

GRIEVANCE RESOLUTION POLICY

SUB CATEGORY: Communication and Consultation

POLICY GOAL

Outline clear processes to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.1.1	Organisation of educators	The organisation of educators across the service supports children's learning and development.
4.1.2	Continuity of Staff	Every effort is made for children to experience continuity of educators at the service.
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.

QUALITY AREA 6: COLLABORATIVE PARTNERSHIPS		
6.1	Supportive relationships with families	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	Parent views are respected	The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.
6.2	Collaborative partnerships	Collaborative partnerships enhance children's inclusion, learning and wellbeing.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality Service
7.2.1	Continuous Improvement	There is an effective self-assessment and quality improvement process in place.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

168	Education and care service must have policies and procedure
173	Prescribed information to be displayed
176	Time to notify certain information to Regulatory Authority

RATIONALE

*"An effective complaints and grievance management system confirms to staff, families and the community that complaints and grievances are taken seriously and investigated promptly, fairly and thoroughly. Effective management of complaints may inform quality improvement processes and is an efficient way of considering and acting on feedback from families."*¹

Our service aims to ensure that all interactions, including grievance procedures, convey mutual respect, equity and recognition of each other's strengths and skills. This is role modelled by management and educators alike.

Our Grievances Policy values:

- procedural fairness and natural justice;
- our code of ethics and conduct;
- a service culture free from discrimination and harassment;
- transparent policies and procedures; and
- avenues for recourse and further investigation.

Our Policy ensures that all persons are presented with procedures that:

- value the opportunity to be heard;
- promote conflict resolution;
- encourage the development of harmonious partnerships;
- ensure that conflicts and grievances are mediated fairly; and
- are transparent and equitable.

We understand that we have 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.

We value all feedback including concerns raised and use these to guide our continual improvement.

Procedural fairness and natural justice

In general, the three core principles of natural justice or procedural fairness are:

- the right to be heard fairly; (the 'hearing' rule)
- the right to an unbiased decision made by an objective decision maker (the rule against 'bias'; and
- the right to have the decision based on relevant evidence (the 'no evidence' rule)

Complaint notification

From 1 October 2017, Approved Providers are "required to notify the regulatory authority of a complaint that alleges:

- a serious incident has occurred or is occurring while a child is being educated and cared for by a service
- the National Law and/or National Regulations have been contravened."²

The Approved Provider must also notify the regulatory authority of any "complaints that may impact on the regulatory authority's consideration of provider or service approvals."³

Notifications to the Regulatory Authority should be done using the Complaints Form - CO1 found on the ACECQA National Quality Agenda IT System (NQAITS) <https://public.nqaits.acecqa.gov.au/Pages/Landing.aspx>

¹ "Guide to the National Quality Framework" Australian Children's Education & Care Quality Authority Jan 2020

² "Key Changes to Notifications, Incidents and Complaints from 1 Oct 2017" National Quality Framework, Information Sheet ACECQA, August 2017

³ "Guide to the National Quality Framework" Australian Children's Education & Care Quality Authority Jan 2020

Services can now use the on-line Notification Decision Tree (NDT) to assist them in deciding whether a notification is required and the timeframe in which that notification should be made.

"If a notification is needed, you will be directed to the National Quality Agenda IT System to sign on and lodge the correct online form. Please include as much detail as possible, so we can quickly and accurately assess what (if any) action needs to be taken as a result of your notification.

If you make a notification that is not required under the law, it will be re-categorised as 'non-regulatory' and no further action will be taken. You will receive an email from your regional office explaining why it was considered non-regulatory.

Please note that information contained in the NDT is for general guidance only and you must consider the specific circumstances of each incident against the requirements of the legislation when you are making a decision about whether to notify.

Approved providers, educators and services may be required to report incidents or suspected incidents involving children under other State and Territory laws including child protection legislation.

*It is the Approved Providers responsibility to understand their obligations and operate according to the law."*⁴

The NDT can be accessed here: <https://earlychildhood.qld.gov.au/news/educators/know-when-to-notify-us>

⁴ "Notify the Regulatory Authority" Early Childhood Education and Care Queensland Government (accessed on-line March 2020) <https://earlychildhood.qld.gov.au/news/educators/know-when-to-notify-us>

IMPLEMENTATION

If families, educators or others have a concern they should follow the Grievance Resolution Procedure below;

Raise your concern in a calm manner with the person with whom you have the grievance

If you are unable or not comfortable in doing this or you were not happy with the outcome then you should...

Raise the concern with the Nominated Supervisor at the Service

If you are unable or not comfortable in doing this or you were not happy with the outcome then you should...

Contact the Management Team

If you are unable or not comfortable in doing this or you were not happy with the outcome then you should...

Contact the Approved provider

If you are unable or not comfortable in doing this or you were not happy with the outcome then you should...

Contact the Regulatory Authority in your State (see grievance poster displayed at the service)

We ask that all families, educators and others please work through the above stages when raising a grievance so that each person has an opportunity to address your concerns prior to elevating it to the next level.

Steps for handling a grievance raised;

- Actions taken in a grievance settlement procedure will remain confidential to the parties concerned.
- When a grievance is raised by a parent/guardian, team member or visitor the following steps must be followed in a fair and just manner;
 - Listen carefully to the grievance
 - Advise the person who has raised the grievance to that you will investigate fully and will advise them of the outcome in a timely manner
 - Ensure the Director and Management are advised of the Grievance
 - Fully investigate the Grievance following the principles of procedural fairness and natural justice.
 - Ensure all discussions are documented.
 - Consider all information gathered and, in consultation with management decide on an appropriate course of action
 - Advise all relevant parties of the outcome of the investigation including the person who has raised the grievance.
 - If the grievance is informal record on the "Grievance Resolution Log", if the grievance is more serious in nature or a formal grievance use the Formal Grievance Record Form" and put a brief summary on the "Grievance Resolution Log".
 - The person taking the grievance should make the determination whether the Formal Grievance Record Form is completed by the person raising the concern (such as a staff member) or if it is used to summarise the concern and recorded by the person taking the grievance (this would be most suitable when a family or member of a community has a grievance).
 - Monitor grievances for patterns and use these to guide further improvements.
 - Individually or as a team, reflect on concerns and grievances raised to consider relevant changes.
 - Where the grievance is between two staff members it may be appropriate to use reflective questions and set an action plan which identifies barriers and acknowledges agreed goals. Especially in the instance of any grievance which is not immediately resolved it may be useful to use the "Template for Resolving Conflict in the Workplace – Action Plan" form and/or "Reflections upon Conflict" form.
- Where a serious grievance is raised against an educator it may be appropriate to ask that educator to stand down from duties with children while the investigation is conducted and may be asked to "show cause". If this occurs the team member should remain on full pay and may be relocated to another suitable position. The team member must be considered innocent of allegations until an investigation is concluded.
- All concerns or complaints should be taken seriously, regardless of the perceived seriousness. Educators must advise their Nominated Supervisors or responsible person in charge of any concern raised so that it can be reflected upon and consideration given to any required changes or modifications. Nominated Supervisor or other senior members of the team should always contact the person raising the concern to ensure them of our commitment to continual improvement and to seek further information for consideration.
- The Nominated Supervisor must advise the Approved Provider of grievances and ensure that the regulatory authority is notified of the following:

- “a serious incident has occurred or is occurring while a child is being educated and cared for by a service
- the National Law and/or National Regulations have been contravened.”⁵
- Reporting to the Regulatory Authorities must be done using the NQAITS portal. It may also be necessary to notify other relevant authorities, refer to the Child Protection Policy.
- Nominated Supervisors and Approved Providers should refer to the Notification Decision Tree (NDT) for help in decision whether a notification is required and the timeframe in which that notification should be made.

COMMUNICATION AND CONSULTATION

- Grievance Procedure (attached to this policy) is displayed in a clear location for all families and staff
- Families are advised upon enrolment at the service
- Educators are advised of this procedure during the induction process.
- Educators and families will have access to this policy at all times.
- Educators and families will be provided with opportunities to be involved in the review of this policy.

RELATED FORMS AND DOCUMENTS

- Educator Induction Checklist
- Educator Recruitment, Selection and Employment Policy
- Orientation Checklist
- Formal Grievance Record Form
- Grievance Resolution Log
- Template for Resolving Conflict in the Workplace – Action Plan
- Grievance Resolution Procedure Poster (attached)
- Form CL01 “Notification of complaints form” (ACECQA website NQA ITS Portal)
- Child Protection Policy
- Reflections upon Conflict Form

SCOPE AND ENFORCEMENT

The Failure of any person to comply with this policy in its entirety may lead to;

- Termination of child enrolment
- Performance management of an employee which may lead to termination

RECOGNISED AUTHORITIES AND DOCUMENTS WHICH GUIDE POLICY

- “Code of Ethics”, Early Childhood Australia (2006)
- “Natural Justice/Procedural Fairness” NSW Ombudsman Fact Sheet 14, (Last accessed on-line May 2019)
- “Guide to the National Quality Framework” Australian Children’s Education & Care Quality Authority Jan 2020
- “Key Changes to Notifications, Incidents and Complaints from 1 Oct 2017” National Quality Framework, Information Sheet ACECQA, August 2017
- “Notify the Regulatory Authority” Early Childhood Education and Care Queensland Government (accessed on-line March 2020 <https://earlychildhood.qld.gov.au/news/educators/know-when-to-notify-us>)

DATE CREATED: November 2011

REVIEW DETAILS:

Review Date	Details of Changes
January 2012	<ul style="list-style-type: none"> • Inclusion of Form NL01 “Notification of complaints and incidents (other than serious incidents)” • Change in Procedure to include phone number of person to direct complaints to instead of email.

⁵ “Key Changes to Notifications, Incidents and Complaints from 1 Oct 2017” National Quality Framework, Information Sheet ACECQA, August 2017

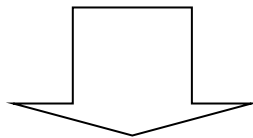
November 2012	No changes made, sources updated where applicable.
January 2014	No changes made, sources updated
June 2015	No changes made, sources updated
April 2016	No changes made, sources updated
April 2017	Forms updated including addition of new forms for recording and supporting grievance resolution. Sources updated.
September 2017	<ul style="list-style-type: none"> Updated to include reasons for reporting some grievances to the regulatory authority including the October 2017 regulation addition of physical and sexual abuse. Inclusion of 24hr notification using the NQAITS portal Including of the new Guide to the NQF as a source Inclusion of the need to consider other reporting requirements and referring to the Child Protection Policy.
December 2017	<ul style="list-style-type: none"> The quote from the new NQF guide included: <i>"complaints alleging that the safety, health or wellbeing of a child (or children) has been compromised or the National Law has been contravened"</i>. This has been clarified to WA only as it is in conflict with the regulations as confirmed by the regulatory authority. There is no requirement under the legislation (other than WA) to report for this purpose. Also find reference to the new Complaints Form CO1 for use on the NQA ITS
April 2018	<ul style="list-style-type: none"> Updated source to <i>"Guide to the National Quality Framework"</i> Australian Children's Education & Care Quality Authority Feb 2018, quotes in rationale updated Updated latest versions for other sources Updated relevant form for notifying of a complaint to Form CL01 "Notification of complaints form" (ACECQA website NQA ITS Portal) <p>Inclusion in Implementation:</p> <ul style="list-style-type: none"> All concerns or complaints should be taken seriously, regardless of the perceived seriousness. Educators must advise their Nominated Supervisors or responsible person in charge of any concern raised so that it can be reflected upon and consideration given to any required changes or modifications. Nominated Supervisor or other senior members of the team should always contact the person raising the concern to ensure them of our commitment to continual improvement and to seek further information for consideration. Individually or as a team, reflect on concerns and grievances raised to consider relevant changes. Inclusion of "Reflections upon Conflict" form
August 2018	<ul style="list-style-type: none"> Inclusion of the Notification Decision Tree (NDT)
May 2019	<ul style="list-style-type: none"> Updated sources
November 2020	<ul style="list-style-type: none"> Updated sources Updated weblink for NDT

SERVICE GRIEVANCE RESOLUTION PROCEDURE

To assist us in ensuring that all grievances and complaints are addressed, investigated fairly and documented in a timely manner we ask that all educators, families and visitors following this procedure if you have a concern or complaint you wish to raise.

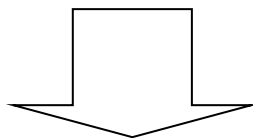
If you have a concern you wish to raise you should;

Raise your concern in a calm manner with the person with whom you have the grievance



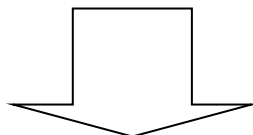
If you are unable or not comfortable in doing this or you were not happy with the outcome then you should.....

Raise the concern with a Nominated Supervisor at the Service



If you are unable or not comfortable in doing this or you were not happy with the outcome then you should.....

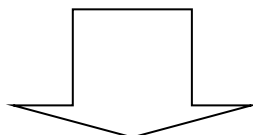
Contact Management: Name: _____ phone: _____



If you are unable or not comfortable in doing this or you were not happy with the outcome then you should.....

Contact the Approved provider

Name: _____ phone: _____



If you are unable or not comfortable in doing this or you were not happy with the outcome then you should.....

Contact the Regulatory Authority Listed Below
