

DEALING WITH GRIEVANCE POLICY (Staff)

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

It is foreseeable that feedback will include divergent views, which may result in complaints. This Policy details our Service's procedures for receiving and managing informal and formal complaints from staff. Educators can lodge a grievance or complaint 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	Organisation of educators	The organisation of educators across the service supports children's learning and development.
4.1.2	Continuity of Staff	Every effort is made for children to experience continuity of educators at the service.
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
4.2.1	Professional collaboration	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	Professional standards	Professional standards guide practice, interactions and relationships.

QUALITY AREA 7: GOVERNANCE AND LEADERSHIPS		
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality Service.
7.2.1	Continuous Improvement	There is an effective self-assessment and quality improvement process in place.

LEGISLATIVE REQUIREMENTS/EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
Sec. 172	Offence to fail to display prescribed information
Sec.174	Offence to fail to notify certain information to Regulatory Authority
12	Meaning of serious incident
168(2)(o)	Education and care service must have policies and procedures... for dealing with complaints
170	Policies and procedures must be followed

171	Policies and procedures to be kept available
173(2)(b)	Requires an approved provider to make the name and telephone number of the person to whom complaints may be addressed clearly visible at the service
176	Time to notify certain information to Regulatory Authority
183	Storage of records and other documents

RELATED POLICIES

Child Safe Environment Policy Code of Conduct Policy Confidentiality and Privacy Diversity and Inclusion Governance Policy Equal Opportunity Establishing a Protective Environment Occupational Safety and Health Recruitment of Educators, Staff and Volunteers Supervision	Interactions with Children, Family and Staff Policy Educator/Staff Appraisal Training and Development Educator/Staff Dress Code Educator/Staff Immunisation
---	--

PURPOSE

The *Education and Care Services National Regulations* requires approved providers to ensure their services have policies and procedures in place for dealing with complaints (regulation 168) and take reasonable steps to ensure those policies and procedures are followed (regulation 170).

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
-

SCOPE

This policy applies to management, the approved provider, nominated supervisor, staff and educators of the Service.

POLICY STATEMENT

The service aims to foster positive relations between all educators, staff, volunteers and management. Every employee or volunteer has the right to a harmonious and supportive working environment. Solutions will be sought to resolve all disputes, issues or concerns that impact on or affect the day to day well being of the service in a transparent, fair, prompt and positive manner. Solutions are sought to resolve all disputes, issues or concerns in a prompt and positive manner that recognises the importance of:

- procedural fairness and natural justice;
- ethical conduct;
- a service culture free from discrimination and harassment; and
- the opportunity for review and further investigation.

Any issue in regard to an employee's work performance or conduct will be addressed in compliance with all Fair Work Act codes and employee rights, and will provide the employee with opportunities to respond to any allegations, and to overcome any unsatisfactory performance.

STRATEGIES FOR POLICY IMPLEMENTATION

Every employee is provided with clear written guidelines detailing grievance procedures. All grievances will be dealt with promptly and confidentiality in a manner that values the opportunity to be heard; promotes conflict resolution; encourages the development of harmonious relationships; ensures that conflicts and grievances are mediated fairly; and – is transparent and equitable. All employees are provided with full guidelines about their roles and responsibilities, and regular reviews of their performance are carried out in accordance with Educator/Staff Appraisal Training and Development Policy. All confidential conversations/discussions will take place in a quiet area away from children, parents and other educators/staff, and confidentiality of individual issues will be maintained by all parties. Where possible all grievances will be discussed directly with the person concerned. If a resolution is not found then the relevant procedures for dealing with the grievance will be followed.

In the case of wrongful allegations, all records pertaining to these allegations will be taken from the staff member's file and destroyed.

UNFAIR DISMISSAL

The service will ensure the employee is not dismissed in a manner that is 'harsh, unjust or unreasonable' by conducting an unfair dismissal check prior to termination. This check will include ensuring: there was a valid reason for the dismissal related to the employee's unsatisfactory conduct, performance or capacity to do the job; the employee was clearly warned that they were not doing the job properly and would have to improve their conduct or performance, or otherwise be dismissed; the employee was provided a reasonable amount of time to improve his/her performance or conduct; the service offered to provide the employee with training or another opportunity to develop his or her skills; the employee did not improve their performance or conduct to the required standard; the employee was notified of the reason for dismissal and given an opportunity to respond; the employee was given the opportunity to have a support person present to assist in discussions relating to the dismissal; – the service had kept records of all warnings made to the employee or discussions on how his/her conduct or performance could be improved; – the employer used the full expertise that the enterprise was able to provide to ensure a fair dismissal process.

If an employee believes that their employment has been terminated unfairly, they may apply to Fair Work Australia for assistance to resolve the matter through conciliation. Applications relating to a dispute over unfair dismissal must be lodged with Fair Work Australia within 14 days of dismissal.

We acknowledge that conflict is a natural part of the work environment. It is important that all conflict is resolved as 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 and complaints, whether considered minor or not, are to be dealt with promptly, professionally and thoroughly.

The Service's 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 to be a good role model for children, and appropriately and professionally handle conflict with work colleagues, children, parents, and other associates.

Employees should regularly reflect on *Early Childhood Australia's Code of Ethics* for guidance 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 and complaints. However, if a grievance or complaint involves a staff member or child protection issues, a relevant government agency will 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

Should a conflict of interest arise during a grievance or complaint that involves the Approved Provider or Nominated Supervisor, other Management will be nominated as an alternative mediator.

REPORTING A GREIVANCE

In the event that an employee/volunteer needs to report a grievance, they must ensure that it is reported to the correct person(s) and in the correct manner.

- The grievance must be first be reported to the Staff/Responsible person/Team Leader.
- In the event of inaction or you do not feel that the necessary grievance has been dealt with in a manner that is outlined in this document, then the grievance is to be reported to the Centre's Director.
- In the event of inaction or you still do not feel that the necessary grievance has been dealt with in a manner that is outlined in this document, then you may request a meeting with the Centre's Management Committee.

- In this case, the Employee/Volunteer is to request a formal meeting with a Committee Member. The Committee will then allocate 2 Members of their choosing to conduct a formal meeting with the Employee/Volunteer to hear the grievance.

The investigation 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 the accused educator, staff member, volunteer or visitor an opportunity to respond
- permitting the accused person to have a support person present during the consultation
- 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 these records in accordance with our *Privacy and Confidentiality Policy*.
- monitor ongoing behaviour and provide support as required
- ensure the parties are protected from victimisation and bullying
- 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. Notification must include any allegation that sexual or physical abuse of a child has occurred or is occurring at the service. [Contact regulatory Authority](#)

Educators and staff 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.
- if the person is unable to resolve the issue or feels uncomfortable raising the matter directly with the person concerned, the grievance or complaint must be raised with the Approved Provider/Management or Nominated Supervisor. The Approved Provider or Nominated Supervisor (Director) will 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 taken.

The Disgruntled person is to contact their immediate supervisor (Room Leader, Nominated Supervisor or Director) 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.

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

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 or complaint, and a copy is to be retained at the workplace.

Grievance/Complaint 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 that 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, the following procedure is to be followed:

- the disgranted person(s) will discuss the grievance with their immediate supervisor
- the supervisor is to report the grievance to the Nominated Supervisor/ Director
- the Mediator will seek advice as necessary from other sources, (e.g.: Fair work, HR Graham Doody)
- the Mediator will then advise Management of the possible solutions.

Meetings are to be arranged with the disgranted person(s) as necessary throughout the process. The outcome of the grievance must be reported to the disgranted 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 the *Dealing with Complaints Policy* have been followed it may then be necessary to take disciplinary action.

Confidentiality

Mediators are to use discretion and 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.

Educators and staff 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 the Services' grievance procedures.

FOLLOW UP/REVIEW

Complaints provide our Service with opportunities for learning and improvement. We encourage regular and ongoing feedback from staff, children and families and the community.

To ensure complaints and grievances are handled appropriately, the Nominated Supervisor (Director) will:

- evaluate each individual complaint and grievance as recorded in the *Complaints and Grievance Management Register* to assess that a satisfactory resolution that has been achieved
- review the Dealing with Complaints Policy (Staff) and other related policies annually
- consider feedback from staff, educators and families regarding the policy and procedure.

Source

Australian Children's Education & Care Quality Authority. (2014).
 ACECQA-[Using Complaints to support continuous improvement](#). (2018).
 Australian Human Rights Commission: <https://www.humanrights.gov.au>
 Commonwealth Ombudsman. (2009). Better practice guide to complaint handling:
<https://www.ombudsman.gov.au/publications/better-practice-guides>
[Education and Care Services National Regulations](#). (2011).
 Fair Work Australia: <https://www.fairwork.gov.au/>
 Guide to the National Quality Framework. (2017). (Amended 2020)
 National Quality Standard. (2017).
 Ombudsman **NSW** [Effective Complaint Handling Guidelines](#) (2017)
 Queensland Government- Guide for effective complaints management
<https://earlychildhood.qld.gov.au/legislationAndGuidelines/Documents/effective-complaints-management-guide.pdf>
 Revised National Quality Standard. (2018).

REVIEW

Current review Aug 24