Dealing with Grievance and Complaints Policy and Procedure

Purpose

The purpose of this policy is to establish a transparent and fair process for managing grievances and complaints across all Meerilinga services. It ensures that all concerns are addressed promptly, respectfully, and in accordance with the principles of procedural fairness and natural justice. This policy supports a safe, inclusive, and high-quality environment for children, families, staff, and the community.

Meerilinga is committed to investigating all grievances and complaints to a high standard of equity and fairness. All individuals making a complaint are supported and guided by the following values:

- Procedural fairness and natural justice
- Code of ethics and professional conduct
- A culture free from discrimination and harassment
- Clear and transparent procedures
- Access to further investigation where necessary
- Alignment with Meerilinga's service Philosophy

Background

In accordance with the *Education and Care Services National Regulations,* Approved Providers must ensure their services have effective policies and procedures in place for dealing with complaints and take reasonable steps to ensure these are implemented.

An effective grievance and complaint management system reinforces that concerns are taken seriously and handled fairly and thoroughly. It also provides a valuable opportunity for ongoing quality improvement, service accountability, and fostering trust with stakeholders.

Meerilinga's approach is guided by the principles of procedural fairness and natural justice, which include:

- The right to be heard fairly
- The right to an unbiased decision made by an objective decision-maker
- The right to a decision based on relevant evidence

Scope

This policy and procedure applies to children, families, educators, staff, management, approved provider, nominated supervisor, volunteers, students and visitors who wish to lodge a grievance or complaint about a matter pertaining to a service provided by Meerilinga.

Definitions

Compliant - Expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

Grievance - A grievance is a formal statement of complaint that cannot be addressed immediately and relates to matters of a more serious nature. The *Employee Grievance Policy and Procedure* provides guidance on how grievances raised by an employee towards their employer are to be managed.

Mediator - A person who attempts to assist and support people involved in a conflict to come to an agreement.

Mediation - An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

Policy

We acknowledge, that on occasion, grievances and complaints may arise. Effectively and appropriately addressing them is essential to maintaining a safe, healthy, harmonious, and productive service environment. This policy ensures that all persons are presented with procedures that:

- Value the opportunity for all voices to be heard
- Promote respectful and constructive conflict resolution
- Encourage the development of positive and collaborative partnerships
- Ensure that grievances and conflicts are managed fairly, transparently, and equitably
- Provide appropriate responses to children exhibiting harmful sexual behaviours
- Uphold children's rights, safety and wellbeing
- Consider each child's age, cultural background, developmental stage, and additional needs

We are 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, disclosers, allegations or suspicions while fostering an environment where children feel confident that their safety and wellbeing are paramount.

The following principles are embedded as part of the grievance and complaints process:

- Reinforcing that all concerns and complaints (both verbal and written) made will be taken seriously and acted upon.
- Grievance and complaints will be managed openly and transparently.
- Open and timely communication will be maintained throughout the process.
- Records information about grievances and complaints received at the service, along with all actionable outcomes are securely stored and accessible upon request.
- Confidentiality and privacy must be maintained at all times throughout the process.
- Acting in good faith, fairly and in a calm and courteous manner.
- Respect and understanding of each other's point of view and valuing difference are core values.

- Balance the rights and responsibilities of all parties.
- Respecting the right for all person(s) to raise a complaint or grievance.
- Notifiable complaints and serious incidents that meet the threshold for reporting to the Regulatory Authority, will be reported.
- Complaints and issues are managed respectfully. The use of abusive language or any physical violence will not be tolerated and any person displaying this type of behaviour will be ejected from the service and where required, the police will be called.

The outcome of the process will conclude, when:

- A mutually agreeable outcome is reached
- Clarity or understanding is provided; and
- Actions are implemented to change and/ or improve the situation.

Family, Volunteer, Student or Visitor Grievance or Complaint

We foster a proactive approach to managing grievances and complaints that focuses on a shared expectation of outcomes and resolving these matters in a timely way.

Grievances and complaints can be made in person, by phone or in writing to the Co-ordinator, Curriculum Leader or Educator at the service. Alternatively, complaint contact information is displayed in the main entrance of the service, including the contact details for the service Manager and the State Regulatory Authority, the Education and Care Regulatory Unit.

All feedback is taken seriously and escalated to the team member who can support the concern raised. Where a concern is not resolved, this will be escalated to the direct Line Manager.

Formal complaints can be written or verbal. Where it is unclear whether the person is raising a grievance or complaint, clarification will be sought by asking the person. Clarification must be sought as soon as practicable. Notifiable complaints will be lodged to the Regulatory Authority within 24 hours.

If the issue is identified as a grievance, it will be managed in accordance with the complaint procedure but will not be formally reported, unless it involves an incident of child harm. However, failure to address a grievance in a timely manner may result in it escalating to a complaint.

Should the grievance or complaint be lodged against another person(s), these persons, will be interviewed separately and impartially. Individuals must be given the opportunity to respond fully to the allegations and may have another person present, as a support person, if they wish. If after investigation, it is concluded that the grievance is substantiated:

- Both parties will be told of the decision and the reason for it
- Immediate and appropriate steps will be taken to prevent the grievance from recurring
- If after investigation, it is concluded that the grievance is not substantiated both parties will be notified of the decision and the reason

- The complainant will be informed that if they are not satisfied with any decision relating to the grievance procedure that they should consult with an external body for further advice such as the regulatory authority

Valuing Children's Voice and Opinions

Children have the right to have their opinions heard and to be involved in decision making. Where children are nonverbal, issues may be communicated via the child's family or another adult. Educators will support all children to be considered in decisions made on their behalf. We recognise that responding to children's individual needs is the most basic form of valuing their voice and opinions.

Concerns relating to children may come to light via a variety of means including verbal, non-verbal, behavioural considerations or changes or through close observation and responsiveness to children.

Where possible and appropriate, children will be consulted in decision-making around the strategies and solutions used for resolving grievances and complaints.

Any concerns raised by a child (or on their behalf by their family or another adult) will be taken seriously and managed as per this policy. Service teams will support children to understand that they are able to talk about their concerns openly, in a way that supports them to feel safe and to have their views heard.

Complainants will:

- Be informed of our duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to the management of complaints. The complaints procedure ensures a fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our service
- Ensure children are able to express their concerns or allegations to either the management, educators, and/or families who are encouraged by management to complete the *Grievance and Complaints Form* on the child's behalf
- Attempt to discuss their complaints with the relevant educator associated with a particular child and/or family as the first step to resolving the issue, unless it is a reportable offence and notification to the regulatory authority is to be made within 24 hours of complaint
- Communicate any concerns they may have in writing addressed to the approved provider or nominated supervisor.
- Raise any unresolved concerns with the approved provider or nominated supervisor
- Maintain confidentiality at all times
- Be provided with details of external agencies to contact should they feel the service has not resolved their concerns e.g. Regulatory Authority

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 Management, another representative will be nominated as an alternative mediator.

Meerilinga 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 is be adhered to.

Privacy and Confidentiality

Management and Educators will adhere to our *Privacy Policy* when dealing with grievances and complaints. However, if a grievance or complaint involves a staff member or child protection issues, relevant government authorities or agency may need to be informed. *Refer to our Child Safe Environment – Child Protection Policy*.

Notifiable Complaint

Some complaints are reportable, these include alleging:

- That the safety, health, or wellbeing of a child (or children) has been compromised
- A breach of the *Education and Care Services National Law and Regulations*
- A serious incident has occurred or is occurring at the service while a child is being, or was being, educated and cared for by the service.

Any complaint of this nature must be reported by the approved provider or nominated supervisor to the regulatory authority within 24 hours of the complaint being made. *ACECQA Reporting requirements about children*

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: *www.acecqa.gov.au* and logged using *NQA ITS*.

Complaints Relating to the Administration of Child Care Subsidy

Families who wish to raise concerns regarding the management of Child Care Subsidy should speak with the service Co-ordinator or Advisor Enrolments in the first instance. They will follow the steps as outlined in this policy, including advising the Nominated Supervisor and/or Approved Provider of all grievances.

Families can raise concerns regarding management of the Child Care Subsidy to the Department of Education via their *Online contact form*. Families can raise concerns about management of the Child Care Subsidy to the dedicated Child Care Tip-Off Line by calling *1800 664 231* or emailing *tipoffline@education.gov.au*.

Complaints Involving Allegations of a Child Exhibiting Sexual Behaviours

The complaints procedure must also be implemented in instances where a child exhibits harmful sexual behaviours.

'Providers and educators play an important role in making informed professional judgements regarding sexualised behaviours involving children. Not all sexual behaviour involving children poses a risk to their safety'. (ACECQA, 2024).

A child's harmful sexual behaviour is described as calculated, developmentally inappropriate, targeted and repeated sexualised play, that occurs regularly, over a period of time. In this instance harmful refers to harm to themselves and / or others.

Aligning with our *Child Safe Environment - Child Protection Policy and Procedures*, the Approved Provider / CEO, Nominated Supervisors and Co-ordinators will ensure:

- Educators and staff respond to any complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child.
- Educators and staff assess the need for urgent police and emergency services assistance and inform the approved provider/nominated supervisor.
- The Regulatory Authority is notified within 24 hours of any complaint alleging that a serious incident has occurred whilst a child is educated and cared for or complaints alleging that the Law has been contravened.
- Educators and staff are aware of the process for responding to disclosures from children.
- Educators and staff are aware of their duty of care and mandatory reporting obligations to make a report.
- Educators and staff have a sound understanding of developmentally appropriate sexual development in children and sexual behaviour that may be concerning and requires a response.
- Families are encouraged and supported to raise concerns in confidence
- Educators and staff engage in professional learning to promote a consistent and appropriate approach to identifying and responding to sexual behaviours in children that may include:
    - Age and developmental capacity of the child/children
    - Reasons why a child may be behaving in sexually harmful ways
    - Behavioural history of the child
    - How the behaviour impacts the behaviour of other children
    - Risk the behaviour imposes on others
    - Vulnerability of the child to be engaging in harmful sexual behaviour

    ACECQA, Resources on identifying and responding to sexualised behaviour in children
- Supporting all stakeholders throughout the complaints procedure, including documenting discussions, maintaining confidentiality, providing updates on the progress of the complaint, and offering access to support agencies as needed.