

# Grievance Policy (Staff)

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Feedback from families, Educators, staff and the wider community is fundamental in creating an evolving Service working towards the highest standard of care.

It is foreseeable that feedback will include divergent views, which may result in complaints. This Policy details Service procedures for managing complaints. Parents and Educators can lodge a grievance with Management with the understanding that it will be managed conscientiously and confidentially.

## National Quality Standard (NQS)

| Quality Area 4: Staffing Arrangements |                                   |   |
|---------------------------------------|-----------------------------------|---|
| 4.1.1                                 | <b>Organisation of Educators</b>  | The organisation of Educators across the Service supports children's learning and development.  |
| 4.1.2                                 | <b>Continuity of Staff</b>        | Every effort is made for children to experience continuity of Educators at the Service.   |
| 4.2                                   | <b>Professionalism</b>            | Management, Educators and staff are collaborative, respectful and ethical.  |
| 4.2.1                                 | <b>Professional collaboration</b> | Management, Educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills. |
| 4.2.2                                 | <b>Professional standards</b>     | Professional standards guide practice, interactions and relationships.  |

## Education and Care Services National Regulations

| Children (Education and Care Services) National Law |   |
|---|---|
| <b>168</b>  | Education and Care Service must have policies and procedure |
| <b>173</b>  | Prescribed information to be displayed                      |
| <b>176</b>  | Time to notify certain information to Regulatory Authority  |

## PURPOSE

We aim to investigate all complaints and grievances with a high standard of equity and fairness. We believe in team collaboration to ensure a safe, healthy and harmonious work environment.

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.

## Procedural fairness and natural justice

Our Service believes in procedural fairness and natural justice that govern the strategies and practices, which include:

- The right to be heard fairly.
- The right to an unbiased decision made by an objective decision maker.
- The right to have the decision based on relevant evidence.

## SCOPE

This policy applies to children, families, Educators, staff, students, volunteers and visitors of the Service.

## RELATED POLICIES

Service Philosophy

Health and Safety Policy

Bullying, Discrimination & Harassment Policy

Interactions with Children, Families and Staff Policy

Service Values

Work Health & Safety Policy

Code of Conduct Policy

Privacy and Confidentiality Policy

## IMPLEMENTATION

Grievances can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. The Grievance Policy ensures that all persons are presented with procedures that:

- Value the opportunity to be heard.
- Promote conflict resolution.
- Encourage the development of harmonious partnerships.
- Ensure that conflicts and grievances are mediated fairly.
- Are transparent and equitable.

## Definitions

**Complaint:** An issue of a negligible nature that can be resolved within 24 hours, and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, such as poor service, and any verbal or written complaint directly related to the Service (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (except associated with the safety of children).

**Complaints and Grievances Register:** Records information about complaints and grievances received at the Service, along with the outcomes. This register must be kept in a secure file, accessible only to Educators and the Regulatory Authority. The register can provide valuable information to the Approved Provider and Nominated Supervisor of the Service to ensure children and family's needs are being met.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If the Service is in breach of a regulation causing injury or possible harm to a child.

**Mediator:** A person who attempts to make people involved in a conflict come to an agreement.

**Mediation:** An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety or wellbeing of a child at the Service may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Regulatory Authority within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If the Nominated Supervisor and/or Approved Provider are unsure whether the matter is a notifiable complaint, it is good practice to contact the relevant state Regulatory Authority for confirmation.

Department of Early Childhood Education and Care (NSW)

[ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au)

1800 619 113

Department of Education and Training (VIC)

[licensed.childrens.services@edumail.vic.gov.au](mailto:licensed.childrens.services@edumail.vic.gov.au)

1300 307 415

Written reports 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 a nominated member of the Grievance Subcommittee.
- 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](http://www.acecqa.gov.au) and lodged using NQA ITS (National Quality Agenda IT System).

**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 as soon as possible and within 24 hours of the incident. The Regulatory Authority 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.

We acknowledge that conflict is a natural part of the work environment. It is important that all conflict is resolved. Unresolved conflict can lead to tension; stress; low productivity; bitter relationships; excess time off; ill health; anxiety and many other destructive emotions. When conflict is addressed and handled constructively the outcomes are feelings of relaxation; openness; high productivity; vitality; good health, empowerment; a sense of achievement etc.

Positive communication between Educators is vital to the smooth running of the Service and to ensure a positive environment for children. Educators are expected to treat other Educators with respect, accept differences and share ideas. It is every staff member's responsibility to contribute to the development of an open, healthy and constructive work environment. All grievances, whether considered minor or not, are to be dealt with promptly, professionally and thoroughly.

The Service employees are expected to look at conflict in a positive way, ready to learn something new, reflect on good quality practice, improve work relationships and ultimately provide better care and education for children.

Employees are also to be aware of their responsibility in being good role models for children in their handling not only of conflict with work colleagues, but with children, parents and other associates. Employees should regularly reflect on the Code of Ethics - Early Childhood Australia for guidance and direction of appropriate behaviour when dealing with conflict. The Code of Ethics states that all team members should "make every effort to use constructive methods to resolve differences of opinion in the spirit of collegiality."

### **Privacy and Confidentiality**

- Management and Educators will adhere to our Privacy and Confidentiality Policy when dealing with grievances. However, if a grievance involves a staff member or child protection issues, a government agency may need to be informed.

### **Conflict of Interest**

It is important for the complainant to feel confident in

- Being heard fairly.
- An unbiased decision making process.

The Approved Provider and/or Nominated Supervisor shall mediate all conflicts of interest. However, should a conflict of interest arise that involves the Approved Provider and/or Nominated Supervisor, then another member of the Service management team will be nominated as an alternative mediator.

Our Service may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the Service Code of Conduct must be adhered to.

**The Approved Provider / Nominated Supervisor will:**

- Treat all grievances seriously and as a priority.
- Ensure grievances remain confidential.
- Ensure grievances reflect procedural fairness and natural justice.
- Discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint.
- Investigate and document the grievance fairly and impartially. This will consist of:
  - Reviewing the circumstances and facts of the complaint (or breach) and inviting all affected parties to provide information where appropriate and pertinent.
  - Discussing the nature of the complaint (or breach) and giving an Educator, staff member, volunteer or visitor an opportunity to respond.
  - Permitting them to have a support person present during the consultation (for example: Union Representative, however this does not include a lawyer acting in a professional capacity).
  - Providing the employee with a clear written statement outlining the outcome of the investigation.
- Advise the complainant and all affected parties of the outcome within 7 working days of receiving the verbal or written complaint.
  - Management will provide a written response outlining the outcome and provide a copy to all parties involved.
  - If a written agreement about the resolution of the complaint is prepared, all parties will ensure the outcomes accurately reflects the resolution and sign in agreement.
- Should management decide not to proceed with the investigation after initial enquiries, a written notification outlining the reasoning will be provided to the complainant.
- Keep appropriate records of the investigation and outcome, and store those records in accordance with our Privacy and Confidentiality Policy and Record Keeping and Retention Policy.
- Monitor ongoing behaviour and provide support as required.
- Ensure the parties are protected from victimisation and bullying.
- Request feedback on the grievance process using a feedback form.
- Track complaints to identify recurring issues within the Service.
- Notify the state Regulatory Authority (Department of Education and Communities (NSW) or Department of Education and Training (VIC)) within 24 hours if a complaint alleges that the safety, health or wellbeing of a child is being compromised.

**Educators, staff, volunteers and visitors will:**

- Be aware of the possible ramifications of their actions when dealing with staff issues.
- Raise the grievance or complaint directly with the person they have grievance with in a professional manner and at an appropriate time. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should be based on the principles of privacy, confidentiality, respect and open-mindedness, will not involve other Educators, staff, volunteers or visitors (e.g. parents) and will take place away from children.

- Raise the grievance or complaint with the Approved Provider or Nominated Supervisor. If they are unable to resolve the concern, or feel uncomfortable raising the matter directly with the person concerned. The Approved Provider or Nominated Supervisor may ask for the issue to be put in writing.
- Provide all relevant information, outlining the issue, identifying any other person involved in the problem and any suggested solution.
- Communicate openly about the issue with the relevant parties.
- Raise any grievance involving suspected or actual unlawful activity (including bullying) with the Approved Provider or Nominated Supervisor immediately and privately.
- Maintain confidentiality at all times.
- Maintain professionalism at all times.

When the persons involved cannot resolve the grievance between them in a constructive and professional way the following steps will be followed:

**1. The aggrieved person is to contact their immediate supervisor (Room Leader, Nominated Supervisor or Licensee) who will act as Mediator.**

The Mediator will have an interview with the persons involved and clarify the facts, work out whether advice is needed from other sources, discuss options available and help to formulate a plan of action. If an employee does not feel comfortable in approaching their supervisor, or the conflict is with their immediate supervisor, they can contact the next level of management to act as Mediator.

**2. If an amicable resolution does not occur at this meeting the Mediator is to present a report to the next level of management outlining:**

- The nature of the grievance.
- The procedures followed to date.
- The solution(s) sought.
- The recommended plan of action or resolution.

**3. If an agreement is reached the mediator is to present a report to the next level of management outlining:**

- The nature of the grievance.
- The procedures followed to date.
- The solution(s) agreed upon.
- The plan of action to reach this solution and review time if warranted.
- A copy of this report is to be provided to all persons involved in the grievance, and a copy is to be retained at the workplace.

### **Grievance Procedures**

Harmonious staff relations within the Service largely depend on staff feeling satisfied that their professionalism is being acknowledged by their involvement in appropriate decision-making processes.

The quality of industrial relations is likely to be substantially better in a workplace if the decision-making processes adopted, permit staff to have input into decisions, which affect the nature and quality of their professional work.

Management and staff within the organisation will work together to develop and implement appropriate strategies to facilitate consultative and collaborative decision making processes within the workplace. Where staff feel these processes have failed and are in conflict with decisions made by Management, including the Board, the following procedures are to be ensued:

- The aggrieved person(s) is/are to discuss the grievance with their immediate supervisor.
- The supervisor is to report to the Nominated Supervisor/ Approved Provider of the grievance.
- The Mediator will seek advice as necessary from other sources, (e.g.: unions, Work Cover and funding bodies).
- The Mediator will then advise management of the possible solutions.

Meetings are to be arranged with the aggrieved person(s) as necessary throughout the process. The outcome of the grievance must be reported to the aggrieved person within a week of the decision.

### **Resolution of Grievances**

Grievances are considered resolved when all persons involved agree to a solution, when the cause of the grievance has been removed or resolved, and when arrangements have been made, if appropriate to repair any damage and distress suffered by the persons involved. Strategies agreed upon by both parties are to be put in place to help avoid further conflict.

### **Unresolved Conflict**

If resolution of the conflict is unsuccessful after all procedures in Grievance Policy have been followed it may then be necessary to take disciplinary action.

### **Confidentiality**

Mediators are to use discretion and to do their utmost to maintain confidentiality. Any breach of this confidentiality could result in a charge of misconduct. However confidentiality cannot be guaranteed in the following situations: if it is considered that someone is in danger, if disciplinary action or criminal investigation might be necessary; or if employer liability might be involved.

No action will be taken against the person about whom a formal complaint is lodged until they are made aware of any allegations so that they may respond.

### **Support Person**

A Staff member is able to nominate a support person to attend any meetings with them. This person may be a union representative.

### Educators, staff, volunteers and visitors will not:

- Become involved in complaints or grievances that do not concern them.
- Raise complaints with an external complaints body, such as a court or Tribunal, without exhausting our grievance procedures.

### Sources

- Education and Care Services National Regulation.  
<http://acecqa.gov.au/>
- National Quality Standards.  
<http://acecqa.gov.au/>
- ACECQA  
<http://acecqa.gov.au/>
- Human Rights and Equal Opportunities Commission.  
<https://www.humanrights.gov.au/>
- Fair Work Australia.  
<https://www.fairwork.gov.au/>
- Ombudsman.  
[http://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf](http://www.ombudsman.gov.au/_data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf)
- Revised National Quality Standard.

### Review

| Date Reviewed | Modifications   | Next Policy Review Date |
|---------------|---|-------------------------|
| August 2017   | Changes made with the addition to <ul style="list-style-type: none"><li>- Definitions of terminology to ensure a clear understanding when dealing with a complaint and grievance.</li><li>- Maintaining confidentiality and professionalism</li><li>- Update of sources and relevant websites</li></ul> | August 2018             |
| October 2017  | Updated references to comply with the Revised National Quality Standard.  | August 2018             |