

Grievance Policy and Procedure

National Quality Standard

Element	2.2.3	Child protection - Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
	4.2.2	Professional standards - Professional standards guide practice, interactions and relationships.
	5.1.1	Positive educator to child interactions - Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included
	5.1.2	Dignity and rights of the child - The dignity and rights of every child are maintained
	5.2.2	Self-regulation - Each child is supported to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts
	6.1.1	Engagement with the service - Families are supported from enrolment to be involved in the service and contribute to service decisions.
	7.1.2	Management Systems - Systems are in place to manage risk and enable the effective management and operation of a quality service
	7.1.3	Roles and responsibilities - Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service
	7.2.1	Continuous improvement - There is an effective self-assessment and quality improvement process in place
	7.2.3	Development of professionals - Educators, co-ordinators and staff members' performance is regularly evaluated and individual plans are in place to support learning and development

National Laws

Section	172	Offence to fail to display prescribed information
	174	Offence to fail to notify certain information to Regulatory Authority
	175	Offence relating to requirement to keep enrolment and other documents

National Regulations

Regs	12	Meaning of serious incident
	168(2)(h)	Education and care services must have policies and procedures in relation to providing a child safe environment
	168(2)(o)	Education and care services must have policies and procedures in relation to dealing with complaints, including matters relating to (i) the provision of a complaint handling system that is child focused; and (ii) the management of a complaint that alleges a child is exhibiting harmful sexual behaviours
	170	Policies and procedures to be followed
	171	Policies and procedures to be kept available
	172	Notification of change to policies and procedures
	173(2)(b)	Prescribed information to be displayed: the name and telephone number of the person to whom complaints may be addressed
	175(d)(e)	Prescribed information to be notified to Regulatory Authority

	176	Time to notify certain information to Regulatory Authority
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My Time, Our Place (MTOP)

Outcome 3	<p>Children and young people have a strong sense of wellbeing</p> <ul style="list-style-type: none"> • Children and young people become strong in their social, emotional and mental wellbeing • Children and young people are aware of and develop strategies to support their own mental and physical health, and personal safety
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Aim

To ensure that all grievances (used interchangeably with 'complaints' in this *Policy and Procedure*) are investigated in a timely, transparent, thorough and impartial manner, and that affected parties are advised of the outcome and their rights of appeal. This *Policy* also aims to ensure that our procedures for dealing with complaints are child-focussed and accessible, and in line with *National Laws and Regulations* and the *Victorian Child Safe Standards*.

Intersection with other policies

Child Protection Policy and Procedures
 Child Safe Policy
 Educator and Management Policy
 Governance Policy
 Incident, Injury, Trauma and Illness Policy
 Parental Interaction and Involvement in the Service Policy
 Policy and Procedure Review Policy
 Privacy and Confidentiality Policy
 Record Keeping and Retention Policy
 Relationships with Children Policy
 Whistleblower Policy

Definitions

"Abuse of a child" - is maltreatment that endangers a child's safety, wellbeing and development and includes physical or sexual abuse, or emotional abuse which causes significant harm to their wellbeing or development including abuse as a result of domestic violence. Source: Children and Young People Act 2008

"Concern" - any potential issue that could impact negatively of the safety and well-being of children. Source: A guide for creating a Child Safe Organisation - Commission for Children and Young People

"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. Source: [ANZ Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014](#)

"Complaints handling" - effective resolution of problem before it becomes worse; and providing a remedy. Source: [Commonwealth Ombudsman – Better practice complaint handling guide](#).

"Grievance" - see "Complaint" definition

"Exploitation of a child" - includes sexual abuse and any other forms of exploitation (such as using a child for financial gain, labour or personal advantage). It also includes involving a child as a participant or spectator in sexual acts. Source: [State/territory based child protection legislation](#)

"Harm" - physical or mental injury; hurt. Source: [ACECQA Policy Guidelines: Emergency and Evacuation](#)

"Harmful sexual behaviours" - a general term to describe behaviour in children under 18 years that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child's own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term 'harmful sexual behaviours' recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child. Source: [Final Report – Royal Commission into Institutional Responses to Child Abuse](#)

"Hazard" - a danger or risk, even though often foreseeable. Source: [ACECQA Policy Guidelines: Emergency and Evacuation](#)

"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 an 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. Source: [Guide to the NQF - Regulatory Authority Powers – Monitoring, compliance and enforcement](#)

"Mandatory reporting" - the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. Source: [State/territory based child protection legislation](#)

"Natural justice" – the right to be made aware of, and respond to, information which will be used in the course of a decision that will negatively affect the person. For example, a decision to discipline an employee, fine someone for a breach of the law, refuse to give someone a licence or take away a benefit, such as a travel concession. Source: [Office of the Information Commissioner, QLD](#)

"Neglect" - is a failure to provide the child with the necessities of life, e.g., the basic needs for his or her physical, emotional/psychological and intellectual development. Source: [Children and Young People Act 2008](#)

"Personal information" - information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not. Source: [Privacy Act 1988 \(Cth\)](#)

"Reportable conduct" - certain organisations or entities have legal obligations under Reportable Conduct Schemes. Under these Schemes, certain organisations or entities are required to notify and investigate certain allegations (reportable allegations) of abuse involving a child, when the allegation is against someone they employ, engage or contract in circumstances outlined by the legislation. Source: [State/territory based child protection legislation](#)

"Risk of significant harm" - means circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person to a significant extent which means the concern is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. The significance can result from a single act or omission or an accumulation of these. Source: [State/territory based child protection legislation](#)

"Risk" - exposure to the chance of injury or loss; a hazard or dangerous chance. Source: [ACECQA Policy Guidelines: Emergency and Evacuation](#)

"Well-being" - sound wellbeing results from the satisfaction of basic needs – the need for tenderness and affection; security and clarity; social recognition; to feel competent; physical needs and for meaning in life. It includes happiness and satisfaction, effective social functioning and the dispositions of optimism, openness, curiosity, and resilience. Source: [ACECQA Guide to the NQF](#)

Implementation

Our service is required by law to have child-focussed policies and procedures for dealing with complaints, including how we will manage any complaint that alleges a child is exhibiting harmful sexual behaviour. Also, our policies must address how we will provide a child safe environment (physical and online).

To meet our obligations, our *Grievance Policy and Procedure* is based on the guidelines for *Victorian Child Safe Standards* and guidelines from relevant child protection authorities (note, our *Child Safe Policy* provides more detail on how our service meets the *Victorian Child Safe Standards*).

A child safe organisation enables and empowers children, families, community members, staff, and volunteers to raise any concerns or complaints. Anyone raising a concern or complaint, including those related to a child's safety and well-being, will feel safe and supported by us.

We commit to:

- Implementing an accessible and easy-to-understand *Grievance Procedure* (at **Appendix A**)
- Clearly displaying the name and contact details of the person to whom complaints should be made on our website.
- Treating complaints and concerns, including reports of harm or abuse, seriously
- Having clearly defined roles and responsibilities for the staff who are managing complaints
- Empowering children so they feel safe and supported to raise concerns and complaints

- Providing easy to understand, age appropriate, culturally safe and accessible information for children, and - whenever it is needed - for people from all backgrounds and with all abilities
- Responding to complaints sensitively, impartially, professionally, transparently, promptly and thoroughly
- Sensitively managing any allegations about harmful sexual behaviour in children (see our *Child Protection Policy and Procedure*)
- Prioritising the safety of children, while also meeting our privacy and employment law obligations, and laws for exchanging/sharing information
- Supporting everyone involved in the process
- Reporting to the relevant authorities when we should/need to
- Keeping and maintaining accurate and full records of complaints and actions taken in response
- Reviewing our complaints and reporting procedures regularly, in consultation with children their families and the community
- Analysing the root cause of grievances with the view to fixing any flaws or shortcomings in our infrastructure, documents or operations
- Tracking complaints to identify recurring issues within the service.

Grievance Procedure

Our child-focussed *Grievance Procedure* is at **Appendix A**.

We are committed to providing information about how to make complaints in easy to understand, age appropriate, culturally safe and accessible ways for children, and - whenever it is needed - for people from all backgrounds and with all abilities.

Grievances can occur in all settings and handling them properly is important for maintaining a safe, healthy, harmonious and productive environment for children, families and staff. Having a clear and open grievance procedure is important because:

- Everyone needs to know a process exists for receiving and managing grievances
- It helps staff know their roles and responsibilities
- It ensures problems are taken seriously and responded to promptly
- It helps to ensure small issues or problems do not escalate
- Supervisors and managers become aware of issues causing conflict
- Documentation provides evidence and a record of the grievance and the outcome
- Complaints facilitate continuous improvement of service operations

Empowering children and supporting families to raise concerns and complaints

Where a complaint or concern is about child safety and well-being, staff and parents should also refer to our *Child Protection Policy and Procedure* details. It details our procedures for: managing incidents, disclosures or suspicions of harm, abuse and neglect of a child; managing harmful sexual behaviour in children; and making reports (e.g., to the police/child protection authorities).

Our service promotes a culture of participation and inclusion, viewing all children as active participants and decision makers as they seek to include the interests, ideas, strengths, culture, abilities of each child (see also our *Child Safe Policy*). Educators regularly empower children to take part in discussions about safety and decisions that affect them, and value their ideas, suggestions and feedback. Educators are attuned to babies' and younger children's non-verbal cues to plan curriculum and respond in ways that empowers them.

Educators and staff will be attuned to responding to complaints from children and will support them, and where appropriate their parents, to access and navigate our grievance process where this is reasonable.

Educators constantly build partnerships with families and community members, which provides many opportunities for discussion and feedback about our complaints handling practices. Staff encourage families to contribute to decisions about our practices and their child's learning through a range of ways, including questionnaires, information nights, face to face conversations and an 'Open Door' policy.

Our *Grievance Procedure* is written in plain language. We provide appropriate versions for children and people from all backgrounds and abilities (e.g., pictures, diagrams, displays, audio, in different languages where needed).

Our responses to concerns and complaints - including those that are about child safety - are culturally sensitive. We engage with families and community members to improve our understanding of cultural practices and inform our responses.

Complaints alleging harmful sexual behaviour in children

Some children may exhibit harmful sexual behaviour while they are in our care. This behaviour can be self-directed and/or directed at other children and adults. It can extend to sexually abusing other children. Our service is required by law to have policies and procedures in place for managing complaints that allege a child is exhibiting harmful sexual behaviour.

Concerns and complaints about this matter can be raised using the processes described in our *Grievance Procedure* (at **Appendix A**) and we will manage them using the guidance in our *Child Protection Policy and Procedures*, which provides a detailed procedure for managing harmful sexual behaviour in children.

Allegations of harmful sexual behaviour in children require an immediate response.

Reporting requirements

Reporting to the care and education regulatory authority

The approved provider must, by law, notify the regulatory authority in writing:

- Within 24 hours of any complaints alleging that a serious incident has occurred or is occurring while a child was or is at the service
- Within 24 hours of any complaints that the National Law has been breached
- Within 7 days of any allegation that physical or sexual abuse of a child has occurred or is occurring while the child is at the service.

Reporting about child protection matters

Children's services have obligations under the law to act and report in relation to child protection matters. These are detailed in our *Child Protection Policy and Procedures*. Depending on the complaint, we may need to:

- Make a report to child protection authorities and/or police
- Make a referral to family services or exchange of information with certain professionals/organisations
- Make a report to the regulatory authority
- Make a report under a reportable conduct scheme if one exists in our jurisdiction

Information sharing, training and monitoring

Sharing information, training and checking compliance are key factors in ensuring our service has a child safe culture and an effective complaints process.

Our *Grievance Policy and Procedure* and our Code of Conduct are included in our family enrolment/information packs and discussed in detail with families.

Staff and volunteer training

We include the *Grievance Policy and Procedure* in staff, student and volunteer inductions (and in the Staff Handbook) and ensure all relevant staff receive practical training to administer the procedure effectively.

The nominated supervisor implements an ongoing training program tailored to each staff member's needs and goals, which are identified through regular performance reviews. We also regularly discuss (at least every 6 months) the reasons for, and components of, our *Grievance Policy and Procedure* in staff meetings.

The *Grievance Policy and Procedure* is inherently linked to child protection. Staff, volunteers and students who work directly with children regularly learn about child protection laws and our service's practices. The nominated supervisor and staff who are in day-to-day charge are required by law to have successfully completed child protection training.

Monitoring compliance

When required, the approved provider and nominated supervisor will monitor staff to ensure they are following our *Grievance Policy and Procedure*. They will act quickly to fix any issues and will give staff any extra support or training they need to comply. Volunteers and students are also required to comply with all service policies and procedures and the Code of Conduct.

Roles and responsibilities

All staff, volunteers, students and families must understand our *Grievance Policy and Procedure* and their role and responsibilities in keeping children safe and cared for.

Responsibilities	Role
Ensure our service meets its obligations under the <i>Education and Care Services National Law and Regulations</i> , including to take every reasonable precaution to protect children from harm and hazards likely to cause injury, and to ensure that children are adequately supervised at all times they are in our care.	Approved Provider Nominated Supervisor
Ensure the name and contact number of the person to whom complaints can be made is clearly displayed and placed in a prominent position	Approved Provider
Ensure that the regulatory authority is notified in writing within the prescribed period of time of any serious incidents at the service as prescribed in the national regulations; complaints regarding the safety, health or wellbeing of a child or children; the contravention of National Law; any change relevant to an assessment of fitness and propriety; or any other prescribed information.	Approved Provider
<p>Ensure that our service has child-focussed policies and procedures in place for (among others):</p> <ul style="list-style-type: none"> Complaints handling Managing complaints about children exhibiting harmful sexual behaviours including policies Providing a child safe environment that address specific areas set out in <i>the National Regulations</i> <p>I.e., among other relevant policies and procedures, this <i>Grievance Policy and Procedure</i>, our <i>Child Protection Policy and Procedures</i> and <i>Child Safe Policy</i> need to be in place.</p> <p>Ensure our service's operations, practices, policies and procedures comply with <i>Victorian Child Safe Standards</i></p>	Approved Provider
<p>Take reasonable steps to ensure that nominated supervisors, staff and volunteers follow, and can easily access, the <i>Grievance Policy and Procedure</i>, including by:</p> <ul style="list-style-type: none"> Providing information, training and other resources and support Providing this <i>Policy and Procedure</i> at induction Clearly defining and communicating roles and responsibilities for implementing this <i>Policy and Procedure</i> 	Approved Provider (ultimate responsibility) Nominated Supervisor

<ul style="list-style-type: none"> Communicating changes to routines and policies Monitoring and auditing of staff practices (including through spot checks) and addressing non-compliance quickly Regularly reviewing this <i>Policy and Procedure</i> <p>The <i>Policy and Procedure</i> must also be available for inspection.</p>	
<p>Notify families at least 14 days before changing this <i>Grievance Policy and Procedure</i> if the changes will:</p> <ul style="list-style-type: none"> Affect the fees the charged or the way they are collected; or Significantly impact the service's education and care of children; or Significantly impact the family's ability to utilise the service. 	Approved Provider
Implement the <i>Grievance Policy and Procedure</i>	Approved Provider Nominated Supervisor
Be aware of legal obligations, and understand and follow the <i>Grievance Policy and Procedure</i> .	Educators Volunteers
Ensure that procedures are appropriate in practice to our service, identify any potential improvements to make to the <i>Grievance Policy and Procedure</i> . Report any issues to the appropriate staff member (either approved provider, nominated supervisor, or educators).	Approved Provider Nominated Supervisor Educators and Other Staff Families
Ensure our service meets its reporting obligations for children's safety and well-being under state/territory/national laws and regulations (see also <i>Child Protection Policy and Procedures</i>)	Approved Provider (ultimate responsibility) Nominated Supervisor
Discuss any grievances with the person/s making a complaint and take accurate and full records	Approved Provider Nominated Supervisor
<ul style="list-style-type: none"> Manage investigations into grievances in a thorough, fair, impartial, prompt and professional manner Regularly communicate to the people involved in a complaints investigation during the investigation and provide them with a timely outcome Document and keep records of complaints, complaints investigations and outcomes in line with our legal obligations and our <i>Record Keeping and Retention Policy</i> Ensure that all information about making complaints is provided in different formats/ways so that children and people from all backgrounds and abilities can understand the information 	Approved Provider Nominated Supervisor
<ul style="list-style-type: none"> Refer all grievances (complaints) that cannot be resolved directly with the people concerned to the nominated supervisor and/or approved provider as soon as practicable Support, and co-operate with, the nominated supervisor and or/approved provider in their investigations Do not get involved in complaints/ grievances that do not concern you (not ethical or can make the complaints process more difficult) Do not raise complaints with an external complaints body, such as a court or Tribunal, without using our grievance procedures and appeal process first. 	Educators and Other Staff
<ul style="list-style-type: none"> Be aware of, and raise any complaints in line with, this <i>Grievance Policy and Procedure</i> Co-operate with staff in their investigations Not get involved in complaints/ grievances that do not concern you (not ethical or can make the complaints process more difficult) Not raise complaints with an external complaints body, such as a court or Tribunal, without using our grievance procedures and appeal process first. 	Families

Sources

[Education and Care Services National Regulations](#)

[National Quality Standard](#)

[Early Years Learning Framework](#)

[Dealing with Employee Work-related Concerns and Grievances Policy and Guidelines: NSW DPC](#)

[Complaint Handling Guide: Upholding the rights of children and young people, Australian Government, National Office for Child Safety](#)

[National Child Safe Standards](#)

[South Australian Government's Guide to problem sexual behaviour in children and young people](#)

[Better Practice Complaints Handling Guide, Commonwealth Ombudsman](#)

[Effective complaint handling guidelines, NSW Ombudsman](#)

Review

[The *Grievance Policy and Procedure* will be reviewed annually and when there are changes that may affect our complaints management process, including after any incidents, disclosures or suspicions of harm. The review will include checks to ensure the *Policy and Procedure* reflects current legislation, continues to be effective, or whether any changes and additional training are required. The review will be conducted by approved provider, nominated supervisor/s, employees, families and committee members.](#)

Last reviewed: 25th March 2024

Date for next review: 25th March 2025

Appendix A

Grievance Procedure

This *Grievance Procedure* describes the steps we will take to manage any complaint or concern we receive. We are committed to ensuring grievances are dealt with in a timely, transparent, professional, confidential, thorough and impartial manner, and that affected parties are advised of the outcome and their rights of appeal. We are also committed to ensuring our process is child-focussed and accessible.

Concerns and grievances (used interchangeably with complaints) might be about:

- Dissatisfaction with our service's dealings with staff, volunteers, students, children, families or the community
- Breaches of our *Code of Conduct*
- Conduct in not keeping with our policies and procedures
- Incidents, disclosures and/or suspicions of abuse, neglect or harm to a child, including child exploitation or grooming (online and in-person) of a child
- Allegations of a child exhibiting harmful sexual behaviour
- Corruption, maladministration, waste of resources
- Bullying, discrimination, harassment
- Criminal conduct
- Risks that are present in our service's environment (both online and physical) and activities
- Inadequate working conditions for staff and volunteers
- Complaints or concerns about harm or abuse perpetrated by children on other children

Making a complaint

Anyone can raise a concern or lodge a complaint. We encourage children, families, community members, staff, students and volunteers to raise any concerns or complaints they have. Anonymous complaints can be made but our ability to investigate them may be hampered as a result.

Complaints and concerns can be made in any way that feels comfortable - for example, over the telephone, by email or in person. Our service will facilitate different ways of reporting for people who have diverse backgrounds or needs for support. This means you can ask anyone at our service for help to make a complaint.

Who do I make a complaint to?

1. Minor complaints that can be easily solved can be raised directly with the person concerned. Both parties can try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should remain private, confidential, respectful and open-minded, will not involve other educators, staff, volunteers or visitors (e.g., parents) and should take place away from children
2. Complaints that can't be resolved directly with the person concerned (for whatever reason) can be raised directly (or indirectly through another member of staff) with the nominated supervisor and/or approved provider
3. Complaints that relate to: the harm, abuse or neglect of a child, including an allegation of a child exhibiting harmful sexual behaviour; or other criminal or unlawful activity should immediately be reported to the nominated supervisor and/or approved provider (or the police if there is an immediate risk of harm)

Contacts

[insert contact details] for nominated supervisor and/or approved provider

Contact details for these staff members are also displayed in our [insert location of signage - e.g., entrance foyer, rooms].

Receiving a complaint

Recording the complaint

At the point we have received a complaint, we will record in our Grievance Register the follow information:

- The contact details of the person making the complaint
- Details about the complaint (e.g., the nature, dates/times, people involved, notes on verbal discussions, written correspondence)
- Notes on how people want the problem to be resolved and any support that might be needed for the people involved.

Acknowledging the complaint

The nominated supervisor or approved provider will acknowledge the complaint within 24 hours of receiving it, and provide the person who made the complaint with a contact point and idea of likely timeframes and the next steps that will be taken. This may be done by phone, in person or in writing - whichever is the most appropriate method

Child protection complaints or reports

If the complaint or concern is about a child protection matter such as abuse, harm or neglect, including any complaints that allege a child is exhibiting harmful sexual behaviours, we will follow our *Child Protection Policy and Procedures*, which includes procedures for:

- Recording incidents, suspicions or disclosures of harm, abuse or neglect
- Managing harmful sexual behaviour in children
- Making a report - we have obligations under the law to report certain child safety and well-being matters to the authorities (e.g., to the police and child protection authorities, the education and care services regulatory authority, under reportable conduct schemes).

Assessing and investigating a complaint

Who will manage the investigation?

Any investigations by our service (i.e., those that have not been handed over to the police or child protection authorities) will be managed by the nominated supervisor and/or approved provider, who will also be responsible for giving regular updates on the progress of the investigation to everyone involved in the complaint.

Initial assessment

Although the steps involved will vary according to the nature of the complaint or concern, where appropriate, we will conduct an initial assessment, considering:

- Whether a formal investigation is required (for example, it may be warranted if the complaint arose because of a minor misunderstanding or something that can be easily resolved to the satisfaction of everyone involved)
- Whether the complaint is outside our service's area of responsibility, i.e. should be directed to another organisation
- Whether other people/organisations are involved in the matter
- How feasible the suggested solution is
- The severity, urgency and complexity
- How to ensure everyone involved is safe – risk management
- How to ensure the integrity of the investigation that will follow
- The impact on the person complaining, and any alleged victims/perpetrators
- Whether the problem might escalate

If the approved provider or nominated supervisor decides not to proceed with the investigation after initial enquiries, they will give the person making the complaint the reason/s in writing or whatever form is the most appropriate.

Formal investigation

Where appropriate, the nominated supervisor and/or approved provider will conduct a formal investigation. The investigation will be:

- **Impartial** - we will manage all perceived and actual conflicts of interest and have an open mind about the evidence. The findings will be objective
- **Confidential** - except where we are required to disclose personal information because it is relevant to the safety and well-being of a child, we will investigate complaints in private and respect all parties' confidentiality. Note, there are safeguards in place for people who report about child abuse matters (see our *Child Protection Policy and Procedures*)
- **Transparent** - we will tell the person making the complaint and the subject of the complaint what the investigation will involve. All parties will be invited to provide information and respond where appropriate. We will provide regular updates on the progress of the investigation
- **Thorough** - we will look at all the circumstances and facts, gather and assess evidence
- **Supportive** - we will invite everyone involved to have a support person present during an interview (e.g., to support culturally safe practices or a health and safety representative - but not a lawyer acting in a professional capacity); employees are encouraged to seek support from their union, if applicable
- **Timely** - we will aim to provide a resolution in a reasonable period of time
- **Professional** - we will uphold all our employment law obligations and practice best practice records management

Investigation report

After analysing the evidence, the nominated supervisor/approved provider will prepare an investigation report which describes the process and findings of the investigation.

Investigating child protection complaints or reports

If the investigation is into a child protection matter such as abuse, harm or neglect, including any complaints that allege a child is exhibiting harmful sexual behaviours, we will follow our *Child Protection Policy and Procedures*.

Resolving a complaint

How will a complaint be resolved?

The nominated supervisor/approved director will decide on a course of action to resolve a complaint.

This might include, for example, providing professional development support/training for staff; mediation; making changes to physical and online environments, adjustments to our practices,

[systems, policies or procedures; implementing safety and behavioural management plans for children; performance management for staff; referrals to support services; formal staff warnings, changes of duties or termination of employment.](#)

[In deciding the resolution, the nominated supervisor/approved provider will consider:](#)

- [Our obligations under employment law, industrial relations principles and guidelines](#)
- [Any submissions from the subject of the complaint \(see procedural fairness below\)](#)
- [The number of complaints against the subject of the complaint](#)
- [The number of opportunities already given to subject of the complaint person to adhere to a policy or procedure and/or change behaviour](#)
- [The seriousness of the complaint and whether it impacted the safety and welfare of children, other employees, volunteers, students or families](#)
- [Whether the complaint is reasonable](#)

[Procedural fairness](#)

[The nominated supervisor/approved provider will give the subject of the complaint a fair hearing before making a decision that might adversely affect the subject's rights or interests. The nominated supervisor/approved provider will provide the subject of a complaint with:](#)

- [Information about the investigation and reasons for their findings](#)
- [An explanation/justification for the decisions made and the proposed course of action](#)
- [A fair opportunity to directly address the issues](#)

[The nominated supervisor/approved provider genuinely consider the person's responses and submissions with an open-mind and impartiality.](#)

[How will I be told of the result?](#)

[The nominated supervisor/approved provider will advise all affected parties of the result of the investigation and the resolution in writing and/or verbally \(record contemporaneous notes if advising the person verbally and store these on file\). All parties will be offered an opportunity to request a review of the outcome.](#)

[What if I disagree with the result?](#)

[If the person making the complaint or the subject of the complaint does not agree with the outcome of the investigation and/or the resolution, they can request a review. They will need to provide reasons for why they think either the investigation or resolution is wrong. The nominated supervisor/approved provider will consider their reasons and, depending on the circumstances, may either:](#)

- [Decide that an investigation or a change to the resolution is not warranted](#)

- [Re-investigate the complaint and/or provide an alternative resolution](#)
- [Offer an external review by a Tribunal or alternate organisation, where employees, visitors and volunteers are unhappy with the outcome. Workplace bullying matters may be referred to the Fair Work Commission which can direct employers to take specific actions against workplace bullies or the Work Health and Safety \(WHS\) Regulator which may investigate whether WHS duties have been contravened](#)
- [Offer information about alternative complaint resolution options such as through the regulatory authority or ombudsman](#)

Records and confidentiality

[The nominated supervisor/approved provider will create and retain accurate records related to concerns and complaints, in line with our *Record Keeping and Retention Policy*. Records may include correspondence, emails, phone calls, interview transcripts, incident reports, risk management plans, investigation reports and findings, decision making process, minutes from meetings, submissions from those involved, reports to police or government authorities.](#)

[Any information our service gathers for a complaint and investigation will be kept confidential and only be disclosed if we are obliged, for example, to ensure:](#)

- [Workplace safety](#)
- [The safety and well-being of a child \(see our *Child Protection Policy and Procedures* for more information\)](#)
- [The natural justice for the person accused.](#)

[The nominated supervisor and approved provider will follow directions about confidentiality from the relevant authorities and ensure they comply with all relevant legislation, including the *Privacy Act 1988 \(Cth\)*. Anyone involved in complaint or investigation must maintain confidentiality. A failure to do so by staff, volunteers and students may result in disciplinary action.](#)

[Online records will be stored password protected file and physical records in a secure cabinet. Access will only be granted on a 'need to know' basis.](#)

[See also our *Privacy and Confidentiality Policy*, *Record Keeping and Retention Policy* and *Child Protection Policy and Procedures* for further guidance - including on safeguards for reporters of child abuse and neglect.](#)

Using complaints to support continuous improvement

Complaints and concerns can highlight issues for our service. We will use them to trigger us to critically reflect on our infrastructure and operations (systems, documents, communication, practices, activities, policies, procedures).

The nominated supervisor/approved provider will:

- Analyse the root cause of grievances with the view to fixing any flaws or shortcomings
- Track complaints to identify recurring issues within the service
- Request feedback on the grievance process using a questionnaire