



Nature Alliance Family Day Care Service

Grievance and Complaints



POLICY IN THIS SECTION AS REQUIRED BY

Education and Care Services National Law (WA) Act 2012: 301 (k); 174(2); 174(a)

Education and Care Services National Regulations, 2012 :143(a)(b);144;168;173(2b).

National Quality Standards for Early Childhood Education and Care and School Age Care (2010) Standard 6.1; 6.2.

PURPOSE:

To ensure all complaints are dealt with efficiently, promptly and in a professional manner.

SCOPE:

This policy applies to Family Day Care Educators; Educator Assistants; regular visitors, Family Day Care Service staff members, Family Day Care Educator family members, students, parents, children (including visiting children) and volunteers.

PRINCIPLE:

The service provider supports the individual's 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. This ensures all persons are provided with procedural due fairness in relation to complaint management.

POLICY:

Procedures are in place to deal with any grievance or complaints. All complaints or grievances will be managed in a prompt and timely manner and procedural due fairness will be followed in reaching an outcome for all persons.

Under ACECQA the monitoring and enforcing compliance with the National Law and National Regulations, the State Regulatory body undertakes including receiving and investigating serious incidents and complaints.

PROCEDURES:

It is expected the grievance should initially be discussed with the person concerned. Every effort should be made to resolve the grievance at this level before moving on to the following steps.

Complaints may be lodged via face-to-face contact, telephone conversations or written notification. A record of the complaint will be recorded on the Service Complaints Form NA-IFRM-0016 and in the Service Complaints Register.

Any complaints of a serious nature where the safety or wellbeing of a child or children are alleged to have been compromised will be registered with ECRU via the NQAITS portal within 24hours of the complaint being made.

Any allegation of any abuse against a child will be reported to the Ombudsman under the Reportable Conduct Scheme. This does not include allegations against students or family members (unless they are registered as Educator Assistants).

Any allegation of sexual abuse against a child will be dealt with according to the Mandatory Reporting Requirements.

If a complaint is made verbally and the complainant is not prepared to provide their details the staff member will discuss this with the Service Manager who will determine if further investigation is required.

Grievance Between the Family Day Care Educator and/or Educator Assistant and a family

1. If the grievance is not resolved satisfactorily either party can bring the matter to the attention of the Family Day Care Service Manager to assist in the resolution of the matter.
2. Any grievance, which has been fully discussed between the Family Day Care Service Manager and the parties involved and is still unresolved, can be referred for further mediation to the Approved Provider or a representative of the Approved Provider.
3. The Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. The Service will ensure that throughout the conflict resolution process the Services Code of Conduct will be adhered to.

Grievance between the Family Day Care Educator and/or an Assistant and the Family Day Care Service Staff Member

1. The Family Day Care Educator and or assistant may approach the Family Day Care Service staff member concerned or the Service Manager and expect to have their grievance addressed in an understanding and sensitive manner.
2. If unresolved the Family Day Care Educator and or Assistant can contact the Approved Provider or a representative of the Approved Provider who will attempt to find a resolution or an acceptable compromise by both parties.
3. The Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. The Service will ensure that throughout the conflict resolution process the Services Code of Conduct will be adhered to.
4. If the Family Day Care Service staff member contravenes the Service Policies and Procedures, Code of Conduct, Regulations, or the Law, the Family Day Care Service Manager or Approved Provider will follow the procedures outlined in the staff member's Contract of Employment.

Grievance between Family Day Care Educator and Family Day Care Educator

1. The Educator should discuss the issue with the Educator concerned and attempt to resolve the grievance independently.
2. If unresolved either Family Day Care Educator can contact the Family Day Care Service Manager who will attempt to find a resolution or an acceptable compromise by both parties.
3. If unresolved, either Family Day Care Educator may refer the matter to the representative of the Approved Provider for further mediation.

Grievance Between Parent/Guardian/Community Member and Educator

1. When an issue is raised by a parent/guardian or community member, the staff member taking the complaint will ask if they require this to be recorded as a formal complaint. If so, the complainant will need to advise the service in writing of the situation. This must include their name and contact details.
2. Once the written complaint is received and it is deemed that a noncompliance may have occurred the Service Manager will be advised, and the investigation process will commence. This will be conducted by the Service Manager or nominated representative.
3. The Service Manger or nominated person will contact the Educator concerned and discuss the issue. A written copy of the complaint will be forwarded to the Educator.
4. The Educator will be required to respond to the complaint in writing within the designated time frame.
5. The Service Manger or the nominated person will work with both parties to resolve the matter.

6. If Regulations have been breached ECRU will be advised via the NQITS Portal.
7. This may result in disciplinary action and may result in the Educator Membership being put at risk.

Grievance Between Parent/Guardian/Community Member and Family Day Care Service

1. When an issue is raised by a parent/guardian or community member about the Family Day Care Service, the staff member taking the complaint will ask if they require this to be recorded as a formal complaint. If so, the complainant will need to advise the service in writing of the situation. This must include their name and contact details.
2. Once a written complaint is received and it is deemed that an issue may have occurred the Service Manager will be advised, and the investigation process will commence. This will be conducted by the Service Manager or nominated representative.
3. If the complaint involves the Service Manager, the Approved Provider will be notified and a nominated representative engaged to investigate the complaint.
4. The Service Manager or the nominated person will work with both parties to resolve the matter.
5. If Regulations have been breached ECRU will be advised via the NQITS Portal.

Grievance Between Parent/Guardian/Community Member and Family Day Care Service Staff Member

1. When an issue is raised by a parent/guardian or community member about a service staff member, the staff member taking the complaint will ask if they require this to be recorded as a formal complaint. If so, the complainant will need to advise the service in writing of the situation. This must include their name and contact details.
2. Once a written complaint is received and it is deemed that an issue may have occurred the Service Manager will be advised, and the investigation process will commence. This will be conducted by the Service Manager or nominated representative.
3. If the complaint involves the Service Manager, the approved provider will be notified and a nominated representative engaged to investigate the complaint.
4. The Service Manager or the nominated person will work with both parties to resolve the matter.
5. If Regulations have been breached ECRU will be advised via the NQITS Portal.
6. If the Family Day Care Service staff member contravenes the Service Policies and Procedures, Code of Conduct, Regulations, or the Law, the Family Day Care Service Manager or Approved Provider will follow the procedures outlined in the staff member's Employment Contract.

Grievance between the Family Day Care Service and the Family Day Care Educator and/or Educator Assistant

When the Family Day Care Service is dissatisfied with the conduct of a Family Day Care Educator and/or Educator Assistant, then the following process will be implemented:

1. If the issue relates to a breach of Regulations, or of any conditions of the Membership of the Family Day Care Service, the Service Manager or person authorised by the Manager will investigate the circumstances and discuss the issue with the Family Day Care Educator.
2. The Family Day Care Service Manager or person authorised by the Manager will advise the Family Day Care Educator and/or Educator Assistant of non-compliance with the Regulations and/or conditions of the service, and an Action Plan may be initiated.
3. If the Action Plan is not fully adhered to by the Educator, then de-registration of Membership with the Service may occur.

Procedure for Family Day Care Service Staff Receiving the Complaint Will:

1. Determine and confirm the details of the complaint and record details including the complainant's name and contact details on NA-IFRM-0016 Complaints Form.
2. Confirm the content and intent of the complaint and the possible outcome that the complainant is seeking.
3. Notify the Service Manager of the issue/complaint.
4. Where minimal action is required the Service Manager may direct the staff member to resolve the situation in a positive manner.
5. When a written complaint is received it will be acknowledged in writing within two (2) working days of receipt
6. If a follow up is required, an acknowledgement letter will give details of response times, and how the matter will be resolved.
7. With the guidance of the Service Manager, the staff member should determine whether the person making the complaint is satisfied with the proposed course of action and, if not, suggest an alternative course of action. This may include contacting ECRU.
8. If Regulations have been breached ECRU will be advised via the NQITS Portal.
9. At the completion of the process the Service Manager will evaluate the nature of the complaint in informing policy and procedural reviews.

Complaints Relating to The Administration of Child Care Subsidy

1. Families who wish to raise concerns regarding the management of accounts and Child Care Subsidy should contact the Nature Alliance Office staff.
2. If the issue cannot be resolved the Nature Alliance office staff will contact the Nature Alliance Service Manager and follow the steps as outlined in the Dealing with Complaints Policy.
3. The Service Manager will direct the nominated staff member to follow the steps outlined in the above section, including advising the Approved Provider of the grievance or complaint.
4. Families will be advised that they can raise concerns regarding management of the Child Care Subsidy to the dedicated Child Care Tip-Offline either via phone or email:
Phone: 1800 664 231
Email: tipoffline@education.gov.au

De-registration of a Family Day Care Educator and or Educator Assistant

If the Family Day Care Educator and or Educator Assistant contravene the Service Policies and Procedures, Code of Conduct, Regulations, or the Law, the Family Day Care Service Manager may consider de-registration of the Educator with the Family Day Care Service.

1. The Family Day Care Service Manager will advise the Family Day Care Educator and or Educator Assistant in writing via email if s/he will be de-registered from the Family Day Care Service and the reasons for this course of action. The Family Day Care Educator or Educator Assistant will have the opportunity to present to the Service Manager in writing, why de-registration with the Service should not occur. The resignation of the Educator or Educator Assistant will be accepted during this time.
2. The Service will advise the families that the Educator will be ceasing to operate as a Registered Educator from the advised date.
3. The Educator's details will be deleted from the Harmony and CCMS System after all internal administrative tasks are completed. This will occur within 42 days of the last day care was provided.
4. The Family Day Care Service will advise the Regulatory Body of any alleged complaint that poses a risk to the health, safety and wellbeing of the child.
5. The Family Day Care Staff will update the Regulatory Authority via the ECRU Venue Assessment Register of the date that the Educator ceased to be registered with the Service.
6. Approved Family Day Care Educators can appeal their de-registration with the Service through the Administrative Appeals Tribunal, if they feel they have been unfairly treated.

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Use of Interpreter

The Family Day Care Service will offer an interpreter when handling complaints where required.

Access to Information

Information deemed confidential under Freedom of Information legislation will not be accessible.

Right of Appeal

If any parties are dissatisfied with the decision, they are able to involve the State Ombudsman's office and or the Administrative Appeals Tribunal.

Supporting Documents:

Reportable Conduct Scheme WA
Mandatory Reporting Legislation WA
NA-IFRM-0016 Complaints Form
NA-POL-0035 CCS-Governance Policy