

## POLICY AIM

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We aim to investigate all complaints and grievances with a high standard of equity and fairness. To create a culture of open communication and form strong relationships with all staff, children, and families so they feel comfortable in sharing concerns, complaints, suggestions, or grievances.

## RATIONALE

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Feedback from families, educators, staff, and the wider community is fundamental in creating an evolving Service, working towards the highest standard of education and care. It is foreseeable that feedback will include divergent views, which may result in complaints. Quickly resolving complaints or grievances aids to improve our practises. Addressing complaints is a way of evaluating the service and Sweetpeas Kindergarten welcomes this. Parents, educators, visitors, students, and members of the community can lodge a grievance or complaint, with the understanding that it will be managed conscientiously and confidentially.

## SCOPE - WHO IS AFFECTED BY THIS POLICY?

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- Children
- Families
- Staff
- Management
- Visitors / Volunteers
- Students

## NATIONAL QUALITY STANDARD

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### QUALITY AREA 6: COLLABORATIVE PARTNERSHIPS

- Standard 6.1 (Supportive relationships with families) - *Respectful relationships with families are developed and maintained and families are supported in their parenting role.*
- Element 6.1.2 (Parent views are respected) - *The expertise, culture, values and beliefs of families are respected, and families share in decision-making about their child's learning and wellbeing.*
- Standard 6.2 (Collaborative partnerships) - *Collaborative partnerships enhance children's inclusion, learning and wellbeing.*

### QUALITY AREA 7: GOVERNANCE AND LEADERSHIP

- Element 7.1.2 (Management Systems) - *Systems are in place to manage risk and enable the effective management and operation of a quality Service.*
- Element 7.2.1 (Continuous Improvement) - *There is an effective self-assessment and quality improvement process in place.*

### QUALITY AREA 4: STAFFING ARRANGEMENTS

- Element 4.1.1 (Organisation of educators) - *The organisation of educators across the service supports children's learning and development.*
- Element 4.1.2 (Continuity of Staff) - *Every effort is made for children to experience continuity of educators at the service.*
- Standard 4.2 (Professionalism) - *Management, educators and staff are collaborative, respectful and ethical.*
- Element 4.2.1 (Professional collaboration) - *Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.*
- Element 4.2.2 (Professional standards) - *Professional standards guide practice, interactions and relationships.*

## RELATED POLICIES & LEGISLATION

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### RELATED SWEETPEAS POLICIES:

- CCS Governance and Management Policy
- Child Protection Policy

- Child Safe Environment Policy
- Complaints Procedure for Families
- Determining Responsible Person Policy
- Enrolment and Orientation Policy
- Ethical Code of Conduct Policy
- Interactions and Relationships with Children Policy
- Privacy and Confidentiality Policy

## RELATED EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS:

- Law s172 - Offence to fail to display prescribed information.
- Law s174 - Offence to fail to notify certain information to Regulatory Authority.
- Reg 168(2)(o) Education and care service must have policies and procedures... for dealing with complaints.
- Reg 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.
- Reg 176 - Time to notify certain information to Regulatory Authority.
- Reg 183 - Storage of records and other documents.

## TERMINOLOGY

- **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. (AS/NZS 10002:2014 Complaint Management Standard]
- **Complainant** - A person who has made a complaint.
- **Director** - the educator appointed to lead a specific service. May also be the service's appointed Nominated Supervisor.
- **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).
- **Management** - the term used to encompass the Sweetpeas company centre owners, Approved Providers, managers and directors.
- **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 complaint** - 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)).

## GLOSSARY OF ABBREVIATIONS

- **RP** - Responsible Person in day-to-day charge of the service
- **NQA ITS** - National Quality Agenda IT System
- **ACECQA** - Australian Children's Education and Care Quality Authority

## IMPLEMENTATION AND STRATEGIES

Grievances and complaints can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious, and productive work environment. Our 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.

At all times Management will address and respond to issues appropriately and maintain confidentiality. Where possible, management will respond via email to complaints, to maintain a written record of both

responses and actions taken. Only relevant affected educators/staff will be advised of the outcomes of any grievances and resolutions.

## 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 member of Management will be nominated as an alternative mediator. We will ensure that throughout the conflict resolution process the *Ethical Code of Conduct Policy* is adhered to.

## CONTINUOUS IMPROVEMENT

Complaints provide our Service with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community. Our Service is committed to resolving complaints through prompt investigation, open communication, and transparent processes.

## PROCEDURES FOR HANDLING COMPLAINTS

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### COMMUNICATION METHODS

#### Informal

Small, informal questions or concerns can be raised with any Sweetpeas educator, including the current Responsible Person (*photo identifying the current Responsible Person located at service entrance*) or the Director. Please note, that educator availability for unscheduled discussions is limited and dependent on the current supervision requirements.

Families are encouraged to contact their children's educator directly to make an appointment to discuss the complaint or grievance and raise their concerns. (*In many cases an informal resolution can be achieved by communication and discussion*). Complaints should be discussed privately and at an appropriate time.

If families feel uncomfortable approaching the educator directly, we encourage them to contact Service Management to arrange a formal meeting.

#### Feedback Portal (*Sweetpeas website*)

The Sweetpeas website has a Feedback Portal that has been designed to provide the Sweetpeas community with a straight-forward method of providing feedback, sharing concerns, making complaints, asking questions, and sharing their thoughts. The portal prompts users to choose where they would like their feedback to go and aims to be more accessible to different forms of communication, by providing multiple file attachment options (audio, document, video and image files).



Feedback Portal: <https://www.sweetpeaskindergarten.com/feedback>

#### Email

If you would prefer to leave feedback without the use of the Feedback Portal, written/formal complaints can be emailed to your service, emailed to the Nominated Supervisor/Managing Director or placed in your service's Suggestion and Feedback Box near the office. Families and staff member may also use these communication methods to request a meeting.

#### Service email addresses:

1. Sweetpeas Cranebrook - [sweetpeaskindy@gmail.com](mailto:sweetpeaskindy@gmail.com)
2. Sweetpeas Penrith - [sweetpeaskindypenrith@gmail.com](mailto:sweetpeaskindypenrith@gmail.com)
3. Sweetpeas St Clair - [sweetpeaskindystclair@gmail.com](mailto:sweetpeaskindystclair@gmail.com)
4. Sweetpeas St Marys - [sweetpeaskindystmarys@gmail.com](mailto:sweetpeaskindystmarys@gmail.com)

Concerns or complaints which are particularly sensitive or confidential in nature can be made to the company's Managing Director at [janine.sweetpeas@gmail.com](mailto:janine.sweetpeas@gmail.com)

## COMPLAINTS PROCEDURE FOR FAMILIES:

1. Families are encouraged to speak to their child's educator or the current Responsible Person (*photo located at service entrance*) and inform them of:
  - a. their question or concern,
  - b. their desired resolution/what result they want (if any),
  - c. whether they would like to make an appointment with their child's educator (or the Director, or Management) to discuss a complaint\*. (*In many cases an informal resolution can be achieved by communication and discussion*).

\*Complaints should be discussed privately and at an appropriate time.
2. If the family feels as though their grievance or complaint has *not* been resolved after the informal approach of Step 1, they are encouraged to submit a written complaint through the [Sweetpeas Feedback Portal](#), which can be used to choose where they would like their complaint directed.
3. Management will contact the complainant within one business day/24 hours of receiving the complaint (where practicable), before beginning their investigation.
  - o *Management or their delegate will investigate by reviewing the circumstances and facts of the complaint and inviting all affected parties to provide information where appropriate and pertinent.*
4. Management will investigate (if required), document and evaluate the complaint or grievance as fairly and impartially as possible and will advise the complainant of the outcome within seven (7) working days of receiving the complaint or grievance.
  - o *A meeting may be arranged after the investigation to discuss the outcome and possible resolution, if desired.*
5. If the family is not satisfied with the outcome, they can report the concern to the *NSW Early Childhood Education and Care Directorate* on 1800 619 133 and follow their protocols. However, it is the policy of Sweetpeas that this step need not be taken.

## COMPLAINTS/FEEDBACK PROCEDURE FOR CHILDREN:

1. Children are welcomed and encouraged to inform educators of their questions, ideas, complaints or suggestions throughout each day at Sweetpeas.
  - a. Families can also share feedback from their children via the [Sweetpeas Feedback Portal](#) on our website.
  - b. In the portal they can choose where their child would like their feedback to go (i.e. the centre or Management) and choose forms of communication through the multiple file attachment options (audio, document, video and image files).
2. Staff will note children's voices in the Children's QIP Book (with their consent) and report any concerns or complaints to the RP/Director/Nominated Supervisor\*.
3. Where practical and/or relevant, educators will:
  - a. investigate any complaints, as per policy;
  - b. reflect on children's contributions to their QIP book;
  - c. add any identified issues to the Service QIP;
  - d. implement suggested changes in the centre's program;
  - e. inform the Director/Management to rectify any issue(s);
  - f. inform the child/ren of the outcome.
4. If a child is not satisfied with the outcome, they will be encouraged to talk to their educators or family again and their family will be invited to represent the child's interests and discuss possible resolution.

*\*Any disclosures of abuse should be listened to calmly and attentively. Staff should then immediately inform their Director and implement the reporting procedures outlined in the Child Protection Policy.*

## COMPLAINTS PROCEDURE FOR STAFF:

1. Staff may approach the Director (or Responsible Person) about any idea, suggestion, complaint\* or grievance and inform them of:
  - a. their question, idea or concern,
  - b. their desired resolution/what result they want (if any),
  - c. whether they would like to make an appointment with the Director or Management to discuss a complaint. (*In many cases an informal resolution can be achieved by communication and discussion*).

\*Complaints should be discussed privately and at an appropriate time.

- If the complaint is from a parent, staff should follow the *Procedure For Staff Handling a Complaint* in the *Responsibilities* section of this policy.
- 2. If staff feel as though their grievance or complaint has not been resolved after the informal approach of Step 1, they are encouraged to submit a written complaint through the [Sweetpeas Feedback Portal](#), where they can choose where to direct their communication (i.e. to Service email or to Management).
- 3. The Director/Management will discuss the concern with the complainant within one business day/24 hours (where practicable) before beginning their investigation.
  - Management or their delegate will investigate by reviewing the circumstances and facts of the complaint and inviting all affected parties to provide information where appropriate and pertinent.
- 4. Management will investigate (if required), document and evaluate the complaint or grievance as fairly and impartially as possible and will advise the complainant of the outcome within seven (7) working days of receiving the complaint or grievance.
- 5. If staff are not satisfied with the outcome, they may schedule a meeting with the Director/Management delegate via the [Sweetpeas Feedback Portal](#) or email.
- ① If the complaint involves any allegations against another member of staff and their interactions with a child, staff should *immediately* report this to the Director for investigation as per the procedures in the *Child Protection Policy*.
- ① If the grievance is regarding a financial matter, the staff member is to go straight to Step 2 and use the *Management* form.
- ① If the grievance is about the Director, staff may use the [Sweetpeas Feedback Portal](#) to submit a complaint via the *Management* form.

## RESPONSIBILITIES

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### PROCEDURE FOR STAFF HANDLING A COMPLAINT:

1. The staff member will listen to the complaint and, where possible, attempt to rectify the matter immediately\* (*in many cases an informal resolution can be achieved by communication and discussion*).
  - \*Complaints should be discussed privately and at an appropriate time.
  - a. If the complainant asks to make a formal complaint, they should be encouraged to submit a written complaint through the [Sweetpeas Feedback Portal](#).
2. The staff member will document:
  - a. The name and preferred contact details of the complainant (e.g. phone/email),
  - b. The complaint/grievance/concern,
  - c. The complainant's desired outcome (if any),
  - d. The outcome of the discussion.
3. The staff member will give the documented complaint to the Director/Management as soon as possible.
  - a. If the complaint was unable to be solved, the staff member will immediately inform the Director/Management, who will initiate the relevant *Complaints Procedure* from Step 3.
4. If the complainant asks the staff member for more information about the complaint after it has been passed on to the Director/Management, the staff member should inform them that:
  - a. the complaint has been passed on as per the *Complaints Procedure*,
  - b. investigation has commenced, and
  - c. they will be informed of the outcome of the investigation by the Director/Management within 7 working days.
5. After the Director/Management has been informed, it is their responsibility to decide if the complaint falls under the following categories:
  - a. Any complaints alleging that a serious incident has occurred, or is occurring, while a child was or is being educated and cared for by the Service.
  - b. Any complaints alleging that the Law has been contravened.

*If the complaint falls under the either of the above categories, the Nominated Supervisor/ Approved Provider must inform the Regulatory Authority via the NQA ITS within 24 hours.*

## THE NOMINATED SUPERVISOR / DIRECTOR / RESPONSIBLE PERSON WILL:

- ensure the name and telephone number of the person to whom complaints can be made is clearly visible at the service.
- ensure information about this policy is easily accessible to all families, visitors and volunteers.
- treat all grievances and complaints seriously and as a priority.
- ensure grievances and complaints remain confidential.
- ensure grievances and complaints are dealt with fairly and ethically.
- discuss the issue with the complainant within one (1) business day of receiving the verbal or written complaint.
- investigate and document the grievance or complaint fairly and impartially.
- provide details of an outcome following an investigation if required.

### *Investigating complaints:*

The Director/Nominated Supervisor or Management delegate will begin an investigation of the complaint/grievance/feedback by:

- reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
- discussing the nature of the complaint (or breach) and giving the accused educator, staff member, volunteer, or visitor an opportunity to respond.
- permitting the accused person to have a support person present during the consultation (for example: Union Representative or family member; however, this does not include a lawyer acting in a professional capacity).
- providing the employee with a clear written statement outlining the outcome of the investigation

Should Management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.

### *Evaluation of investigation:*

The Director/Nominated Supervisor or Management delegate will:

- advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint:
- 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.
- monitor ongoing behaviour and provide support as required.
- ensure the parties are protected from victimisation and bullying.

### *Records:*

The Nominated Supervisor/Director will:

- keep appropriate records of the investigation and outcome and store these records in accordance with our *Privacy and Confidentiality Policy*.
- request feedback on the grievance or complaint process using a feedback form.
- review the effectiveness of the Service policy and procedures to ensure all complaints and grievances have been handled fairly and professionally.
- track complaints to identify recurring issues within the Service.

### *Notifications:*

The Director/Nominated Supervisor will:

- 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 incident where there is a reasonable belief that physical and/or sexual abuse of a child has occurred or is occurring at the service, or any allegation that sexual or physical abuse of a child has occurred or is occurring at the service.

If the Director 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)
- contact details of the Nominated Supervisor
- any other relevant information

Written notification of complaints must be submitted to the Regulatory Authority 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).

## RELATED SWEETPEAS DOCUMENTS

- Feedback Portal: <https://www.sweetpeaskindergarten.com/feedback>
- Policy Feedback form
- QR Leave & Feedback Forms

## REFERENCES

- Australian Children’s Education and Care Quality Authority (ACECQA)
- Department of Family and Community Services
- Early Childhood Australia Code of Ethics
- Early Childhood Flexibility Practices and Patterns: TIP SHEET: Flexible partnerships with families and communities - [https://www.earlychildhoodaustralia.org.au/wp-content/uploads/2014/12/Flex\\_Tip\\_Sheet\\_Flexible-partnerships.pdf](https://www.earlychildhoodaustralia.org.au/wp-content/uploads/2014/12/Flex_Tip_Sheet_Flexible-partnerships.pdf)
- Education and Care Services National Law Act
- Education and Care Services National Regulations
- Fair Work Act 2009
- Fair Work Ombudsman
- Guide to National Quality Standard
- Sweetpeas Philosophy

## REVIEW AND AMENDMENTS

This policy will be updated regularly to ensure compliance with all relevant legal requirements. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with *Regulation 172* of the National Regulations, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Version	Amendment(s)	Review Date	Updated By
1.	<ul style="list-style-type: none"><li>• Replaced previous Sweetpeas complaints policy with Handling Grievances and Complaints Policy</li></ul>	July 2017	Cassandra Way (Admin + Educator) Janine Evans (Nominated Supervisor)
1.1.	<ul style="list-style-type: none"><li>• No changes required</li></ul>	July 2018	Cassandra Way (Admin/ECT)
1.2.	<ul style="list-style-type: none"><li>• Updated NQS references</li></ul>	July 2019	Janine Evans (Nominated Supervisor)
1.3.	<ul style="list-style-type: none"><li>• Policy updated no change required</li></ul>	July 2020	Janine Evans (Nominated Supervisor)

# Handling Grievances and Complaints Policy

Version	Amendment(s)	Review Date	Updated By
1.4.	<ul style="list-style-type: none"> <li>Updated only service information located at front of service</li> <li>updated after department visit to add a line of contacting NS prior to department</li> </ul>	July 2021	Janine Evans (Nominated Supervisor)
1.5.	<ul style="list-style-type: none"> <li>Policy updated, added Janine's Sweetpeas email.</li> <li>Added philosophy to references</li> <li>Larger review planned for update of template.</li> </ul>	July 2022	Janine Evans (Managing Director)
2.	<ul style="list-style-type: none"> <li>Cosmetic changes and new template</li> <li>Added new policy sections                             <ul style="list-style-type: none"> <li>Terminology</li> <li>Conflict of Interest</li> <li>Continuous Improvement</li> <li>Communication Methods</li> </ul> </li> <li>Updated references</li> </ul>	June 2023	Cassandra Way (Assistant Manager) Janine Evans (Managing Director)
3.	<ul style="list-style-type: none"> <li>Added subheadings in <i>Communication Methods</i> section to make clearer to read</li> <li>Added information on the Sweetpeas Feedback Portal, directing community members to utilise the Sweetpeas website to direct their feedback and complaints.</li> <li>Added <i>Related Sweetpeas Documents</i></li> <li>Reworded procedures to make them clearer and easier to follow</li> <li>Staff procedure for handling complaints moved to <i>Responsibilities</i> section</li> <li>Subheadings added to Management responsibilities section</li> <li>Policy numbering revised and fixed (June23 version previously v3.2)</li> <li><i>Further review of this policy is likely to occur as we review our feedback process and improve the Feedback Portal.</i></li> </ul>	March 2024	Cassandra Way (Assistant Manager) Janine Evans (Managing Director)
3.1.	<ul style="list-style-type: none"> <li>Changed a few references to 'Assistant Director' to 'Director'</li> <li>Updated list of <i>Related Policies</i></li> <li>Added QA4 to NQS links list</li> <li>Edited wording of Complaints Procedures for clarity</li> <li>Created new templates for procedures to match policy's updated wording:                             <ul style="list-style-type: none"> <li>Complaints Procedure for Families v1</li> <li>Complaints Procedure for Children v1</li> <li>Complaints Procedure for Staff v1</li> <li>Procedure for Staff Handling a Complaint v1</li> </ul> </li> <li>Small formatting adjustments</li> </ul>	July 2024	Cassandra Way (Assistant Manager)