

# Grievance Policy (General)

---

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 our service's procedures for receiving and managing informal and formal complaints. Parents and Educators can lodge a grievance with management with the understanding that it will be managed conscientiously and confidentially.

## National Quality Standards (NQS)

<b>Quality Area 4: Staffing Arrangements</b>	
<b>4.2.1</b>	Professional standards guide practice, interactions and relationship

<b>Quality Area 6: Partnership with Families and Communities</b>	
<b>6.1.1</b>	There is an effective enrolment and orientation process for families
<b>6.1.2</b>	Families have opportunities to be involved in the service and contribute to service decisions
<b>6.1.3</b>	Current information about the service is available to families

<b>Quality Area 7: Leadership and Management</b>	
<b>7.1.1</b>	Appropriate governance is in place to manage the service
<b>7.1.2</b>	The induction of educators is, co-ordinators and staff members is comprehensive
<b>7.1.3</b>	Every effort is made to promote continuity of educators and co-ordinators at the service
<b>7.2.2</b>	The performance of educators, co-ordinators and educators is evaluated and individual development plans are in place to support performance improvement.
<b>7.2.3</b>	An effective self-assessment and quality improvement process is in place
<b>7.3.1</b>	Records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements

7.3.2	Administrative systems are established and maintained to ensure the effective operation of the service.
7.3.3	The Regulatory Authority is notified of any relevant changes to the operation of the service, of any serious incidents and of any complaints which allege a breach of legislation
7.3.4	Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner.
7.3.5	Services practices are based on effectively documented policies and procedures that are available at the service and are reviewed regularly

### Education and Care Services National Regulations

Children (Education and Care Services) National Law NSW	
168	Education and care service must have policies and procedure
173	Prescribed information to be displayed
176	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 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; and
- The right to have the decision based on relevant evidence

### SCOPE

This policy applies to children, families, staff, management and visitors of the Service.

## 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; and are transparent and equitable

### 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

Should a conflict of interest arise during a grievance or complaints that involves the Approved Provider, Nominated Supervisor or other Management 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 Services 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 Department of Education and Communities within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised.

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

- 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/Management 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 (or other manager) 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.

#### 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.

#### Guidelines for Dealing with Parent/Staff Conflict:

1. The parent should discuss the issue with the staff member concerned.
2. If the parent still feels action is necessary after discussion with the relevant staff member they should discuss the matter with the Director.

3. If the parent is still unhappy with the situation the Director can offer to take the matter to the Management Committee for guidance.

or

The parent can write directly to the Management Committee to explain the problem.

4. The Management Committee will advise the Director of its decision and the Director will convey that finding to the parent concerned.

or

The Management Committee will write directly to the parent concerned to advise of its decision. The Director will also be advised of the decision.

5. If the parent is still unhappy with the outcome, the Management Committee may consider arrangement for external mediation on the issue.

#### Guidelines for Dealing with Parent/Management Conflict:

1. The parent should discuss the problem with the Director.
2. If the parent still feels action is necessary after discussion with Director they should ask the Director to raise the issue with the Management Committee of the Centre.

or

The parent can write directly to the Management Committee to explain the problem.

3. The Management Committee will advise the Director of its decision and the Director will convey that finding to the parent concerned.

or

The Management Committee will write directly to the parent concerned to advise of its decision. The Director will also be advised of the decision.

4. If the parent is still unhappy with the situation they can request a meeting with the Management Committee to discuss the matter further. After this meeting the Management Committee will write directly to the parent to advise of its final decision and why this was made.

5. If the parent is still unhappy with the outcome, the Management Committee may consider arrangement for external mediation

#### Source

- Education and Care Services National Regulation
- National Quality Standards
- ACECQA
- Human Rights and Equal Opportunities Commission

#### Review

Policy Review Date
December 2020