

Governance & Management: Complaints & Grievances

Policy/Procedure Number: D 5

Policy/Procedure Requirement: National Quality Standards 7; Regulations 168

Policy Statement

An effective complaints mechanism provides practical means for people to provide feedback when dissatisfied with the FDC Service and enables the Service to improve its systems, policies, processes and stakeholder engagement and communication practices. The complaints handling process will ensure the application of the principles of natural justice and procedural fairness for all persons concerned prior to reaching an outcome.

Rationale

The Service supports the individual's (Educators, Educator Assistants, regular visitors, Service staff, Educator family members, volunteers, parents and children) **right to be heard fairly**, the **right to an unbiased decision made by an objective decision maker**, and the **right to have the decision based on relevant evidence**.

Strategies and Practices

The critical component in a fair and independent complaints handling process is the application of **natural justice** and **procedural fairness** to parties concerned.

Natural justice requires the decision makers to ensure that the person is told what the relevant issues are and informed of the nature and content of material which is being considered against him/her. Also, the person affected must have a right to be heard before the decision is made and the decision maker must not be biased or appear to be biased.

Procedural fairness requires providing time to reflect on the information; the right to know the complaint/allegation; the right to respond; and the right for any inquiry to be free of bias. Also, procedures are explicit and known to all; concerns and complaints are made known as soon as practicable after the alleged behaviour/incident occurs; concerns/complaints are clearly defined; concerns/complaints are dealt with as quickly as possible; prompt action is taken against frivolous or vexatious complaints and relevant disciplinary action applied to protect from such conduct

The Service encourages any grievances to be initially discussed with the person concerned. Every effort should be made to resolve the grievance at this level before moving on to the following steps.

Complaints may be lodged face-to-face, by telephone or in writing. However, all formal complaints are required to be submitted to the Coordination unit in writing. A record will be kept of the complaint until resolved.

Educators and FDC Service staff have the right to seek assistance from a support person when responding to a complaint about them.

Grievance between the FDC Educator (and/or Educator Assistant) and a family

- If a parent /guardian has a complaint, they are encouraged to first raise it with the FDC Coordinator
- If a parent makes a complaint and asks the Service not to discuss the issue with the Educator, the Coordination staff will assist the parent in developing strategies to rectify the situation with the Educator
- Should the parent allow the Service to discuss the situation with the Educator, they will be encouraged to document their complaint in writing. The Coordination staff will notify the Educator of the complaint and investigate the issue
- Should a FDC Educator feel that she/he is being treated unfairly by a parent, or they are not satisfied with an outcome, the FDC Educator should contact the FDC Coordinator to discuss the issue
- If the matter is not resolved to the complainant's satisfaction, the matter should be referred in writing to the Service Manager (as the Nominated Supervisor) or the Approved Provider
- The issues and outcomes will be documented by the Service
- In the unlikely event of a dispute not being resolved after the above steps, the matter may be referred to an appropriate external party (e.g. the *ACT Children's Policy and Regulation Unit*)

Grievance between the FDC Educator (and/or Educator Assistant) and the FDC Service

- The Educator and/or Educator Assistant has the right to approach the FDC Service staff member concerned and to expect to have the grievance addressed in an understanding and sensitive manner
- If unresolved, the Educator and/or Educator Assistant can contact the Approved Provider or the Service Manager or a representative of the Approved Provider who will attempt to find a resolution
- In the unlikely event of a dispute not being resolved after the above steps, the matter may be referred to an appropriate external party (e.g. the *ACT Children's Policy and Regulation Unit*)

Grievance between the FDC Service Staff and the FDC Educator (and/or Educator Assistant)

The following procedures apply to incidents other than those that will result in automatic termination as stated in the FDC Educator's Agreement.

- Should a FDC Educator feel that she/he is being treated unfairly by a Service staff member, or they are not satisfied with an outcome, the FDC Educator is encouraged to contact the Service Manager to discuss the issue
- When an issue is raised by a parent, staff member or community member against an Educator and/or Educator Assistant, the Service will ask if the complaint/concern has first been raised with the Educator. Depending on the circumstances of the complaint, the complainant will be encouraged to discuss the complaint/concern with the FDC Educator. If it is deemed to be a complaint, then the complainant will be informed that the complaint will be followed up involving all parties concerned in accordance with the principles of natural justice and due process
- If the complaint relates to a breach of Regulations or of special conditions of the FDC Service, the Service Manager will investigate the circumstances and discuss the complaint with the Educator.

- The Service will advise the Educator and/or Educator Assistant of any non-compliance with the Regulations and/or conditions of the Service and work with the Educator and/or Educator Assistant to rectify the breach. The verbal advice will be followed up in writing to the Educator and/or Educator Assistant
- The Service will advise the *ACT Children's Policy and Regulation Unit* of any alleged complaint that poses a risk to the health, safety and wellbeing of the child

De-registration of a FDC Educator and/or Educator Assistant

- If an Educator breaches the Service policies and procedures, National Regulations and/or National Law, the Service may review the ongoing registration of the Educator and/or Educator Assistant considering the nature of the breach and consequences due to the breach
- The Service will advise the Educator and/or Educator Assistant if s/he has been de-registered from the Service and the reasons for this course of action
- The Service will advise the *ACT Children's Policy and Regulation Unit* in writing the date from which the Educator is no longer registered with the service
- An approved Educator can appeal their de-registration with a Service through the *ACT Children's Policy and Regulation Unit*, if they are dissatisfied with the decision

Grievance between FDC Educators

- Discuss with the persons concerned and attempt to resolve the grievance
- If unresolved, the Educator can contact the Service who will attempt to find a resolution or an acceptable compromise for both parties
- If still unresolved, the Educator may refer the matter to the representative of the Approved Provider for further mediation

FDC Staff receiving a complaint will:

- Determine and confirm the details of the complaint and record details
- Confirm the content and intent of the complaint and the possible outcome to be achieved
- Request any major complaints to be in writing
- Explain the courses of action available
- Commit to seeking a resolution, if possible, in a positive manner and action immediately
- Determine whether the person making the complaint is satisfied with the proposed course of action and, if not and where appropriate, suggest an alternative course of action
- Follow up and monitor the outcome to confirm the person is satisfied and has received appropriate feedback

Approved Provider receiving a complaint will:

- Acknowledge the complaint in writing promptly, and in any event within three (3) working days of receipt
- If follow up is required, an acknowledgement letter will give details of response times and how the matter will be resolved
- Follow up and monitor the outcome to confirm the person is satisfied and has received appropriate feedback

- Evaluate the nature of the complaint in informing policy and procedural reviews, and/or Service staff and Educator training

Use of Interpreter

If required, the Service will offer an interpreter when handling complaints

Right of appeal

If any parties are dissatisfied with the decision, they are able to write directly to the Approved Provider or to the *ACT Children's Policy and Regulation Unit*

Resources and Further Readings

- Education and Care Services National Regulations
- Education and Care Services National Law Act 2010
- ACECQA National; Quality Framework Resource Kit www.acecqa.gov.au
- Childcare Service Handbook 2013-2014

Related FDC Policies, Procedures & Documents

- Governance & Management: General

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