

COMPLAINT/ GRIEVANCE INVESTIGATION GUIDE AND FORM

Complaints and grievances can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. We aim to investigate all complaints and grievances with a high standard of equity and fairness.

Management, nominated supervisors and educators ensure child-focused approach to complaints involving a child or young person, taking into consideration their age, intellectual development and maturity as a commitment to the National Principles for Child Safe Organisations. Childrens complaints and allegations are taken seriously, and any disclosures of harm to any staff, visitors or families are advised to follow the *Dealing with Complaint Policy* to ensure the procedure is child-focused and address concerns of the child.

We will ensure that all persons making a complaint are guided by the following policy values:

- procedural fairness and natural justice
- code of ethics and conduct
- culture free from discrimination and harassment
- transparent policies and procedures
- opportunities for further investigation
- adhering to our Service philosophy

Working in conjunction with the *Dealing with Complaints Policy (Staff)* and *Dealing with Complaints* this procedure provides guidance for management when responding to complaints or grievances of a more serious nature to ensure investigations are conducted effectively and efficiently.

Education and Care Services National Law or Regulations (R.84, 149, 168, 170, 173, 176 and 183) (sec. 172, 174) NQS QA 6 and 7: Element 6.1.2, 6.2, 7.1.2 and 7.2.1 Relationships with families and Governance practices and procedures Related Policy: Dealing with Complaints Policy and Dealing with Complaints (Staff)

STEP 1: PLANNING THE INVESTIGATION	
1	Management will review the <i>Complaint/Grievance Form</i> when an official complaint or grievance has been received. If an investigation is required management will respond to the complainant and advise them a formal investigation will be conducted.
2	Management and educators will adhere to our <i>Privacy and Confidentiality Policy</i> when conducting an investigation into complaints or grievances. However, if a complaint or grievance involves a staff member or a child protection issue, a relevant agency will need to be informed. (See: <i>Child Protection Policy</i> for your state/territory.)

3	A notice issued to the Regulatory Authority is required by approved provider or nominated supervisor within 24 hours for any complaint that alleges a breach of the <i>Education and Care Services National Law and Regulations</i> or National Quality Standard.	
4	A notice issued to the Regulatory Authority is required by approved provider or nominated supervisor within 24 hours if there is any reasonable belief or any allegation that physical abuse, sexual abuse, harmful sexual behaviours or that the health, safety or wellbeing of a child at the Service may have been compromised.	
5	If the approved provider and/or nominated supervisor is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation.	
6	If the complaint involves a sexual misconduct, a sexual offence, a serious physical assault, or an incident where the police or external organisation are already conducting their own investigation then it is important to cooperate with police and not begin any internal investigation that may compromise any external investigation.	
7	A meeting will be arranged between the complainant and management of the service. The <i>Complaint Management Form</i> may be used during the meeting to fairly and impartially document the complaint or grievance.	
8	Management will appoint an investigator or investigation team to conduct the investigation. If a conflict of interest should arise during a complaint or grievance that involves the Approved Provider or Director/ Nominated Supervisor, other Management or an outside agency may be nominated as an alternative mediator.	
9	The investigator/investigation team will plan the investigation and determine the required information that may be required to be assessed to establish an outcome for the investigation and any action that may be required.	

STEP 2: INVESTIGATION REVIEW

1	The investigator/investigation team will review the circumstances and facts of the complaint (or breach) and invite all affected parties to provide information where appropriate and pertinent	
2	Details of the investigation will be recorded on the <i>Complaint/Grievance Investigation Form</i> (below)	
3	The investigator/investigation team will discuss the nature of the complaint (or breach) and give the accused educator, staff member, volunteer, or visitor an opportunity to respond to the allegations during a formal interview process.	
4	During the interview process the accused person/persons is invited to have a support person present during the consultation (for example: Union Representative or family member).	
5	Witness statements, interview notes or other relevant documents will be gathered during the investigation process and attached to the end of the <i>Complaint/Grievance Investigation Form</i>	

6	The investigator/ investigation team will gather sufficient reliable information to enable the issue to be properly addressed by proving or disproving matters relevant to the issues being investigated.	
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STEP 3: RECORDING THE INVESTIGATION AND OUTCOME

1	Following the investigation process a summary of findings and observations will be recorded against each specific allegation/issue of the complaint/grievance that was raised	
2	The investigator/investigation team will record any recommendations for further action or disciplinary action that may be required following the investigation process.	
3	The accused person/persons will be notified formally of the conclusion of the investigation. The investigator/investigation team will provide the person/ persons with a clear written statement outlining the outcome of the investigation including any further action or disciplinary action.	
4	The complainant will be notified of the conclusion of the investigation and where possible recommendations of further action that will be implemented.	

COMPLAINT/GRIEVANCE INVESTIGATION RECORD

Name of person completing the investigation record					
Date and time complaint was received by Service		Date		Time	
Complaint is a notifiable incident / allegation? See Appendix A		If 'yes', notification of the complaint has been made to the Regulatory Authority?			
o Yes o No		o Yes	Date		Time
Investigator/ Investigation Team Members name/s					
Name of Person/Persons involved/accused within the complaint/grievance					
Name of complainant (if appropriate)					
Addressing complaint (Response / steps taken to address complaint)		<input type="checkbox"/> Meeting arranged			
		<input type="checkbox"/> Investigation required			
		<input type="checkbox"/> Other: Provide details here			

Nature of complaint (action or decision of an educator/staff member; the health, safety or wellbeing of a child; service's response to an incident; other reason)

Investigation Plan (determine the required information that may be required to be assessed to establish an outcome for the investigation and any action that may be required)

Investigation Review (document information gathered to enable the issue to be properly addressed by proving or disproving matters relevant to the issues being investigated).

Action required

Action to be taken	Date to be completed	Action to be undertaken by whom	Notes

Summary of Investigation

Conclusion of Investigation

- The complainant has been notified the investigation has been resolved
- Further action developed and recorded
- The accused person/persons have been formally notified of the conclusion of the investigation
- Copies of the investigation record (including witness statements or interview notes) have been stored in a private and confidential location

Date the Investigation was closed	
Name/s of Investigator/ Investigation Team	
Signature/s of Investigator/ Investigation Team	

APPENDIX A


Under the National Law and Regulations, the approved provider must notify the regulatory authority of certain incidents and allegations while a child or children are being educated and cared for by the service.

- serious incidents
- complaints
- circumstances at the service which pose a risk to the health, safety and wellbeing of children
- any incident or allegation that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service,
- any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.

Complaints

The approved provider must notify the regulatory authority within 24 hours of any complaint alleging that a serious incident has occurred while the child is being educated and cared for or complaints alleging that the Law has been contravened (Section 174(2)(b))

Source: ACECQA

REVIEW OF GUIDE			
Date guide created	APRIL 2024	To be reviewed	APRIL 2025
Approved by	JOSHUA PEACHEY	Signature	
Guide Reviewed Date	Modifications/Changes		
NOVEMBER 2023	Information added regarding a child focused complaint system and complaints that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child.		
MARCH 2023	General Review, minor changes made		
AUGUST 2022	Review box added, no changes		