



COLLEGE COMMUNITY CHILD CARE CENTRE

Grievances/Complaints and Disputes Policy and Procedures

RATIONALE & POLICY CONSIDERATIONS:

College Community Child Care Centre understands it has legal responsibilities associated with setting up and operating a service. The approved provider/ Management Committee has a legal responsibility to comply with Family Assistance Law; Education and Care Services National Law; account for Australian Government funds; ensure the fitness and propriety of the provider, including managing bodies, and any authorised supervisor/nominee in day to day charge of the service; comply with any Australian Government funding agreements; and ensure the service remains financially viable.

The service also understands its responsibility to maintain appropriate governance arrangements for the service that reflects the legal status and authority to hold a provider approval and service approval, and to effectively manage the service.

It is a general requirement of the Australian Government that education and care businesses meet one of the following organisational types:

- community based organisations incorporated under the relevant state legislation
- companies formed under corporations' law
- sole proprietor and owner operators with ABN and registered business name
- partnerships or trusts which are required to provide evidence of Agreements or Deeds.

Philosophy

We are a community based long day care centre which is committed to providing high quality care and we recognise the importance of working in partnership with families to support the uniqueness of each individual child. The centre strives to maintain Best Practice within the 7 National Quality Standards and it's 6 guiding principles.

Legislation and Government Requirements

Freedom of Information Act (WA)1992;
A New Tax System (Family Assistance) Act 1999
Corporations and Associations Laws
Fair Work Act 2009
Education and Care Services National Law (WA) Act 2012
Education and Care Services (WA) National Regulations 2012

Children's needs

The provision of a quality education and care service

Families' needs

The provision of a quality education and care service; information about how the service is managed; opportunity to give input into management of the service; assurance that the service is financially viable and legally run.

Educator/Staff needs

Competent employer; efficient management and administration of the service; management structure that allows for effective communication between management and staff

Management needs

Clarity of roles and responsibilities; competent management team; appropriate decision-making processes; compliance with all legal responsibilities; continuity of management

NATIONAL QUALITY FRAMEWORK

Education and Care Services National Law (WA) Act 2012: Provider Approval; Service Approval; Supervisor Certificates; Operating an Education and Care Service; Compliance with this Law; Monitoring and Enforcement

Education and Care Services (WA) National Regulations 2012: Provider Approval; Service Approvals; Supervisor Certificates; Reg 75(a)(b); Part 4.7-Leadership & Service Management

Early Years Learning Framework for Australia

National Quality Standards for Early Education and Care- Standard 7.1; Standard 7.2; Standard 7.3

POLICY STATEMENT:

- College Community Child Care Centre aims to foster positive relations between all educators, staff, volunteers and management. Every employee or volunteer has the right to a harmonious and responsive working environment. The service will endeavour to address all disputes, issues or concerns that impact on or affect the day-to-day wellbeing of the service in a fair, prompt and positive manner.
- Solutions will be sought to resolve all disputes, issues or concerns that arise in the workplace having an impact on the wellbeing of the staff in a prompt and positive manner that recognises the importance of:
 - procedural fairness and natural justice;
 - ethical conduct;
 - a service culture free from discrimination and harassment; and
 - the opportunity for review and further investigation.
- Any issue in regard to an employee's work performance or conduct will be addressed in compliance with the applicable obligations and industrial instruments and will provide the employee with opportunities to respond to any allegations, and to overcome any unsatisfactory performance.
- For the purpose of this policy, the definition of a grievance is; a complaint about a situation or wrongdoing that causes resentment and is grounds for action. I.e.; a staff grievance occurs where a staff member is concerned about some aspect of their employment or treatment by another person or by a management decision and wishes some action to be taken to remedy the situation.

OBJECTIVE

Educator/Staff needs

This Policy to:

- provide the opportunity to voice concerns in a positive and confidential manner;
- promote a positive work environment that encourages and fosters harmonious relations;
- treat all staff fairly and equitably with regard to any workplace or performance issues.

Management needs

- provide an effective grievance policy in order to support informed decisions;
- ensure consistency, fairness and equity for all parties;
- deal with all grievances in a positive manner;
- address all grievances promptly;
- maintain a harmonious and ethical workplace environment.

Matters dealt with under this Policy

- Grievances made by Educators/ Employees against:
 - A child
 - Family member or other adult
 - Other Educators/ Employees
 - Management/ Committee members
- Grievances made against an Educator/ Employee by:
 - A child
 - A family member or other adult
 - An individual involved in the management of the service
 - A member of the community
- Grievance made by a child against a child

STRATEGIES FOR POLICY IMPLEMENTATION:

- Every employee is provided with clear written guidelines detailing grievance procedures.
- All grievances will be dealt with promptly and as confidential as possible in a manner that:
 - values the opportunity to be heard;
 - promotes conflict resolution;

- encourages the development of harmonious relationships;
- ensures that conflicts and grievances are mediated fairly; and
- is transparent and equitable
- All employees are provided with full guidelines about their roles and responsibilities, and regular reviews of their performance are carried out in accordance with Educator/Staff Appraisal Training and Development Policy.
- All confidential conversations/discussions will take place in a quiet area away from children, parents and other educators/staff, and confidentiality of individual issues will endeavour to be maintained.
- Where possible all grievances should be discussed directly with the person concerned. If a resolution is not found then the relevant procedures for dealing with the grievance should be followed.

GRIEVANCES

Defining a grievance

A grievance is a concern or complaint raised by an employee or a family that is related to work or the work environment. A grievance may be about any act, omission, situation or decision that an employee thinks is unfair, discriminatory or unjust. This procedure should be read in association with the Centre's Code of Conduct.

- The Centre's grievance procedure has been designed to:
 - **Ensure confidentiality.** Only the people directly involved in making or investigating a complaint will have access to information about the complaint.
 - **Engage in unbiased discussions.** Both sides will have a chance to put their case. All relevant information will be collected and considered.
 - **Resolve situations in a timely manner.** All complaints will be dealt with as quickly as possible.

Grievance Procedure - Employees

- An employee with a grievance should firstly attempt to resolve the issue directly with the person involved if possible.
 - The aggrieved employee should, if possible, tell the person involved - who, for example, is acting in a hurtful or unsuitable way - that his or her behaviour is not acceptable and/or is offensive, so that the person has the chance to stop or to change what they are doing.
- If the grievance remains unresolved, the employee should approach their immediate supervisor/manager.
 - The immediate supervisor/manager is in charge of an employee's direct work environment and can help sort out problems on that level.
 - However, there are some situations where an employee may not want to take a complaint to his or her supervisor/manager (for example if the complaint is of a sexual nature and/or relates to the supervisor directly). If that is the case, the employee should take the complaint to the next level management.
 - All complaints taken to a supervisor/manager will be treated privately and no complaints will be referred without talking first and getting the employee's agreement.
- If the grievance remains unresolved, or if approaching the employee's supervisor/manager is inappropriate, the employee should:
 - a) Approach more senior management (More senior management is the next level up from supervisor/manager and is the person whom an employee should approach if the employee wishes to make a formal complaint.); and
 - b) Complete a Grievance Reporting Form.
- The manager will take the following steps:
 - a) Work out if they are the right person to deal with the complaint.
 - The manager will send the complaint (with the employee's consent) to another manager or external mediation/investigation via an accredited and professional service provider if the manager believes:
 - he or she may be biased because of his or her relationship with the person making the complaint or with the person the complaint is about, or
 - he or she does not have the expertise to handle the particular complaint.
 - b) If they are the right person to deal with the complaint, they will explain:
 - the grievance handling procedure, including what may happen if there is enough evidence to support the complaint or what will happen if there is not enough evidence to support the complaint.
 - where the employee can go if the employee is not happy with the way that the Centre is dealing with the complaint, or
 - other places to go for more information.
 - c) Take a written record of the complaint.
 - d) Investigate the complaint thoroughly.
 - e) Present to the complainant what has been gleaned from the investigation and discuss what action should be taken to address the complaint.
 - f) If the complaint is substantiated, the manager will take the appropriate action which may include:

- an official warning; or
 - counselling; or
 - dismissal.
- g) If the complaint is not substantiated, the manager will take the appropriate action which may include:
- no action will be taken
- h) If the complaint is found to be false, the manager will take the appropriate action which may include:
- counselling for the person who made the complaint
 - a written apology
 - an official warning, or
 - dismissal.
- i) Ensure that whatever has been agreed or decided upon actually happens.
- j) Follow up, including periodical assessments of the effectiveness of the agreed strategies.

DISPUTES

Dispute Resolution Procedure

In relation to any matter that may be in dispute either between individual employees or between an employee or group of employees and a supervisor/manager or management of the Centre, the parties to the dispute will:

- Attempt to resolve the matter at the workplace level, including, but not limited to meeting and conferring on the matter with supervisory staff.
- Arrange further discussions involving more senior levels of management as appropriate, if the matter is not resolved at the meetings/conferences above.
- Agree to allow either party to refer the matter to voluntary external mediation if the matter cannot be resolved at a workplace level.
- Agree that if either party refers the matter to external mediation, both parties will participate in the mediation process in good faith.
- Agree that the mediator will be an accredited independent person agreed between the parties.
- Agree that the costs of any mediation will be met by the employer but the costs of arbitration shall be determined by the appointed arbitrator.
- Agree that whilst the dispute resolution procedure is being conducted work shall continue normally unless the employee has a reasonable concern about an imminent risk to his/her health or safety.
- Acknowledge the right of the other party to appoint, in writing, another person to act on behalf of the party with regard to resolving the matter at a workplace level – the costs of representation shall in all cases be the responsibility of the represented party.

Mediator

- In the first instance the mediator shall be a person agreed between the employee and employer.
- If the parties are unable to agree on a mediator, the mediator shall be nominated by the Western Australian Industrial Relations Commission / Fair Work Australia.

Investigation

- The Centre reserves its discretion at all times to refer any matter as a part of this process to a formal investigation to be conducted by an external, accredited provider.
- The purpose of any investigation is to independently determine the merits of any formal complaint and provide recommendations to the Centre pertaining to appropriate actions to resolve the matter. Such matters may include:
 - theft
 - workplace harassment
 - bullying
 - assaults
 - any other matters which may be deemed criminal matters requiring police involvement.

Making complaints – family/clients

- Every family is provided with clear written guidelines detailing grievance procedures, included in the Parent/Guardian Handbook and displayed on the noticeboard in the foyer.
- Families may make a complaint directly to their child's educator, the Director, or other person identified within the service as complaints officer.
- Families and children will be surveyed regularly to provide them with an opportunity to identify areas of concern, or ways in which the service could be improved.
- The service will also provide other means for input such as: suggestions box; daily contact with their child's educator; invitations to attend special or social events; email surveys; advisory committees etc.

- Families and Visitors are provided with information to contact the committee via email: cc.committee1@gmail.com
- Educators will discuss complaints procedures with children and encourage them to raise any issues they have with the service. Children's complaints will be taken seriously and resolutions will be sought.
- In order to assist families that wish to contact the regulatory authority the name address and phone number of the regulatory authority is included in the Parent/Guardian Handbook and displayed on the noticeboard in the foyer.
- A current copy of the Education and Care Services National Law (WA) Act 2012 and Education and Care Services National Regulations (WA) 2012 is available in the centre for parents to read at any time.

Dealing with complaints

- All complaints or grievances will be dealt with promptly and confidentiality in a manner that:
 - values the opportunity to be heard;
 - promotes conflict resolution;
 - encourages the development of harmonious partnerships;
 - ensures that conflicts and grievances are mediated fairly; and
 - is transparent and equitable.
- Where possible complaints will be dealt with on the spot by the child's educator as this is usually the person with the closest relationship with the family. If the complaint is about an issue that the educator considers to be outside their control, the family may be directed to the Director, or other appropriate person for their complaint to be resolved.
- Educators/staff will always thank a family that raises a complaint or issue of concern, and explain why they appreciate the opportunity to improve the service or rectify a mistake.
- All confidential conversations/discussions with parents/guardians will take place in a quiet area away from children, other families and educators/staff who are not involved.
- Where a family wishes their grievance to remain confidential this will be honoured. However, families will be advised that issues cannot always be resolved if they choose to remain anonymous.
- Where an educator believes, they will have to share a confidence with another person in order to resolve an issue, or if the nature of a complaint requires that a third party has to be informed in order to meet legislative requirements, they will inform the family of this need prior to any further discussions on the matter.

Steps to managing family complaints

- The complaint will be welcomed and appreciated.
- The complaint will be documented and any legal requirements in relation to the complaint considered, such as the need to notify regulatory authorities.
- The complainant will be asked to provide information regarding how the situation could be rectified to their satisfaction.
- The person receiving the complaint will clarify issues by actively listening and questioning the complainant to further understand the issues.
- If possible, the problem will be resolved immediately. If this is not possible the complainant will be advised that the issue will be given high priority and dealt with as soon as possible.
- If the issues are complex the complainant will be asked to put their concerns in writing.
- Where mediation is required, all parties will have the right to agree to the appointment of the mediator.
- If the problem is about an issue that is outside the control of the service, the person receiving the complaint will explain this to the complainant and let them know who they should contact if they wish to take the matter further.
- Any promises made to the complainant in regard to addressing the issue will be followed up and the results given to the complainant as soon as possible.
- A few days after the incident the service will contact the complainant to find out if they are happy with the way the problem has been resolved.
- Each complaint will be evaluated to determine how the service responded and whether further action is required.

LINKS TO OTHER POLICIES

The following policies may be linked to this policy:

- Community involvement
- Confidentiality/Privacy
- Equal Opportunity
- Grievances and complaints management
- Occupational safety and health
- Partnership and communication with families
- Payment of Fees
- Records Management

PROCEDURES

The following procedures may be linked to this policy:

- Confidentiality statement
- Educator/Staff Code of Ethics
- Educator/Staff Code of Conduct
- Grievance Procedures
- Orientation Checklist
- Privacy Statement
- Job Description Forms
- Committee Handbook

FURTHER SOURCES

Employsure – grievance advice. Retrieved 10.10.22 from <https://employsure.com.au/what-we-offer/advice/>

Acecqa – Dealing with complaints. Retrieved 10.10.22 from <https://www.acecqa.gov.au/sites/default/files/2021-08/DealingComplaintsGuidelines.pdf>

Acecqa – Supporting continuous improvements. Retrieved 10.10.22 from https://www.acecqa.gov.au/sites/default/files/201804/QA7_UsingComplaintsToSupportContinuousImprovement.pdf

CREATED DATE: Oct 2012

REVIEWED DATE: Oct 2022

SOURCED: PSCWA and WORKWISE