

# Grievance Policy

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## NQS

7.1.2	Management systems - Systems are in place to manage risk and enable the effective management and operation of a quality service.
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## National Law

Section	174	Offence to fail to notify certain information to Regulatory Authority
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## National Regulations

Regs	12	Meaning of serious incident
	168	Education and care service must have policies and procedures
	175	Prescribed information to be notified to Regulatory Authority
	176	Time to notify certain information to Regulatory Authority

## Aim

To ensure that all grievances (complaints) are investigated in a timely, transparent, thorough and impartial manner, and that affected parties are advised of the outcome and their rights of appeal.

## Related Policies

Educator and Management Policy  
Incident, Injury, Trauma and Illness Policy  
Privacy and Confidentiality Policy

## Managing Breaches and Complaints/Grievances

All breaches of our Code of Conduct (including corruption, maladministration and waste of resources) and complaints or grievances from educators, staff members, families, visitors and volunteers associated with the workplace will be managed in line with our Grievance Guidelines. This includes incidents of bullying, discrimination and harassment at the Service. Our Service takes any incident of (alleged) bullying, discrimination or harassment very seriously because it can cause significant health and wellbeing issues for employees.

Grievances can occur in all workplaces and handling them properly is important for maintaining a safe, healthy, harmonious and productive work environment. Documented grievance procedures are important because:

- staff and visitors need to know a process exists for receiving and managing grievances and complaints fairly, impartially, promptly and thoroughly.
- they help to ensure small issues or problems do not escalate.
- supervisors and managers need to be aware of issues causing conflict.
- documentation provides evidence and a record of the grievance and the outcome.
- complaints facilitate continuous improvement of Service operations.

## Grievance Guidelines

These guidelines explain the procedure for reporting and managing grievances, the roles and responsibilities of educators, staff and managers and the potential consequences of breaching our policies, procedures and Code of Conduct.

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

- raise the grievance/complaint directly with the person concerned. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should remain private, confidential, respectful and open-minded, will not involve other educators, staff, volunteers or visitors (eg parents) and will take place away from children
- raise the grievance/complaint with the Nominated Supervisor (or another manager/supervisor if the Nominated Supervisor is involved) if they are unable to resolve the concern, or feel unable to raise the matter directly with the person concerned. The Approved Provider or Nominated Supervisor (or supervisor) may request the issue be put in writing. Employees should provide all relevant information, including what the problem is, any other person involved in the problem and any suggested solution. Educators are encouraged to communicate openly about the issue.
- raise any grievance involving suspected or actual unlawful activity (including discrimination against or bullying of employees, and alleged/suspected child abuse) with the Approved Provider or Nominated Supervisor immediately and privately
- be confident that their concerns will be thoroughly investigated, but aware that the outcome may not result in the action requested.

Union members may seek assistance or support from their trade union at any time.

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

- get involved in complaints/ grievances that don't concern them. This is not ethical or helpful in managing the complaint
- raise complaints with an external complaints body, such as a court or Tribunal, without using our grievance procedures and appeal process first. (Note a person may report alleged/suspected child abuse by the Approved Provider directly with the Children's Guardian.)

The Approved Provider or Nominated Supervisor will:

- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint
- properly, fairly, confidentially and impartially investigate the issue including:
  - thoroughly investigating the circumstances and facts and inviting all affected parties to provide information or respond where appropriate. To encourage teamwork and respect, the issue may be discussed at an educator meeting if the privacy of the people involved can be protected.

- inviting the complainant to have a support person present during an interview (eg health and safety representative, but not a lawyer acting in a professional capacity)
- provide all affected parties with a clear written statement (letter, email or SMS) of the outcome of the investigation within seven working days of receiving the verbal or written complaint.
  - If the resolution of the complaint involves a written agreement, all parties must agree with the wording etc.
  - If the Approved Provider or Nominated Supervisor decides not to proceed with the investigation after initial enquiries, he or she will give the complainant the reason/s in writing.
- 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. Unsubstantiated complaints against educators/staff may be retained on file if the person has been given the opportunity to record a comment on the documentation
- monitor ongoing behaviour and provide support as required
- ensure the parties are protected from victimisation
- offer external review by a Tribunal or alternate organisation where employees, visitors and volunteers are unhappy with the outcome of the grievance procedure. Workplace bullying matters may be referred to the Fair Work Commission which can direct employers to take specific actions against workplace bullies or the Work Health and Safety (WHS) Regulator which may investigate whether WHS duties have been contravened
- request feedback on the grievance process using a questionnaire
- track complaints to identify recurring issues within the Service
- notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Refer Incident, Injury, Trauma and Illness Policy.

**Outcomes may include:**

- an apology and a commitment that certain behaviour will not be repeated ( monitoring this over time)
- education and training in relevant laws, policies or procedures (eg bullying awareness, leadership skills)
- assistance in locating relevant counselling services
- disciplinary procedures including a verbal or written warning, termination of employment or transfer to a different position at the Service
- ensuring any inequality or inequity is remedied
- providing closer supervision
- modifying Service policies and procedures
- developing new policies and procedures.

Outcomes will take into consideration relevant industrial relations principles and guidelines and make provision for procedural fairness. The Approved Provider or Nominated Supervisor will consider:

- the number of complaints (or breaches)
- the opportunities given to adhere to a policy or procedure and/or change behaviour.
- the opportunities given to respond to the allegations.
- the seriousness of the complaint (or breach), and whether it impacted the safety and welfare of other employees, volunteers or visitors.
- whether a policy, procedure or complaint is reasonable.

## **Complaints that must be notified to Regulatory Authority**

The Nominated Supervisor will notify the regulatory authority through the online NQA ITS:

- within 24 hours of any complaints alleging that a serious incident has occurred or is occurring while a child was or is at the service
- within 24 hours of any complaints that the National Law has been breached
- within 7 days of any allegation that physical or sexual abuse of a child has occurred or is occurring while the child is at the service.

## **Sources**

**Education and Care Services National Regulations 2011**

**National Quality Standard**

**Early Years Learning Framework**

**Dealing with Employee Work-related Concerns and Grievances Policy and Guidelines: NSW DPC**

## **Review**

The policy and our code of conduct will be reviewed annually by:

- Management
- Employees
- Families
- Interested Parties

**Last reviewed: 03/04/2020**

**Date for next review: 03/03/2021**

# Grievance Procedure

