

Dealing with Complaints and Grievances Policy

Quality Areas 6 and 7

NESA requirements 3.6.1, 3.6.1

Document Control

Title	Dealing with Complaints and Grievances Policy & Procedure
Created	2010 reviewed annually
Authorised by	Principal

Document History

Date	Change
11/2024	Updated regulations and descriptions. Added information about notifiable and direct complaints
08/2025	Included children exhibiting inappropriate sexual behaviours. Included statement about being a child focused system. Key terms updated for abuse and sexual behaviour

Under the Education and Care Services National Regulations and Section 54A of the Education Act, our educational settings ensure that policies and procedures are in place for dealing with complaints (Reg 168) and we take reasonable steps to ensure those policies and procedures are followed (Reg 170).

Our complaint handling system must be child focused and address the management of a complaint that alleges a child is exhibiting harmful sexual behaviours (s 168(o)). It also helps us to fulfil our obligation under the Reportable Conduct Scheme to have systems in place for preventing, detecting and responding to reportable conduct.

Under NESA requirements we renew registration through our setting demonstrating that we continue to satisfy requirements for registration under section 47 of Education Act 1990 No 8 (NSW).

Policy Statement:

Montessori East recognises that it is in the best interest of children and parents or guardians for there to be a trusting and cooperative relationship between members of the community and the school. Complaints and grievances are an important way for the school community to provide information and feedback to the school and request a formal response or corrective action.

Montessori East recognises a person's right to make a complaint and its responsibility to provide a framework within which efforts can be made to resolve complaints, and that are child-focused.

Montessori East believes that complaints are best handled in an environment where people feel able to speak up about issues concerning the education and wellbeing of students and conduct of staff.

An effective complaint-handling system has a clear process for resolving complaints, treats people fairly, is timely and provides those people involved in a complaint with a fair opportunity to respond to issues and to present their views.

Grievances or complaints may arise from time to time, and it is important that they are not ignored. An unexpressed or unresolved grievance can often escalate unnecessarily.

We have in place procedures designed to support parents, teachers and students in having issues dealt with in a professional manner to the best advantage of the child and school. Grievance will be handled in an unbiased manner, taking into account the principles of procedural fairness.

Purpose of this Policy

The purpose of this policy is to ensure that:

- Montessori East meets its obligation to respond to complaints and grievances in a fair, effective and efficient manner
- Members of the community are informed of how they can make a complaint and the process to resolve the matter
- We clearly display the name and contact details of the person to whom complaints should be made in the reception.
- Parents are told how they can make a complaint or raise a concern during their child's enrolment

Child-focused complaint system

A positive complaints culture is at the core of our child-focused complaint handling system

- We put children's safety, needs and interests at the forefront.
- We are committed to;
 - Helping children understand their rights and to speak up when something is not right. Educators support children to raise any concerns or complaints. Educators are trained to respond to children verbally and non-verbally communicating that something is wrong
 - Keeping children safe. Anyone raising a concern or making a complaint, including those related to a child's safety and well-being, will feel safe and supported by us. We will always act on harm or risk of to a child
 - Letting everyone know that that complaints are welcome and will be taken seriously
 - Responding to complaints sensitively, impartially, professionally, transparently, promptly and thoroughly

Scope

This policy applies to all students, parents, staff and members of the Montessori East community.

General background:

The Education and Care Services National Regulations requires the approved provider to ensure our settings have policies and procedures in place for dealing with complaints.

NESA state (Accreditation non-government schools (NSW) manual):



- set clear guidelines and expectations for stakeholders regarding complaints or allegations of staff misconduct or reportable conduct (p. 35)
- publish the school's complaint handling procedures regarding allegations of staff misconduct or reportable conduct (p. 30)
- complaints or grievances, with specific reference to processes for raising and responding to matters of concern identified by students and/or parents (p.37)
- communication mechanisms and processes for handling complaints (p. 38)
- a process for handling complaints that describes how matters of concern can be raised and a process for responding to those concerns (p. 59)
- Complaints can be made by various stakeholders about a range of matters, such as: services provided by the school, staff misconduct, an allegation of reportable conduct a grievance between staff members about work matters, and discrimination, harassment or bullying between staff.

A complaint or grievance is an expression of dissatisfaction made to the school about an educational and/or operational matter relating to services provided by the school or the behaviour or decisions of a staff member, contractor or volunteer, including misconduct.

If a parent/carer or student has a concern about the conduct of a staff member, they should raise their concern with the school in accordance with this policy. If a complaint that concerns the behaviour of a staff member may constitute reportable conduct, the matter will be addressed in accordance with the school's Child Protection Policy.

Please refer to the school's Child Safety and Protection Policy for information about reportable conduct. Complainants are not required to assess whether their concern meets the threshold of reportable conduct before making a complaint. Any concern about a child's wellbeing may be reported under this policy. Complaints may be made by a student or parent/carer.

The school will seek to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal complaint. NESA states that the definition of a grievance is 'expression of dissatisfaction or formal allegation'.

The principles that inform our policy include:

All decision-making should be carried out in accordance with the principles of Dealing with Complaints policy.

- **Children's safety, health and wellbeing is our key priority.** In line with regulatory requirements, we notify the regulatory authority of any complaints alleging the occurrence of a serious incident or contravention of the Education and Care Services National Law.
- Our families are integral to our school. We welcome their input into all aspects of our operation, including any complaints they may have.
- We welcome complaints as an opportunity to enhance the quality of our education and care practices. We reflect on each complaint received, identifying any issues or areas of improvement for our setting.

Key terms

We provide definitions of our key terms that may not be used every day to help with ease of access:

Term	Meaning
Approved Provider	Board – The Eastern Suburbs Montessori Association
Responsible Person (must have written consent)	Principal/Approved provider/person with management/control, nominated supervisor, a person in day-to-day charge and is present at a centre-based setting at all times.
Nominated Supervisor	The Principal or person nominated by the Approved Provider.
'Harm' and 'risk of harm'	are used in this policy as overarching terms that cover neglect and various forms of abuse. It includes physical, sexual and psychological abuse; neglect; ill-treatment; grooming; exposure to family violence; commercial child sexual exploitation; online child sexual abuse; and sexual abuse that is perpetrated by other children and young people
'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
NESA	NSW Education Standards Authority (NESA)
Concern	any potential issue that could impact negatively of the safety and well-being of children
Complaint	Expression of dissatisfaction made to or about an organisation, related to its products, settings, staff or handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
Investigation	A formal/systematic inquiry to establish facts about complaints by collecting, documenting, examining and evaluating evidence.
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.

Legislative requirements

Our policy is consistent with, and refers to, legislative requirements for dealing with complaints under both Education and Care Services National Law and Education Act (1990) (NSW).

Regulation	Description
Regulation 168 (2)(0)	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.
Regulation 170	Take reasonable steps to ensure that all staff and volunteers follow the policies and procedures of our school.
Regulation 171	Policies and procedures are available and accessible
Regulation 172	Notify parents within 14 days of change to policies or procedures relating to settings provisions, family ability to utilise setting, fees and charges..
Regulation 173	Prescribed information to be displayed.
Regulation 176	Time to notify certain information to the Regulatory Authority.
Section 54A Education Act	Publish the school's complaint handling procedures regarding allegations of staff misconduct or reportable conduct.

Related policies

Related policies and procedures include:

- Injury, incident, trauma and illness
- Providing a child safe environment
- Staffing
- Interactions with children
- Enrolment and orientation
- Governance and management of the service
- Child Protection Policy (regarding reportable conduct)
- Unlawful discrimination, harassment or bullying

Induction and ongoing training

Induction training is carried out as needed for all staff and volunteers. To ensure staff can fulfil their roles effectively we use an Induction Checklist and this includes informing and providing a copy of the Complaint Handling Policy and Procedure and related documents. All policies are accessible to staff.

Dealing with Complaints Procedure

We have specifically outlined our induction training and procedure so that the educators who are casually employed, new to a setting or moving between rooms, can refer to this document when they are unsure about their role and responsibilities at the setting. These documented steps and guidelines guide our practice and inform regulatory authorities of roles and responsibilities. Procedures directly refer to our 'dealing with complaints policy' located in our policy documents.

Procedures

Implementing the 'dealing with complaints policy' includes specific step-by-step procedures including:

- Procedures are kept in the office and on Google Drive and accessible to all staff. We use digital platforms as the main tool for communicating complaints.
- Procedures are an integral part of our educator and staff inductions.
- Clearly defining roles and expectations and as documented in this procedure.
- We will learn from the administration of these procedures to improve.
- Under Section 54A of the Education Act to comply with NESAs we publish the school's complaint handling procedures regarding allegations of staff misconduct or reportable conduct on our website.

Roles and responsibilities

Legal responsibility of approved providers to ensure systems are in place to minimise risk and ensure health and safety procedures are implemented by the responsible people in services. Ultimate responsibility lies with the approved provider to ensure their service/s are meeting the requirements under the Education and Care Services National Law.

Approved provider / Nominated Supervisor:

- Ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Ensure the name and contact number of the person to whom complaints can be made is clearly displayed.
- Ensure that the regulatory authority is notified in writing within 24 hours of any complaints alleging that a serious incident has occurred at our setting or that the Education and Care Services National Law has been breached.
- Discuss complaints with the complainant, make notes from meetings or discussion.
- Take reasonable steps to ensure that nominated supervisors and staff follow the dealing with complaints policy and procedures and it's readily available to them.

- Ensure that copies of the policy and procedures are readily accessible to nominated supervisors, coordinators, and staff, and available for inspection.
- Ensure that complaints result in reviews of relevant policies, procedures, practices.
- Regularly review the policies and procedures to ensure that serious incidents and complaints are investigated promptly, fairly and thoroughly.

Educators/staff:

- Ensure that grievances and complaints are dealt with in accordance with this policy.
- Listen to and aim to resolve complaints and grievances in a positive way.
- Report any grievances and complaints to the Principal / Nominated Supervisor and maintain all relevant documentation.
- Support the nominated supervisor and approved provider in the investigation and/or resolution of complaints.

Families:

- Be familiar with and follow the Dealing with complaints policy and procedures
- Raise any issues or complaints directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievance procedures.
- Communicate any concerns relating to the management or operation of the school as soon as possible.
- Raise any unresolved issues or serious concerns directly with the Principal / Approved Provider.
- Maintain confidentiality at all times
- Cooperate with the school's representatives dealing with complaints.

Resolving complaints

Act: 174, 174A **Regs:** 143B, 168- 172, 176 **QAs** 6.1, 7.1.2, 7.2.1

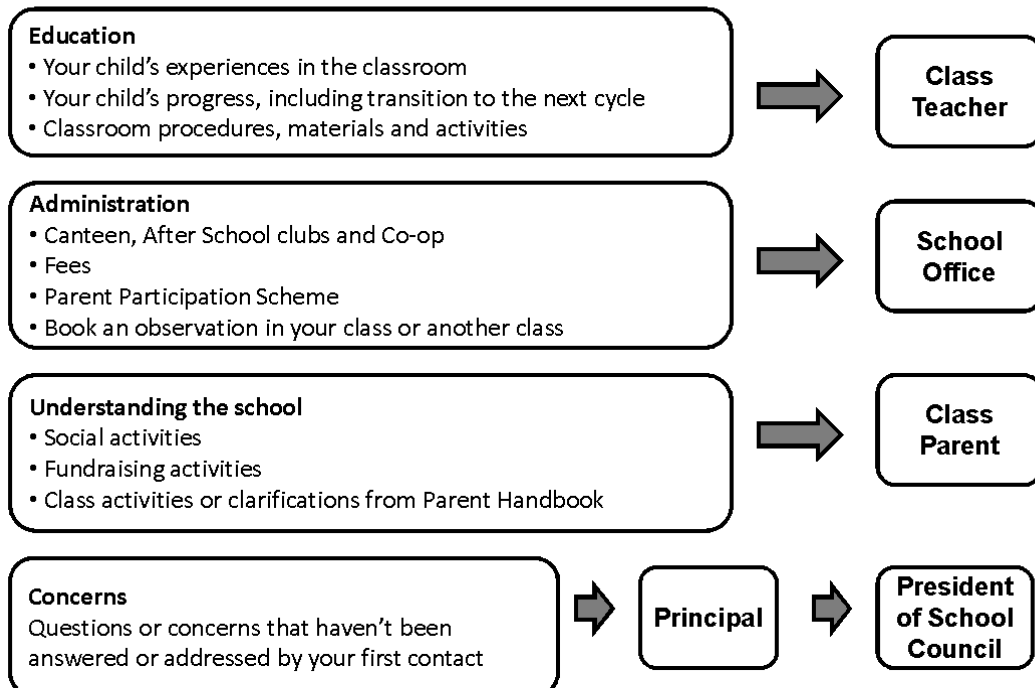
- We let the complainant know what actions we will take as a result of their complaint by writing to them.
- We inform other parties of the outcome of the complaint, if relevant (e.g. our community) by writing to them stating the outcomes.
- The process we implement if the complainant is unhappy with our proposed resolution of the complaint (e.g. a right to appeal, etc.) is outlined below.
- We will use the complaint to identify any issues or areas of improvement for our settings and then see if our policies, procedures or practices need amending as a result of the experience with the complaint.

- We have created a process to inform complainants of the outcome of a complaint or investigation.
- We created a system to reflect on the outcomes of complaints and any changes that may have resulted.
- We consider processes for identifying goals and strategies for inclusion in the Quality Improvement Plan.

Communication Structure for parents to follow

Prior to making a complaint or grievance, parents/guardians can contact the following people with questions.

Where to go if you have questions about your child and ME



Other resources: The parent handbook and our school website are also full of useful information so please have a look there to see if your questions can be answered

Making a Complaint

- Anyone can raise a concern or lodge a complaint. We encourage children, families, community members and staff to raise any concerns or complaints they have.
- A complaint can be made directly with the child's educator, the Principal, Approved Provider or Nominated Supervisor.
- Complaints and concerns can be made in any way that feels comfortable - for example, over the telephone, by email or in person.

Managing a Complaint

Complaints may arise from time to time, and it is important that they are not ignored. An unexpressed or unresolved complaint can often escalate unnecessarily. The following procedures are designed to make sure that:

- Parents and teaching staff are supported and informed by the appropriate people when a complaint arises.
- Issues are dealt with in a professional manner to the best advantage of the child and school.
- Confidentiality is maintained and the integrity of all parties is honoured

Responsiveness

All complaints will be acknowledged and responded to as soon as possible. Complaints will be dealt with in a timely manner and complainants will be kept informed about the progress of their complaint and anticipated timeframes. Allegations or suspected harm or risk of harm of a child or possible victims of crime, will be actioned immediately by urgent referral or reporting to the relevant agency.

Assessing a complaint

Receiving a complaint about harm or the risk of harm to a child

If the complaint or concern is about harm or the risk of harm to a child, including any complaints that allege a child is exhibiting harmful sexual behaviours, we will follow our Child Protection Policy and Procedures, which sets out our obligations and systems for:

- Recording and managing incidents, suspicions or disclosures of harm or risk of harm
- 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 Helpline, the education and care services regulatory authority, under reportable conduct schemes)

The Principal generally will assess a complaint and determine:

- whether the complaint is one to be addressed under this policy or is a staff grievance or reportable conduct matter which are dealt with by the relevant policies
- whether the school may be required to report the matter to the Ombudsman, Police, Family and Community Services or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.

If a parent has a concern for the welfare of a child, they should:

- Discuss their concerns with the Teacher or the Principal / Approved Provider, who will follow the steps outlined in Child Safety and Protection Policy.
- If the parent is not satisfied with the response from the school, they are encouraged to contact the Office of the Children's Guardian

- If a child is in imminent danger, parents are asked to call the police.

Whistleblowing complaints

This procedure does not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints are dealt with in the school's whistleblowing policy.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a board member, staff member, a person who supplies goods or services to the school, including a volunteer, an employer of a supplier or a relative of any of these people
- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity
- is made to a senior staff member, or officer of the school, the school's auditor or a person who the school has authorised to collect such disclosures

The complainant

Informal complaints may be raised by a complainant directly with the person involved. However, if the complainant does not feel comfortable doing so or the matter is one where it may not be appropriate to do so a complaint can be made to the Principal. Any complaint about conduct of a staff member should be raised directly with the Principal in the first instance.

Should the matter not be resolved through informal processes, the complainant may raise the matter formally with the school. A formal complaint can be made in writing to the Principal, via email.

Where a person wishes to make a formal complaint concerning the Principal the complaint should be made in writing to the Board Chairperson/delegate, via email. In this situation, the references in this policy relating to the role of the Principal should be read as references to the Board Chairperson.

The Principal will generally acknowledge receipt of a formal complaint in writing as soon as practicable.

Direct Complaints

Families can make a direct complaint to the Regulatory Authority where the complaint alleges that

- the safety, health or wellbeing of a child or children was or is being compromised while that child or children is or are being educated and cared for by the school.
- the relevant legislation has been contravened.

Confidentiality

All parties involved in complaints handling are required to maintain appropriate confidentiality, including in relation to handling and storing records.

There may be circumstances where some steps outlined above are not appropriate, school will determine, on a case-by-case basis, most appropriate method to handle a complaint.

A complainant and the relevant parties that the complaint is about may choose to have an appropriate support person present at any meeting with representatives of the school about the complaint. However, the school maintains the right to determine whether the person's preferred support person is

appropriate and may not approve the attendance of a support person where they are determined by the school to be inappropriate.

Contacts

If you have any queries about this procedure, please contact the Principal.

Principal: Principal@montessori.nsw.edu.au Phone: (02) 9130 8313

Board Chairperson: chair@montessori.nsw.edu.au Phone: (02) 9130 8313

Recording Complaints and Grievances

(Section 47 of the Education Act 1990 No 8 (NSW))

The following outlines areas of possible disagreements arising and our processes to alleviate, document and resolve.

1. The parent discusses the complaint with the teacher/staff member. Where possible, complaints are dealt with immediately by the child's educator as this is usually the person with the closest relationship with the family.
2. The complaint will be documented and any legal requirements in relation to the complaint considered, such as the need to notify regulatory authorities.
3. The complainant will be asked to provide information regarding how the situation could be rectified to their satisfaction.
4. If possible, the problem will be resolved immediately. If either the parent or the teacher is not satisfied with the outcome, the teacher or parent can contact the Principal for support.
5. In the event that the parent is not satisfied, they can raise the matter in writing addressed to the Principal. The Principal will request the School Board Chairperson and/or an executive member of staff along with the parents to help resolve the matter. Copies of the letter and any comments from the Principal will be filed in the child's record and with the Principal.
6. If the matter is resolved the Board's Chairperson will report that a grievance was addressed and resolved. If the matter is not resolved, then the Chair will bring the matter to the Board's attention and the Board will need to decide how to resolve the matter and record this at the next meeting. The minutes of this Board meeting will be filed in the child's record and file with the Principal. The Board will notify the parent(s) of the decision of the Board.
7. The decision of the Board is final and the contractual agreements between the parent(s) and the school are honoured.
8. Each step of any dispute resolution process will be documented and signed as a true record by all the parties involved. These records will be kept on file for future reference.

Disagreement between staff members

The staff members should discuss the issue in a meeting held specifically for that purpose. A staff member makes a summary of the meeting.

1. If either staff member is unhappy with the outcome of the first meeting, they will ask the Principal to sit in on a second meeting. The role of the Principal will be to try to resolve the disagreement in the parties' best interest. The Principal will make a summary of the meeting.
2. In the event that either staff member is still unhappy with the state of affairs, they should raise the matter in writing addressed to the Principal. The Principal will request that a school board member or mediator attend along with the staff members to assist in resolving the matter. Copies of the letter and any comments from the Principal will be filed in staff files and with the Principal.
3. If the matter is resolved the Principal will report that a grievance was addressed and resolved. If the matter is not resolved, then the Principal will bring the matter to the Board's attention and the Board will assist in finding a solution. The minutes of this Board meeting will be filed in the file of the staff members and the file of the Principal. The Board Chairperson and Principal will notify the staff members of the decision of the Board.
4. The decision of the Board is final and the contractual agreements between the staff and the school are honoured.

Considerations include:

All the documentation that is produced while resolving a disagreement is kept in the file of the child/staff member as well as in the file of the Principal with the Complaints Register. Because these documents can contain confidential material these files should not be accessible to everyone.

The child's file may only be accessed by:

- The Principal
- The class teacher of the class the child currently attends can get access after asking the Principal.
- The parents of the child can get access after asking the Principal.
- The Principal and the parents together can give someone else permission to look in the file.

The file of the Principal may only be accessed by:

- The Principal
- The staff member who the file concerns after asking the Principal.
- The Principal and the staff member together can give someone else permission to look in the file concerning the staff member.

It is important to keep good documentation for the following reasons:

- People often have different recollections of discussions and meetings.

- If there is a change of staff, the new staff member must be able to see the history of an unresolved dispute.

Follow up and Review

Each complaint will be viewed as an opportunity for improvement. After the complaint or grievance has been dealt with, it will be analysed to determine if any changes need to be made.

The Principal / Approved Provider will contact families to determine if they were satisfied that the issue was resolved, and educators will be consulted about the outcome from their point of view.

Managing a Complaint Form

Definitions of Complaints and Grievances

The term *grievance* is used only in a human resources context (e.g. staff grievances).

The term 'complaints' can be used for the broad range of matters from the Australian Standard. Any issue raised that is an expression of dissatisfaction made to or about the school, 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 should be considered a complaint and managed in accordance with the school's complaints handling procedures.

All complaints and grievances are treated with objectivity and in confidence.

The Complaint

Basics of Complaint (including relevant dates, persons involved):

Who has brought the complaint:.....

Date complaint has been brought:

Acknowledging a Complaint

Verbal acknowledgement of complaint - Date verbally acknowledged

Date resolved

Contact person for the complainant

Written acknowledgement of complaint - Date acknowledged in writing

Date resolved

Contact person for the complainant

Dealing with Complaints and Grievances Form

Date:

Person/s submitting form:

Contact Details:

Full name:

Contract Email:

Phone #:

Complainants' Category

- ☐ Parent/carer/family member
- ☐ Teacher
- ☐ Principal
- ☐ Staff member
- ☐ Other

Brief description of complaint:

[Describe the situation and/or your concerns; include key dates and times, such as when the incident occurred; if known, names of adults or children involved; any other information that you think is relevant to your complaint. Add pages as required].

What action would you like to see as a result of your complaint?

What actions have already been taken?

[Have you verbally raised your complaint with the Teacher or Principal? If yes, what was the outcome? If no, was there a particular reason?]

Signature of complainant:

Date:

Dealing with Complaints and Grievances Meeting Record

Date:

Attendees/positions:

- 1.
- 2.
- 3.
- 4.
- 5.

Brief description of complaint:

[Describe the situation and/or your concerns; include key dates and times, such as when the incident occurred; if known, names of adults or children involved; any other information that you think is relevant to your complaint. Add pages as required].

Decisions made at this meeting:

- 1.
- 2.

3.

What actions are expected to be taken?

True Summary of Meeting:

a) This complaint was satisfactorily resolved through/by

b) This complaint was not satisfactorily resolved but the timeframe for follow up is:

Signature 1:

Date:

Signature 2:

Date:

Signature 3:

Date:

Signature 4:

Date:

Signature 5:

Date:

This record will be kept in the child/staff file and with the Principal.