

	<b>Complaints and Grievances Policy and Procedure</b>
<b>Version No.</b>	Version 3.0 12 April 2023 (approved)
<b>Authorisation</b>	Director City Life
<b>Expiry Date</b>	December 2025
<b>Responsible Officer</b>	Manager Families and Children
<b>Policy Owner</b>	Early Childhood Coordinator

## 1. Purpose

Melton City Council is committed to:

- receiving and dealing with complaints and grievances that occur at Melton City Council children's services
- following procedures when investigating complaints and grievances
- providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- complying with all legislative and statutory requirements
- dealing with disputes, complaints/grievances and complainants with fairness and equity
- establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- supporting the rights of parents/guardian/staff/volunteers/community members who lodge complaints and grievances
- maintaining confidentiality at all times.

This policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

This policy and related procedure has been adapted from *PolicyWorks* Manual - National Quality Framework released by the Early Learning Association Australia.

## 2. Scope

This policy and related procedure applies to the Approved Provider, Nominated Supervisor, Responsible Persons educators, staff, students on placement, volunteers, parents/guardians, children and others attending licensed children's services provided by Melton City Council.

## 3. Background

Complaints or grievances may be received from anyone who comes in contact with Melton City Council children's services including parents/guardians, volunteers, students, members of the local community and other agencies.

In most cases, dealing with complaints and grievances will be the responsibility of the Approved Provider.

All complaints and grievances, when lodged, need to be assessed to determine whether they are a General Complaint or a Notifiable Complaint

When a complaint or grievance has been assessed as 'notifiable', the Approved Provider must notify the Department of Education & Training (DET) . The Approved Provider will investigate the complaint or grievance and take any actions deemed necessary in addition to responding to requests from, and assisting with, any investigation by the DET.

There may be occasions when the complainant reports ce directly to the DET. If the DET notifies the Approved Provider about a complaint or grievance that they have received, the Approved Provider will still have responsibility for investigating and dealing with the complaint or grievance as outlined in this policy, in addition to cooperating with any investigation by the DET.

The DET will investigate all complaints and grievances received about a service where it is alleged that the health, safety or wellbeing of any child within the service may have been compromised, or that there may have been a contravention of the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*.

#### 4. Definitions

The terms defined in this section relate specifically to this policy and related procedure. For commonly used terms e.g. Approved Provider, Regulatory Authority etc. refer to the *Glossary of Terms*.

Word/Term	Definition
<b>Complaint</b>	A complaint is defined as an issue of a minor nature that can be resolved promptly or within 24 hours, and does not require a detailed investigation. Complaints include an expression of displeasure, such as poor service, and any verbal or written complaint directly related to the service (including general and Notifiable Complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (unless related to the safety of the children) nor issues related to the legal business entity.
<b>Complaints and Grievances Register</b>	Records information about complaints and grievances received at the service, together with a record of the outcomes. This register must be kept in a secure file, accessible only to Responsible Persons at the service. The register can provide valuable information to the Approved Provider on meeting the needs of children and families at the service.
<b>General Complaint</b>	A General Complaint may address any aspect of the service e.g. a lost clothing item or the service's fees. Services do not have to inform DET, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.
<b>Grievance</b>	A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g. the service is in breach of a policy or the service did not meet the care expectations of a family.
<b>Mediator</b>	A person (neutral party) who attempts to reconcile differences between disputants.
<b>Mediation</b>	An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

Word/Term	Definition
<b>Notifiable Complaint</b>	<p>A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the service may have been compromised.</p> <p>Any complaint of this nature must be reported by the Approved Provider and to the DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b), National Regulations).</p> <p>If the Approved Provider is unsure whether the matter is a Notifiable Complaint, it is good practice to contact DET for confirmation.</p> <p>Written reports to DET must include:</p> <ul style="list-style-type: none"> <li>• details of the event or incident</li> <li>• the name of the person who initially made the Complaint</li> <li>• contact details of a nominated investigator</li> <li>• if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)</li> <li>• any other relevant information.</li> </ul>
<b>Serious Incident</b>	<p>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 service in contravention of the Regulations or is mistakenly locked in/out of the service premises (Regulation 12). A serious incident should be documented in an Incident, Injury, Trauma and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority (DET) must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2) (a)). Records are required to be retained for the periods specified in Regulation 183.</p>

## 5. Responsibility/Accountability

5.1. The Approved Provider, according to Regulations is responsible for the implementation of this policy. This will be achieved through the Families and Children Department Leadership Group and their service staff:

- being familiar with the Education and Care Services National Law Act 2010 and the Education and Care Services National Regulations 2011, service policies and constitution, and complaints and grievances policy and procedures
- Notifying the DET of Notifiable Complaints and Serious Incidents (refer definitions) within 24 hours
- recording all complaints and grievances in a Complaints and Grievances Register (refer to Definitions)
- identifying, preventing and addressing potential concerns before they become formal complaints/grievances
- ensuring that the name and telephone number of the Responsible Person/Primary Nominee to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (National Regulations 173)
- ensuring that the address and telephone number of the Authorised Officer at the DET Regional Office are displayed prominently at the main entrance of the service (National Regulations 173)

- advising parents/guardians and any other new members of Melton City Council children's services of the *Complaints and Grievances Policy* and procedure upon enrolment
- ensuring that this policy is available for inspection at the service at all times (National Regulations 171)
- establishing a complaints and grievances process and appointing an investigator to investigate and resolve grievances
- being aware of, and committed to, the principles of open communication and information sharing
- responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity, including referral to mediation as required
- treating all complainants fairly and equitably
- complying with the Melton City Council *Privacy Policy* and maintaining confidentiality at all times (National Regulations 181 and 183)

5.2. Certified Supervisors, Nominees and other educators are responsible for:

- responding to and resolving matters of concern to families as they arise where practicable
- maintaining professionalism and integrity at all times
- discussing minor complaints or grievances directly with the party involved as a first step towards resolution (the parties are encouraged to discuss the matter professionally and work openly together to achieve a desired outcome)
- informing complainants of the service's *Complaints and Grievances Policy*
- notifying the Early Years Coordinator if the complaint escalates, is a serious incident or notifiable complaint, or is unable to be resolved appropriately in a timely manner
- notifying the Families and Children's Manager if the complaint or grievance cannot be resolved by the Early Years Coordinator
- providing information as requested by the Approved Provider e.g. written reports relating to the grievance
- complying with the Melton City Council *Privacy Policy* and maintaining confidentiality at all times (National Regulations 181 and 183)
- working cooperatively with the Melton City Council children's services and DET in any investigations related to grievances about Melton City Council Children's Services, its programs or staff.

5.3. Parents/Guardians are responsible for:

- raising a complaint or grievance directly with the person involved to attempt to resolve the matter
- clearly identifying the issues of the complaint or grievance, or ask for help to do so
- communicating (preferably in writing) 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 Melton City Council children's services, via the Nominated Supervisor/Primary Nominee, educator
- maintaining complete confidentiality at all times
- co-operating with requests to meet with the investigator and/or provide relevant information when requested in relation to complaints and grievances

- treating educators/staff with courtesy and respect at all times, as any abuse, harassment or threats to the safety or welfare of educators/staff may result in the immediate cessation of care.

5.4. Volunteers and students, while at the service, are responsible for following this policy and its procedure.

## 6. Procedure

The following procedures will be followed in the event of a complaint or grievance:

7.1 If a parent/guardian has a complaint or grievance:

- The complainant should raise the complaint or grievance with the person involved, which may provide an opportunity for the matter to be resolved immediately.
- If the situation is unable to be resolved with the person involved, the complainant should contact the service and raise the matter with the Person in charge of the service. The name and telephone number of the person to whom complaints can be made must be clearly displayed at the service.
- Matters of concern to the complainant will begin investigation as they arise.
- The Nominated Supervisor, Person in Charge, educator or other member of staff will organise a time for a confidential conversation away from children, other parents and staff that aren't involved.
- Parties involved-should attempt to resolve the situation using open communication.
- The Early Years Coordinator should be advised of the matter and its outcome in the event that his/her/their future participation may be required.
- If the complaint or grievance is not handled to the complainant or educator/staff's satisfaction, the Early Years Coordinator must be advised. The Coordinator will then discuss the issue with the educator/staff and develop a strategy for resolving the situation. The Coordinator will also discuss the matter further with the complainant. If requested, the Coordinator will act as a facilitator for discussion. In this situation, both parties will be encouraged to meet and discuss the problem or issue, seeking a satisfactory resolution.
- In the event that the problem is not resolved with the program Coordinator's participation, the Families and Children's Manager will then consider the matter. Consultation will take place with all parties involved and the Manager, if necessary, will facilitate discussion where it is anticipated that a mutually accepted resolution can be reached.
- If a mutually accepted resolution cannot be reached, the matter may be referred to independent mediation.
- Council must notify the Department of Education & Training (DET) within 24 hours of any complaints or grievances related to the health and safety of children.
- Should the complainant wish to, they can make their concerns known to the Department of Education and Training (DET).
- Complaints or grievances that cannot be resolved in a timely manner will be referred to Families and Children's Manager and General Manager Community Services.
- The -complaint or grievance will be documented, even if it is rejected/not investigated, and dated indicating the issue of concern, how it was resolved and strategies for future improvement, reducing the likelihood of a re-occurrence.

- Feedback will be provided to the parties involved either verbally or in writing by the nominated supervisor or other suitable person nominated to do so by the program leadership.

## 7.2 Where the complaint or grievance is made anonymously

The Manager will determine whether an anonymous complaint or grievance will be investigated dependent upon:

- the seriousness of the complaint or grievance, provided there is sufficient information in the complaint or grievance to enable an investigation to be conducted
- whether there is a statutory requirement for identification of the complainant.

## 7.3 If the complaint or grievance is rejected

The relevant authorised officer may determine that a complaint or grievance will not be investigated by Council if they:

- consider the matter frivolous, vexatious or not made in good faith
- identify that there is already an adequate remedy or right of appeal in place, whether or not the complainant uses that remedy or right of appeal
- have already initially investigated the matter and the complainant is seeking to revisit the same issue but has no new evidence or material to provide
- recognise that the matter relates to a decision made by Council
- note the matter relates to conduct before a court, coroner or tribunal
- identify the matter is under investigation by the Minister for Local Government or any other government department including the Victorian Police Service
- identify the matter is currently awaiting determination by the Council
- identify the matter relates to the actions or conduct of private individual
- have insufficient information available
- find the complainant declines or refuses to provide further information
- encounter threats made against Council or Council educators/staff.

**WHERE THE RELEVANT AUTHORISED OFFICER DETERMINES THAT A COMPLAINT OR GRIEVANCE WILL NOT BE INVESTIGATED, THE COMPLAINANT WILL BE SO ADVISED. SHOULD** it be requested, the advice will be provided in writing.

## Evaluation

The Approved Provider will:

- regularly seek feedback from everyone affected by the policy and its procedure regarding its effectiveness
- monitor complaints and grievances as recorded e.g. in the Complaints and Grievances Register, to assess whether satisfactory resolutions have been achieved
- review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

## **7. References, Sources, Links to Legislation and Other Documents**

Please refer to Reference and Sources page.

Related service policies:

- Code of Conduct Policy and Procedure
- Inclusion and Equity Policy and Procedure
- Interactions with Children Policy and Procedure
- Privacy Policy and Procedure
- Staffing Policy and Procedure