

Grievance Policy (Staff)

Feedback from families, educators, staff and the wider community is fundamental in creating an evolving Centre 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 Centre'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.

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 centre philosophy

Procedural fairness and natural justice

Our centre 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.

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

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 Centre 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 Centre'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 & 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

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.

- It is important for the complainant to feel confident in
- Being heard fairly
- An unbiased decision making process

Our centre 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 centres 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 involves
- 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 Centre.
- 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 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.

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 Centre 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/ Licensee 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 (members) 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.

Bullying, Discrimination and Harassment

- **Discrimination** occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people, such as age, race or gender.
- **Harassment** involves unwelcome behaviour that intimidates, offends or humiliates a person because of a particular personal characteristic such as race, age, gender, disability, religion or sexuality. It is possible for a person to be bullied, harassed and discriminated against at the same time.

Various anti-discrimination, equal employment opportunity, workplace relations, and human rights laws make it illegal to discriminate or harass a person in the workplace. Work Health and Safety laws include protections against discriminatory conduct for workers raising health and safety concerns.

- **Bullying** is repeated and unreasonable behaviour towards a worker or a group of workers. Our Centre will not tolerate bullying in any form because it may have a detrimental effect on the psychological, emotional and/or physical wellbeing, health and safety of our educators and staff.



Amendments to the Fair Work Act 2009 make it illegal to bully a person in the workplace from 1 January 2014.

Unreasonable behaviour includes actions that victimise, humiliate, intimidate or threaten and may be intentional or unintentional. It can occur directly and by using information technology such as email, texting and social media. While one incident of unreasonable behaviour is not considered to be workplace bullying, it may escalate and it will not be ignored. Examples include:

- Abusive, insulting or offensive language or comments.
- Unjustified criticism or complaints.
- Continuously and deliberately excluding someone from workplace activities.
- Withholding information that is vital for effective work performance.
- Setting unreasonable timelines or constantly changing deadlines.
- Setting tasks that are unreasonably below or beyond a person's skill level.
- Denying access to information, supervision, consultation or resources that adversely affects a worker.
- Spreading misinformation or malicious rumors.
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers.
- Excessive scrutiny at work.
- Reasonable actions taken by the Approved Provider or Nominated Supervisor to direct or control the way work is carried out is not bullying behaviour. Examples of reasonable behaviour include:
 - Setting reasonable performance goals, standards and deadlines.
 - Rostering and allocating working hours where the requirements are reasonable.
 - Transferring a worker for operational reasons.
 - Informing a worker about unsatisfactory work performance when undertaken in accordance with any workplace policies or agreements such as performance management guidelines.
 - Informing a worker about inappropriate behaviour in an objective and confidential way.
 - Implementing organisational changes or restructuring.
 - Termination of employment.

The Nominated Supervisor will:

- Ensure all educators, staff, visitors and volunteers are aware of and comply with our Code of Conduct.
- Investigate and manage incidents of workplace bullying, harassment and discrimination in accordance with our Grievance Guidelines located in this Policy.
- Consult with educators, staff and volunteers during staff meetings when:
 - Identifying the risk of workplace bullying, harassment and discrimination.
 - Making decisions about procedures to monitor and address workplace bullying, harassment and discrimination.
 - Making decisions about information and training on workplace bullying, harassment and discrimination.
- Proposing changes to the way work is performed or rosters managed as this may give rise to the risk of workplace bullying, harassment and discrimination.
- Provide appropriate information, instruction, training or supervision to educators, staff, visitors and volunteers to minimise the risks to their health and safety from workplace bullying, harassment and discrimination.
- Contact the Police if there are incidents of workplace bullying, harassment and discrimination that involve physical assault or the threat of physical assault, or a visitor engages in bullying behaviour, harassment and discrimination and refuses to leave the Centre.
- Educators, staff, visitors and volunteers will:
 - Consider whether something they do or don't do will adversely affect the health and safety of others
 - Comply with any reasonable instruction, policy and procedure given by the Approved Provider or Nominated Supervisor in relation to workplace bullying, harassment and discrimination.



- Report all incidents of workplace bullying, harassment and discrimination using our Grievance Guidelines.
- Talk to the Approved Provider or Nominated Supervisor if they have any questions about workplace bullying, harassment and discrimination.

Identifying Workplace Bullying, Harassment and Discrimination

The Nominated Supervisor will minimise the risk of workplace bullying, harassment and discrimination occurring by:

Identifying the risk of workplace bullying, harassment and discrimination

Talking to educators, staff and volunteers (or conduct an anonymous survey) to find out if bullying is occurring or if there are unreasonable behaviours or situations likely to increase the risk of bullying, harassment and discrimination.

- Monitoring patterns of absenteeism, sick leave, staff turnover, grievances, injury reports, workers compensation claims and other such records to establish any regular patterns or sudden unexplained changes.
- Watching for any changes in workplace relationships between educators, staff, volunteers, visitors and/or managers
- Seeking feedback on the professionalism of workplace behaviours in exit interviews and from supervisors and where relevant families.

Implementing measures to prevent and respond to workplace bullying, harassment and discrimination

- Implementing a Code of Conduct.
- Providing educators, staff, volunteers and visitors with information about our bullying, harassment and discrimination policy and relevant procedures at staff meetings
- Implementing grievance procedures which deal with bullying complaints in a confidential, reliable and timely way (see Grievance Guidelines).
- Implementing effective performance management processes.
- Clearly defining jobs and seeking regular feedback from educators and staff about their role and responsibilities.
- Reviewing and monitoring workloads and staffing levels.
- Including educators and staff in decision making which affects their roles and responsibilities.
- Consulting with educators and staff as early as possible about any changes that affect their roles and responsibilities.
- Promoting and modelling positive leadership styles eg communicating effectively and providing constructive feedback both formally and informally.
- Organizing relevant leadership training for managers and supervisors eg on performance management.
- Mentoring and supporting new and poor performing leaders, educators or staff.
- Facilitating teamwork and cooperation.
- Ensuring supervisors act in a timely manner on any unreasonable behaviour.

Reviewing measures to prevent and respond to workplace bullying, harassment and discrimination

The Approved Provider or Nominated Supervisor will implement a review of the bullying, harassment and discrimination policy and procedures if there is an incident of workplace bullying, when new or additional information about bullying becomes available or at the scheduled review date.

Training about Workplace Bullying, Harassment and Discrimination

The Nominated Supervisor will organise face-to-face training, to ensure all educators, staff and volunteers can recognise workplace bullying, harassment and discrimination.

Training will cover:

- Our bullying, harassment and discrimination policy and procedures



- Measures used to prevent bullying, harassment and discrimination from occurring
- How to report workplace bullying, harassment and discrimination
- How bullying, harassment and discrimination reports will be responded to
- Where to go for more information and assistance.
- The Nominated Supervisor, and other educators and staff who may be involved in resolving workplace bullying, harassment and discrimination will be familiar with conflict resolution skills and undertake training in that area if required.

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 centre. Our centre 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 Centre operations.

Management Responsibilities

In our centre Nominated Supervisor is responsible for:

- Supporting the Certified Supervisor, Educational Leader, educators in their role.
- Keeping all Centre families up to date with relevant issues.
- Recruiting and selecting educators and other staff members.
- Ensuring educators and staff members have the correct qualifications.
- Ensuring educator ratio and qualification requirements are met.
- Ensuring all educators and staff understand their responsibilities under the education and care law and regulations, the National Quality Standard, the Early Years Learning Framework.
- Developing the centre's policies and ensuring all educators follow our policies and procedures.
- Ensuring all educators, staff, visitors and volunteers are aware of and comply with our Code of Conduct
- Investigating and managing grievances from educators, staff members, families or volunteers (including incidents of workplace bullying) in accordance with our Grievance Guidelines.
- Implementing effective communication and consultation procedures with educators and staff members about workplace issues.
- Promoting the diverse skills and achievements of educators and staff (e.g. at educator meetings, through regular feedback, by sharing information with families and the community through notices and newsletters.)
- Providing or organising appropriate information, instruction, training or supervision to educators and staff
- Maintaining the financial viability of the Centre.

Source: Committee of Management, Education and Care Services National Regulations 2011, National Quality Standard, Early Years Learning Framework, ACECQA, Human Rights and Equal Opportunities Commission, Fair Work Act, Preventing and Responding to Workplace Bullying: Safe Work Australia Draft Code of Practice, Anti-bullying Jurisdiction: Fair Work Commission



Date Implemented: 16/04/2012
Review Completed: 16/01/2017
Schedule for Review: 16/01/2018

National Quality Standard – NQS

Quality Area 4: Staffing Arrangements

4.2.1 Professional standards guide practice, interactions and relationship

Quality Area 7: Leadership and Management

7.1.1 Appropriate governance is in place to manage the service

7.1.2 The induction of educators is, co-ordinators and staff members is comprehensive

7.1.3 Every effort is made to promote continuity of educators and co-ordinators at the service

7.2.2 The performance of educators, co-ordinators and educators is evaluated and individual development plans are in place to support performance improvement.

7.2.3 An effective self-assessment and quality improvement process is in place

7.3.1 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 Service National Regulations

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

