

# GENERAL COMPLAINTS AND GRIEVANCES POLICY

## Policy Statement

Highgate School Outside School Hours Care (Highgate OSHC) 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.

Complaints or grievances may be received from anyone who comes in contact with Highgate OSHC including families, volunteers, students, members of the local community and other agencies. In most cases dealing with complaints and grievances will be the responsibility of the Approved Provider. All complaints and grievances when lodged need to be initially assessed to determine whether they are a general or a notifiable complaint (refer to Definitions).

## 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 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, accessible only to educators and the Director of the service. The register can provide valuable information to the Approved Provider on meeting the needs of children and families at the service.

*Grievance:* (In relation to this policy) 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 a Regulation or alleges that the health, safety or wellbeing of a child at the service may have been compromised. 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)

## Complaint Responsibilities

The following obligations apply to the Approved Provider, being Highgate School Governing Council:

Complaint notification – The Approved Provider is required to notify the regulatory authority of a complaint that alleges:

- A serious incident has occurred or is occurring while a child is being educated and cared for by a service
- The National Law and/or National Regulations have been contravened. See Fact Sheet: “*Key Changes to Notifications, Changes and Incidents*”: which includes definitions of ‘serious incidents’ and ‘emergency’.

The Approved Provider is also 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 philosophy, and complaints and grievances policy and procedures.
- Identifying, preventing, and addressing potential concerns before they become formal complaints or grievances.
- Ensuring that the name and telephone number of the Nominated Supervisor to whom complaints and grievances may be addressed is displayed prominently at the main entrance of the service (Regulation 173(2b)).
- 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.

When raising a concern or complaint with staff, families can expect to:

- Be treated with respect, courtesy and consideration.
- Have the complaint dealt with in a confidential and timely manner.
- Have the complaint considered impartially.
- Be kept informed of the process and outcome of their complaint.

The staff at Highgate OSHC request that when making a complaint families will:

- Treat other parties with respect, courtesy and maintain confidentiality.
- Raise the concern or complaint as soon as possible after the issue has arisen.
- Provide complete and factual information about the concern or complaint.
- Ask for assistance or further information as needed.
- Act in good faith to achieve an outcome acceptable to all parties.
- Have realistic and reasonable expectations about what course of action is required to resolve the concern or complaint.

### **Grievance Procedures**

- The grievance will be kept confidential and discussed with one or all of the options (in the following order):
  - with the Director
  - with the OSHC Advisory Committee
  - with the Highgate School Principal or delegate
  - with Governing Council as the employing body and approved provider, as required.

From this, a course of action will be taken with all parties on agreement.

A follow up meeting or written response will be given, stating the final decision or outcome depending on grievance.

### **Complaint Procedures**

- Families will be provided with clear written guidelines detailing grievance procedures.
- Families will be provided with information about the service's philosophy, policies and procedures.
- All confidential discussions with families will take place in a quiet area away from others.

- Families' names remain confidential. Families will have the option of remaining anonymous in providing written information.

### **Family and staff conflict**

- The family should discuss the problem with the relevant staff member.
- If, after discussion with the relevant staff member, the family feels action is necessary, they should take the matter up with the Director.
- If the family still feels the problem is not resolved, the Director may offer to take the matter to the OSHC Advisory Committee for guidance, or the family may write directly to the OSHC Advisory Committee to explain the problem.
- The OSHC Advisory Committee will advise the Director of its decision and the Director will convey that decision to the family and staff member concerned, or the OSHC Advisory Committee will write directly to the family concerned to advise of the decision.

### **Family and management conflict**

- The family should discuss the problem with the Director.
- If the family still feels, after discussion with the Director, action is necessary, they should ask the Director to raise the issue at the next OSHC Advisory Committee meeting. Alternatively, the family may write directly to the OSHC Advisory Committee to explain the problem.
- The OSHC Advisory Committee will advise the Director of its decision and the Director will convey that decision to the family concerned, or the OSHC Advisory Committee will write directly to the family concerned to advise of the decision.
- If the family still feels the problem is not resolved they can request a meeting with the OSHC Advisory Committee Chairperson to discuss the matter further. The OSHC Advisory Committee Chairperson will discuss the issue further at the next OSHC Advisory Committee meeting, at which time the OSHC Advisory Committee's final decision will be made. The OSHC Advisory Committee Chairperson will write directly to the family to advise of the final decision.
- The Director or Principal will provide the family with appropriate departmental contact names and numbers if the family believe the grievance is not resolved, in addition to the Education Standards Board details being available at all times on the family information board.

### **OSHC Advisory Committee conflict**

- Committee members will be provided with clear written guidelines detailing grievance procedures.
- Committee members will be provided with clear information about their roles and responsibilities and detailed guidelines about the service's philosophy, policies and procedures.
- All discussions during committee meetings will be treated as confidential.
- Committee members unhappy with a committee recommendation or with a particular committee action may:
  - Ask to have the grievance tabled at the next meeting for open discussion, or
  - Discuss the problem with the chairperson.

- If the matter is still not resolved it will be taken to the following Governing Council meeting. The Governing Council will determine a course of action, agreed to by the majority. This will resolve the matter.

Families should be made aware of the following avenues for addressing complaints.

The following website details the procedure: <http://www.esb.sa.gov.au/early-childhood>

*“Complaints relating to Early Childhood Services*

*(Which includes Long Day Care, Family Day Care, Preschools and Out School Hours Care services)*

*Legislative information regarding the receipt and investigation of complaints relating to early childhood services may be found in the [Education and Early Childhood Services \(Registration and Standards\) Act 2011](#) Section 260(d) Functions of Regulatory Authority.*

*The Board will receive complaints from any person with a concern that relates to:*

- *non-compliance with the Early Childhood Services legislation*
- *health, safety or wellbeing of any child within a service.*

*Prior to approaching the Board with a complaint, **it would normally be expected that the matter had been discussed with the service and attempts made to resolve the issue.***

*Approved service providers are required to have:*

- *policies and procedures for dealing with complaints*
- *processes in place to ensure all grievances and complaints are addressed, investigated fairly and documented in a timely manner.*

*If you have been unable to resolve the issue with the service or there are circumstances where it is not possible or appropriate for the complaint to be managed at the local level, a complaint may be lodged with the Board on*

***(08) 8226 0077.***

***Complaints** will be:*

- *assessed for risk to the health, safety or wellbeing of any child*
- *investigated by an authorised officer*
- *reviewed for non-compliance with the legislation.*

***Action** taken will be based on the:*

- *seriousness of the matter and*
- *assessed level of risk to children.”*

Approved by Highgate School Governing Council 6<sup>th</sup> April 2021

DATE OF EFFECT: 26<sup>th</sup> April 2021

REVIEWED: 20<sup>th</sup> March 2022, 28<sup>th</sup> October 2022

TO BE REVIEWED: 28<sup>th</sup> October 2023

#### Related Documents

<http://www.acecqa.gov.au/national-quality-framework/national-law-and-regulations/national-regulations>

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)

ACECQA Fact sheet: Key changes Notifications Incidents Complaints pdf.