

COMPLAINTS AND GRIEVANCES POLICY

PURPOSE

This policy will provide guidelines for:

- receiving and dealing with complaints and grievances at WPSA.
- procedures to be followed in investigating complaints and grievances.

Note: This policy does not address complaints relating to staff grievances or employment matters. The relevant awards provide information on the management of such issues.

POLICY STATEMENT

1. VALUES

WPSA is committed to:

- providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- complying with all legislative and statutory requirements
- dealing with disputes, complaints and complainants with fairness and equity
- establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- maintaining confidentiality at all times.

2. SCOPE

This policy applies to the staff, volunteers, parents/guardians and others accessing the programs and services of WPSA.

3. BACKGROUND AND LEGISLATION

Background

Complaints or grievances may be received from anyone who comes in contact with WPSA including parents/guardians, volunteers, students, members of the local community and other agencies.

In most cases, dealing with complaints and grievances will be the responsibility of the President.

Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, as amended 2011
- *Children, Youth and Families Act 2005 (Vic)*, as amended 2011
- *Children, Youth and Families Act 2005 (Vic)*, as amended 2012
- *Education and Care Services National Law Act 2010*: Section 174(2)(b)
- *Education and Care Services National Regulations 2011*: Regulations 168(2)(o) and 176(2)(b)
- *Health Records Act 2001 (Vic)*, as amended 2011
- *Information Privacy Act 2000 (Vic)*, as amended 2011
- *National Quality Standard, Quality Area 7: Leadership and Service Management*
 - Standard 7.3: Administrative systems enable the effective management of a quality service
 - Element 7.3.4: Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner
- *Privacy Act 1988 (Cth)*
- *Privacy Regulations 2006 (Cth)*

4. DEFINITIONS

The terms defined in this section relate specifically to this policy.

Complaint: (In relation to this policy) a complaint is defined as an issue of a minor nature that can be resolved promptly or within 24 hours, and does not require a detailed investigation. Complaints include an expression of displeasure, such as poor service, and any verbal or written complaint directly related to the service.

Complaints do not include staff, industrial or employment matters, occupational health and safety matters and issues related to the legal business entity, such as the incorporated association or co-operative.

Complaints and Grievances Register: (In relation to this policy) records information about complaints and grievances received at the service, together with a record of the outcomes. This register must be kept in a secure file. The register can provide valuable information to the President on meeting the needs of children and families accessing the service.

Dispute resolution procedure: The method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g. the service is in breach of a policy or the service did not meet the care expectations of a family.

Mediator: A person who mediates, especially one who reconciles differences between disputants.

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

5. SOURCES

Sources

- KPV *Early Childhood Management Manual*
- ACECQA: www.acecqa.gov.au

PROCEDURES

The President is responsible for:

- being familiar with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, service policies and constitution, and complaints and grievances policy and procedures
- identifying, preventing and addressing potential concerns before they become formal complaints/grievances
- being aware of, and committed to, the principles of communicating and sharing information with service employees, members and volunteers
- responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- treating all complainants fairly and equitably
- providing a *Complaints and Grievances Register* (refer to *Definitions*) and ensuring that staff record complaints and grievances along with outcomes
- maintaining confidentiality at all times (Regulations 181, 183)
- establishing a Grievances Subcommittee or appointing an investigator to investigate and resolve grievances (refer to Attachment 1 – Sample terms of reference for a Grievances Subcommittee/investigator)
- referring grievances (refer to *Definitions*) or complaints that are unable to be resolved appropriately and in a timely manner to the Grievances Subcommittee.

- receiving recommendations from the Grievances Subcommittee and taking appropriate action.

The Applications Office and other staff are responsible for:

- being familiar with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, service policies and constitution, and complaints and grievances policy and procedures
- responding to and resolving issues as they arise where practicable
- maintaining professionalism and integrity at all times
- discussing minor complaints directly with the party involved as a first step towards resolution (the parties are encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)
- informing complainants of the service's *Complaints and Grievances Policy*
- recording all complaints and grievances in the *Complaints and Grievances Register* (refer to *Definitions*)
- notifying the President if the complaint escalates and becomes a grievance (refer to *Definitions*), or is unable to be resolved appropriately in a timely manner
- providing information as requested by the President e.g. written reports relating to the grievance
- maintaining confidentiality at all times (Regulations 181, 183)
- working co-operatively with the President in any investigations related to grievances about WPSA, its service or staff.

Parents/guardians are responsible for:

- raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievances procedures
- communicating (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable
- raising any unresolved issues or serious concerns via email.
- maintaining complete confidentiality at all times
- co-operating with requests to provide relevant information when requested in relation to complaints and grievances.

Volunteers with WPSA are responsible for following this policy and its procedures.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the President will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor complaints and grievances as recorded in the *Complaints and Grievances Register* to assess whether satisfactory resolutions have been achieved
- review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required

ATTACHMENTS

- Attachment 1: Sample terms of reference for a Grievances Subcommittee/investigator
- Attachment 2: Dealing with complaints and grievances

AUTHORISATION

This policy was adopted by the Executive Committee of WPSA on October 2012.

REVIEW DATE: 2013

ATTACHMENT 1

Sample terms of reference for a Grievances Subcommittee

DATE ESTABLISHED: 15/11/2012

PURPOSE

- A Grievances Subcommittee has been established by the President of WPSA Executive Committee to investigate and resolve grievances lodged with WPSA.

MEMBERSHIP

Three people are nominated by the President, and membership must include a minimum of one Applications Office staff member.

TIME PERIOD NOMINATED

The Grievances Subcommittee shall be appointed as required.

MEETING REQUIREMENTS

The subcommittee convenor is responsible for organising meetings as soon as is practicable after receiving a complaint or grievance.

DECISION-MAKING AUTHORITY

The subcommittee is required to fulfil only those tasks and functions as outlined in these terms of reference.

The President may decide to alter the decision-making authority of the subcommittee at any time.

BUDGET ALLOCATION

All expenditure to be incurred by the subcommittee must be approved by the Executive Committee. A request in writing must be submitted by the subcommittee.

REPORTING REQUIREMENTS OF THE SUBCOMMITTEE

- The subcommittee is required to keep minutes of all meetings held. These are to be kept in a secure file.
- The convenor is required to present a written report to the Executive Committee about the grievance, ensuring that privacy and confidentiality are maintained.

TASKS AND FUNCTIONS OF THE GRIEVANCES SUBCOMMITTEE

- Responding to complaints in a timely manner
- Investigating all complaints received in a discreet and responsible manner
- Implementing the procedures outlined in Attachment 2 – Dealing with complaints and grievances
- Acting fairly and equitably, and maintaining confidentiality at all times
- Keeping the President informed about complaints that have been received and the outcomes of investigations
- Providing the President with recommendations for action
- Ensuring decisions are based on the evidence that has been gathered
- Reviewing the terms of reference of the Grievances Subcommittee at commencement and on completion of their term. Suggestions for alterations are to be presented to and approved by the Executive Committee.

ATTACHMENT 2

Dealing with complaints and grievances

DEALING WITH A COMPLAINT

When a complaint is received, the person to whom the complaint is addressed will:

- inform the complainant of the service's *Complaints and Grievances Policy*
- encourage the complainant to resolve the complaint with the person directly, or to submit their complaint in writing
- enter the complaint in the *Complaints and Grievances Register* (refer to *Definitions*) together with the outcome
- ensure confidentiality is maintained with regard to all meetings and discussions in relation to complaint
- inform the President if the complaint escalates and becomes a grievance (refer to *Definitions*), or is unable to be resolved appropriately in a timely manner.

DEALING WITH A GRIEVANCE

When a formal complaint or grievance is lodged with the service:

- the staff member receiving the formal complaint or grievance will record all relevant details regarding the grievance in the *Complaints and Grievances Register* (refer to *Definitions*) and immediately inform the President
- the President must inform the service's Grievances Subcommittee, if there is one, or appoint an investigator(s) to investigate the grievance

GRIEVANCES SUBCOMMITTEE RESPONSIBILITIES AND PROCEDURES

In the event of a grievance being lodged, the Grievances Subcommittee will:

- convene as soon as possible to deal with the grievance in a timely manner
- disclose any conflict of interest relating to any member of the subcommittee. Such members must stand aside from the investigation and subsequent processes
- consider the nature and the details of the grievance
- maintain appropriate records of the information and data collected, including minutes of meetings, and copies of relevant documentation relating to the grievance
- respect the confidential nature of information relating to the grievance. The President and the subcommittee must handle any grievance in a discreet and professional manner
- store all written information relating to grievances securely.

INVESTIGATING THE GRIEVANCE AND GATHERING RELEVANT INFORMATION

When investigating the grievance and gathering relevant information, the Grievances Subcommittee will:

- meet with individual witnesses, and give right of reply to the person against whom the allegations are made in relation to any accusation or information relating to an alleged incident
- The President will inform the complainant of the procedures for dealing with the grievance
- document the time, date and detail of meetings/discussions, and follow this up with a letter to the complainant outlining the information discussed
- review relevant information and documents
- obtain any other relevant information or documentation that will assist in resolving the grievance
- seek advice, where appropriate, from individuals and organisations that may be able to assist in resolving the grievance (any cost in seeking advice will require prior approval by the Executive Committee).

FOLLOWING THE INVESTIGATION

Once the investigation of the grievance is complete, the Grievances Subcommittee will:

- endeavour to resolve the grievance by mutual agreement of the parties involved
- meet to discuss the information gathered and determine further action, including generating recommendations to be presented to the President
- ensure that any recommendations or actions are in accordance with relevant legislation and funding requirements including, but not limited to:
 - *Education and Care Services National Law Act 2010*
 - *Education and Care Services National Regulations 2011*
 - *Victorian kindergarten policy, procedures and funding criteria*
- report outcomes that may include relevant information gained in investigations and consultations to the President and, where required, provide any recommendations for consideration by the President
- The President will review the report and any subcommittee recommendations and will be responsible for making decisions on the action to be taken (if any), including relevant review mechanisms
- advise the complainant and other relevant parties of any decisions made by the President in relation to the grievance
- follow up to ensure the parties involved are satisfied with the outcome and monitor progress on any actions taken by the President.