



## Grievances Policy

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### Statement

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.

### Background

The *Education and Care Services National Regulations (2011)* and *Education and Early Childhood Service (Registration and Standards) Act 2011* require approved providers to ensure their services have policies and procedures in place around the *handling of grievances/complaints*.

In the National Quality Framework Quality Area 4 and 7 focuses on dealing with families and staff grievances.

### Legislative Requirements

Section/regulation	Description
Section 168	Education and care service must have policies and procedures
Section 173	Prescribed information to be displayed

NQF	Description
Standard 4.2	Professionalism
Element 7.1.2	Management Systems

### Family Grievance

#### 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 (e.g. parents) and will take place away from children.
- Raise the grievance/complaint with the approved provider or nominated supervisor (or another manager/supervisor if the approved provider or 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/families should provide all relevant information, including what the problem is, any other person involved in the problem and any suggested solution. Educators/families are encouraged to communicate openly about the issue.
- Raise any grievance involving suspected or actual unlawful activity (including bullying) 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.

(Note: 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 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 (e.g. 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, families 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 SafeWork SA (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. Education Standards Board – Phone **1800 882 413** or [esb.complianceinvestigation@sa.gov.au](mailto:esb.complianceinvestigation@sa.gov.au).

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 (e.g. 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.

## **Staff Grievance Procedure (Internal)**

### **Statement**

Our Service aims to ensure that educators and staff work-related concern with the administration, the work programs and with other staff/educators are resolved to ensure a productive and happy work environment.

### **Procedure**

Staff members who have a grievance should talk directly to the staff member they have grievance with. Both should try to resolve the issue and develop solutions to ensure that the problem doesn't happen again.

Ethically, other staff members or parents/caregivers should not be involved in an individual concern and it is not ethical for that concern to affect inter-staff relationships. If unable to resolve the situation, the Service's nominated supervisor should be called in to aid in conflict resolution. The nominated supervisor's role is to be non-bias and fair when dealing with a problem and to maintain confidentiality. Only necessary staff will be informed of the outcome of any conflict resolution.

Staff members are encouraged to communicate openly with the Nominated Supervisor. Problems can be discussed formally, informally or at an educator meeting. Team-work is encouraged amongst Service educators and having respect for other team members is crucial.

If required, RPCC may employ the use of its employee assistance provider (EAP) to provide counselling and mediation.

Staff members who belong to a trade union may contact the union at any time if they have major concerns.

In relation to workplace disputes, see also the dispute resolution procedure in the relevant award.

### **Procedures**

They apply when a staff member believes s/he has been unfairly or badly treated by another person (not a child) at the Service or by a management decision and wishes some action to be taken to remedy the situation.

Staff grievances are generally one of four types: when a staff member believes s/he has been treated unfairly or badly by:

1. Another staff member
2. The Director/Nominated Supervisor
3. A management decision of the Director
4. A decision of the Board

These procedures offer a slightly different process for each of these situations.

1. Where the staff member believes s/he has been mistreated by another person at the Service (usually another staff member, although it may also be a volunteer or student), the following process should be followed:

- 1.1 the staff member should first seek to resolve the dispute by talking with the other party if appropriate, depending on the situation the Director may need to be informed of the process.
- 1.2 if this does not succeed, the staff member should then seek to resolve the dispute with help of the Director, who should try to resolve the complaint through discussion and if necessary develop an action plan aimed at resolving the dispute.
- 1.3 if the discussions/action plan does not succeed, the staff member should write to the Chairperson of the Board, with a copy to the Director, describing the problem and asking for the help of the Board.
- 1.4 on receiving the letter the Chairperson will call a meeting of two nominated Board representatives.
- 1.5 this meeting will interview the parties involved in the grievance, and recommend a course of action, in writing, within 7 days.
- 1.6 if this is not accepted by the parties the staff member may ask for the matter to be considered at a full Board meeting.
- 1.7 the Chairperson will place the request on the agenda for the next meeting and invite the staff member to attend to present her/his request personally.
- 1.8 if the request is urgent the Chairperson may call a special Board meeting.
- 1.9 the Board will decide the request and advise the staff member of the decision within 24 hours, including reasons. This should be confirmed in writing, signed by the Chairperson, within 7 days.

2. Where the staff member believes they have been mistreated by the Director:

- 2.1 s/he should approach the Chairperson.
- 2.2 the Chairperson should meet with the staff member first, then with the Director and seek to resolve the matter through discussion.
- 2.3 if this does not succeed, the staff member may write to the Chairperson seeking the assistance of the Board as per 1.3 to 1.9 above.

3. Where the grievance is against a management decision by the Director the following process should be followed:

- 3.1 the staff member should first tell the director of their concern and try to resolve it through discussion
- 3.2 if agreement is not reached, the staff member should write a letter to the Chairperson of the Board, with a copy to the Director, asking for the decision to be reviewed and giving reasons for the request
- 3.3 the Board should consider the matter as per steps 1.7 to 1.9.

4. Where the grievance is against a decision by the Board the following process should be followed:

- 4.1 the staff member should first tell the Director of their concern and they intend to follow the grievance process
- 4.2 the staff member should write a letter to the Chairperson of the Board, with a copy to the Director, asking for the decision to be reviewed and giving reasons for the request
- 4.3 the Board should consider the matter as per steps 1.7 to 1.9.

As outlined in the grievance policy, the staff member may have a union representative or other person present at any meetings or interviews and may withdraw from the process at any time.

## **Other Sources**

HR company

**Employee Assistance Program**

## **Links to other policies**

Code of Conduct policy

Bullying, Discrimination and Harassment policy

Confidentiality policy

Record Keeping and Retention policy

## **Ongoing Training**

N/A

## **Review**

The policy will be reviewed annually.

**Last reviewed: July 2023**

**Date for next review: July 2024**