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## COMPLAINTS /GRIEVANCE POLICY

This policy recognises that all Centre users and staff / volunteers of Merinda Park Learning and Community Centre (MPLCC) have the right to have resolved, any complaint or grievance they have in regards to service, products, facilities, management and/or treatment received from MPLCC

All disputes or complaint/grievances will be handled professionally and confidentially in order to achieve a satisfactory resolution. An aggrieved person should feel free to use this policy without fear of retribution.

All parties will have a clear understanding of the steps involved in the complaint/grievance procedure.

All complaints / grievances will be managed fairly and equitably and as efficiently as possible and in accordance with the Procedure.

MPLCC will commence a resolution process of any complaint/grievances fairly and equitably within five (5) working days.

Students may raise any matters of concern relating to training, delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues, which may arise. Students will be provided with details of external authorities they may approach, if required.

The policy provides an avenue for most complaint/grievances to be addressed, however, in some cases alternative measures may need to be explored.

MPLCC will encourage the parties to approach a complaint/grievance with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint/grievance cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to mediate between the parties.

## COMPLAINTS/ GRIEVANCE PROCEDURE

### Centre Users

It is the objective of this procedure to ensure that complaints are resolved by negotiation and discussion between each party and where the complainant is under 18 years of age they will be supported by an adult.

All complaints and grievances will be taken seriously and the finding incorporated into procedures as appropriate, in accordance with the Centre continuous improvement practices.

## For student complaints / grievance:-

1. The student should initiate discussion with the relevant Trainer about the complaint/grievance so that the Trainer can attempt to resolve the matter.
2. If a student is dissatisfied with the way in which the complaint or appeal was handled, or the outcome and therefore feel it cannot be resolved then it should be referred to the Education Manager for mediation. The VET Training Manager will identify the main issues of the complaint and will attempt to resolve the matter.
3. If a student still believes they still have grounds for being dissatisfied with the outcome and/or the process and feel the matter is still unresolved then write an official letter addressed to the Chief Executive Officer (C.E.O.) stating your concerns, suggestions, complaints or complaint/grievance. The C.E.O will make an appointment with parties involved to attempt to resolve the complaint/grievance.
4. If the matter relates to **dissatisfaction with assessments** the CEO will convene a review panel comprising of the CEO and an independent assessor (one who has not previously assessed the student but is qualified to do so) and review the assessment in dispute. The student will be advised in writing of the outcome of the review and the courses of action available to them if they still dispute the assessment.
5. **For complaints regarding other matters**, the CEO will investigate the student's complaint and will inform the student in writing of the findings of the investigation and the course of action available to them if they are still dissatisfied.
6. If it is unable to be resolved at this level, the complaint/grievance can then be referred to the Committee of Management who could then suggest appropriate action.
7. Matters relating to training - If the complaint/grievance is still unresolved, it may be referred to the Victorian Registration and Qualifications Authority (VRQA). [www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au). Assessment dissatisfaction needs to be referred to the Assessment Policy and Procedure
8. Matters in the Children's Services area – refer to the section "Children's Services" in this policy
9. Each complaint, complaint/grievance, appeal and its' outcome is recorded in writing.
10. Each appellant is given a written statement of the appeal outcome, including reasons for the decision.
11. Where the person making the complaint is under 18 years of age it is expected that this person must be accompanied to any meetings with a parent, guardian or advocate. All other persons may bring a support person to any arranged meeting.
12. All matters discussed with regards to the complaint process will remain confidential at all times.

Financial matters need to be directed to the Centre Administration Manager or C.E.O.

## Children's Services

In our Children's Services programs the Children's Services Manager will investigate all complaints and grievances fairly. Complaints and grievances can come from anyone who is in use of the Centre and the programs within the Children's Services.

Children and families should raise their concerns, suggestions, complaints / grievance with the senior staff member on duty (Educational Leader) and if not completely satisfied with the decision, arrange to speak to the Children's Services Manager.

Any concerns about any aspect of our Children's Services program can be addressed as follows:

1. The Children's Services Manager, Athena Jones
2. MPLCC CEO, Jan Gilchrist - Approved Provider
3. The President MPLCC Committee of Management, PO Box 7144, Cranbourne North 3977
4. Department of Education and Early Childhood Development, Level 3 165-169 Thomas Street, Dandenong 3175. Phone 1300 555 526

The Approved Provider being the CEO has the overall responsibility for complaints and grievances but Children’s Services Manager and Room Leaders will attempt to resolve the issue initially.

The CEO as Approved Provider or delegate (Athena Jones) 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
- identifying, preventing and addressing potential concerns before they become formal complaints / grievances
- ensuring that the name and telephone number of the Responsible Person to whom complaints and grievances may be addressed are displayed prominently at the main entrance of the service (Regulation 173(2)(b))
- ensuring that the address and telephone number of the Authorised Officer at the DEECD regional office are displayed prominently at the main entrance of the service (Regulation 173(2)(e))
- advising parents/guardians and any other new members of the complaints and grievances policy and procedures upon enrolment or employment
- ensuring that this policy is available for inspection at the service at all times (Regulation 171)
- 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 complaints and grievances are recorded along with outcomes
- maintaining confidentiality at all times
- receiving recommendations from the CEO and taking appropriate action.
- referring notifiable complaints (refer to Definitions), grievances (refer to Definitions) or complaints that are unable to be resolved appropriately in a timely manner
- informing DEECD in writing within 24 hours of receiving a notifiable complaint (refer to Definitions) (Act 174(4), Regulation 176(2)(b))

**Parents/ guardians also have responsibilities** and should abide by these when there is a need to raise an issue without going directly to the complaints and grievance procedures

- communicating verbally or written any concerns relating to the management or operation of the service as soon as is practicable
- raising any unresolved issues or serious concerns directly with the CEO or Children’s Services Manager
- maintaining complete confidentiality at all times
- co-operating with requests to meet with the Manager and/or provide relevant information when requested in relation to complaints and grievances.

**Educators who receive a complaint:**

- respond to and resolve 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)
- inform the Educator Room Leader and the Children’s Services Manager of the issue/s that have arisen and the outcome
- Educators who receive a grievance:
  - listen to the person making the grievance, maintaining professionalism and integrity at all times
  - inform them you will pass this grievance onto the Educator Room Leader and the Children’s Services Manager for investigation

**Children’s Services Manager receives a complaint will:**

- respond to and resolve issues as they arise where practicable maintaining professionalism and integrity at all times
- informing complainants of the service’s Complaints Policy
- maintaining confidentiality at all times
- discussing minor complaints directly with the person/persons 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)

- inform the CEO of the issue/s that have risen and the outcome
- providing all the information so that the CEO can record all complaints and grievances in the Complaints and Grievances Register (refer to Definitions)
- notify the CEO in a timely manner if the complaint escalates and becomes a grievance (refer to Definitions), is a notifiable complaint (refer to Definitions) or is unable to be resolved appropriately in a timely manner providing all written reports relating to the grievance
- working co-operatively with the CEO and DEECD in any investigations related MPLCC Children's Services programs or Educators. listen to the person making the grievance ,maintaining professionalism and integrity at all times

## Definitions

**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 (including general and notifiable complaints). Complaints do not include industrial or employment matters, occupational health and safety matters (unless related to the safety of the children) and issues related to the legal business entity.

**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 will be kept in a secure file, accessible only to the CEO and Managers. The register can provide valuable information to the Manager on meeting the needs of children and families at the service.

**General complaint:** A general complaint may address any aspect of the service e.g. a lost clothing item or the service's fees. Services do not have to inform DEECD, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

**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.

**Notifiable complaint:** A complaint that alleges a breach of the Act or Regulation, 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 to the secretary of DEECD within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If the Approved Provider is unsure whether the matter is a notifiable complaint, it is good practice to contact DEECD for confirmation. Written reports to DEECD 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 reporting the notifiable complaint
- 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)

**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 service in contravention of the Regulations or is mistakenly locked in/out of the service 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 (DEECD) must be notified within 24 hours of a serious incident occurring at the service (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

## Relevant Legislation

- Education and Care Services National Law Act 2010: Section 174(2)(b)
- Education and Care Services National Regulations: Regulations 168(2)(o) and 176(2)(b)
- National Quality Standard, Quality Area 7: Leadership and Service Management
- The terms defined in this section relate specifically to this policy.

## Sources

- Education and Care Services National Regulations (regulation 168 (2) (a)(iii))
- National Quality Standard 7
- ACECQA: [www.acecqa.gov.au](http://www.acecqa.gov.au)

## Staff Procedure

Complaint/grievance procedures are included in most awards and are there to protect and foster a positive working environment for staff. When disputes arise between workers the approved disputes resolution process will be:

1. Attempt to resolve the concerns suggestions complaint/grievance or complaint by discussion with other worker,
2. Where this is not successful, the two workers should approach their Manager to mediate. If one of the workers do not want to do this, the other worker should feel free to make the approach.
3. Where this does not resolve the dispute, or the dispute is between the Manager and worker, the matter should be referred to the C.E.O. to become involved in the process.
4. Where this is not successful the raised comments, suggestions, grievance or complaint, should be referred to the Committee of Management. The Committee needs to be advised of all previous meetings attempting to resolve the matters.
5. Where the grievance is with the CEO, the staff member shall refer it to ALL committee of management members via email. [committee@merindapark.com.au](mailto:committee@merindapark.com.au). The COM would call a meeting at its' earliest convenience from the time of receiving the grievance with the staff member.

**Note:** In the interests of continuing harmonious working relationships between workers, and workers and the Committee, these processes should be followed in any dispute, and no discussion of issues should occur outside the process. This is essential to maintain teamwork, trust, confidentiality and the professional profile of Merinda Park Learning & Community Centre, Inc