

FURTHER INFORMATION REGARDING COMPLAINTS AGAINST THE CHILD CARE UNIT

Confidentiality

In the Department of Education it is important that confidentiality be maintained throughout the grievance resolution process. The parties to a grievance, such as the complainants (parents, child care service personnel, other members of the public), the respondent/s (member/s of the Child Care Unit), possible witnesses, and the investigator are expected to maintain strict confidentiality. Should details of a grievance become widely known, there is the potential for undue embarrassment and workplace tension. In addition, it may be less likely that the complaint will be successfully resolved.

The requirement for confidentiality should not, however, impede a person's ability to prepare their response to an allegation. Each party to a grievance is entitled to personal and professional advice and support, and the seeking of such support is not considered to be a breach of confidentiality.

Employees and clients should be aware that details of a grievance may be shared with the Conduct and Investigations Unit (C&I) or with other work units of the Human Resources Management Branch to facilitate resolution of the grievance.

It is also important to note that, where C&I is in receipt of a grievance about a member of the Child Care Unit (CCU), the relevant CCU Team Leader and/or the Director (Early Years) will be informed. C&I will regularly update the Director regarding all grievances in the Director's area, who may also be consulted regarding strategies to resolve the grievances.

It is expected that all these people will maintain strict confidentiality. Please also note that your personal information is protected under the provisions of the *Personal Information Protection Act 2004*.

Support Options

Each party to a grievance is entitled to personal and professional advice and support. This may involve approaching and confiding in a trusted friend or colleague for example.

Members of the public may choose to seek support and advice from relevant organisations outside the Department for example:

- Anti-Discrimination Commissioner;
- Human Rights and Equal Opportunity Commission;
- Ombudsman.

Please note that it is not the role of investigating officers to provide support to either a complainant, a respondent or a witness, as this has the capacity to impact upon the investigator's ability to afford natural justice/procedural fairness by possibly contravening the 'no bias' rule.

Complainant Role, Rights and Responsibilities

The complainant has the following role, rights and responsibilities:

- to be afforded natural justice/procedural fairness;
- to have his/her complaint taken seriously;
- to be treated with dignity and respect and not be victimised during or following the investigation;
- to be held responsible for his/her actions, including conduct during the course of an investigation;
- to maintain confidentiality and to have his/her complaint heard confidentially;
- to have the right of access to the complaint and any relevant documentation which is produced once the matter is being investigated;
- to be represented and/or to obtain advice from a person or an organisation outside the Department;
- to be informed whether the allegation will be followed up by the CCU and to receive an outline of the findings of the investigations.

Respondent Role, Rights and Responsibilities

The respondent has the following role, rights and responsibilities:

- to be afforded natural justice/procedural fairness;
- to be treated with dignity and respect and not be victimised during or following the investigation;
- to be assumed innocent unless or until proven otherwise;
- to choose whether or not to respond to a complaint made against him/her;
- to have familiarised themselves with the *State Service Principles*, the *Code of Conduct* and the *Department of Education Conduct and Behaviour Standards Policy* and to conduct themselves accordingly at all times;
- to be held responsible for his/her actions, including conduct during the course of an investigation;
- to maintain confidentiality and to have the matter heard confidentially;
- to have the right of access to the complaint and any relevant documentation which is produced once the matter is being investigated;
- to be represented and/or to obtain advice from a person or an organisation inside or outside the Department;
- to be given adequate time to provide evidence demonstrating that the alleged contravention did/did not occur and/or to provide a response; and
- to co-operate through an investigation.

Witness Role, Rights and Responsibilities

Witnesses have the following role, rights and responsibilities:

- to be afforded natural justice/procedural fairness;
- to be treated with dignity and respect and not be victimised during or following the investigation;
- to choose not to respond to a request for a witness statement;
- to be held responsible for his/her actions, including conduct during the course of an investigation;
- to maintain confidentiality; and
- to be represented and/or to obtain advice from a person or an organisation inside or outside the Department.

Investigations Officer Role, Rights and Responsibilities

The investigator has the following role, rights and responsibilities:

- to be enabled to afford natural justice/procedural fairness, including the responsibility to remain unbiased;
- to maintain confidentiality;
- to be treated with dignity and respect and not be victimised during or following his/her investigation of a complaint.
- to act in accordance with legislative responsibilities; and
- to ensure consistency of practice across the State—in implementing the complaints process and in identifying appropriate action, including referrals.