

## 1. RATIONALE

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

It is foreseeable that feedback will include divergent views, which may result in complaints. This policy details the Hills Montessori 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.

Grievances or concerns may arise from time to time and it is important that these are handled as quickly as possible and not ignored. Any unexpressed or unresolved grievance can often escalate unnecessarily.

Hills Montessori School is interested in bringing about an amicable resolution to any grievance or concern raised by parent or staff. All input even if negative is treated positively as a means to improving the service provided. Anyone has the right to voice a concern or complaint on any school-related issues.

## 2. AIM

- 2.1 To provide the best possible service and environment for the children, their families and staff.
- 2.2 To provide avenues for people to voice their complaints or concerns.
- 2.3 To ensure that complaints/concerns are dealt with appropriately.
- 2.4 To ensure that everyone involved is aware of the results of the discussions.

## 3. PURPOSE

- 3.1. 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:
  - 3.1.1. Procedural fairness and natural justice
  - 3.1.2. Code of ethics and conduct
  - 3.1.3. Culture free from discrimination and harassment
  - 3.1.4. Transparent policies and procedures
  - 3.1.5. Opportunities for further investigation
  - 3.1.6. Adhering to our Service philosophy

## 4. DEFINITIONS

- 4.1. **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).
- 4.2. **Complaints and Grievances Register:** Records information about complaints and grievances received at the centre, 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 Nominated Supervisor of the service to ensure children and family's needs are being met.
- 4.3. **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 service is in breach of a regulation causing injury or possible harm to a child.
- 4.4. **Mediator:** A person who attempts to make people involved in a conflict come to an agreement.
- 4.5. **Mediation:** An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.
- 4.6. **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 service may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor 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 Head of School 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:

- 4.6.1. details of the event or incident
- 4.6.2. the name of the person who initially made the complaint\
- 4.6.3. if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- 4.6.4. contact details of a nominated member of the Grievances Subcommittee
- 4.6.5. 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).

- 4.7. **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 centre in contravention of the Education and Care Services National Regulations (ECSNR) or is mistakenly locked in/out of the centre 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 centre (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183 of ECSNR.

## 5. IMPLEMENTATION

- 5.1. Grievances can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive environment. The Concerns & Grievance Policy ensures that all persons are presented with procedures that:
  - 5.1.1. Value the opportunity to be heard
  - 5.1.2. Promote conflict resolution
  - 5.1.3. Encourage the development of harmonious partnerships
  - 5.1.4. Ensure that conflicts and grievances are mediated fairly
  - 5.1.5. Are transparent and equitable.
- 5.2. Whilst every grievance will be treated as confidential, management at the School may generalise the details to protect the identities of the parties involved if it is felt that staff need to be involved in discussions on the issue.
- 5.3. Policies relating to the grievance may need to be reviewed if any changes to practice are deemed to be necessary. Staff may be consulted in determining any changes needed to school policy and procedures. It is the responsibility of the Board to ensure the Head of School makes and implements these amendments to the Policy.
- 5.4. **Principles Of Fairness and Natural Justice**

The Hills Montessori School aspires to operate using the principles of natural justice. This means that when a complaint is made or when any unfavourable witness statements are recorded, the person against whom any allegation has been made shall be treated in accordance with the following principles of natural justice:

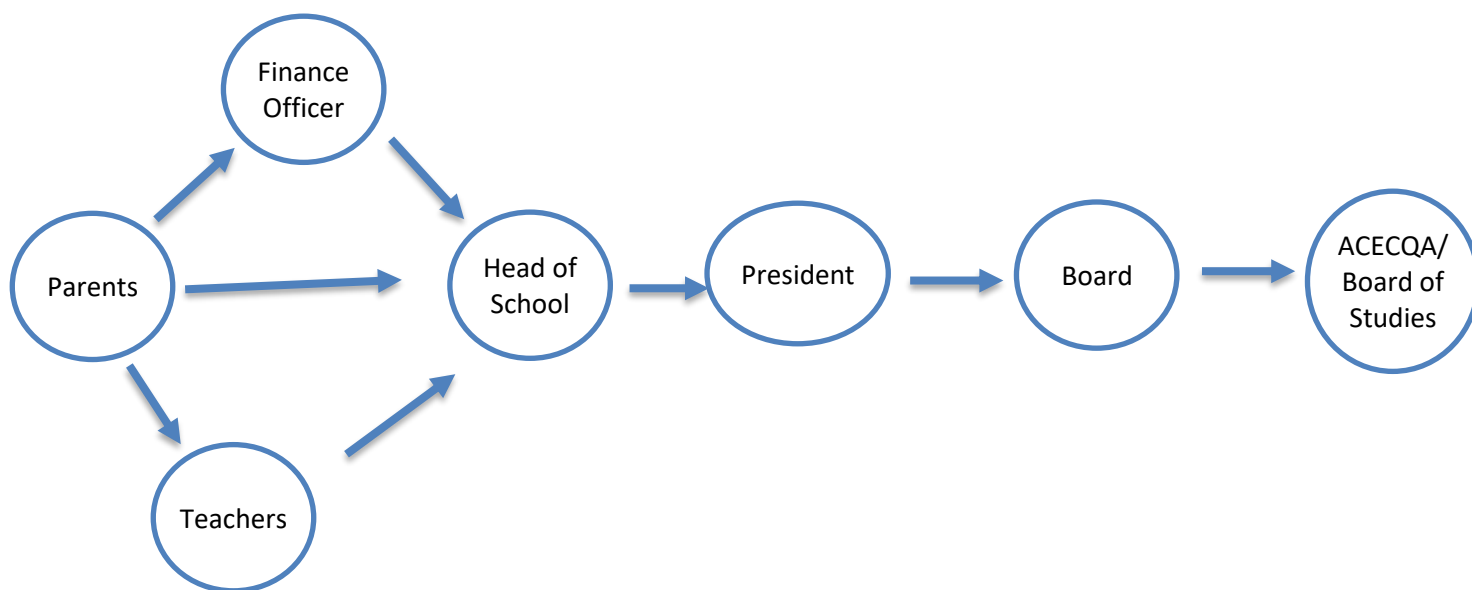
  - 5.4.1. To be fully informed of any allegation made against them
  - 5.4.2. The right to be heard fairly, given the opportunity to state their case, provide an explanation or put forward a defence
  - 5.4.3. Provided a proper investigation of the allegations that all interested parties have been heard and relevant submissions considered.
  - 5.4.4. The right to an unbiased decision made by an objective decision maker.
  - 5.4.5. They shall be afforded fair decision-making based on relevant evidence.
- 5.5. **Privacy and Confidentiality**

All staff and Board members involved 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.

## 5.6. Conflict of Interest

- 5.6.1. It is important for the complainant to feel confident in
  - a. Being heard fairly
  - b. An unbiased decision making process
- 5.6.2. Should a conflict of interest arise during a grievance or complaints that involves the Head of School, the Nominated Supervisor or other Management an alternative mediator will be nominated.

## 5.7. Lines of Communication for Concerns or Grievances



## 5.8. The Board / Head of School will:

- 5.8.1. Treat all grievances seriously and as a priority
- 5.8.2. Ensure grievances remain confidential
- 5.8.3. Ensure grievances reflect procedural fairness and natural justice
- 5.8.4. Discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- 5.8.5. Investigate and document the grievance fairly and impartially
- 5.8.6. This will consist of:
  - a. Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
  - b. Discussing the nature of the complaint (or breach) and giving an educator, staff member, volunteer or visitor an opportunity to respond.
  - c. 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).
  - d. Providing the employee with a clear written statement outlining the outcome of the investigation.
- 5.8.7. Advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
- 5.8.8. Should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
- 5.8.9. 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.
- 5.8.10. Monitor ongoing behaviour and provide support as required.
- 5.8.11. Ensure the parties are protected from victimisation and bullying.
- 5.8.12. Request feedback on the grievance process using a feedback form.
- 5.8.13. Track complaints to identify recurring issues within the Service.

5.8.14. 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.

**5.9. Educators, staff, volunteers and visitors will:**

5.9.1. Raise the grievance or complaint directly with the person they have grievance with in a professional manner and at an appropriate time. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should be based on the principles of privacy, confidentiality, respect and open-mindedness, will not involve other educators, staff, volunteers or visitors (e.g. parents) and will take place away from children.

5.9.2. Raise the grievance or complaint with the Head of School or President of Hills Montessori Society if they are unable to resolve the concern, or feel uncomfortable raising the matter directly with the person concerned.

5.9.3. Provide all relevant information, outlining the issue, identifying any other person involved in the problem and any suggested solution.

5.9.4. Communicate openly about the issue with the relevant parties.

5.9.5. Raise any grievance involving suspected or actual unlawful activity (including bullying) with the Approved Provider or Nominated Supervisor immediately and privately.

**5.10. Educators, staff, volunteers and visitors will not:**

5.10.1. Become involved in complaints or grievances that do not concern them.

5.10.2. Raise complaints with an external complaints body, such as a court or Tribunal, without exhausting the School's grievance procedures.

**6. PROCEDURES - Parent Grievances**

6.1. To ensure fairness for all, these procedures should be followed in order. The Head of School should be informed of any discussions held with parents.

6.1.1. The parent is directed to the appropriate person related to the grievance:

a. The Directress on matters relating to the classroom and program

b. The Head of School for issues relating to school procedure or as the next level if discussions with the directress are unresolved.

c. The Finance officer for enquiries on fees and invoices only.

d. The President of Hills Montessori Society through the Head of School, on issues relating to school management or, as the next level, if discussion with the Head of School or Finance officer are unresolved.

e. The Board as the next level if issues with the President are unresolved.

6.1.2. If the concern or grievance is about the Head of School or President, a meeting may be organised which may omit that person from the proceedings initially but an opportunity must be provided 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 two people.

6.1.3. The Concerns & Grievance Form needs to be filled out either by the parent or notes taken during a meeting with the person. This form must be signed by the parent or person making the complaint.

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

6.1.5. The Head of School and the President of Hills 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 Concerns & Grievance Form.

6.1.6. The Concerns & Grievance form should be added to every time there is a discussion or action related to this incident until it is fully resolved.

6.1.7. To ensure procedural fairness for all it is important that all discussions are minuted and signed by 2 people involved in the discussion including the person making the complaint, as well as the Head of School if not one of these 2 people.

6.1.8. Minutes are then filed in the Concerns & Grievances register along with any other documentation or evidence. Access to this file is limited to the President and the Head of School. Confidentiality on any issue is respected at all times.

6.1.9. Throughout the procedures all parties must be made aware of their opportunity to access the Department of Education and ACECQA.

- 6.1.10. Complaints regarding the following allegations, which are not of a trivial nature, will be provided to the Director-General of Department of Education / ACECQA by way of a written notice within one week of notification:
  - a. A contravention of the Act or this Regulation by the licensee or member of staff of Hills Montessori School
  - b. A contravention of a condition of the Hills Montessori license or an approval by the licensee or member of staff of Hills Montessori School
  - c. The safety, health or well-being of a child attending the Hills Montessori School has been compromised while attending the school.
- 6.1.11. Items presented to the Board
  - a. If issue is still not resolved, the matter can be referred to the School Board by way of a written submission outlining the problem and the proposed solution(s). The submission must be given to the Secretary at least one week before the next Board meeting in order for it to be included on the agenda. If issue needs to be dealt with urgently, a meeting can be called with at least 3 Board members outside a regular board meeting.
  - b. A written notification will be made to the parent within 14 days of the meeting.

## **7. PROCEDURES - Staff Grievance**

- 7.1. Staff members are encouraged to express any suggestions, concerns and complaints they may have about the operation of the school so that action can be taken to improve the quality of care being provided to the children, either directly or indirectly through better working conditions for staff.
- 7.2. We acknowledge that conflict is a natural part of the work environment. It is important that all conflict is resolved. Unresolved conflict can lead to tension; stress; low productivity; bitter relationships; excess time off; ill health; anxiety and many other destructive emotions. When conflict is addressed and handled constructively the outcomes are feelings of relaxation; openness; high productivity; vitality; good health, empowerment; a sense of achievement etc.
- 7.3. Positive communication between educators is vital to the smooth running of the Service and to ensure a positive environment for children. Educators are expected to treat other educators with respect, accept differences and share ideas. It is every staff member's responsibility to contribute to the development of an open, healthy and constructive work environment. All grievances, whether considered minor or not, are to be dealt with promptly, professionally and thoroughly.
- 7.4. The staff at Hills Montessori School are expected to look at conflict in a positive way, ready to learn something new, reflect on good quality practice, improve work relationships and ultimately provide better care and education for children.
- 7.5. Employees are also to be aware of their responsibility in being good role models for children in their handling not only of conflict with work colleagues, but with children, parents and other associates.
- 7.6. Employees should regularly reflect on the Code of Ethics- Early Childhood Australia for guidance and direction of appropriate behaviour when dealing with conflict. The Code of Ethics states that all team members should "make every effort to use constructive methods to resolve differences of opinion in the spirit of collegiality."
- 7.7. Dependent on the seriousness of the grievance in the complainant's view, the staff member may lodge the grievance:
  - 7.7.1. verbally with the person concerned or the Teacher of the class
  - 7.7.2. in a written form to the Head of School
  - 7.7.3. at a staff meeting.
- 7.8. If the grievance involves another staff member:
  - 7.8.1. The complainant is expected to speak confidentially to the Head of School and to treat the matter as private i.e. not speak to other staff members
  - 7.8.2. All persons involved are expected to act professionally and not allow their dispute to impinge on the quality of care being provided to the children
  - 7.8.3. The Head of School will arrange a meeting as soon as possible to resolve the conflict. The President or other nominated Board member may also be involved in the first meeting or called upon in subsequent meetings if no resolution is agreed upon.

- 7.9. If the grievance involves the operation of the school:
  - 7.9.1. The person needs to speak to the Head of School and/or the President.
  - 7.9.2. If a staff member is dissatisfied with the action taken in response to their grievance, then they may follow procedures for lines of communication for concerns and grievances in 5.7.
  - 7.9.3. The staff member should be aware that no punitive action would be taken against him/her for expressing a grievance about anything happening in the school. However, staff are expected to abide by the decisions reached amicably to resolve the matter for all parties concerned.
- 7.10. A Concerns & Grievance Form must be filled out preferably during the initial discussion and signed by all parties involved in the discussion as to its accuracy. Otherwise a copy to be sent to each person in the discussion by the staff or board member involved, within 24 hours for verification.
- 7.11. The form must be filled in at each meeting relating to the issue and include the following:
  - 7.11.1. People in attendance
  - 7.11.2. Review of record of previous meetings if any
  - 7.11.3. Issue and any previous unsatisfactory decisions or actions discussed
  - 7.11.4. Actions to be performed and time frames for this
  - 7.11.5. Signatures of people involved in meeting to verify records are correct.
- 7.12. The Head of School must ensure the complaint is recorded on the Concerns & Grievance Form and stored in the Complaint Register (Regulation 168(2)(o) of the licensing regulations: Education and Care Services National Regulations 2011).
- 7.13. If more than two meetings are held at any one level any person involved should refer to the next level to ensure the situation is dealt with as amicably and efficiently as possible.
- 7.14. The Approved Provider/ Nominated Supervisor will:
  - 7.14.1. Treat all grievances seriously and as a priority
  - 7.14.2. Ensure grievances remain confidential if required
  - 7.14.3. Ensure grievances reflect procedural fairness and natural justice
  - 7.14.4. Discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
  - 7.14.5. Investigate and document the grievance fairly and impartially. This will consist of:
    - a. Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
    - b. Discussing the nature of the complaint (or breach) and giving an educator, staff member, volunteer or visitor an opportunity to respond.
    - c. 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).
    - d. Providing the employee with a clear written statement outlining the outcome of the investigation
  - 7.14.6. Advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
    - a. Management will provide a written response outlining the outcome and provide a copy to all parties involved.
    - b. If a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflects the resolution and sign in agreement.
  - 7.14.7. Should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
  - 7.14.8. 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.
  - 7.14.9. Monitor ongoing behaviour and provide support as required.
  - 7.14.10. Ensure the parties are protected from victimisation and Bullying.
  - 7.14.11. Request feedback on the grievance process using a feedback form.
  - 7.14.12. Track complaints to identify recurring issues within the Service.
  - 7.14.13. 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.

**7.15. Educators, staff, volunteers and visitors will:**

- 7.15.1. Be aware of the possible ramifications of their actions when dealing with staff issues.
- 7.15.2. Raise the grievance or complaint directly with the person they have grievance with in a professional manner and at an appropriate time. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should be based on the principles of privacy, confidentiality, respect and open-mindedness, will not involve other educators, staff, volunteers or visitors (e.g. parents) and will take place away from children.
- 7.15.3. Raise the grievance or complaint with the Approved Provider/Management or Nominated Supervisor. If they are unable to resolve the concern, or feel uncomfortable raising the matter directly with the person concerned. The Approved Provider or Nominated Supervisor (or other manager) may ask for the issue to be put in writing.
- 7.15.4. Provide all relevant information, outlining the issue, identifying any other person involved in the problem and any suggested solution.
- 7.15.5. Communicate openly about the issue with the relevant parties.
- 7.15.6. Raise any grievance involving suspected or actual unlawful activity (including bullying) with the Approved Provider or Nominated Supervisor immediately and privately.
- 7.15.7. Maintain confidentiality at all times.
- 7.15.8. Maintain professionalism at all times.

**7.16. When the persons involved cannot resolve the grievance between them in a constructive and professional way the following steps will be followed:**

- 7.16.1. **The aggrieved person is to contact their immediate supervisor who will act as Mediator.** The Mediator will have an interview with the persons involved and clarify the facts, work out whether advice is needed from other sources, discuss options available and help to formulate a plan of action.
- 7.16.2. If an employee does not feel comfortable in approaching their supervisor, or the conflict is with their immediate supervisor, they can contact the next level of management to act as Mediator.

**7.17. If an amicable resolution does not occur at this meeting the Mediator is to present a report to the next level of management outlining:**

- 7.17.1. The nature of the grievance
- 7.17.2. The procedures followed to date
- 7.17.3. The solution(s) sought
- 7.17.4. The recommended plan of action or resolution

**7.18. If an agreement is reached the mediator is to present a report to the next level of management outlining:**

- 7.18.1. The nature of the grievance
- 7.18.2. The procedures followed to date
- 7.18.3. The solution(s) agreed upon
- 7.18.4. The plan of action to reach this solution and review time if warranted
- 7.18.5. A copy of this report is to be provided to all persons involved in the grievance, and a copy is to be retained at the workplace.

## 8. NOTE:

- 8.1. **Resolution of Grievances:** Grievances are considered resolved when all persons involved agree to a solution, when the cause of the grievance has been removed or resolved, and when arrangements have been made, if appropriate to repair any damage and distress suffered by the persons involved. Strategies agreed upon by both parties are to be put in place to help avoid further conflict.
- 8.2. **Unresolved Conflict:** If resolution of the conflict is unsuccessful after all procedures in Grievance Policy have been followed it may then be necessary to take disciplinary action.
- 8.3. **Confidentiality:** Mediators are to use discretion and to do their utmost to maintain confidentiality. Any breach of this confidentiality could result in a charge of misconduct. However, confidentiality cannot be guaranteed in the following situations: if it is considered that someone is in danger, if disciplinary action or criminal investigation might be necessary; or if employer liability might be involved. No action will be taken against the person about whom a formal complaint is lodged until they are made aware of any allegations so that they may respond.
- 8.4. **Support Person:** A Staff member (members) is able to nominate a support person to attend any meetings with them. This person may be a union representative.
- 8.5. **Educators, staff, volunteers and visitors will not:**
- 8.5.1. Become involved in complaints or grievances that do not concern them.
- 8.5.2. Raise complaints with an external complaints body, such as a court or Tribunal, without exhausting our grievance procedures.

## 9. STORAGE

- 9.1. The Grievance and Complaints file is to be stored in the locked files in the office.
- 9.2. Access to these files is limited to the Head of School and President of the Hills Montessori Society.
- 9.3. 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 committee member at the end of their term but handed in to the Head of School
- 9.4. A representative of the Department of Education has the right to read, copy or take away these records to copy.

### LEGISLATIVE LINKS

- ❖ *Education and Care Services National Regulations 2011: (ECSNR) Part 4.2 Division 2*
  - 84 Child Protection
  - 168 Policies & Procedures required
  - 173 prescribed information to be displayed
  - 176 Time to notify certain information to Regulatory Authority
- ❖ *National Quality Standard 2018:*
  - 4.1.1 Organisation of educators
  - 4.1.2 Continuity of staff
  - 4.2 Professionalism of staff
  - 4.2.1 Collaboration of staff and management
  - 4.2.2 Professional standards
  - 6.1 Supportive Relationships with families
  - 6.1.2 Parent views are respected
  - 6.2 Collaborative partnerships
  - 7.1.2 Management Systems
- ❖ *Registered and Accredited Individual Non-Government Schools (NSW) Manual: Dec 2017*
  - 3.6 Safe & Supportive Environment

### LINKS TO OTHER POLICIES

- ▲ Child Protection
- ▲ Confidentiality
- ▲ Storage of Records

### LINKS TO OTHER DOCUMENTS

- Parent handbook
- Staff handbook

### OTHER RESOURCES

- Child Care Desktop
- <http://acecqa.gov.au/>
- Human Rights and Equal Opportunities Commission: <https://www.humanrights.gov.au/>
- Fair Work Australia: <https://www.fairwork.gov.au/>
- Ombudsman: [http://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf](http://www.ombudsman.gov.au/_data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf)

### REVIEW DATES

Updated: 17 July 2019  
Ratified:  
Reviewed: 28 January 2020