

# Complaints and Grievances

**National Regulations:** Regulation 168  
**National Quality Framework:** Standard 7.3  
**Occupational Health and Safety Act 2012**

## Policy Statement

The Complaints and Grievances Policy supports and guides the actions of each stakeholder that accesses the service. This includes children and families but also educators, management and the wider community. This policy values

- procedural fairness and natural justice
- a code of ethics and conduct
- a service culture free from discrimination and harassment
- transparent policies and procedures
- avenues for recourse and further investigation

This 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

The service 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. In meeting the service's duty of care, management and educators agree to implement and endorse the service's Complaints and Grievances Policy and abide by the Code of Conduct.

The *Occupational Health and Safety Act* states that employers have a duty of care to their employees to ensure that the working environment supports emotional and mental wellbeing.

## Strategies and Practices

### Complaints and Grievances Management Procedure

It is important for the complainant to feel confident in

- being heard fairly
- an unbiased decision making process
- that the process of procedural fairness will occur

### Notifications

- Document the grievance or complaint. It is vitally important is raising a complaint that documentation be completed. This ensures that we all understand the specific information around the complaint and satisfactory outcomes can be achieved for all parties.
- Management will investigate the complaint interviewing all parties- this may occur in person or via phone if deemed appropriate.
- Discuss the process that will occur with the complainant so they are aware what will happen.
- All individuals involved in the complaints process are entitled to personal representation and in the case of an employee union representation.
- Notify regulatory or licensing bodies if required. An approved provide must notify the regulatory authority of a serious complaint or incident involving the service. The Nominated Supervisor can do this through the ACECQA portal [www.aceqa.gov.au](http://www.aceqa.gov.au).
- For complaints about fees or billing a parent may direct their inquiry to the Office of Fair Trading [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au) and follow their complaint procedure.
- For complaints about the Child Care Benefit (CCB) a parent or service can direct their issue to the Australian Government Family Assistance Office on 13 61 50 or the Government Services Fraud Tip-off Line on 12 1524. The department may also refer any complaints relating to the CCB to the Commonwealth Department of Education, Employment and Workplace Relations.
- For notifications of child safety a parent or service can direct their issue to Child Safety at [www.communities.qld.gov.au/childsafety/](http://www.communities.qld.gov.au/childsafety/)
- Should a conflict of interest arise that involves the Nominated Supervisor, they should talk their feelings through with the supervisor or the operations manager. If you wish you may contact

the service's operations manager on 0433 449 600 who may act as a facilitator or confidential sounding board in these matters. Should your grievance be with the operations manager please, ring the service licensee Sam Feng on 0408 156 802.

- The service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. *Conflict Management Solutions and Resources Ph: 0500 521 376*

### **Timeframes**

The complainant will be kept informed of progress and contacted to clarify issues. A written response will be provided to the complainant within 30 days. If the issue is complex we may need to extend that time and this will be discussed with the complainant. If the grievance cannot be resolved at the service level it will be referred to Management for assessment.

### **Resolution**

Once the investigation process has been completed, the Nominated Supervisor will provide an opportunity to allow the individual's right of reply. An individual's right of reply is to be received by the Nominated Supervisor within 14 days from request. Once a right of reply has been received the following process will be followed.

All parties will discuss the findings of the Nominated Supervisor's investigation

- Providing more information on why an original decision was made or process was used
- Remediating an identified mistake or providing further clarification of an issue
- Revoking a initial decision
- Changing a policy or procedure or reinforcing existing policy or procedure
- Reconsidering an application or request
- Providing all or individual educators with appropriate training, counselling or information
- Further action will cease if the complaint is deemed to be ill-founded
- A mutual agreement will be reached and implemented
- If a mutual agreement is unable to be reached, the mediator will inform all parties of their decision
- The final documents relating to the formal complaint will include the actions taken to resolve the complaint, the agreed resolution and be signed by the parties to the complaint to indicate their acceptance of the record. The documents will be kept on file and can be used if the situation causing the complaint reoccurs.

### **Parent Communication**

Educators are required to work together with parents, sharing information about the children and supporting each other. When educators and parents work together it can only benefit the children we are caring for by providing them with consistency and security. There are many ways you can try to implement positive communication with your parents. We advocate that educators should talk to parents daily about their child in a positive manner and try to make them feel welcome and at ease in the service.

Educators should also provide written communication in their rooms about the child's day, including experiences provided and food/rest patterns. Educators should communicate to parents about upcoming events, verbally and in written form.

### **Communication with children**

Interactions between educators and children should be positive, warm, and friendly. Educators need to listen to children and get down to the child's level when engaging in discussion. Educators should move to the children when guiding behaviour and speak in a calm and respectful manner. Educators should not spend time talking amongst themselves, but instead should at all times be aware of the children and encouraging the development of their communication skills.

### ***No child will be belittled or yelled at. Children will be treated with respect at all times.***

Educators should use open-ended questions wherever possible and ensure that all directions are given in a positive manner. Educators should try to communicate with children through many avenues, including discussion, song, and stories.


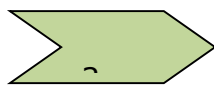



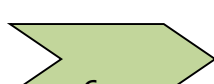

### **Communication between Educators**

Positive communication between educators is vital to the smooth running of the service as well as to the benefit of the children in the service's care. Educators are expected to treat other educators with

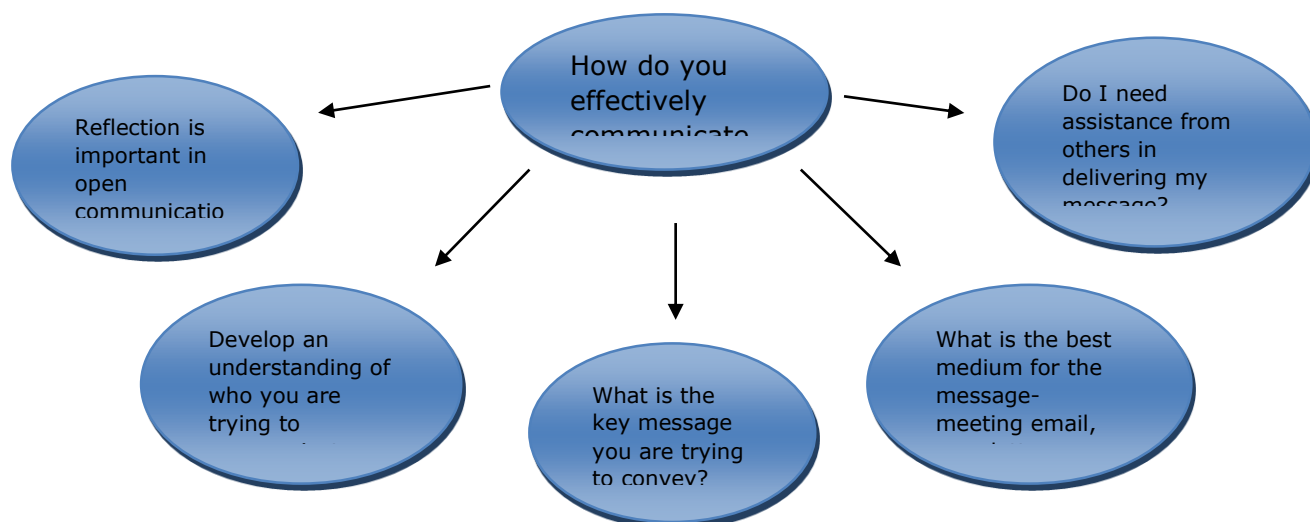
respect, accept their differences, and share ideas. All members are part of a team, working together to ensure our children and families view each day as a positive experience. Educators are expected to model appropriate behaviours and language for our children to learn from.

Educators are expected to communicate frequently and in a positive way with all families and educators, particularly those they work closely with. If conflict occurs, talk to the person concerned and aim to work out a solution to the conflict. Don't dwell on the personal, concentrate on solving the problem immediately. Gossip, backstabbing, malicious, and negative discussion is destructive, and will not be tolerated. It is important to be a team player. If you feel unable to negotiate with or express your feelings and needs to another educator or parent, the Nominated Supervisor is able to act as a facilitator or confidential sounding board.

The steps to take in conflict resolution are as follows;

-  Think through the situation and keep it in context. It is usually best not to act on impulse or the spur of the moment.
-  Decide on when and how you're going to deal with it.
-  Use "I" statements when talking it through e.g. "I feel like I'm not getting enough time to spend with the children" or "I feel like I'm not important when I don't get introduced to parents". This way you are not accusing the other person, but focusing on how it makes you feel. This is a less threatening way to approach a concern.
-  Start with a positive e.g. "I really like the way you spend time helping the children, but it is really important not to do it for them because they need to learn to become independent".
-  Give the other person a chance to respond and really listen to what they have to say, or give them a chance to get back to you.
-  It is important to differentiate the issue from the person, so it does not become a personal attack. Identify the issue and talk about it.
-  Some phrases to start a conversation can be: "I've got some concerns about what's been happening", "We need to discuss", "I'm sure we can work something out", "I want to understand why" or "I want to hear where you're coming from and the way you see it."

**Remember to compromise and reach a mutually agreeable decision on moving forward.**



### **Work performance and management**

Disciplinary processes will follow procedural fairness, ensuring that employees are not treated harshly. Only then can the duty to ensure natural justice in any disciplinary matter be discharged by both the employer and Feng Holdings.

Before an employer requests an employee to attend a meeting for disciplinary reasons, management will have:

- Provide reasonable notice in writing of the meeting, including time and location of the meeting, allowing the employee time to prepare for the meeting;
- Provide a written reason for the meeting being held;
- Provide a list of the specific issues (allegations) to be covered in the meeting;
- Provide copies of all evidence that will be used by the employer; and
- Provide copies of all relevant policies and procedures to be referenced.

In disciplinary meetings involving educators, the educator may choose to have a Union delegates and/or officials to represent and advocate on behalf of the member..

A union delegate can:-

- Ask questions of the employer
- Ask for more information from the employer
- Put forward suggestions to the union member and the employer
- Put forward union position and opinion to the employer
- Guide and advise the union member during meeting
- Suspend meeting to confer with the union member
- Suspend meeting to obtain further information from employer or union
- Record the meeting

Union members must be allowed the right to respond to allegations within a reasonable time before any decisions or actions are taken. The delegate and/or organiser will assist the union member in preparing their response. Union members then expect that all findings and actions from the employer will be provided, in writing, to the union member in a reasonable amount of time.

United Voice ([www.memberassist.org.au](http://www.memberassist.org.au) or 1800 065 885 or 07 3291 4600 in Brisbane)

### **Complaints about Race, Sex, Disability, and Age Discrimination**

Making a complaint about Sex, Race, Disability, and Age Discrimination can be investigated by the Human Rights and Equal Opportunity Commission (HREOC) when an employee or parent has followed the internal complaints procedures and feels that the matter has not been successfully resolved.

- Step 1** HREOC hotline is 1300 656 419 and a complaint form will be sent to you.
- Step 2** Making a complaint is free and does not require legal advice. A complaint must be put in writing to the commission and lodged via fax, email or posted.
- Step 3** A HREOC officer will contact the organisation, provide them with details of the complaint and ask any relevant questions. HREOC will then decide to conciliate or terminate the complaint.
- Step 4** If the matter is to be terminated then HREOC will talk to you and explain why.
- Step 5** The matter may involve conciliation which means the matter will try to be resolved. The outcome of conciliation may include an apology, policy changes, compensation and/or educator training.
- Step 6** If the complaint is not resolved you have the option of then taking the matter to court. You may need legal advice and to engage the services of a lawyer however.

### **Lines of Communication**

It is important to ensure that information pertaining to a complaint is not disclosed to stakeholders who are not directly involved. This is to ensure an individual's right to be heard fairly and without bias and prevents other educators from forming an opinion before hearing all the facts. The complainant's personal information will be used for the purpose of processing the complaint and will be protected under the provisions of the Privacy Act 1988.

### **Dealing with the Media**

If at any time a situation attracts media attention it is the service's responsibility to protect the interests and wellbeing of all parties involved. In order to avoid placing anyone's privacy at risk or

providing incorrect information the release of information will be the responsibility of the media representative within Feng Holdings. Legal representation will be acquired.

## Sources and Further Reading

*Age Discrimination Act 2004* (Cwlth) Website: [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

*Disability Discrimination Act 1992* (Cwlth) Website: [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

*Anti-Discrimination Commission Queensland*

Ph: 1300 130 670 Website: [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

*Human Rights and Equal Opportunity Commission 2007*

Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

QLD Ombudsman. (2005). <http://www.ombudsman.qld.gov.au>

*Occupational Health and Safety Act 2012*

*Privacy Act 1988* (Cwlth)

*Racial Discrimination Act 1975* (Cwlth) Website: [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

*Sex Discrimination Act 1984* (Cwlth) Website: [www.adcq.qld.gov.au](http://www.adcq.qld.gov.au)

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