



# DEALING WITH COMPLAINTS STAFF POLICY



## Purpose

The purpose of this policy is to provide a clear and structured process for handling complaints and grievances in a fair, consistent, and timely manner. We believe in team collaboration to ensure a safe, healthy and harmonious work environment. 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 Insight Early Learning philosophy

## PROCEDURAL FAIRNESS AND NATURAL JUSTICE

Insight Early Learning 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
- The right to have the decision based on relevant evidence.

## Scope

This policy applies to all employees including management, the approved provider, nominated supervisor, as well as volunteers and students of the Service.

## Legislative Requirements

Education and Care National Law	
Regulations	Description
172	Offence to fail to display prescribed information
174	Offence to fail to notify certain information to Regulatory Authority
12	Meaning of serious incident
168(2)(o)	Education and care service must have policies and procedures... for dealing with complaints
170	Policies and procedures must be followed
171	Policies and procedures to be kept available
173(2)(b)	Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at the service
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

## Relevant National Quality Standard (NQS) Elements

Quality Area 6 – Collaborative Partnerships	
6.1	Respectful relationships with families are developed and maintained and families are supported in their parenting role.

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6.1.2	The expertise, culture, values and beliefs of families are respected, and families share in decision-making about their child’s learning and wellbeing.
6.2	Collaborative partnerships enhance children’s inclusion, learning and wellbeing.
<b>Quality Area 7 – Governance and Leaderships</b>	
7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality Service
7.2.1	There is an effective self-assessment and quality improvement process in place.

## Implementation

Grievances and complaints can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. This 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:** Expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. [

**Complaints and Grievances Management Register:** Records information about complaints and grievances received at the service, along with the outcomes. This complaints form includes documents that must be securely stored, accessible only to management and the Regulatory Authority. The form can provide valuable information to the Approved Provider and Nominated Supervisor of the service to ensure person’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. A workplace grievance is a complaint raised towards an employer by an employee due to a violation of legalities (workplace policies, employment contract, national standards).

**Mediator:** A person who attempts to assist and support 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 COMPLAINTS

A complaint that alleges a breach of the Education and Care Services National Law and Regulations, National Quality Standard 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 Regulatory Authority within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If the Approved Provider/Nominated Supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority 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)

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- contact details of a nominated member of the Grievances Subcommittee (or Nominated Supervisor)
- any other relevant information.

Written notification of complaints will be submitted using the appropriate forms and logged using NQA ITS (National Quality Agenda IT System).

### COMPLAINTS REGARDING CHILD PROTECTION:

Insight Early Learning strictly adheres to the National Principles for Child Safe Organizations, ensuring a child-centric approach in managing complaints related to children exhibiting harmful sexual behaviours.

The Company emphasises a child-focused perspective, fostering empathy and sensitivity in all interactions, while prioritizing privacy and confidentiality. We offer unwavering support to children affected by such complaints, including counselling and appropriate referrals when needed.

Immediate reporting of such complaints are to made to the Regulatory Authority within 24 hours of the complaint being made and details are documented.

The Company will investigate the complaint, striving for resolutions in the child's best interest, and maintain transparent communication with all involved parties. Preventive measures are taken based on investigation findings, and we continuously improve our policies, actively seeking feedback to uphold our commitment to safeguarding children in all aspects of our services.

### CONFLICT RESOLUTION

The Company acknowledges that conflict is a natural part of the work environment. It is important that all conflict is resolved as 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.

All employees are responsible for treating colleagues with respect and dignity. They should refrain from engaging in any form of bullying, discrimination, or harassment and report any incidents they experience or witness.

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 and complaints, whether considered minor or not, are to be dealt with promptly, professionally and thoroughly.

Employees 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.

Employees are also to be aware of their responsibility to be a good role model for children, and appropriately and professionally handle conflict with work colleagues, children, parents, and other associates.

Employees should regularly reflect on Early Childhood Australia’s Code of Ethics for guidance 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.”

### PRIVACY AND CONFIDENTIALITY

Management and educators will adhere to our Privacy and Confidentiality Policy when dealing with grievances and complaints. Any breach of this confidentiality could result in a charge of misconduct.

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Confidentiality may not 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. In such cases, the relevant government agency will need to be informed. (See: Reportable Conduct Scheme in Child Protection Policy).

## 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 complaint that involves the Approved Provider or Nominated Supervisor, another suitable member of the Leadership team will be nominated as an alternative mediator.

The Company may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. The Company will ensure that throughout the conflict resolution process the Services Code of Conduct is adhered to.

## 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.

Meetings are to be arranged with the aggrieved person(s) as necessary throughout the process. The outcome of the grievance must be reported to the aggrieved person within a week of the decision.

When the employees involved cannot resolve the grievance between them in a constructive and professional way the following steps will be taken.

- The aggrieved person is to contact their immediate supervisor (Room Leader, Nominated Supervisor or Director), 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.
- 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 or Human Resources to act as Mediator.

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

- the nature of the grievance or complaint
- the procedures followed to date
- the solution(s) sought
- the recommended plan of action or resolution.
- If an agreement is reached the mediator is to present a report to the next level of management outlining:
- the nature of the grievance
- the procedures followed to date
- the solution(s) agreed upon
- the plan of action to reach this solution and review time if warranted
- a copy of this report is to be provided to all persons involved in the grievance or complaint, and a copy is to be retained at the workplace.

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## INVESTIGATION:

The Company is committed to conducting fair, thorough, and timely investigations into all complaints of misconduct, discrimination, harassment, or other workplace issues. In doing so, the following steps will be followed:

- Review the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
- Discuss the nature of the complaint or breach or incident giving the accused employee, volunteer, or visitor an opportunity to respond
- Take record of the responses pertaining to the complaint or breach with every person interviewed.
- Review the facts in consultation with senior leadership and HR
- Organise a meeting with the accused person to outline the outcome of the investigation and allow an opportunity for the employee to respond. Note: Meeting must allow the employee the opportunity to bring a support person of their choosing and must be organised with at least 24 hours' notice. Notice must be provided in writing.
- Management to consider if formal disciplinary action should be taken or if any other action is necessary.
- 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 reflects the resolution and sign in agreement.
- 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 these records in accordance with our
- Privacy and Confidentiality Policy and Record Keeping and Retention Policy
- monitor ongoing behaviour and provide support as required via a formal performance improvement plan if required.
- ensure the parties are protected from victimisation and bullying.
- request feedback on the grievance or complaint process using feedback form.
- track complaints to identify recurring issues within the Service.
- notify the Regulatory Authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Notification must include any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.
- Notify the state regulatory authority for WWCC and working with children's cards where necessary to ensure compliance with the those under investigation of serious abuse.

## HOW TO LODGE A COMPLAINT

The Company is committed to fostering a workplace where employees feel safe and respected. If an employee has a complaint or grievance, they are encouraged to raise it through the following channels:

1. Direct Supervisor/Nominated Supervisor: Discuss their concerns with their immediate supervisor as a first step. Employees may also submit their complaint in writing to their Line Manager/Nominated Supervisor or Area Manager.
2. HR Department: If the issue cannot be resolved or an employee is uncomfortable discussing it with their Line Manager/Nominated Supervisor, they may submit their complaint to the Human Resources

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department.

3. Formal Written Complaint: Complaints should be submitted in writing using the following:
  1. Email: Send your written complaint to [hr@insightel.com.au](mailto:hr@insightel.com.au)
  2. Online Form: Use the internal Complaints and Grievance Management Form located: <https://insightearlylearning.sharepoint.com/:w:/g/EfpiYLne2VRNhJV6Iozk2mkBgzboXch7an5qpxMDvGjXBg?e=8xhYZH>

All complaints and grievances will be acknowledged within 24 hours (excluding weekends) of receipt. RESPONSIBILITIES  
The Approved Provider/ Nominated Supervisor /HR/Management will:

- ensure employees are aware of the person to whom complaints can be made and the processes required
- treat all grievances and complaints seriously and as a priority
- ensure grievances and complaints remain confidential
- ensure grievances and complaints 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 or complaint fairly and impartially
- comply with legislation for any allegations or convictions of child abuse or child related misconduct of any staff member, volunteer or contractor and notify the Office of the Children’s Guardian (OCG) as part of the Reportable Conduct Scheme with 7 business days. 7-day notification form
- Ensure the name and telephone number of the person to whom complaints can be made is clearly displayed at the service (section 172, regulation 173).

All Employees will:

- be aware of the possible ramifications of their actions when dealing with staff issues
- 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.
- if the person is unable to resolve the issue or feels uncomfortable raising the matter directly with the person concerned, the grievance or complaint must be raised with the Direct Supervisor/ Nominated Supervisor/ Approved Provider or HR. The Direct Supervisor/ Nominated Supervisor (or other manager) may ask for the issue to be put in writing.
- provide all relevant information, outlining the issue, identifying any other person involved in the problem, and any suggested solution
- communicate openly about the issue with the relevant parties
- raise any grievance involving suspected or actual unlawful activity (including bullying) with the Direct Supervisor/ Nominated Supervisor/ Approved Provider or HR immediately and privately
- maintain confidentiality at all times
- maintain professionalism at all times.
- Not become involved in complaints or grievances that do not concern them  
Feedback and Continuous Improvement: Complaints provide valuable insights that contribute to ongoing learning and improvement. The company encourages regular feedback from employees, children, families, and the community.

To ensure complaints are handled effectively, Management will:

- Evaluate each complaint or grievance, as recorded in the Complaints and Grievance Management Register, to ensure a satisfactory resolution has been achieved.
- Review the Dealing with Complaints Policy (Staff) and related policies annually to ensure they remain effective and relevant.
- Consider feedback from staff, educators, and families to improve the policy and procedures.

## Source

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 Guide to the National Quality Framework. (2017). (Amended 2020) National Quality Standard. (2017).  
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## Review

This policy will be reviewed annually or as legislation, regulations, or best practice changes.

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