

Laivoi OOSH Services

Policy Date: _____

Review Due: _____

Signed by: _____

For Staff:

I have read and understood this policy and I agree to follow and refer to it as required.

Signed (initials) _____

Date: _____

Signed (initials) _____

Date: _____

Signed (initials) _____

Date: _____

Grievance & Complaints Policy

PHILOSOPHY

In line with the service philosophy of creating open communication between parents, children, carers and management our intention is to encourage both positive and negative feedback to be communicated as immediately as possible to the relevant party in a calm, objective and non-judgemental manner with the purpose of:

- Listening fully to the feed-back
- Acknowledging the feedback
- Undertaking to investigate and resolve the issue to the mutual satisfaction of all parties
- To complete or close the issue with the mind-set of “*what can we learn from this incident or issue*” in order to further improve our service, our environment, our skills, knowledge and understanding to better serve the children, families and staff of the service.

AIM

This Grievance and Complaints Policy has been developed in line with the ACECQA recommendations and the service undertakes to support a positive and transparent grievance & complaints policy and procedure.

The grievances and complaints management policy supports and guides the actions of each stakeholder that accesses the service; this not only includes children and families but also staff/carers, management and the wider community.

Policy statement

- The service’s Grievances and Complaints Management Policy values:
 - procedural fairness and natural justice;
 - a code of ethics and conduct;
 - a service culture free from discrimination and harassment;
 - transparent policies and procedures; and
 - avenues for recourse and further investigation.

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- The Grievances and Complaints Management Policy ensures that all persons¹ 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; and
 - are transparent and equitable.
- The service has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievances and complaints management and procedures.
- In meeting the service's duty of care, management and staff agree to implement and endorse the service's Grievances and Complaints Management Policy.
- The *Occupational Health and Safety Act* states that employers have a duty of care to their employees to ensure that the working environment supports emotional and mental wellbeing.
- The service's Code of Ethics and Code of Conduct guides the Grievances and Complaints Management Policy and procedures.

RATIONALE

Procedural fairness and natural justice

- The three core principles of natural justice or procedural fairness are:
 - the right to be heard fairly;
 - the right to an unbiased decision made by an objective decision maker; and
 - the right to have the decision based on relevant evidence.

To actively encourage families and staff to be involved in the daily life, operation and growth of the service. In order for this to happen, all parties must feel that they have the potential to influence the quality of care and the decisions made. It is acknowledged that the families attending the service will have different styles of parenting and that the policies of the service may not always match all families at all times. Staff will have different styles in which they work. To this end we have an expectation that all parties will have issues that will need to be discussed from time to time. We feel that this is a healthy part of open communication and that it is a source of understanding and growth for all parties involved and of benefit to the children.

All parties have the right to comment or appeal against any action or decision which has an impact for themselves or their children. This grievance policy is a recognition and procedure to protect the rights of each individual involved.

For children, a change in service is disruptive and often detrimental and it is preferential if grievances can be resolved to the satisfaction of all parties rather than parents feel that they have to move their child to another service.

Each family has a right to a positive response from the service - its staff and management - to meeting the family's particular needs.

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Each member of staff has a right to a positive response from the service management to that members needs & opinions.

Refer also to *Ethical Conduct Policy*.

PURPOSE

To ensure each parent feels empowered to raise concerns and give feedback about all aspects of the operation of the service.

To ensure each parent feels empowered to raise contentious issues, and provide critical feedback without any concern that their comments will lead to any prejudice to themselves or their child.

To encourage staff to be responsive and positive to the needs and concerns of families and their children; thus helping to identify any deficiencies and respond in a way that will lead to improvement in the quality of care.

To address the needs of the children, families and staff with the intent of resolving the grievance to the satisfaction of all parties where possible within the group setting.

To encourage an ethos that values regular positive and negative feedback as opportunities for continual improvement to the service.

This policy will apply to all families and staff of the service and the Department of Community Services Children's Services Advisor (CSA).

DEFINITIONS

A grievance occurs when a party wishes to appeal against any action or decision which has consequences for them or a/their child. The concept of a grievance implies that all members have "rights" within the service.

A grievance occurs when a parent feels that the service is not respecting their rights or the rights of their child from their point of view. However, the rights of any one individual may not be easily definable and may be at odds with the rights of other families, the children as a group or staff. Therefore when a grievance arises there may be conflicting needs which will need to be addressed.

An example is the exclusion of sick children where issues such as the needs of working parents, the spread of infection, doctor's recommendations, the rights of staff etc. may conflict. In such circumstances it may be necessary to establish the basis for dealing with the grievance.

STRATEGIES

Privacy and Confidentiality are to be maintained at all times during any complaints handling process. Only parties directly involved in the case, along with the service director are to be involved in discussions. Refer to *Privacy & Confidentiality policy*.

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Conflict of interest

- It is important for services to understand that conflicts of interest may arise during a grievances or complaints management procedure and that a set of guidelines should be included in the policy.
- Services should outline the process involved when a conflict of interest arises, especially when it involves the individual who normally mediates grievances and complaints in the service.
- For example, if a parent voices a complaint against the manager of the service, and the manager is the individual who mediates all grievances and complaints, how does the complainant feel confident in:
 - being heard fairly; and
 - an unbiased decision making process?

In this scenario, there is a conflict of interest between the parent and the manager, which may result in an unfair mediation process. Due to the conflict of interest, it would be appropriate for an alternative mediator be nominated in this scenario.

Grievances and complaints management procedure

Notification

- Document the grievance or complaint.
Use clear, precise, objective and transparent documentation and wording to minimise confusion and misinterpretation.
- Consider any legal requirements in relation to the complaint.
For example, if the complaint is related to a child protection issue, refer to the *Child Protection Policy*.
- Notify regulatory or licensing bodies if required.
For example, if the complaint is related to a child protection issue, refer to the *Child Protection Policy*.
- Lines of communication.
Parties are directed to maintain confidentiality in line with the *Privacy & Confidentiality policy*. Information should only be disclosed about the complaint to other stakeholders who are directly involved. This supports an individual's right to be heard fairly without bias and prevents other staff from forming an opinion before hearing all the facts.
- Timeframes.
Document the proposed timeframe from notification to resolution in the report.

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Communication Form

Feedback / Grievance Policy

This form should be completed in accordance with the service's Grievance & Complaints Policy. All matters are to be kept confidential at all times in accordance with the Confidentiality Policy.

Name of Person/s with Suggestion / Grievance _____

Staff / Parent/Other Stakeholder Issue: _____ Date: _____

Nature of Suggestion / Grievance: _____

Details: _____

Action Taken / Date: _____

Outcome / Resolution: _____

Parent / Stakeholders Signature: _____ Date: _____

Staff Signature: _____ Date: _____

Director Signature: _____ Date: _____