



# GRIEVANCES & COMPLAINTS MANAGEMENT

2023

The  
After  
School  
Klub

## GRIEVANCES AND COMPLAINTS MANAGEMENT POLICY 2020

### NATIONAL QUALITY STANDARD (NQS)

| 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  |

## Purpose

TASK has developed a policy and procedures to foster positive relationships with all persons related to the service. Forming a partnership between the service and each child's family is central to providing effective care. These partnerships are characterised by open and extensive communication, which is respectful of, and sensitive to, cultural and other differences. In all cases where a parent might make a complaint or air a grievance, management and staff must adhere to the service's Privacy Policy. Staff members are not to involve other staff members, parents or children in an individual concern. This is unethical. It is also unethical to involve other agencies in a concern before seeing the Directors. If the nature of the complaint is such that is related to a child protection issue, then management and staff are to follow the procedure outlined in the Child Protection Policy relating to the disclosure of abuse.

- The service's Grievances and Complaints Management Policy values:
  - procedural fairness and natural justice
  - a Code of Ethics and Code of Conduct
  - a service culture free from discrimination and harassment
  - transparent policies and procedures
  - avenues for recourse and further investigation
  
- The Grievances and Complaints Management 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

TASK has 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. That is, the 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.

## Responsibilities of the Approved Provider/Nominated Supervisor

- Treat all grievances seriously and as a priority
- Ensure grievances remain confidential
- Ensure grievances reflect procedural fairness and natural justice
- When a complaint or grievance has been assessed as 'notifiable', the TASK must notify the regulatory authority within 24 hours **(National Regulation 176(2)(b))**.
- Notifiable issues would consist of any serious incident or any complaints alleging that a serious incident has occurred while the child was at the service or that a law has been contravened **(National Law 174(2)(b))**.
- In instances where the complainant reports directly to the regulatory authority, TASK will still have responsibility for investigating and dealing with the complaint/grievance as outlined in this policy, in addition to co-operating with any investigation by the regulatory authority.
- Identifying, preventing and addressing potential concerns before they become formal complaints/grievances.
- Ensuring that the name and telephone number of the regulatory authority displayed prominently at the main entrance of the service **(National Regulation 173(2)(e))**.
- Advising parents/guardians and any other new members of the service of the complaints and grievances policy and procedures upon enrolment.
- Ensuring that this policy is available for inspection at the service at all times.
- Discussing minor complaints directly with the party involved as a first step towards resolution.
- Providing information as requested by the Approved Provider e.g. written reports relating to the grievance

- Should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
- Keep appropriate records of the investigation and outcome

## Responsibilities of the Educators

- Ensuring that grievances and complaints are dealt with in accordance with his policy.
- Report any grievances and complaints to the Responsible Person and maintain all relevant documentation.
- As requested, support the Nominated supervisor and Approved Provider in the above roles.
- Always maintain Confidentiality
- Always maintain Professionalism
- Educators will not become involved in complaints or grievances that do not concern them.
- Educators will not raise complaints with an external complaints body, such as a court or Tribunal, without exhausting TASK grievance procedures

## Responsibilities of the Family

- Raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievance procedures.
- Communicating any concerns relating to the management or operation of the service as soon as is practicable.
- Raising any unresolved issues or serious concerns directly with TASK.
- Be informed of our duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of grievances
- Attempt to discuss their grievances with the relevant Educator associated with a child and/or family as the first step to resolving the issue
- Always maintain confidentiality.

## Making a complaint

Written guidelines detailing complaint procedures are available in the service's 'Hello' TASK.

- Families may make a complaint directly to the child's educator, TASK Directors or the Responsible Persons

## Managing a Complaint

Where possible, complaints will be dealt with immediately 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 of their control, or the family does not feel they wish to share it with the educator, the complainant will be directed to the appropriate person for their complaint to be resolved.

Where an educator believes they will have to share a confidence with another person in order to resolve and 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 the need prior to any further discussions on the matter.

- 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.
- 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.
- Allegations of suspected harm or risk of harm to a child or possible victims of crime will be actioned immediately by urgent referral or reporting to the relevant agency.

## Notifiable Complaint

Complaints alleging that the safety, health or wellbeing of a child was or is being compromised or that the law has been breached must be reported by TASK to the Regulatory Authority within 24 hours of the complaint being made (**National Regulation 176(2)(b)**).

Notifications of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website using the NQA ITS Portal:

<https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>

## Direct Complaints

Families can make a complaint directly to the Regulatory Authority where the complaint alleges that:

- The safety, health or wellbeing of a child or children was or is being compromised while that child/children is/are being educated and cared for by the approved education and care service
- The relevant legislation has been contravened  
<https://www.acecqa.gov.au/help/contact-your-regulatory-authority>

If a conflict of interest arises between the parties involved in making the complaint and the person about whom the complaint is made, then TASK shall call in someone to act as an independent mediator. In this way both parties can be heard in an unbiased manner and are encouraged to bring support person to the mediation meeting.

## Follow-Up and Review

Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with, we will:

- Analyse the complaint to determine if any policy or procedural change need to be implemented.
- TASK will follow through to determine that complaints and grievances have successfully resolved to everyone's satisfaction. Families will be contacted to determine if they were satisfied with the way the issue was resolved, and educators' will be consulted about the outcome from an operational viewpoint.

The legislation and regulation policy, as per 'Education and Care Services National Regulations' - is as follows:

### 174 Offence to fail to notify certain information to Regulatory Authority

- (1) An approved provider must notify the Regulatory Authority of the following information in relation to the approved provider or each approved education and care service operated by the approved provider—
  - (a) any change relevant to whether the approved provider is a fit and proper person to be involved in the provision of an education and care service;
  - (b) information in respect of any other prescribed matters.

Penalty: \$4000, in the case of an individual.

\$20 000, in any other case.

- (2) An approved provider must notify the Regulatory Authority of the following information in relation to an approved education and care service operated by the approved provider—
  - (a) any serious incident at the approved education and care service;
  - (b) 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 this Law has been contravened;

Sch.  
s. 174(2)(b)  
substituted by  
No. 9/2017  
s. 43(1).

#### **174 Time to notify certain circumstances to Regulatory Authority**

- (1) For the purposes of section 173(4) of the Law, a notice must be provided within 14 days of the relevant event or within 14 days of the approved provider becoming aware of the relevant event.
- (2) For the purposes of section 173(5) of the Law, a notice must be provided—
  - (aa) in the case of a notice under section 173(2)(e), at least 14 days before the change in the location of the principal office takes place; or
  - (a) in the case of a notice under section 173(2)(f), within the period referred to in section 59 of the Law;
  - (b) in any other case, within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant event.

#### **176 Time to notify certain information to Regulatory Authority**

- (1) For the purposes of section 174(3) of the Law, a notice must be provided within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information.
- (2) For the purposes of section 174(4) of the Law, a notice must be provided—
  - (a) in the case of a notice under section 174(2)(a)—
    - (i) in the case of the death of a child, as soon as practicable but within 24 hours of the death, or the time that the person becomes aware of the death; and
    - (ii) in the case of any other serious incident, within 24 hours of the incident or the time that the person becomes aware of the incident;
  - (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;
  - (ba) in the case of a notice under regulation 175(2)(ca), within 24 hours of the commencement of the attendance of the child or children at the education and care service;
  - (c) in any other case, within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## **Addendum to Grievances and Complaints Management Policy – September 2023.**

TASK's Commitment to a child centred approach to complaints management:

- Our complaints handling process includes consultation with children to identify preferred methods to make a complaint. Our primary concern is to ensure that every child is safe, respected, and supported.
- **Accessibility and Clarity:** We will maintain open lines of communication with parents, guardians, and children to ensure they know how to provide feedback or make a complaint.
- **Confidentiality:** We respect the privacy and confidentiality of all parties involved in a complaint. Information related to the complaint is shared only with those who have a legitimate need to know.
- **Non-Retaliation:** No child or complainant will be subject to any form of reprisal or adverse treatment for raising a concern or making a complaint.
- **Response:** We commit to addressing complaints without necessary delay, treating each one seriously, and seeking resolution in a timely manner, ensuring that any child at risk is protected throughout the process.

Allegations of harmful sexual behaviours involving a child are taken with utmost seriousness. Staff should refer to TASK's Child Safeguarding Policy for child safety, protection and reporting responsibilities.

Where TASK receives a complaint related to a child exhibiting harmful sexual behaviours, TASK will:  
**Confidentiality and Privacy:** Maintaining the privacy and confidentiality of all parties involved is of the utmost importance. Information related to the complaint will be shared only with those who have a legitimate need to know and in accordance with legal requirements.

**Support the Child:** The well-being and emotional support of the child involved in the complaint will be prioritised.

**Investigate:** Any circumstances, behaviours or incidents that occurred at TASK.

**Communication with Parents/Guardians:** TASK will communicate with the parents or guardians of the child involved, keeping them informed about the situation to the extent allowed by law and without compromising children's wellbeing.

**Follow-Up and Support:** Following the conclusion of the investigation, we will work to provide ongoing support for the child and their family as appropriate, as well as any necessary additional safeguards to prevent further incidents.

**Reporting to Regulatory Authorities:** We will fulfill all legal obligations for reporting such incidents to regulatory authorities, as required by law.