

# Grievance Procedure for Families

## Policy



Feedback from families, educators, staff and the wider community is fundamental in creating an evolving School working towards the highest standard of care.

It is foreseeable that feedback will include divergent views, which may result in complaints. This Policy details our School's procedures for receiving and managing informal and formal complaints. Parents and Educators can lodge a grievance with management with the understanding that it will be managed conscientiously and confidentially.

### Education and Care Services National Regulations

| Children (Education and Care Services) National Law NSW |   |
|---|---|
| 168   | Education and care service must have policies and procedure |
| 173   | Prescribed information to be displayed                      |
| 176   | Time to notify certain information to Regulatory Authority  |

### PURPOSE

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We will ensure that all persons making a complaint are guided by the following policy values:

- Procedural fairness and natural justice
- Code of ethics and conduct
- Culture free from discrimination and harassment
- Transparent policies and procedures
- Opportunities for further investigation
- Adhering to our School philosophy

### Procedural fairness and natural justice

Our School believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly;
- The right to an unbiased decision made by an objective decision maker; and
- The right to have the decision based on relevant evidence.

### SCOPE

This policy applies to children, families, staff, management and visitors of the School.

### IMPLEMENTATION

Whilst every grievance will be treated as confidential, management at the School may generalise the details to protect the identities of the parties involved, so that staff can be acquainted with the matter and its effect on the school. Staff members will be notified of the grievance and action will be taken to resolve the matter at the next staff meeting. All staff members will participate in the discussion on school practice to avoid recurrence of the problem. Staff will also be reminded of the confidentiality of the matter and the fact that it may not be discussed with any person outside of the meeting.

Grievances can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. The Grievance 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.

## DEFINITIONS

**Complaint:** An issue of a negligible nature that can be resolved within 24 hours, and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, such as poor service, and any verbal or written complaint directly related to the Centre (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (except associated with the safety of children).

**Complaints and Grievances Register:** Records information about complaints and grievances received at the School, along with the outcomes. This register must be kept in a secure file, accessible only to educators and Department of Early Childhood Education and Care. The register can provide valuable information to the Approved Provider and Principal of the School to ensure children and family's needs are being met.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If the School is in breach of a regulation causing injury or possible harm to a child.

**Mediator:** A person who attempts to make people involved in a conflict 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.

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety or wellbeing of a child at the School may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Principal to the Department of Early Childhood Education and Care within 24 hours of the complaint being made - (Section 174[2] [b], Regulation 176[2][b]).

If the Director is unsure whether the matter is a notifiable complaint, it is good practice to contact The Department of Early Childhood Education and Care for confirmation. Written reports must include:

- Details of the event or incident
- The name of the person who initially made the complaint
- If appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- Contact details of a nominated member of the Grievances Subcommittee
- Any other relevant information

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using NQA ITS (National Quality Agenda IT System).

**Serious incident:** An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the School in contravention of the Regulations or is mistakenly locked in/out of the School premises (Regulation 12).

A serious incident should be documented in an Incident, Injury, Trauma and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the School (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

## Privacy and Confidentiality

- Management and Educators will adhere to our Privacy and Confidentiality Policy when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a government agency may need to be informed.

#### 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 complaints that involve the Approved Provider, Principal or other Management will be nominated as an alternative mediator.

Our School 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 Schools Code of Conduct must be adhered to.

#### The Approved Provider/ Principal will:

- Treat all grievances seriously and as a priority
- Ensure grievances remain confidential
- Ensure grievances reflect procedural fairness and natural justice
- Discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- Investigate and document the grievance fairly and impartially. This will consist of:
  - Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
  - Discussing the nature of the complaint (or breach) and giving an educator, staff member, volunteer or visitor an opportunity to respond.
  - Permitting them to have a support person present during the consultation (for example: Union Representative, however this does not include a lawyer acting in a professional capacity)
  - Providing the employee with a clear written statement outlining the outcome of the investigation.
- Advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
  - Management will provide a written response outlining the outcome and provide a copy to all parties involved.
  - If a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflect the resolution.
- Should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
- Keep appropriate records of the investigation and outcome, and store those records in accordance with our Privacy and Confidentiality Policy and Record Keeping and Retention Policy.
- Monitor ongoing behaviour and provide support as required.
- Ensure the parties are protected from victimisation and bullying.
- Request feedback on the grievance process using a feedback form.
- Track complaints to identify recurring issues within the School.
- Notify the Department of Education and Communities within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised.

#### Families 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 grievances and complaints management and procedures. The grievance procedure for families ensures fair opportunity for all stakeholders to be heard and promotes effective conflict resolution within our School.
- Attempt to discuss their grievances with the relevant Educator associated with a particular child and/or family.
- Communicate (preferably in writing) any concerns they may have.
- Raise any unresolved concerns with the Approved Provider or Principal.

- Maintain confidentiality at all times.

#### The Educators will:

- Listen to the family's view of what has happened.
- Clarify and confirm the grievance, documenting all the facts prior to the investigation.
- Encourage and support the family to seek a balanced understanding of the issue.
- Discuss possible resolutions available to the family. These would include external support options.
- Stimulate, encourage, and assist the family to determine a preferred way of solving the issue.
- Record the meeting, confirming the details with the family at the end of the meeting.
- Maintain confidentiality at all times.

#### If the grievance cannot be resolved, it is to be referred to the Principal who will investigate further:

- If appropriate, collect relevant written evidence. This evidence will be treated in strict confidence
- Ensure evidence is kept in a secure and confidential place.
- Involve the Approved Provider or Licensee in the conflict resolution if necessary.
- Should it be necessary to interview relevant people concerning the grievance, their involvement should be kept to the minimum necessary to establish the facts.
- They must also be made aware that the matter is to be kept confidential.

Should the grievance be lodged against another person(s), these person(s) 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 told of the decision and the reason.
- The family 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 Department of Education and Communities.
- If the grievance is of a serious nature, the Principal is responsible to inform the Department of Education and Communities.

#### Parent Grievances Procedure

To ensure fairness for all, these procedures should be followed in order.

All people involved in the complaint have the right to be heard and informed of the action taken.

The Complaint Form will be stored in the Complaint Register in a locked file in the office at the North Balgowlah campus and will be updated until the matter is resolved.

The Principal and the Chairman of Manly Warringah Montessori Society will be made aware of every suggestion; concern or complaint lodged by a member of the parent body, irrespective of the perceived seriousness of the grievance, which and should be shown on the Grievance Form, see Appendix 1. The complaint form should be added to every time there is a discussion or action related to this incident until it is fully resolved.

In the event of a grievance the following procedures should be followed -

Throughout the procedures all parties must be made aware of their opportunity to access the Department of Education and Communities at any time.

1. A parent should first lodge the complaint either verbally or in writing to the appropriate person related to that concern, e.g. problems regarding:
  - fees should be directed to the Principal
  - the classroom should be directed to the Class Teacher.

The staff or Manly Warringah Montessori Society Board member needs to fill out the Grievance Form if one is not written by the parent. Issues that arise that may lead to further discussion, or a complaint should be noted in a Grievance Form for future reference. See Appendix 1

2. If it is within that person's capacity to address the matter to the satisfaction of the parent, that person can direct action to avoid recurrence of the problem and report the matter to the Principal and/or the Chairman of the Manly Warringah Montessori Society. If the complaint is about a person, that person should be informed and solutions discussed.
3. If there is a difficulty in doing this or if the discussions are unsatisfactory or unresolved the matter should be referred to the Principal or Chairman by the staff member or parent.
4. If the matter is still unresolved a meeting will be called between all person/s involved in the concern, the Principal and the Chairman. Time may be set aside for a meeting to occur without the person the complaint is about. That person would then have an opportunity later in the meeting or at a later meeting to present his/her account of the incident.
5. A committee involving the Principal, Chairman and two other Board members may be contacted if the situation is still considered unsatisfactory.
6. Further still the issue may then be presented to a Board meeting if still unresolved. This needs to be presented to the school secretary in writing by the Wednesday previous to the meeting to ensure it is included in the agenda.
7. If issues regarding the management of the school have not been resolved at this level, the parent may wish to call an EGM in accordance with the Manly Warringah Montessori Society By-Laws/ Constitution.
8. If still unsatisfied, the parent or School may contact the Department Education and Communities, for information as to further action to be taken in search of a satisfactory resolution for all parties concerned, using the contact details below:  
Postal address: Central Licensing, Early Childhood Education and Care Directorate, NSW Department of  
Education and Communities Locked Bag 4028, ASHFIELD NSW 2131  
Phone: 1800 619 113 (toll free) or 02 9716 2100 Fax: 02 9716 2162  
Email: [cslicensing@dhs.nsw.gov.au](mailto:cslicensing@dhs.nsw.gov.au)
9. If the grievance is about the Principal, or Chairman, a meeting may be organised which may omit that person from the proceedings at some point but will always provide the opportunity to present their view of the situation. Another member from the Management Committee may be appointed to stand in on meetings in place of one of these three people.
10. Provision may be made to allow the person making the complaint to remain anonymous, if he/ she wishes, as much as is possible.

#### Notification to the department of education and communities

- If a parent of a child provided with any class of children's service makes a complaint to the approved provider about the conduct of the school, the approved provider must, unless the complaint is of an obviously trivial nature:
  - Give written notice of the complaint to the Department of Education and Communities within one week after the complaint is made, using form NL01 - Notification of Complaints and Incidents (Other than Serious incidents)
- The Principal must ensure the complaint is recorded on a Grievance Form and stored in the Complaint Register (Education and Care Services National Regulations 2011 - Regulation 168(2)(o)).
- Should the grievance allege any form of abuse of the child, it is mandatory that the matter be immediately notified to the Department of Community Services Helpline:
  - For staff 133 627 ,
  - For parents 132 111
- The Principal will also notify the Chairman of Manly Warringah Montessori Society.

#### Evaluation

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To ensure complaints and grievances are handled appropriately, the Principal will

- Evaluate each individual complaint and grievance as recorded in the Complaints and Grievance Register to assess the satisfaction resolution that has been achieved.
- Review the effectiveness of the service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally.
- Consider Feedback from Staff, Educators and Families regarding the policy and procedure.

**Storage**

- The Grievance and Complaints file is to be stored in the locked files in the office of the school's North Head campus. Access to these files is limited to the Principal, and the Chairman of the Manly Warringah Montessori Society and representatives of the Department of Education and Communities.
- Any copies held by a member of the Board in the course of their duties remains confidential to that person and should not be forwarded on to the next Board at their end of their term.
- A representative of the Department of Education and Communities has the right to read, copy or take away these records to copy.

**Source**

- Education and Care Services National Regulations,
- National Quality Standard,
- Code of Ethics- Early Childhood Australia,
- Human Rights and Equal Opportunity Commission Act.

|                           |
|---------------------------|
| <b>Policy Review Date</b> |
| <b>March 2018</b>         |

Appendix 1

**FARMHOUSE MONTESSORI SCHOOL**  
**GRIEVANCE FORM**



Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone (H): \_\_\_\_\_ (Mob): \_\_\_\_\_

(W): \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Are you: (Please tick)**

- Parent : Students name: \_\_\_\_\_
- Student's Teacher: \_\_\_\_\_
- Staff: Position: \_\_\_\_\_
- Business Associate: Name of company: \_\_\_\_\_
- Other (Please specify): \_\_\_\_\_

**Is the complaint about:**

- Events on school grounds? \_\_\_\_\_
- School policy or procedures? \_\_\_\_\_
- Events off site: Where? \_\_\_\_\_

**Please state the complaint and the outcome you are seeking?**

If space is insufficient please attach to the back.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Have you spoken to the person responsible? Please state their name**

- Class teacher for class issues: \_\_\_\_\_
- Principal: \_\_\_\_\_
- Board Member: \_\_\_\_\_
- Class Parent: \_\_\_\_\_

**If yes please state a brief outline of the discussion and outcome.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*Mail this form or hand it in at your school office when complete.*

**Privacy Notice:** The information provided on this form will be used to follow up your complaint. The information may be provided by Farmhouse to DEC or the Ombudsman who monitor the services, or to the police for law enforcement purposes. The provision of this information is voluntary. It will be stored securely. You may correct any personal information provided at any time by contacting the person to whom you submit this form.