- Australian National University (2021).** [Student Complaint Resolution Policy.](#)
- Australian National University (2021).** [Staff Grievance Resolution Policy](#)
- Australian and New Zealand Standard Guidelines for Complaint Management (2014).** [AS/NZS 10002:2014](#)
- Australian Human Rights Commission (2014).** [Good practice guidelines for internal complaint processes.](#)
- CELA (2022).** [Complaints Handling Sample Policy](#)
- Commonwealth Ombudsman.** [Better practice complaint handling guide](#)
- National Childcare Accreditation Council (closed) (2008).** [Sample Grievances and Complaints Management Policy.](#)
- National Childcare Accreditation Council (2006).** [Managing Complaints](#)
- University of Melbourne ELC. (2014).** [Complaints and Grievance Policy.](#)
- University Preschool and Childcare Centre. (2021).** [Complaints Policy](#)

## Version Control and Change History

Version Number	Approval Date	Approved by	Author and Amendments
1	October 2001	Management Committee	
2	April 2009	Management Committee	Author: Robyn Thurecht: Adopted and amended the National Childcare Accreditation Council's policy on the management of grievances and complaints.
3	November 2012	Management Committee	Author: Julia Charters Added aggrieved person must <u>write</u> to the Director or Chair of Management Committee to instigate Formal Grievance proceedings. Simplified Grievance Procedure to 1) Informal Discussion 2) Formal Grievance Meeting mediated by Director/Chair of Management Committee or other nominated party. 3) Right to contact outside agency if remains unresolved. Added Grievance Meeting Guidelines. Added Rationale and references to National Quality Standards. Updated References section. Added Appendix: Pictorial summary of Grievance Management Procedure Updated Grievance Forms - Grievance Record Form (Informal); Grievance Record Form (Formal); Grievance Meeting Form (Formal).
4	November 2017	Management Committee	Author: Julia Charters Changed name from 'General Grievance Policy and Procedures' to 'Complaints and Grievance Policy (Non-Staff)'. 



			<p>Added Contents Page and Definitions.                  Updated procedures to better reflect Definitions, National Quality Standards, reporting obligations to CECA, ACT Ombudsman and CYPS, and the Australian Human Rights Commission's <i>Guide Good practice guidelines for internal complaint processes</i>.                  Added Section on Reporting Obligations.                  Added Summary of Reporting Obligations Chart.                  Added Appendix 1 - Relevant National Regulations and Quality Standards including updates to National Law as of October 2017 and change to NQS from Feb 2018.                  Added Summary of Responsibilities.                  Updated References.</p>
5	Sept 2022	Management Committee	<p>Author: Julia Charters                  Moved Summary of Key Responsibilities to beginning of document and updated to reflect latest ACECQA guidelines and CELA Sample Policy.                  Added aggression and bullying is not tolerated at Heritage. Aggressive complainers will be reminded of the Heritage Code of Conduct/Ethics and the procedures in the Non-Compliance Policy (non-staff) will be followed.                  Moved Legislative Background from Appendix to beginning of document.                  Updated References                  Added relevant hyperlinks                  Added Complaint and Grievance Record Forms as attachments.</p>

## General Complaint Form 2022

This form is to be used by educators to record all General Complaints. A General Complaint is defined as an issue of a minor nature that can be resolved promptly through an informal discussion/negotiation with educators or the Director at the local level.

If the complaint is unable to be resolved in a timely manner, escalates to become a Formal Grievance or alleges conduct that may constitute Criminal Conduct, a Notifiable Complaint, Reportable Conduct or child abuse/neglect, the Director or Chair of the Management Committee must be informed, and Formal Grievance procedures instigated.

**Refer to:** Formal Grievance Report Form.

For details of the processes and definitions of terms, please **refer to:** Complaints and Grievance Management Policy or the Staff Complaints and Grievance Management Policy if the grievance is between staff.

**Name of Person Making Complaint** \_\_\_\_\_

**State if Staff, Family, Visitor etc** \_\_\_\_\_

**Please provide details of the General Complaint** (Use clear, precise, objective language. Include details of any policies or procedures that have been allegedly violated. Attach another sheet if required).

### Actions Taken

- Discussion with Staff Member/Parent       Phone       Verbally  
 Phone Message      Date/Time \_\_\_\_\_
- Other \_\_\_\_\_

**Record of discussion and summary of outcomes** (Include agreed steps, taken to resolve the issue and the timeframes. Attach another sheet if required).

**Director's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Printed Name** \_\_\_\_\_

## Formal Grievance Form 2022

This form is to be completed by the Mediator, (the Director, or Chair of the Management Committee or other nominated person if there is a conflict of interest), to record Formal Grievances. For details of the processes and definitions of terms, please **refer to:** Complaints and Grievance Management Policy or the Staff Grievance Policy if the grievance is between staff. The original written complaint Formal Grievance must be attached to this form.

Formal Grievance received by		Date received	/ /
Aggrieved person's name			
Aggrieved person's phone number		Mobile number	
Person/s the aggrieved person is in dispute with			

<b>Details of the grievance and solutions sought</b> (include relevant dates/times. Use clear, objective language and attach another sheet if required).

<b>Details of legal reporting obligations Identified in relation to the grievance</b> (alleged Criminal Conduct, Reportable Conduct, Notifiable Complaint or Child Abuse/Neglect, bullying/discrimination. Refer to: Complaints and Grievances Policy for definitions and Summary of Obligations Chart).

<b>Details of any policies or procedures that have allegedly been violated.</b> (eg, Behaviour Guidance, Staff Misconduct, Non-Compliance etc. Use clear, objective language and attach another sheet if required).





Actions taken by Mediator	Date
I have acknowledged the formal grievance in writing within 5 days of receipt, and informed the complainant aggrieved person of the start of formal grievance procedures.	
I have provided all stakeholders with a copy of the relevant policy - Complaints and Grievances Policy or Staff Grievance Management Policy and Procedures if between staff members.	
I have researched and taken appropriate action regarding any legal reporting requirements in relation to the grievance and notified the relevant regulatory bodies within the required timeframes. <b>Refer to:</b> Reporting Obligations Procedures Chart.	
I have identified any misconduct or serious misconduct and informed the Director or Chair of the Management Committee to implement procedures including disciplinary action as appropriate. <b>Refer to:</b> Staff Underperformance and Misconduct Policy; Non-Compliance Policy).	
I have noted any policies or procedures that have allegedly been violated and informed the Management Committee.	
I have considered any conflicts of interest and directed all stakeholders not to disclose information about the complaint to others who are not directly involved.	
I have interviewed the stakeholders in person/by phone with due regard to privacy and ensured the person the grievance is against has been given the opportunity to respond.	
I have arranged a Formal Grievance Meeting to discuss strategies to resolve the issue. <b>Refer to:</b> Grievance Meeting Form; Grievance Meeting Guidelines.	

**Record of discussions with stakeholders and any solutions offered** (include time of discussions and whether by phone or in person). Please attach another sheet if required.

**Mediator's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Printed Name** \_\_\_\_\_

## Formal Grievance Meeting Form 2022

This form is to be used in conjunction with the Formal Grievance Record Form and used as a guide by the Mediator, (Director or Chair of the Management Committee, or other nominated person if a conflict of interest has been identified), at the time of the Grievance Meeting. Copies must be prepared and distributed to all parties following the meeting.

The meeting must be approached with a positive and productive attitude by all parties and undertaken in good faith. It is important to remove blame and empathise with other people's perspectives. Each person must be allowed to be heard equally and without being interrupted.

<b>Date of Meeting</b>	
<b>Persons present</b> (family members, the Director, the Chair of the Management Committee, the HR officer, relevant staff members and, where appropriate, an independent person selected from outside the Heritage community to suit the particular circumstance).	
<b>Agreed problem</b> (what is currently happening?)	
<b>Agreed goal</b> (what do the parties want to happen?)	
<b>Agreed strategies and solutions to meet the goal</b> (what are the options for resolution?)	
<b>Actions the parties will each commit to</b>	
<b>Timeframe for resolving the issue</b>	



<p><b>Details of legal reporting obligations Identified in relation to the grievance</b> (alleged Criminal Conduct, Reportable Conduct, Notifiable Complaint or Child Abuse/Neglect – <b>refer to:</b> Complaints and Grievances Policy for definitions and Reporting Procedures Chart).</p>	
<p><b>Misconduct, serious misconduct or non-compliance with policies and procedures identified.</b> (Director or Chair of the Management Committee may need to implement procedures including disciplinary action as appropriate. <b>Refer to:</b> Staff Underperformance and Misconduct Policy; Non-Compliance Policy).</p>	<p>For example:                      Misconduct – failing to follow the requirements of the Heritage Handbook.                      Failing to follow policies set down by the management committee.                      Failing to follow requirements of the National Quality Standards                      Failing to follow the Heritage Vision and Philosophy                      Failing to follow areas of requirements in the Code of Ethics.                      Failing to follow Article 3 in the United Nations Convention on the Rights of the Child</p>
<p><b>Agreed recommendations for changes to policies or practices to be made to the Management Committee.</b></p>	
<p><b>Date of follow-up meeting to discuss progress</b></p>	

Mediator’s Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_