

3.4.1 PARENT GRIEVANCE AND DISPUTE RESOLUTION POLICY

PREAMBLE

This policy conforms to Governance Policy [10.6 Grievance and Dispute](#). This governance policy outlines the grounding biblical principles for all grievance and dispute resolution in the Mount Evelyn Christian School community for both Mount Evelyn Christian School and MECS Kindergarten. For definitions and roles and responsibilities see the latter part of the implementation section.

MECS is committed to:

- Providing an environment of mutual respect and open communication, where expression of opinion is encouraged
- Dealing with disputes, complaints and complainants with fairness and consistency
- Establishing mechanisms to promote prompt, efficient and satisfactory resolution of grievances and disputes in a biblical manner and where possible, between the persons concerned
- Complying with all legislative and statutory requirements

RATIONALE

This policy guides the practical implementation of Governance Policy [3.4 Parental Grievance Resolution](#).

POLICY SUMMARY

Parent grievances and disputes shall be resolved through a staged process.

The stages are:

Stage One: Personal and Informal Resolution

Stage Two: Formal Discussions

Stage Three: Formal Mediation

Stage Four: Formal Arbitration

IMPLEMENTATION

The following process is used for the resolution of parent or guardian grievances and disputes in the school.

Stage One – Personal and Informal Discussions

- When differences first occur, reconciliation is sought through private and informal steps involving the parties concerned. No official record is kept of these discussions but both parties are urged to keep diary notes of the event with a summary of the matters discussed and any agreements reached.
- This step may be repeated any number of times until the issue is resolved or it becomes clear that resolution will not be reached.
- The Principal (or the Board Chairman in the case of a dispute with the Principal) is to be advised of the disagreement if it is clear that a resolution cannot be reached. In such cases, Stage Two will be invoked and the parent/s or guardians will be informed of the school's resolution policy.

Stage Two – Formal Discussions

- Where a mutually satisfactory conclusion cannot be reached through informal discussions, formal discussions and/or counselling takes place (i.e. Stage Two)
- The Principal (or the Board Chairman in the case of a dispute with the Principal), or any party to the dispute or grievance is to be informed of the disagreement and any conflict of interest relating to the Principal and/or staff member must be disclosed
- Stage Two can be invoked by the Principal, or any party to the dispute or grievance.
- Detailed records are made of these discussions, including any commitments or undertakings given. Both parties are encouraged to sign and keep a common record of discussions. In some cases, the nature and the details of the grievance require affected policies to be considered, and appropriate records of the information and data collected to be maintained; including minutes of meetings, incident reports and copies of relevant documentation relating to the grievance, in a secure location.
- In the specific case of MECS Kindergarten, the Kindergarten Director and Principal will determine if it is a **notifiable grievance** and if so, MECS Kindergarten will notify the Department of Education and Training in writing within 24 hours of receiving the complaint (Regulation 176(2)(b)), using the appropriate forms from ACECQA and will include:
 - details of the event or incident
 - the name of the person who initially made the complaint
 - if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report where relevant
 - contact details of the Kindergarten Director
 - any other relevant information
- Stage Two can include informal mediation. The mediator selected for informal mediation must be independent and acceptable to both parties.

Stage Three – Formal Mediation

- Where a dispute or grievance cannot be resolved in Stage Two, formal mediation is used in an attempt to reach a compromise position.
- Stage Three can be invoked by the Principal, the Board, or any party to the dispute.
- An independent person, agreeable to both parties, is asked to formally mediate in the dispute and fully document points of agreement and disagreement. A report shall be given to the Principal provided the dispute does not involve him/her. If the dispute involves the Principal then the report shall be given to the Board.
- It is quite likely that the involvement of a Mediator will entail financial costs. In this case the costs will be shared by both parties.
- It is expected that both parties at this stage are committed to reaching a satisfactory compromise solution, and would therefore generally comply with any reasonable recommendations of the Mediator.

Stage Four – Formal Arbitration

- Where mediation has not succeeded, the final recourse is to external Arbitration.
- It is quite likely that the involvement of an Arbitrator will entail financial costs. In this case the costs will be shared by both parties.
- It is expected that both parties at this stage are committed to reaching a satisfactory compromise solution, and would therefore generally comply with the conclusions of the Arbitrator.

LODGING THE COMPLAINT/DISPUTE

A complaint will be assessed for action and applicable parties may contact the relevant parties for more information. The above process will be implemented if there is a dispute or grievance to resolve.

All personal information that is collected to manage the complaint or grievance will be handled in accordance with the MECS Confidentiality and Privacy Policy and the related legislation.

Specific to MECS Kindergarten:

On receiving the formal complaint or grievance, the staff member or Kindergarten Director will immediately record all relevant details regarding the matter in the *Complaints and Grievances Register* and notify the relevant parties concerned.

COMPLAINT/DISPUTE DURATION

The complaint will be actioned as quickly as possible. If an issue is complex, a more detailed investigation may be needed and parties will be informed of the progress.

Lodged complaints will be acknowledged within no more than 5 working days. Resolution of the grievance or dispute will commence within 10 working days. If an issue is complex, a more detailed investigation may be needed and parties will be informed of the progress.

If there is a grievance or dispute to resolve, the steps outlined above may take some time, however, MECS is committed to timely processes and resolution.

ROLES AND RESPONSIBILITIES

All persons involved, including staff members/parents, are responsible for

- applying Biblical principles in their dealings with each other and those in authority over them
- seeking God's will by praying earnestly, both individually and when meeting to discuss matters of dispute or discipline

Parents are responsible for:

- communicating and raising a complaint directly with the staff member/teacher involved, in an attempt to clarify and resolve the matter as soon as possible
- clearly outlining the issue or if an event, describe it in the order it happened.
- contacting the next applicable person in order to address the complaint, grievance or dispute, should they feel that it has not been adequately addressed

Staff Members are responsible for:

- following the processes outlined in this policy with Christian love, forgiveness and speaking the truth in love
- seeking to clarify and resolve the complaint, grievance or dispute in a positive, Godly and caring way
- maintaining professionalism, confidentiality and integrity when resolving issues, treating all complainants fairly, equitably and consistently
- notifying the relevant section coordinator or leadership personnel if a complaint escalates and becomes a grievance, is a notifiable complaint (Kindergarten) or is unable to be resolved appropriately in a timely and Biblical manner

The Principal and Kindergarten Director are responsible for:

- implementing this policy
- tempering the implementation of this policy with Christian love, forgiveness and speaking the truth in love
- keeping appropriate records of actions taken under this policy
- seeking independent advice in serious situations, especially when invoking Stages Two to Four in the process
- the review and maintenance of this policy statement and associated documentation

The Board is responsible for:

- seeking independent advice in serious situations, especially when invoking Stages Two to Four in the process

MECS Kindergarten and their staff are responsible for:

- being familiar with the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, centre policies and constitution, and complaints and grievances policy and procedures
- advising parents/guardians and any other new members to MECS Kindergarten of the importance of communicating and sharing information in order to resolve complaints in the most appropriate and timely manner
- ensuring that the name and telephone number of the Early Years Coordinator to whom complaints and grievances may be addressed are displayed at the main entrance of the centre (Regulation 173(2)(b))
- ensuring that the address and telephone number of the Authorised Officer at the DET regional office are displayed at the main entrance of the centre (Regulation 173(2)(e)) and that this policy is available at all times (Regulation 171)
- providing a *Complaints and Grievances Register* and ensuring that staff record complaints and grievances along with outcomes
- complying with MECS *Privacy and Confidentiality Policy*, maintaining confidentiality at all times (Regulations 181, 183)
- referring notifiable complaints, grievances or complaints that are unable to be resolved appropriately and in a timely manner to the Principal informing the DET in writing within 24 hours of receiving a notifiable complaint (Act 174(4), Regulation 176(2)(b))

DEFINITIONS & RELEVANT LEGISLATION

In this policy statement:

Association means “The Association for Christian Education of Mount Evelyn Inc.”

Arbitration means the hearing and determination of a dispute by an impartial referee agreed to by both parties.

Board means the Board of Directors of the Association.

Dispute means a grievance arising from treatment in contravention of the Board Governance document which cannot be resolved between the parties concerned.

Grievance includes a disagreement or problem between a parent, the staff, or Principal which, if left unresolved, will be detrimental to working relationships in the school and involves matters of a more serious nature

Mediator: A person who mediates, especially one who reconciles differences between disputants.

Mediation is a process where an independent neutral person, trusted by both parties in dispute, works with those parties to reach a resolution that both can agree to.

Parent means the parent or guardian of one or more students enrolled in the school.

Principal means the Principal or Acting Principal of the school.

Staff or Staff Member refers to paid employees or a paid employee of the Association.

Specific to MECS Kindergarten:

Complaint: (In relation to this policy) a complaint is defined as an issue of a minor nature that can be resolved promptly or within 24 hours, and does not require a detailed investigation. Complaints include an expression of displeasure, such as poor service, and any verbal or written complaint directly related to the centre (including general and notifiable complaints).

Complaints do not include staff, industrial or employment matters, occupational health and safety matters (unless related to the safety of the children) and issues related to the legal business entity, such as the incorporated association or co-operative.

Complaints and Grievances Register: (In relation to this policy) records information about complaints and grievances received at MECS Kindergarten, together with a record of the outcomes. This register must be kept in a secure file, accessible only to Educators and Kindergarten Director at the centre. The register can provide valuable information to the Approved Provider on meeting the needs of children and families at the centre.

General complaint: A general complaint may address any aspect of the centre e.g. a lost clothing item or the centre's fees. MECS Kindergarten do not have to inform the DET, but the complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

Notifiable complaint: A complaint that alleges a breach of the Act or Regulation, or alleges that the health, safety or wellbeing of a child at the centre may have been compromised. Any complaint of this nature must be reported by MECS Kindergarten to the secretary of the DET within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)). If MECS Kindergarten is unsure whether the matter is a notifiable complaint, it is good practice to contact the DET for confirmation.

Written reports to the DET must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of the Kindergarten Director
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: www.acecqa.gov.au

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises (Regulation 12). A serious incident should be documented in an *Incident, Injury, Trauma and Illness Record* (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority (DET) must be notified within 24 hours of a serious incident occurring at the centre (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

Relevant legislation and standards include but are not limited to:

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, as amended 2011

- *Children, Youth and Families Act 2005* (Vic), as amended 2011
- *Children, Youth and Families Act 2005* (Vic), as amended 2012
- *Education and Care Services National Law Act 2010*: Section 174(2)(b)
- *Education and Care Services National Regulations 2011*: Regulations 168(2)(o) and 176(2)(b)
- *Health Records Act 2001* (Vic), as amended 2011
- *Information Privacy Act 2000* (Vic), as amended 2011
- *National Quality Standard*, Quality Area 7: Leadership and Service Management
 - Standard 7.3: Administrative systems enable the effective management of a quality service/centre
 - Element 7.3.4: Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner
- *Privacy Act 1988* (Cth) and *Privacy Regulations 2006* (Cth)

Policy Approved

By: Administration Manager

On: 22 October 2019

Policy to be reviewed

By: Executive

In: October 2025