



COMPLIANTS AND GRIEVANCE POLICY

Introduction

As reflected in our Philosophy, Ausscot Family Day Care values the **feedback** of Educators, staff, families and the wider community in helping to create a service that meets regulation and the needs of children and their families.

“An effective complaints and grievance management system confirms to staff, families and the community that complaints and grievances are taken seriously and investigated promptly, fairly and thoroughly. Effective management of complaints may inform quality improvement processes and is an efficient way of considering and acting on feedback from families” (NQS 7.1.2).

Goals - What are we going to do?

Our care and education service will:

- Provide opportunities for consultation, evaluation and review of the service operation;
- Develop a process for making and managing complaints;
- Communicate the option and process of making a complaint;
- Handle complaints diligently and confidentially, in a timely manner; and
- Provide a grievance procedure for all stakeholders.

Strategies - How will it be done?

The Approved Provider and Nominated Supervisor will endeavour to ensure:

- A process for managing complaints and grievances is provided and maintained for all stakeholders of Ausscot Family Day Care (AFDC).
- Communications at all times be open, honest and confidential;
- Good conflict resolution skills are adopted;
- Families are provided with the service email, address and phone details at enrolment;
- Feedback from families, Educators and staff is encouraged and this feedback will be taken into account in ongoing planning and quality improvement;
- Be child focussed, in accordance with the National Principle’s for Child Safe Organisations
 - Standard 8 Physical and online environments minimise the opportunity for abuse to occur;
- To identify and manage complaints about children exhibiting harmful sexual behaviours;

- To identify and manage online safety. It is a growing area of concern because perpetrators can actively exploit the environment to isolate a child without oversight from organisations or parents.
 - Children increasingly view the internet and social media as intrinsic parts of their lives, however they can have differing perceptions to adults about what is an online risk;
 - Children may not know what to do if they feel unsafe or are being actively targeted;
 - They should also know that they can talk to a trusted adult if they feel unsafe online, regardless of their own actions online;
 - Children, their parents and carers, and staff have access to information about online risks and how to manage them.
 - These risks include: • grooming • sharing of intimate images • bullying (including cyber bullying) and other forms of psychological abuse • meeting in person with people they have engaged with online • exposure to inappropriate content.

Educators and staff will endeavour to ensure that:

- Communications at all times be open, honest and confidential;
- Good conflict resolution skills are adopted;
- Families will be encouraged to converse at pick up and drop off times or at other times when required, considering, when they are supervising children in care.
- Be child focussed, in accordance with the National Principle’s for Child Safe Organisations
 - Standard 8 Physical and online environments minimise the opportunity for abuse to occur;
- Identify and manage complaints about children exhibiting harmful sexual behaviours; and
- To identify and manage online safety. It is a growing area of concern because perpetrators can actively exploit the environment to isolate a child without oversight from organisations or parents.
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COMPLIANT PROCEDURE:

Receiving and responding to a complaint

- **LISTEN** – but do not commit yourself or the service to any specific action;
- Refer the person with the complaint back to the relevant person, if applicable;
- Refer the person to the Nominated Supervisor or Approved Provider;
- Encourage the person to put their concerns in writing, however, verbal complaints will be accepted and recorded by the person receiving the complaint;

- Ensure that documentation is stored in a safe and secure manner;
- Do not commit yourself to any further action and advise the complainant that the documentation will be forwarded to the Nominated Supervisor, or to the Approved Provider if the complaint is in relation to the Nominated Supervisor;
- The Nominated Supervisor will follow up and provide feedback to the complainant; and
- If the complainant is dissatisfied with the way the complaint was dealt with, advise them of their rights to follow up and who to contact.

Recording a complaint

- 1) Record complainants name, contact details, date and time of the complaint being made;
- 2) Summary of complaint;
- 3) Details of response and /or action to be taken, if applicable;
- 4) Any further information or follow up.

Please Note:

- The Australian Children’s Education & Care Quality Authority will also be informed of any **Notification of Complaints and Incidents (other than Serious Incidents) (Report NL 01)**; and
- Records are kept for seven years or if injury of a child is involved the period will be 25 years.

Investigation process

- The Nominated Supervisor (or Approved Provider) will review the recorded details;
- The Nominated Supervisor will investigate the details and/or contact and discuss with the person initiating the complaint whether further action is required;
- If no action is considered necessary, this will be recorded on the record of complaint; or
- If further action is considered necessary, the following grievance procedures will be initiated by an appropriate person and documented at each step.

Please Note:

During the investigation, the complainant may change the party with whom the dispute is held. Example, the family may have a dispute with the Educator, but when advised that the Educator is acting on legislation or AFDC policy the family may then have a dispute with the Coordination Unit. Procedures would then change to involve the relevant parties.

FRAMEWORK FOR GRIEVANCE PROCEDURES:

A grievance procedure is the process by which solutions are sought to resolve disputes in a fair, equitable manner. Grievances should be resolved as quickly as possible by the parties involved, but when grievances cannot be resolved by the two parties involved a formal grievance process will be followed.

Grievance Level

- 1) Level One: The grievance should be discussed with the relevant person.
- 2) Nominated Supervisor level: In the majority of cases, grievances will be resolved at this level.
- 3) Approved Provider level: If the grievance has not been resolved by the Nominated Supervisor, or if the Coordination Unit is the subject of the complaint.
- 4) Department of Education and Communities level: If the grievance has not been resolved NSW Early Childhood Education and Care Directorate will be notified.

Early Childhood Education and Care Directorate
NSW Department of Education and Communities
Locked Bag 5107, PARRAMATTA NSW 2124
Ph: 1800 619 113 Fax: 02 8633 -1810
email: ececd@det.nsw.edu.au

Please Note:

At any time during a grievance process, any party may seek legal advice. Mediation may take place at any time if requested by and agreed on by the relevant parties.

Coordination Unit / Educator Grievances

- If a staff member becomes aware of a breach of regulation or policies by an Educator, the staff person will address the issue immediately with the Educator or as soon as possible after discussion with the Nominated Supervisor;
- If the matter is of a more serious nature, the Educator will be advised of changes required by the staff person or the Nominated Supervisor, and the following warning system will be applied; and
- At any of the following stages the Nominated Supervisor has the right to suspend or deregister an Educator; however, in general the following warning system will be applied.
 - 1) The Educator will receive written notice stating the breach. **Warning 1.**
 - 2) If the breach is repeated the Nominated Supervisor will discuss the situation with the Educator and following discussion, the Educator will receive written notice stating the breach. **Warning 2.**
 - 3) If the breach is repeated a third time the Nominated Supervisor will discuss the situation again with the Educator. Following discussion, the Educator will receive a third written notice stating the breach. **Warning 3.**
 - 4) If non-compliance by the Educator or the breach is repeated, a fourth time, the Educator will be asked, why AFDC should continue their registration. After discussion AFDC has the right to advise the Educator, verbally and in writing, that they have been deregistered with Ausscot Family Day Care. **Deregistration.**

Suspension and De-registration

Ausscot Family Day Care has the right to suspend or de-register an Educator for any single breach of the Education and Care Services National Regulations 2011, Children (Education and Care Services National Law Application) Act 2010 or Ausscot Family Day Care Policies or legislation, including significant risk of harm (child protection) issues.

Risk of harm (child protection) issues and other serious misdemeanors could result in legal action. Reportable allegation under section 25A of the Ombudsman Act 1974, Section 25A defines a 'reportable allegation' as an allegation of reportable conduct against a person, or an allegation of misconduct that may involve reportable conduct. A reportable conviction means a conviction of an offence involving reportable conduct. Educators are employees under the Ombudsman Act 1998.

The Australian Children's Education & Care Quality Authority will also be informed of any Notification of Serious Incident (Report SI 01) and or Notification of Complaints and Incidents (other than Serious Incidents) (Report NL 01).

Appeals against a decision or action should be made in writing to the Ausscot Family Day Care Approved Provider.

Ausscot Family Day Care Registration

The Nominated Supervisor of Ausscot Family Day Care will not register or keep registered a person unless the person is an adult who, in the opinion of the Nominated Supervisor:

- (a) has an appropriate understanding of young children's needs and development, including:
 - (i) the individual differences between children;
 - (ii) activities that stimulate a child's growth and development;
 - (iii) nutrition, health, hygiene and safety;
 - (iv) behaviour management;
- (b) is responsive to children;
- (c) is physically and emotionally able to care for young children;
- (e) is able to communicate effectively with adults;
- (f) is aware of and sensitive to the needs of young children and their families, including children from a range of cultures and religions and children with disabilities;
- (g) is a fit and proper person to be concerned in the provision of the service;
- (h) has a general understanding of the Education and Care Services National Regulations, Children (Education and Care Services National Law Application) Act 2010 and National Quality Framework.

Policy availability and review

This policy will be readily accessible to all staff, educators, families and visitors, and ongoing feedback on this policy will be invited. Management, staff and educators will monitor and review the effectiveness of this policy regularly. Updated information will be incorporated as needed.

References

Education and Care Services National Law Act 2010:

<https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/017>

Education and Care Services National Regulations:

<https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653>

Guide to the National Quality Framework - (NQS)

<https://www.acecqa.gov.au/national-quality-framework/guide-nqf>