

## GRIEVANCE POLICY

Updated: July 2024

<b>WHAT are we talking about in this document?</b>	This Policy details the service's procedures for dealing with complaints.
<b>Who is this for?</b>	This policy applies to children, families, staff, management, students, visitors and the wider community of the service.
<b>Why do we need this policy?</b>	<p>The Education and Care Services National Regulations require approved providers to have policies and procedures in place for dealing with complaints [Regulation 168].</p> <p>Feedback from families, educators, staff and the wider community is fundamental in creating an evolving early learning service working towards the highest quality of education and care. This policy ensures parents, educators, visitors, students and the community can lodge a grievance with the understanding that it will be managed conscientiously and confidentially.</p>

## POLICY STATEMENT

Keiki Early Learning aims to investigate all complaints and grievances with a high standard of equity and fairness.

- We are committed to effective complaint handling
- We will be guided by our Code of Ethics, Code of Conduct and Keiki Philosophy
- We maintain a culture free from discrimination and harassment
- We have clear policies and procedures to guide decision making
- We are committed to seeking a resolution
- We are committed to maintaining a child focused complaint handling process

### Procedural fairness

The service is also committed to the management of complaints that allege a child is exhibiting harmful sexual behaviours. Such complaints will be handled with sensitivity, confidentiality, and in accordance with established procedures to ensure the safety and wellbeing of all children involved.

In accordance with Regulation 168(o), the service ensures the provision of a complaint handling system that is child-focused. This includes accessible and age-appropriate mechanisms for children to express concerns or complaints.

The service believes in procedural fairness, which includes:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision maker
- The right to have the decision based on relevant evidence

The name and telephone number of the person to whom complaints can be made must be clearly displayed at the service [Section 172, Regulation 173].

### Definitions

**Complaint:** An issue of a negligible nature that can be resolved within 24 hours, and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, such as poor service, and any verbal or written complaint directly related to

the Service (including general and notifiable complaints). Complaints do not include industrial or employment matters, or occupational health and safety matters (except those associated with children’s safety).

**Complaints and Grievances Register:** Records information about complaints and grievances received at the service, along with the outcomes. This register must be kept in a secure file, accessible only to educators and the Regulatory Authority. The register can provide valuable information to the Approved Provider and Coordinator of the service to ensure children’s and families’ needs are being met.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If the service is in breach of a regulation causing injury or possible harm to a child.

**Mediator:** A person who attempts to support people involved in a conflict to come to an agreement.

**Mediation:** An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety or wellbeing of a child at the service may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Department of Early Childhood Education and Care within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If the Coordinator is unsure whether the matter is a notifiable complaint, they should contact Keiki Hub. The Hub team may decide it is appropriate to contact the Education and Care Regulatory Authority for confirmation. Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- any other relevant information

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using NQA ITS (National Quality Agenda IT System).

**Serious incident:** An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises [Regulation 12].

A serious incident should be documented in an Incident, Injury, Trauma and Illness Record as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the centre (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

## Implementation

Handling grievances appropriately in the workplace is imperative for sustaining a safe, healthy, harmonious and productive work environment.

Handling grievances appropriately with families and the wider community strengthens relationships with the service’s key stakeholders.

The Grievance 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
- Are transparent and equitable
- Are child-focused.

## Privacy and Confidentiality

- Management and Educators will adhere to our Privacy and Confidentiality Policy when dealing with grievances. However, a government agency may need to be informed if a grievance involves a staff member or child protection issues.

### Conflict of interest

It is important for the complainant to feel confident in

- Being heard fairly
- An unbiased decision-making process

If a conflict of interest arises during a grievance or complaint involving the Approved Provider or the Coordinator, Management will be nominated as an alternative mediator.

### Steps to ensure an effective grievance procedure

- Ensure the name and telephone number of the person to whom the complaint can be made is clearly visible at the service [Section 172, Regulation 173].
- Ensure information about the grievance policy is easily accessible to all families, visitors, students and volunteers
- Treat all grievances seriously and as a priority
- Ensure grievances remain confidential
- Ensure grievances reflect procedural fairness
- Discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- Investigate and document the grievance fairly and impartially
- Other staff and educators will not get involved in the investigation or discuss the matter unless directly with the Nominated Supervisor

## Complaint from a Child, Family or Community Member

### Step 1 – Receipt of complaint

Ensure the person providing the feedback or complaint is being heard. Remain calm and do not go straight into defence mode, you must investigate the issue.

- Take notes of the conversation, including
  - the name of the complainant
  - the time of the complaint
  - what the complaint is about
    - get as many details as possible
  - who is mentioned in the complaint
  - what steps the complainant has already taken to resolve issue (if applicable)
  - and what the complainant would like to occur moving forward
- Contact the Compliance and Quality Manager or Owner to discuss the complaint

Note:

- Complaints regarding fees should be directed to the Finance Manager.
- For complaints regarding sexual behaviours and behaviours that are harmful to the child or other children, contact the Keiki Compliance and Quality Manager or other PMC immediately. Refer to the [Child Protection Policy](#) for further information.

### Step 2 - Investigate

The Nominated Supervisor should conduct the investigation. In cases where the complaint is against the Nominated Supervisor, contact the Compliance and Quality Manager.

- Begin the investigation by
  - Reviewing the circumstances and facts of the complaint and invite all parties involved to provide information
  - Discuss the nature of the complaint with the educator/staff member involved and provide them with the opportunity to respond (the accused is invited to have a support person present)
  - Ensure investigations are child safe and child-focused and address concerns of any child.

Note:

- If there is a conflict of interest contact the Compliance and Quality Manager or Owner who will determine the next step.
- If this is a notifiable incident, contact the Compliance and Quality Manager to begin the notification process. See “Notification of Complaints to the Regulatory Authority” for more information below.

### Step 3 – Evaluate the Investigation

Use the information gathered to critically reflect and determine any changes that may need to occur. Use any documentation required, such as a risk assessment.

The Nominated Supervisor (or other Management role nominated) will contact the complainant about the results of the investigation as soon as practical.

Any changes to practice should be added to the Quality Improvement Plan.

If the grievance or complaint cannot be resolved, contact Keiki Hub on 9300 1330 who will take over the matter.

### Complaint from Educators/Staff

We acknowledge that conflict is a natural part of the work environment. It is important that all conflict is resolved as unresolved conflict can lead to tension; stress; low productivity; bitter relationships; excess time off; ill health; anxiety and many other destructive emotions. When conflict is addressed and handled constructively the outcomes are feelings of relaxation; openness; high productivity; vitality; good health, empowerment; a sense of achievement.

Positive communication between educators is vital to the smooth running of the Service and to ensure a positive environment for children. Educators are expected to treat other educators with respect, accept differences and share ideas. It is every staff member's responsibility to contribute to the development of an open, healthy and constructive work environment. All grievances, whether considered minor or not, are to be dealt with promptly, professionally and thoroughly.

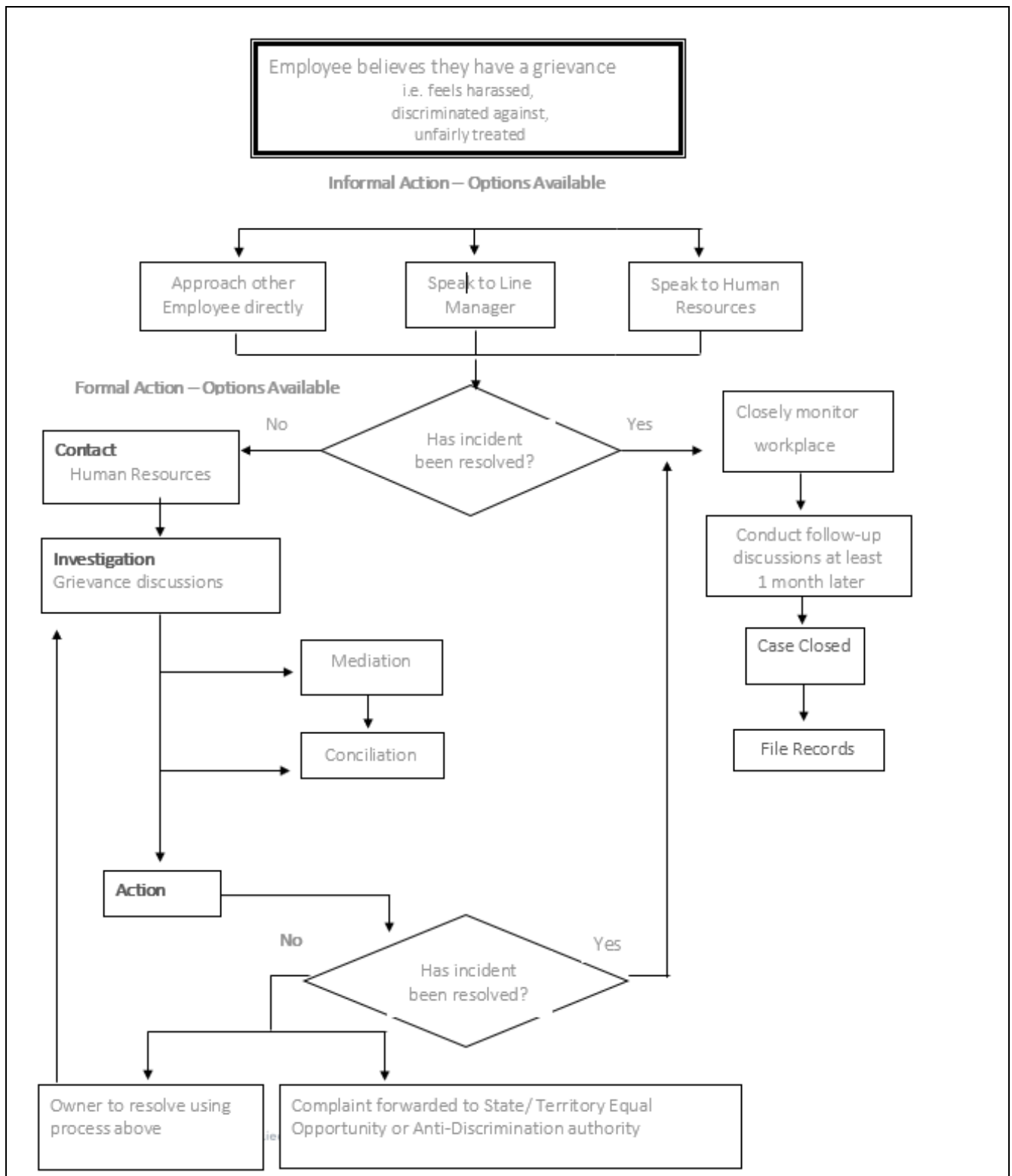
Keiki employees are expected to look at conflict in a positive way, ready to learn something new, reflect on good quality practice, improve work relationships and ultimately provide better care and education for children.

Employees are also to be aware of their responsibility to be a good role model for children, and appropriately and professionally handle conflict with work colleagues, children, parents, and other associates.

Employees should regularly reflect on Early Childhood Australia’s Code of Ethics for guidance on appropriate behaviour when dealing with conflict. The Code of Ethics states that all team members should “make every effort to use constructive methods to resolve differences of opinion in the spirit of collegiality.”

Keiki Early Learning’s Code of Conduct clearly defines the expectations Keiki has of their educators and staff.

Educators and staff should not contact an external agency or complaints body without exhausting Keiki Early Learning’s grievance and complaints procedures as per the below flowchart.



### Record Keeping

The Nominated Supervisor will keep appropriate records of the investigation and outcome and store these records in accordance with the Privacy and Confidentiality Policy and Record Keeping and Retention Policy. The Nominated Supervisor will track complaints to identify recurring issues within the service.

### Notification of Complaints to the Regulatory Authority

The Nominated Supervisor and Compliance and Quality Manager will notify the Regulatory Authority within 24 hours if a complaint alleges that a serious incident has occurred at the service or that the Education and Care Services National Law (WA) 2012 has been breached [Section 174]. This notification will be made by the NQA ITS portal.

Section 174 states that the complaints that must be notified are any complaints alleging — (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; or (ii) that [the Education and Care Services National Law (WA)] has been contravened.

If the Nominated Supervisor is unsure whether the matter is a notifiable complaint contact the Compliance and Quality Manager. The Nominated Supervisor, Compliance and Quality Manager or Approved Provider may contact the Regulatory Authority for confirmation.

Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of the person who investigated the complaint
- any other relevant information

## FOOTNOTES

### Sources

- ACECQA - Australian Children's Education & Care Quality Authority.
- Australian Human Rights Commission: <https://www.humanrights.gov.au>
- Commonwealth Ombudsman. (2022). Better practice complaint handling guide. [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0025/290365/Better-Practice-Complaint-Handling-Guide-February-2023.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0025/290365/Better-Practice-Complaint-Handling-Guide-February-2023.pdf)
- Ombudsman WA. Effective handling of complaints made to your organisation. <https://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Effective-handling-of-complaints-made-to-your-organisation.pdf>. (2017)
- Fair Work Australia: <https://www.fairwork.gov.au/>
- Early Childhood Australia Code of Ethics. (2016).
- Education and Care Services National Law (WA) Act 2012. (2022).
- Education and Care Services National Regulations 2012. (2022).
- Guide to the National Quality Framework. (2022).

### Related Policies

[Privacy and Confidentiality Policy](#)  
[Record Keeping and Retention Policy](#)  
[Code of Conduct](#)  
[Child Protection Policy](#)

### Related regulations and standards

National Quality Standards (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	<b>Professional collaboration</b>	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	<b>Professional standards</b>	Professional standards guide practice, interactions and relationships.
<b>Quality Area 6: Collaborative Partnerships</b>		
6.1	<b>Supportive relationships with families</b>	Respectful relationships with families are developed and maintained and families are supported in their parenting role.
6.1.2	<b>Parent views are respected</b>	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	<b>Collaborative partnerships</b>	Collaborative partnerships enhance children's inclusion, learning and wellbeing.
<b>Quality Area 7: Governance and Leadership</b>		
7.1.2	<b>Management Systems</b>	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.2.1	<b>Continuous Improvement</b>	There is an effective self-assessment and quality improvement process in place.

#### Education and Care Services National Law

172	Offence to fail to display prescribed information
174	Offence to fail to notify certain information to Regulatory Authority

#### Education and Care Services National Regulations

168	Policies and procedures are required in relation to health and safety
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
173	Prescribed information to be displayed
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

#### Review & document control

Policy Reviewed	Modifications
<b>August 2017</b>	Extension of Policy from regulations and set out expectations for all parties
<b>10<sup>th</sup> November 2017</b>	Updated with feedback from owner. Mediator to support. Removed term 'Natural Justice'
<b>8th January 2018</b>	Quality Area updated to reflect changes to NQS. Centre Director term changed to Coordinator.
<b>10th November 2018</b>	Grammatical errors corrected.
<b>November 2019</b>	Nominated Supervisor term added
<b>November 2020</b>	Added procedural fairness term. Review effectiveness added.
<b>June 2021</b>	Combined family and staff processes. Added staff flowchart. Made process clearer.
<b>June 2022</b>	Updated to ensure matches the current regulations and Law.
<b>October 2022</b>	New format. Added disclaimer.
<b>February 2023</b>	Update of terminology consistent with Law. Changed wording from head office to hub. Checked and updated sources.
<b>January 2024</b>	Information added regarding a child focused complaint system and complaints alleging a child is exhibiting sexual behaviours that may be harmful to the child or another child.
<b>June 2024</b>	Added procedural fairness section. Changed General Manager to Compliance and Quality Manager. Added PMC term.

#### Disclaimer

It is each employee, family and visitor to the service's responsibility to read, understand, follow and address any concerns with management about this policy.

Are you looking at the most recent version of this document?

You can find it at: <https://keikiearlylearning.com.au/policies-and-procedures/>

Warning: uncontrolled when printed. This document was current at time of printing and may be subject to change without notice. This policy is the property of Keiki Early Learning and cannot be reproduced without permission.