



# Complaints and Grievance Handling

## **POLICY STATEMENT:**

Lake Mac Newy OOSH will maintain this policy to ensure that all educators, families, parents, children, visitors and communities understand how complaints and grievances will be handled. Complaints and grievances will be taken seriously and investigated fairly within a reasonable timeframe. Complaints and grievances will be investigated and documented in a timely manner. We will identify complaints and grievances as opportunities to improve the quality of our service. Our complaints and grievance management system will be promoted in the Family Handbook, staff handbook and on our website. We will identify complaints and grievances as opportunities to improve the quality of our service.

## **PROCEDURE:**

A complaint can be informal or formal. Formal complaints will be subject to the processes set out in this policy.

*Our Dealing with Complaints 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
- appropriately handle children exhibiting harmful sexual behaviours
- promote children's rights, safety and wellbeing
- consider a child's age, cultural, developmental and additional needs

Our OOSH Service is committed to the National Principles for Child Safe Organisations and adopts a child safe approach to complaints involving a child or young person. As a child safe organisation, we will respond promptly and systematically to any concerns, disclosures, allegations or suspicions while fostering an environment where children feel confident that their safety and wellbeing are paramount.

## **Privacy and Confidentiality**

Management and educators will adhere to our *Privacy and Confidentiality Policy* when dealing with grievances and complaints. However, if a grievance or complaint involves a staff member or child protection issues, a relevant government agency will need to be informed. (See: Reportable Conduct Scheme in our *Child Protection Policy*). Responding to incidents, disclosures and suspicions of child abuse or harm NSW



### **Conflict of Interest**

It is important for the complainant to feel confident in:

- being heard fairly
- an unbiased decision-making process

Should a conflict of interest arise during a grievance or complaint that involves the approved provider or nominated supervisor, other Management will be nominated as an alternative mediator.

Our OOSH Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Services Code of Conduct and Parent Code of Conduct is adhered to.

### **Determining a Complaint**

The Service understands that there will be times a person wishes to voice a frustration or provide negative feedback, but this is not a complaint. To determine whether a complaint or grievance is subject to this policy, the Service may exercise discretion with regards to:

- The way the complaint was delivered (e.g. email, phone, text message etc.);
- The timing of the complaint in proximity to the event or issue.
- The substance of the complaint.
- Whether the complaint alleges a breach of the National Law and/or Regulations.
- The broader context of the complaint (e.g. whether the complainant has a history of making unreasonable demands);
- Any other matter that is reasonable.

Where the complainant indicates that the complaint is a formal complaint, or that they wish the complaint to be subject to this policy, the Service will follow the process outlined for complaints handling.

Complaints of any nature that allege that the National Law or Regulations have been breached or that there is a risk of significant harm to the wellbeing of a person in the care of or employed by the Service will be investigated.

### **Informal Complaints Procedure**

- Educators interact with families on a day-to-day basis through verbal and written communication. Feedback, whether it is positive or negative, is collected by the Service in a variety of methods and shared with the appropriate people in Management.
- If an informal complaint is made to the Service, the Coordinator/Director will be responsible for handling the complaint. The Service retains the right to exercise discretion with the way informal complaints are handled.
- This may be through written communication, phone conversation, a meeting or referral to a third-party service.
- If the complainant is not satisfied with the outcome of an informal complaint, they may escalate the complaint to Management under the formal complaints handling process.



### **Formal Complaints Procedure**

- The Service retains the right to exercise discretion with regards to the handling of complaints in line with best practice and what is reasonable in the circumstances.
- If a person subject to this policy has a complaint or grievance, the following procedure may be followed. This should be considered a guide but is not prescriptive.

#### **Step One:**

If an individual has a complaint or comment about the service, they will be encouraged to talk to the Director/Coordinator who will arrange a time to discuss their concern in an informal setting if appropriate. The Director/Coordinator will take steps to provide a resolution if practical and will provide a recommendation to Management if appropriate.

#### **Step Two:**

If the family member is not satisfied with the outcome of the discussion with the Director, they will be referred to the Management.

The Management or a representative thereof may meet with the family to:

- identifies and clarify the families' concern
- understands the families' attitude and needs
- formulates and discuss possible solutions
- decides on a course of action

Management will note any issues, action taken and outcomes following the meeting. Management may communicate with the Director and Educators as appropriate to ensure any actions are fulfilled.

The Director or Management will inform the person making the complaint of what has been decided regarding the issue.

#### **Step Three:**

Families can contact the NSW regulatory body if a complaint/grievance relating to regulatory requirement has not been satisfactorily resolved.

Where the Service deems it appropriate to invite a third party to support in any part of the grievance handling process, they reserve the right to do so. It is a condition of enrolment at the Service that any authorised contact or person with the right to complain to the Service agrees to the use of a third party for the purpose of investigation, advice, or dispute resolution.

#### **Location:**

- It is the Service's preference that all confidential conversations with individuals who have a complaint or grievance take place in a quiet place away from children, other families or staff that are not involved.
- Where a complainant raises a complaint or grievance in a location that is public or allows other parties to hear the complaint, the Service may attempt to redirect the complainant to a more appropriate setting. The Service retains the right to end a conversation if it deems that parties other than the complainant and Service are privy to the complaint. The Service will make attempts to offer an alternative time and/or location for the conversation to take place.

#### **Recipient of Complaint:**

- If an individual has a complaint or comment about the Service, they will be encouraged to talk to the Coordinator/Director.
- If the Coordinator is subject to the complaint or if the complainant does not feel able to address the Coordinator/Director, the complainant will be directed to an alternative party such as Management.



**Educators, staff, volunteers, families, children and visitors will:**

- Raise the grievance/complaint directly with the person concerned. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again.
- Keep conversations confidential, respectful and open-minded, and ensure these conversations take place away from children.
- Be encouraged to submit their concern in writing.
- Raise any grievance involving suspected or actual unlawful activity to the approved provider or nominated supervisor immediately and privately.
- Be confident that their concerns will be thoroughly investigated, but aware that the out-come may not result in the action requested.
- Union members may seek assistance or support from their trade union representative at any time.

**Educators, staff, volunteers, families, children and visitors will not:**

- Get involved in complaints/grievances that do not concern them. This is not ethical or helpful in managing the complaint.
- raise complaints with an external complaints body such as a court or tribunal without using our grievance procedures and appeal process first.

**Information Gathering or Investigation:**

- The person handling the complaint or grievance will take steps to protect the privacy of the persons involved in line with the Service's obligations under the Australian Privacy Principles.
- The Services reserves the right to take any steps they feel are necessary to investigate a complaint or grievance, including conducting interviews, requesting information from the family or professionals, or reviewing in-service documents such as incident reports.
- If possible, the Services prefers to resolve a grievance or complaint raised by a family through informal dispute resolution such as discussion with the Coordinator/Director, which may or may not be followed up with a written or verbal agreement between the complainant and Service.
- If the Coordinator/Director receives a formal complaint, the Coordinator/Director may consult with Management to develop a strategy for hearing, investigating, and/or resolving the problem.

**Complaints that must be notified to the Regulatory Authority:**

The Approved Provider or Nominated Supervisor will notify the regulatory authority using form NL01 Notification of Complaints, Incidents and Additional Children in an Emergency:

- Within 24 hours of any complaints alleging that the safety, health or wellbeing of a child is being compromised at the service. Notification must include any incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service or any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.
  - Within 24 hours of any complaints that the national law has been breached.



**The Approved Provider / Nominated Supervisor / Responsible Person Will:**

- Ensure that obligations under the *Education and Care Services National Law and Regulations* are met
- Ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service
- Ensure information about our *Complaints and Grievance Handling Policy* including *Procedure* is easily accessible to all families, children, staff, educators and visitors
- Treat all grievances and complaints seriously and as a priority
- Ensure grievances and complaints remain confidential
- Ensure grievances and complaints reflect procedural fairness
- Ensure people feel safe or comfortable when making a complaint, including children
- Ensure educators, staff and volunteers are well informed about the different ways children may express concerns, distress and disclose harm as well as the process for responding to disclosures from children- including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child. (ACECQA 2023)
- Ensure our complaint handling processes are child-focused providing support and guidance for children to know who to talk to if they are feeling unsafe
- Conduct a review of policies and procedures, where required, following a complaint or grievance as part of our continuous improvement practices
- Provide an induction program for new staff and educators that includes an overview of policies and procedures, including this *Complaints and Grievance Policy* and procedure
- Ensure the approved provider is notified of all complaints and grievances
- Acknowledge the complaint or grievance in writing within 2 working days of receipt
- Investigate and document the grievance or complaint fairly and impartially
- Provide details of an outcome following an investigation if required.

**OUTCOMES:**

Outcomes may include:

- An apology and a commitment that certain behaviour will not be repeated (monitoring this over time);
- Education and training in relevant laws, policies or procedures (e.g. bullying awareness, leadership skills);
- Assistance in locating relevant services, e.g. counselling, community services, Centrelink;
- Disciplinary or performance management procedures
- Ensuring any inequality or inequity is remedied
- Modifying service policies and procedures

This list is not exhaustive. Outcomes will take into consideration relevant industrial relations principles and guidelines and make provision for procedural fairness if reasonably practicable.



When determining a course of action, Management or Coordinator/Director may consider:

- The number of complaints or breaches
- The opportunities given to adhere to a policy or procedure and/or change of behaviour
- The opportunities given to respond to allegations
- The seriousness of the complaint or breach, and whether it impacted the safety and welfare of other employees, volunteers or visitors
- Whether a policy or procedure or complaint is reasonable.

### **Unreasonable Complainant Conduct**

The people who use our Service have a right to complain about perceived failings or issues that affect them. However, our staff, volunteers, and other persons using or with a stake in the Service also have a right to dignity, physical and emotional safety, and respect.

The Service reserves the right to determine whether a complainant's conduct is unreasonable, and to take action to resolve that behaviour, or to restrict or amend access to the Service.

The Service may use the NSW Ombudsman's guide to managing Unreasonable Complainant Conduct as a guide, however the Service retains the discretion to act based on the circumstances with which it is presented. The Service has an obligation not only to children and families who use the Service, but to the employees and volunteers who work at there. The Service will consider its workplace health and safety obligations with regards to unreasonable complainant always conduct and protect the rights of employees and volunteers.



**CONSIDERATIONS**

Education and Care Services National Law & Regulations	National Quality Standards & Elements	Links to other Service Policies	Other Documentation/ Evidence
S 172 174 (2)(b)  r168 (2)(o), 170, 171, 172, 173 (2)(b), 173,, 175, 176, 783  84 149	Standards 1.3, 2.1, 2.2, 6.1, 6.2, 7.1, 7.2  Elements, 1.3.3, 2.1.1, 2.2.2, 6.1.1, 6.1.2, 6.1.3, 6.2.1, 6.2.2, 6.2.3, 7.1.2, 7.2.1  Child Safe Standards 2,3,4,6,7	<ul style="list-style-type: none"> <li>- Providing a Child Safe Environment Policy</li> <li>- Confidentiality Policy</li> <li>- Governance and Management Policy</li> <li>- Authorisations and Refusals Policy</li> <li>- Code of Conduct Policy</li> <li>- Child Protection Policy</li> <li>- Complaints and Grievance Handling Policy</li> <li>- Enrolment Policy</li> <li>- Communication with Families Policy</li> <li>- Interactions with Children Policy</li> <li>- Responsible Person Policy</li> </ul>	<ul style="list-style-type: none"> <li>- Community Services Complaints, Appeals and Monitoring Act, 1994.               <ul style="list-style-type: none"> <li>- Family Handbook</li> <li>- Staff Handbook</li> <li>- Enrolment Form</li> <li>- Complaints records and notifications</li> <li>- Privacy and Confidentiality</li> <li>- Record Keeping and Storage</li> </ul> </li> </ul>

**ENDORSEMENT BY THE SERVICE:**

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