

Complaints and Grievances

Education and Care Services National Law:

172 – Notification of change of policies or procedures.

174- Offence to fail to notify information to the regulatory authority.

Education and Care Services National Regulations:

168 – Education and care services must have policies and procedures.

170 -Policies and procedures must be followed.

171- Policies and procedures are to be kept available.

173- Prescribed information to be displayed.

176- Time to notify certain information to regulatory authority.

National Quality Framework:

7.1 – Governance

7.2.1 – Continuous improvement

7.2.3 – Development of professionals

Age Discrimination Act 2004

Disability Discrimination Act 1992

Work Health and Safety Act 2011

Privacy Act 2009 (was previously Privacy Act 1988)

Racial Discrimination Act 1975

Sex Discrimination Act 1984

Definitions

Term	Meaning	Source
ACECQA	The independent national authority works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources, and services to support the sector in improving outcomes for children.	acecqa.gov.au
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.	Australian and New Zealand standard guidelines for complaint management in organisations- AS/NZS 10002:2014
Complaints handling	Effective resolution of a problem before it becomes worse and providing a remedy.	Commonwealth Ombudsman- Better practice complaint handling guide
Investigation	A formal and systematic inquiry to establish facts about a complaint by collecting, documenting, examining, and evaluating evidence. An investigation is not an end in itself. Throughout the investigation, the investigator should keep an open mind about the possible outcomes of the investigation, such as education, compliance action or a decision not to pursue the matter.	Guide to the National Quality Framework -monitoring, compliance and enforcement.
Personal information	Information or an opinion about an identified individual or an individual who is reasonable identifiable: <ul style="list-style-type: none"> • Whether the information or opinion is true or not; and • Whether the information or opinion is recorded in a material form or not. 	Privacy Act 1988 (Cth)

Links to Policies:

- Child Safe Environments
- Fees
- Governance and Leadership
- Interaction with Children
- Orientation and Enrolment
- Records and Record Keeping
- Adult Safe Environments
- Bullying and Occupational Violence
- Privacy and Confidentiality Code of Conduct
- Commitment Statement to Children and Young People
- Directors Manual
- Educator Handbook
- Parent Handbook

Induction and ongoing training

Educators with the service will be trained on this policy during;

- Orientation and Induction procedures, thus allowing Educators to ask questions and discuss.
- Induction may be staggered to allow the Educator enough time to absorb the information provided.
- Training will occur in various formats, including face-to-face training, discussions at staff meetings, video demonstrations, vignettes, guest speakers, and open-ended policy questionnaires.
- Inductions and training records will be completed and kept in each team member's file.
- Educators will be provided with ongoing support as required, based on the extent to which they have demonstrated competence in carrying out their responsibilities to policy and procedures.

Policy Statement

The Complaints and Grievances Policy supports and guides the actions of each stakeholder that access the service. This includes children and families, Educators, management, and the wider community. This policy values:

- Procedural fairness and natural justice.
- A presumption of innocence until proven otherwise.
- A code of ethics and conduct.
- A service culture free from discrimination and harassment.
- Transparent policies and procedures.
- Avenues for recourse and further investigation.

Goals / What are we going to do?

- Value feedback from Educators, families, and the broader community as a mechanism to support continuous improvement.
- On enrolment, we will provide all families with a copy of our Code of Conduct; families must sign

to say they have received this during their orientation.

- Encourage the development of harmonious partnerships.
- Ensure that conflicts and grievances are mediated fairly and are transparent and equitable.
- Ensure families/Educators do not suffer reprisals for making a complaint.

The service has a duty of care to ensure that all persons are provided with a high level of equity and fairness concerning grievances, complaints, management, and procedures. In meeting the service's duty of care, management, Educators, and parents agree to abide by the Code of Conduct.

Failure to do so will result in families' care needs or employment being terminated.

Procedures / How will we do this?

The best practice is to have regular discussions with Educators about performance. Set clear goals and provide feedback and support to help Employees perform at their best. If underperformance occurs, manage it appropriately, sensitively and promptly. Benefits of regular performance discussion include:

- A respectful, high-performing workplace.
- Optimizing an employee's performance.
- Building a culture of continuous skill development and improvement.
- Higher levels of employee engagement.
- Avoid legal disputes, such as unfair dismissal or bullying claims.

A performance system provides Employees and managers with a framework for goal setting, constructive feedback, continuous skill development and regular discussions about performance. This helps reduce the chance of underperformance occurring.

A performance system doesn't have to be complicated or time-consuming. To implement best practices in your service, consider:

- **Expectations** - Discuss your performance system during induction, training and in staff communications – this will help make performance a regular part of workplace conversations.
- **Template agreements** – Complete and sign the performance agreement template if necessary. Identify issues early and work on them.
- **Discussions**—Meet with Employees to set clear performance expectations, discuss and record their individual performance goals, and discuss their training needs.

- **Feedback**—Monitor Employees' performance and promptly provide regular, specific feedback about what they do well and what can be improved.
- **Training** - Support Employees' skills and performance through training, coaching, and mentoring.
- **Review**—Conduct performance reviews every 12 months. Document in the service Educator Appraisal if appropriate.
- **Self-review**: Ask Employees to complete a short self-review ahead of the performance review. This will help them feel more involved with and committed to the process.
- **Reward**— Recognise and reward Employees who do a good job. This doesn't have to be a financial reward. Many Employees appreciate a simple acknowledgement of their efforts or achievements.

Workplace conflicts:

Educators are expected to communicate positively with all families and Educators, particularly those they work closely with. If a conflict occurs, talk to the person concerned and aim to find a solution.

Gossip, backstabbing, malicious, and negative discussion are destructive and will not be tolerated. If your concern is genuine, then as an employee, you should be willing and able to address the issue and problem and solve workplace solutions that assist everyone in working in a healthy work environment. If you cannot communicate with your colleague, the Director can act as a facilitator or confidential sounding board.

The service understands that raising issues is confrontational and emotional. However, problems can be resolved in a supportive meeting focusing on workplace concerns. Should you wish to speak with a manager confidently and take the grievance no further, the matter would be considered finalised.

If the grievance involves your Director or you just feel more comfortable with a different manager, please have a chat with us. If you feel this cannot be resolved with your service Area Manager, your concern should be directed to the Operations Manager, Julie Watts.

Email: julie@playandlearn.net.au

If your allegation concerns Operations Manager Julie Watts, then your concern should be directed to Sam Feng.

Email: samfeng@bigpond.net.au

Grievance or Complaints in Writing

A complaint often needs to be put in writing for several reasons:

1. **Clarity and Accuracy:**
Writing ensures the details of the complaint are clear, specific, and documented accurately, reducing the risk of misinterpretation.
2. **Record-Keeping:**
A written complaint provides a permanent record that can be referred to during investigations or for legal and administrative purposes.
3. **Accountability:**
It holds both the complainant and the recipient accountable, as there is documented evidence of the issue being raised.
4. **Formal Process:**
To initiate a formal review or resolution process, ensuring consistency and fairness.
5. **Evidence:**
Written complaints serve as evidence if the matter escalates to higher authorities, mediation, or legal proceedings.
6. **Professionalism:**
A written format conveys seriousness and professionalism, indicating that the issue requires attention and resolution.

When writing to a manager, ensure it's concise, factual, and polite, outlining the issue, its impact, and the resolution you seek.

Workplace meetings

Steps taken by managers to facilitate the meeting include-

1. Set up a safe meeting space.
2. Let Educators know in advance that a meeting will occur.
3. Explain the meeting expectations and ensure everyone in this process adheres to the code of conduct.
4. Each party should be given uninterrupted time to express their feelings.
5. The meeting facilitator should be impartial and keep the communication open.
6. Taking notes or voice recording of the meeting will help scribe the meeting minutes later.
7. Take a break if required – an understanding that these can be emotional times for people.
8. Document some clear goals that everyone would like to achieve. Be clear in how that will be demonstrated and measured.
9. Document and have all parties sign and receive a copy.
10. Not all disputes can be resolved at the first meeting, and this process will need review periods. This should be documented, and everyone should know the following steps.

Productive Language

- Use “I” statements when talking it through, e.g. “I feel like I’m not getting enough time to spend with the children” or “I feel like I’m not important when I don’t get introduced to parents”. This way, you are not accusing the other person but focusing on how it makes you feel.
- Start with a positive, e.g. “I like how you spend time helping the children, but it is essential not to do it for them because they need to learn to become independent”.
- Give the other person a chance to respond and listen to what they have to say or give them a chance to get back to you.
- It is essential to differentiate the issue from the person so it does not become a personal attack. Identify the problem and talk about it.
- Some phrases to start a conversation can be: “I’ve got some concerns about what’s been happening”, “We need to discuss”, “I’m sure we can work something out”, “I want to understand why”, or “I want to hear where you’re coming from and the way you see it.”



Procedures in an Informal, single Educator performance meeting;

This procedure is appropriate when an Educator’s underperformance is not severe; it does not harm the service, themselves, a child, a colleague, or a parent.

Working through this meeting

1. Issue a letter initiating the performance improvement process.
2. Outline the date and time of the meeting and the performance issues that will be discussed.
3. Set up a safe meeting space.
4. Always explain the expectations of the meeting and that the code of conduct will be adhered to.
5. Explain that a short break can be taken if any Educator needs a break.

6. Outline what the employee is doing or not doing that is causing the issue; use an example. For example, Trixie, when you leave the mop sitting in the dirty mop water, it becomes smelly and unhygienic.
7. Treat the employee as you would like to be treated. Explain how their behaviour affects the service, colleagues, children, or parents.
8. Explain how their behaviour measures up against their job description and the terms and conditions of employment they have signed.
9. Document some clear goals that everyone would like to achieve. Be clear in how that will be demonstrated and measured
10. Document and have all parties sign and receive a copy.
11. Set a date for a review meeting.

Formal Performance Management

If informal meetings do not solve a performance issue, management will use the formal performance management process. A situation may have been severe enough to go straight to a formal performance meeting. The disciplinary process is serious but will follow procedural fairness, ensuring no employee is treated harshly.

Before an employer request for an employee to attend a meeting for disciplinary reasons, management will provide the following:

1. Reasonable notice in writing of the meeting, including the time and location, allowing the employee time to prepare for the meeting.
2. A written reason for the meeting being held.
3. A list of the issues (allegations) to be covered in the meeting.
4. Copies of all evidence that the employer will use; and
5. Copies of all relevant policies and procedures to be referenced.

In disciplinary meetings involving Educators, the Educator may choose to have a Union delegate advocate on behalf of the member. A union delegate can-

- Ask questions of the employer,
- Ask for more information from the employer,
- Put forward suggestions to the union member and the employer,
- Put forward the union’s position and opinion to the employer,
- Guide and advise the union member during meetings,
- Suspend meeting to confer with the union member,
- Suspend meeting to obtain further information from employer or union,
- Record the meeting.

Employees must be allowed to respond to allegations reasonably before any decisions or actions are taken.

United Voice - unitedworkers.org.au or 1800 065 885 or 07 3291 4600 in Brisbane

Formal Workplace Investigations

Workplace investigations will occur when an employee or parent makes allegations about an Educator's conduct, serious safety concerns or illegal activity.

Management will decide who will investigate the complaint—it may be deemed appropriate for an internal or external investigation. An independent conflict resolution service will assist with the mediation of a dispute.

Follow the steps outlined in a formal investigation:

1. Complete an Investigation Plan.
2. Complete interviews with the complainant and key Employees if deemed necessary.
3. Gather statements, CCTV footage and digital communication if appropriate.
4. CCTV will be played for the respondent if it is considered part of the evidence.
5. Based on the documents and statements, the investigation manager will report whether the allegations are substantiated, unsubstantiated, or inconclusive.
6. If appropriate, the manager conducting the investigation will recommend policy, Educator re-training, or performance management.
7. The complainant will be advised of the outcomes in writing.
8. All documents will be scanned and stored in the storage data system.

Procedures for a Parent Complaint

Should a conflict of interest arise involving any staff member employed by the service, please raise this with the Director. Your service Director should be able to work through complaints about the service and problem-solve with the family to ensure all parties are satisfied with an outcome. The service Director will then contact their Area Manager to report the complaint and outcome to them.

If the complaint concerns an issue that the complainant considers to be outside of the Director's control or that the family does not wish to share with a Director, it should be directed to the service's Area Manager or Operations Manager, Julie Watts, at julie@playandlearn.net.au. This information can also be located in the service foyer.

Steps that will be followed in addressing a parent complaint made to a manager-

1 -Acknowledged

All complaints will be acknowledged quickly.

2 – Assessed

Assess the severity and credibility of the complaint or incident. Investigations are typically required for formal complaints, safety concerns, legal violations, or policy

breaches. However, the complaint may be quickly resolved, and a full workplace investigation will not be required, e.g., if the child's shoes have been found!

If the complaint concerns harm to a child, the Early Childhood Regulatory Authority will automatically notify the Queensland Police—Child Protection Unit.

3 -Plan and Investigate.

Investigate the complaint. Complete an investigation plan and follow the process for completing workplace investigation procedures.

4 – Respond

Respond to the complainant explaining what was found and what was done.

If the Regulatory Authority or Queensland Police are conducting an investigation, the length of time can be considerable. The service will wait for the authorities to complete their reports and findings before formally responding to parents.

5 – Follow up

Follow-up with any concerns with the complainant.

6 – Reflect

Reflect on areas of improvement.

Abusive Conduct

Service Employees or management will not tolerate being verballed, threatened, or abused at any time. As per the code of conduct, please expect care to be ended if this occurs. We welcome feedback and are happy to facilitate a complaint, but it must be achieved respectfully.

Regulatory Authority Report

An approved provider must notify the regulatory authority of any complaints or incidents alleging that a child's safety, health or well-being was or is being compromised or that the law has been breached within 24 hours of the complaint being made. This will be done via the ACECQA IT portal.

Receive Workplace Feedback

Receiving feedback can be difficult and, at times, emotional; it involves adopting a growth mindset and strategies. Here are some tips to help:

1. Be Open and Receptive

Adopt a growth mindset: View feedback as an opportunity to learn and improve rather than as criticism. Avoid being defensive: Focus on understanding the feedback rather than immediately justifying your actions.

2. Seek Feedback Actively

Ask for specific feedback: Instead of asking vague questions like "How am I doing?" ask, "What could I do differently to improve my presentation skills?" Request feedback regularly: This shows you value improvement and helps avoid surprises during formal reviews.

3. Clarify and Understand

Ask follow-up questions: If feedback is unclear, ask for examples or specifics (e.g., "Can you provide an example of when this occurred?"). Restate feedback in your own words: Confirm you understand correctly by summarising what you heard.

4. Show Appreciation

Thank the person for their time and input: Feedback, especially constructive criticism, requires effort and intention from the giver.

5. Take Time to Reflect

Process the feedback: Reflect on its validity, how it aligns with your self-perception, and how it can inform your actions. Separate emotion from facts: Sometimes feedback might touch on sensitive areas; step back to assess it objectively.

6. Develop an Action Plan

Identify specific changes you can make: Be involved in setting a clear plan to address areas for improvement. Share your intentions: Inform the person who gave you feedback about the steps you plan to take; it shows you're proactive.

7. Follow Up

Check-in after some time: Ask for feedback again to evaluate your progress. By approaching feedback with curiosity and professionalism, you'll create a positive learning and growth cycle that benefits you and your workplace.

Complaints about Race, Sex, Disability, and Age Discrimination

Making a complaint about Sex, Race, Disability, and Age Discrimination can be investigated by the Anti-Discrimination Commission Queensland or the Australian Human Rights Commission (AHRC) when an employee or parent has followed the internal complaints procedures and feels that the matter has not been successfully resolved.

1. AHRC hotline is 1300 656 419, and a complaint form will be sent to you.
2. Making a complaint is free and does not require legal advice. It must be in writing and lodged with the commission via fax, email, or post.
3. An AHRC officer will contact the organisation, provide details of the complaint and ask any relevant questions. AHRC will then decide to conciliate or terminate the complaint.
4. If the matter is to be terminated, AHRC will talk to you and explain why.
5. The matter may involve conciliation, which means it will be tried to be resolved. The outcome of mediation may include an apology,

policy changes, compensation, and/or Educator training.

Timeframes

The complainant will be kept informed of progress and contacted to clarify issues. We will provide a written response upon completion of the investigation.

If the problem is complex, we may need to extend that time, and this will be discussed with the complainant. The complaint may be taken out of the service's investigative parameters, and waiting for outcomes may run over extended time frames, for example, a police investigation.



Dealing with the Media

If a situation attracts media attention at any time, it is the service's responsibility to protect the interests and well-being of all parties involved. The company's media representative will release information to avoid putting anyone's privacy at risk or providing incorrect information. Legal representation will be acquired.

Links to Theory

Disputes can arise in any workplace. A conflict exists when one or more people disagree, and the matter remains unresolved. A fair and balanced dispute resolution process is essential for the effective operation of any business.

Effective dispute resolution can help employers maintain good employee relationships by dealing with workplace issues early.

Employees will be more cooperative and productive if they know that their grievances will be taken seriously by the employer, and there is the opportunity for an independent party to assist in resolving the dispute if it cannot be resolved at the workplace.

A good dispute resolution process focusing on effective resolution at the workplace level may help avoid the costs of resolving a claim externally, for instance, via arbitration before the Fair Work Commission or through litigation in the Federal Court of Australia.

Fairwork: Best Guide to Work and Family

Choosing to do nothing

Grievance handling is crucial in creating a harmonious workplace. A study published by the Chartered Institute of Personnel and Development (CIPD) highlights that unresolved grievances contribute to higher turnover, poor

morale, and reduced productivity. Employers and Employees share the responsibility for addressing concerns promptly to ensure a positive work environment.

When Employees choose not to address workplace grievances, it can have both personal and professional consequences. Here are some potential outcomes:

Emotional Toll:

Unresolved grievances can lead to feelings of frustration, resentment, and helplessness. Prolonged stress may result in burnout, anxiety, or depression.

Erosion of Self-Esteem:

Feeling unable or unwilling to address grievances may lead to a sense of powerlessness or diminished confidence.

Physical Health Impact:

Chronic stress from unaddressed issues can contribute to fatigue, headaches, or other stress-related health conditions.

2025-2026 we will be implementing new Leadership principles in every service. They are based on the work of Rachael Robertson from her book called "**Respect trumps Harmony**". Every member of your team will be expected to implement the philosophy. To create a culture of raising issues (no matter who you are) professionally and respectfully dealing with them and moving on. We don't always need to reach a consensus- but we do need to acknowledge and respect each other differences.

The underpinning tool that lies at the core of Rachael's leadership practice is the following:

No Triangles

Is the practice of conducting direct conversations when issues and problems arise.

"I don't speak to you about him and you don't speak to me about her. If I have an issue with someone I go directly to the person, don't take it to a third party. (within the service) It means if someone upsets you at work, you have the courtesy and integrity to take your concern directly to that person, rather than complaining to a third party."

Triangle conversations erode trust and confidence, create misinformation, breed innuendo and perpetuate a culture of disrespect. Remember we don't always have to agree but we need to be respectful of each other's opinions.

I acknowledge that this is going to take time to implement and for some of us it is going to be really difficult, I anticipate we may even lose the few that are so stressed about having a difficult conversation. But the research shows that eventually it becomes "how we work around here"

No more Bacon Wars

Rachael explains it best [here](#).

Every workplace has a bacon war – let's say.. toilet paper on the toilet roll. When you have to put up a sign saying "there are no fairies replacing the toilet paper" That is about staff respect, respecting the next person is without doubt the most important to effective teams. And the toilet is by far the most basic.....the trick with the toilet paper is finding out "who" – who is it to directly speak with them.....hmm

The Step in, The step back model....

"We cannot intervene in every single workplace issue, so knowing what to do and when to do it is crucial for leaders everywhere to learn" And there is that Kenny Rodgers song ...know when to hold them, know when to fold them...When faced with that dilemma ask yourself

1. How many people does it affect?
2. Does it impact on the team's values?

Step Back

If the situation or issue impacts only one, two or a handful of people and does not impact on our core values, then you can step back. Remember our core values are;

- Respect
- Integrity
- Courtesy
- Legally and Ethically
- With Community
- Safety
- Culture
- Transparent Leadership
- Work-Life Balance

Leaders simply do not have the time to be involved in every workplace issue or interpersonal conflict.

Defuse

If the issue affects a large number of people but again has no impact on your values then you need to defuse it. Take the heat out of the situation by using relevant arguments and explaining simple facts. Humour can work and your aim is to stop the distraction.

Step In

If the situation impacts one or two people BUT does involve a core team value, then you need to step in.

Escalate

If the behaviour impacts many people and your core values, then it needs to be escalated—that means we involve your area manager and, in turn, your operations manager at a service level.

And there is grey...

I completely understand that there is grey not everything will fit into the above Step In -Step Out model, developing good judgement takes time and experience and most importantly it takes reflection.

What did I get right?
What could I have done differently?

Early Childhood Australia Code of Ethics

In relation to the families, I will:

“Develop respectful relationships based on open communication to encourage families’ engagement and build a strong sense of belonging.”

In relation to my colleagues, I will:

“Use constructive processes to address differences of opinion in order to negotiate shared perspectives and actions”

In relation to the profession, I will:

“Work within the scope of my professional role and avoid misrepresentation of my professional competence and qualifications.”

National Quality Framework – Governance and Leadership

7.1. Governance supports the operation of a quality service.

7.2.1. There is an effective self-assessment and quality improvement process in place.

7.2.3. Educators, coordinators and staff members’ performance is regularly evaluated, and individual plans are in place to support learning and development.

Reflective questions about this policy.

Was the grievance procedure explained on induction?

Do Educators clearly understand what is expected of them when resolving a grievance?

Does the grievance and complaints policy set out the process for resolving grievances?

When answering the reflective questions, did you have areas identified for improvement:

- Have any events led to improved practices?
- Gain input from colleagues, Educator’s children and families.
- Document your thoughts on your Critical Reflection Tracker or in your room diary, and let your manager know at your next Educator meeting. Alternatively, write them down and pass them on to your Educational Leader or director.

Roles and Responsibilities

Approved Provider, Area Managers Director and Nominated Supervisor

- Managers will ensure a Complaints and Grievance policy is in place.

- When a complaint or grievance has been assessed as notifiable, the relevant notification is made.
- Identifying, preventing and addressing potential concerns before they become formal complaints/grievances.
- Ensure that the name and telephone number of the person to whom complaints and grievances may be addressed are displayed prominently at the centre’s main entrance.
- Managers should always role model respectful behaviour.
- Ensure Educators receive information and induction training for complaints and grievances.
- Ensure that Educators and volunteers follow policy and procedures.

Educators

- Ensure that you develop an understanding of the grievance procedures.
- Ensure that during the policy review, give feedback.
- Respond to and resolve issues as they arise where practicable.
- Discuss complaints directly with the party involved as a first step- if you can; if not, seek support from a manager.
- Always maintain confidentiality.

Families

- Raise a complaint directly with the person involved to resolve the matter.
- Communicate any concerns relating to the service’s management or operation as soon as practicable.
- Ensure that while raising concerns, the Code of Conduct is followed.
- Ensure that you follow the grievance procedures when raising complaints.
- The code of conduct and grievance procedure is outlined in the parent handbook. Should parents breach this policy in any way, their family’s care will be cancelled, and a two-week notifying period will apply.
- The service will not tolerate abusive or aggressive behaviour towards staff members.

Sources and Further Reading

ACECQA www.acecqa.gov.au.

Age Discrimination Act 2004 (Cwlth) Website: <https://www.legislation.gov.au/Details/C2022C00319>

Chartered Institute of Personnel and Development

Disability Discrimination Act 1992 (Cwlth) Website: <https://www.legislation.gov.au/Details/C2022C00316>

Anti-Discrimination Commission Queensland Ph: 1300 130 670 Website: www.adcq.qld.gov.au

Robinson, R. (2017). *Respect trumps harmony: Why being an effective leader means balancing your values*. Rachael Robinson.

Policy Review

This policy will be updated in December 2027 or if a policy review has been conducted and significant changes have been made. It will be reprinted and distributed to Educators and families.