

# Grievance Policy

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## NQS

6.1.1	Engagement with the service - Families are supported from enrolment to be involved in the service and contribute to service decisions.
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.

## National Law

Section	172	Offence to fail to display prescribed information
	174	Offence to fail to notify certain information to Regulatory Authority

## National Regulations

Regs	12	Meaning of serious incident
	168	Education and care service must have policies and procedures
	173	Prescribed information to be displayed
	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, children, 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.

Educators and staff will also be attuned to complaints from children and will support them, and where appropriate their parents/guardians, to access and navigate our grievance/complaint process where this is reasonable. This includes for all complaints where a child alleges directly or indirectly their safety and wellbeing has been or could be harmed, including through the inappropriate behaviour of an adult or another child at the service, if not already implementing the procedures in the Child Protection Policy.

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.

The Nominated Supervisor will ensure all complaints are investigated in line with this Policy and Procedure.

## **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. Please note that grievances relating to child care funding entitlements, for example, Child Care Subsidy, should be made to Centrelink through the Federal Government's 'Service Australia.' Complaints may be made online.

### **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 this person is involved) if they are unable to resolve the concern or feel unable to raise the matter directly with the person concerned. The Nominated 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.

The 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
  - inviting the complainant to have a support person present during an interview (eg to support culturally safe practices or a 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 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.

**Privacy and Confidentiality**

Where possible and safe to do so, the identity of the complainant will be kept confidential as will the identity of any employee or volunteer who is subject to a complaint. Where it's not possible to properly investigate a complaint without identifying the complainant, the Nominated Supervisor will advise the complainant of this and will not proceed if the complainant does not wish to be identified

*unless not investigating the complaint may pose a serious risk to the safety or wellbeing of children or adults at the Service, or a resolution to the complaint is necessary to ensure an effective and harmonious working environment.*

Likewise, the identity of any employee or volunteer who is the subject of a complaint will not be revealed *unless this is absolutely necessary to properly investigate the complaint, or to ensure a safe, harmonious environment for adults and children at the service.* Where complaints are made against employees or volunteers, the Nominated Supervisor will provide support which is appropriate in the circumstances.

**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 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 children, 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

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: July 2022**

**Date for next review: March 2023**