

# Complaints and Grievances

**National Regulations:** Regulation 168

**National Quality Framework:** Standard 7.1

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## 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

## Goals / What are we going to do?

- Value feedback of educators, families and the wider community as a mechanism to support continuous improvement.
- Provide all families with a copy of our Code of Conduct on enrolment, families must sign to say they have received this during their orientation.
- Encourage the development of harmonious partnerships
- Ensure that conflicts and grievances are mediated fairly and are transparent and equitable.
- Ensure families / educators do not suffer reprisals from making a complaint.

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 educators and Parents agree to abide by the Code of Conduct.

**Failure to do so will result in employment or families care needs being terminated.**

## Strategies / How will we do this?

### Procedures for an Informal investigation

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. If you feel unable to negotiate with or express your feelings and needs to another educator or parent, the Director is able to act as a facilitator or confidential sounding board.

The steps to take in conflict resolution are as follows;

1. Think through the situation and keep it in context.
2. Decide on when and how you're going to deal with it – set up a safe meeting space.
3. Let both parties know in advance that a mediation meeting will occur.
4. Explain that the rules of engagement in this process will be to adhere to the code of conduct.
5. Each party should be given uninterrupted time to speak and state their feelings.
6. The meeting facilitator should be impartial and keep the communication open.
7. Taking notes or voice recording of the meeting will help scribe the meeting minutes at a later date.
8. Take a break if required – an understanding that these can be emotional times for people.
9. Both parties in the meeting should be encouraged to negotiate some points of agreement.
10. Not all disputes can be resolved first meeting and this process may need to be revisited.
11. Document and have both parties sign.

## Using Productive Language

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.

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."

## Procedures in Formal Workplace Investigations

Workplace investigations will occur when an employee makes serious allegations about a colleague's conduct. E.g. harm to a child or workplace harassment or bullying.

1. The first step in any workplace investigation is to have the employee document their concerns. This ensures that we all understand the specific information around the complaint and satisfactory outcomes can be achieved for all parties.
2. Management will ensure there is sufficient evidence or basis to undertake an investigation.
3. Management will decide who will investigate the complaint – it may be deemed appropriate for an internal investigation or an external investigation. The role of an independent conflict resolution service will be to assist with the mediation of a dispute.
  - Conflict Resolution Centre Brisbane- 0488 580 062
  - Brisbane Workplace Mediations – 1300 669 338
  - Evolve Workplaces – 1300 414 179
  - WISE – 1300 580 685

Follow the steps outlined in a formal investigation:

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

Conduct an investigation with the accused- complete Investigation Report Appendix 10 in the Workplace Health and Safety Policy document. Decide on the outcomes and document. At this point the investigation may be called to a close and a break taken. A new meeting will be reconvened this may either occur concurrently or on a different day and time. Should a dismissal be decided upon then a letter of Dismissal will be written and provided to the employee.

## Procedures in managing underperformance

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

Employees 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 Anti-Discrimination Commission Queensland or the Australian Human Rights Commission (AHRC) when an employee or parent has followed the internal complaints procedures and feels that the matter has not been successfully resolved.

- Step 1** AHRC 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** An AHRC officer will contact the organisation, provide them with details of the complaint and ask any relevant questions. AHRC will then decide to conciliate or terminate the complaint.
- Step 4** If the matter is to be terminated, then AHRC 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.

### Regulatory Authority Report

An approved provider must notify the regulatory authority of any complaints or incidents alleging that the safety, health or wellbeing of a child was or is being compromised, or that the law has been breached within 24hrs of the complaint being made. This can be done via the NQA IT system, log in and select the incident or complaint type and the enter the details.

### Complaints about the service

Should a conflict of interest arise that involves the any member of staff employed by the service please raise this with the Responsible person in charge. If the complaint is about an issue that the educator considers to be outside their control, or the family does not wish to share it with an educator the complaint should be directed to service's Operations Manager Julie Watts on 0433 449 600.

The complaint will be;

- Documented and any legal requirement in relation to the complaint will be considered, such as the need to notify the regulatory authorities.
- The service may seek legal advice from the service lawyers.
- The complainant will be asked to provide information regarding how the situation could be rectified to

their satisfaction.

- All reasonable complaints will be given high priority and dealt with as soon as possible.
- At no time will the service employees or management put up with being verbally, threatened or abused in any manner. Please expect care to be ended if this occurs. I am happy to facilitate a complaint but it must be done with respect and factual information.
- Should the grievance be with the Operations Manager contact the Approved Provider Sam Feng on 0408 156 802.

### 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.

### 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.

## Monitoring, Evaluation and Review

### 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. 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

Educators will receive a full set of centre policy which will guide them in raising a complaint, they will also be expected to give policy feedback during their employment. Often small things become bigger than ben her because they are not addressed – please find time to speak with your Director or service leadership team and help us help you to improve workplace practice.

## Sources and Further Reading

ACECQA [www.acecqa.gov.au](http://www.acecqa.gov.au).

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)

Australian Human Rights 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)



Policy review date	Changes	Next Review date
14th March 2012	Oct - formatting	Oct 2019
29 <sup>th</sup> Dec 2018	Add –Informal investigation procedures	