

## POLICY – STAFF GRIEVANCE POLICY

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### 1. National Quality Standards

Quality Area 4: Staffing arrangements		
Area	Concept	Descriptor
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.

### 2. Purpose

- 2.1 Baringa Early Learning Centre (Baringa) is committed to a safe, professional, and positive workplace culture. This includes empowering staff to raise complaints and grievances in a respectful process, to enable supportive and effective dispute resolution practices.

### 3. Scope

- 3.1 This policy applies to staff, students, volunteers and contractors. This includes employees that do not provide services directly to children and the conduct of a volunteer in a professional or personal capacity. Further background is provided in the **Appendix**.

### 4. Policy Statement

- 4.1 Baringa believes in a professional work environment, which include:
- The right to be heard fairly
  - The right to an unbiased decision made by an objective decision maker
  - The right to have the decision based on relevant evidence.

- 4.2 Grievances can transpire in any workplace. Handling them appropriately is important for sustaining a safe, professional and productive work environment. The Grievance Policy ensures all persons are presented with procedures that:
- a) Value the opportunity to be heard
  - b) Promote conflict resolution
  - c) Encourage the development of harmonious partnerships
  - d) Ensure that conflicts and grievances are mediated fairly
  - e) Are transparent and equitable

## 5. Implementation

5.1 A staff member can raise a **complaint** about another staff, centre management, board member, family or other community member related to Baringa. This can include incidents where a staff may feel the other person has not adhered to the [Code of Conduct](#), a concern about a matter in the workplace, or would like to raise awareness about an issue.

5.2 **Internal Process** – It is important all staff feel supported. In the first instance, complaints raised will be dealt with through an internal process, as outlined below.

### **Step 1: Reporting**

- a) The staff member is encouraged to raise the complaint with, and request a meeting with a Team Leader, Holistic Support Officer or Centre Management. For the purpose of this policy, the person approached by the staff member will be referred to as the **Complaints Officer**.
- b) The purpose of the meeting is for the Complaints Officer to support the staff member and gain an understanding of the complaint. The meeting will take place in a private, comfortable, safe environment that is free from distraction and interruptions. The meeting will be held in confidence, the staff member provided the opportunity to express their concerns and have them duly considered. The staff member may choose to have a support person during this meeting.
- c) The Complaints Officer will:
  - Provide options to ensure the staff's wellbeing during this process (e.g. temporarily modify roster, offer support persons, Employment Assistance Program, etc).
  - Seek an understanding of the staff member's desired outcome and may request the staff member to write a file note of their complaint.
  - Outline the internal process including setting a follow up meeting.

### **Step 2: Information Gathering**

- a) The Complaints Officer will gather information about the complaint, such as conducting separate, confidential meetings with other persons mentioned in the complaint. All persons will be provided with the same support and communication as per Step 1, including setting a follow up meeting.
- b) During this process, all staff relevant to the complaint will:
  - continue to perform their work as they would normally unless they have a reasonable concern about an imminent risk to their health or safety; and
  - comply with direction from Baringa to perform other available work, as long as it is safe and appropriate to do so.
- c) In circumstances where the Complaints Officer is not a member of Centre Management, from this hereon, the process will be managed by Centre Management, if:
  - the complaint alleges the safety, health or wellbeing of a child is being compromised. The Centre Management will notify the *Children's Education and Care Assurance* and if relevant, the *ACT Ombudsman* as per the Reportable Conduct Policy; or
  - there may be potential for the complaint to be a bullying, discrimination or harassment matter, or circumstances which may risk the health, safety or wellbeing of a staff member; or
  - the complaint involves a Team Leader, or a member of Centre Management. If it is the latter, another member of Centre Management will be appointed as the Complaints Officer (e.g. Executive Officer, Centre Director, Educational Leader).

### **Step 3: Assessment**

- a) The Complaints Officer, in consultation with Centre Management, will determine the complexity and seriousness of the complaint, and the length of time for which it has existed. The Complaints Officer will determine, in consultation with the staff member about an appropriate dispute resolution. The Complaints Officer will document the information gathered and next steps.
- b) In circumstances when the Complaints Officer is a member of Centre Management, they will consult with another member of the Centre Management during this step of the process. (e.g. Executive Officer, Centre Director, Educational Leader).

### **Step 4: Informal Dispute Resolution**

- a) The Complaints Officer will facilitate an informal dispute resolution, which involves speaking separately with the staff member and other parties involved to communicate a desired solution and strategies to achieve this solution.
- b) Where appropriate and all parties involved consent to do so, a follow up / mediation meeting will be held with the Complaints Officer, staff member and other parties involved, as well as any support persons.
- c) Where parties involved do not wish to have a mediation meeting, the Complaints Officer will have separate follow up meetings and continue to communicate separately to parties about the progress of strategies and actions to reach the desired solution.
- d) In circumstances where the Complaints Officer is not a member of Centre Management, they may request for Centre Management to be present at the follow up / mediation meetings, or request for Centre Management to manage the process from hereon.

### **Step 5: Follow Up**

- a) The Complaints Officer will continue to follow up with the staff member and parties involved, and once the matter is resolved, available support mechanisms will be reiterated to all parties.
- b) If the staff member is dissatisfied with the outcome, the Complaints Officer will provide the options of an **Appeal** or to pursue the **External Process**.
- c) A confidential record of the complaint will be filed by the Complaints Officer documenting Steps 1 to 5 and the outcome.

5.3 **Appeal Process** – After the Internal Process is completed, if the staff member who raised the complaint is dissatisfied of the outcome, they may wish to make an appeal.

- a) This involves the staff member requesting an appeal in writing (e.g. via email to the Complaints Officer or Centre Management). The Internal Process will be conducted a second time, but with a different Complaints Officer.
- b) The Complaints Officer during the Appeal Process will be Centre Management. In circumstances where the original Contact Officer was a member of Centre Management, a different member of Centre Management must manage the Appeal Process (e.g. Executive Officer, Centre Director or Educational Leader). In circumstances where this is not feasible, the Contact Officer may be a Board Member, or an independent mediator appointed by Centre Management or the Board.

5.4 **External Process** – After the Internal Process or Appeals Process is completed, if the staff member who raised the complaint is dissatisfied of the outcome, they may wish to pursue the external process.

- a) This involves the staff member requesting an external process in writing (e.g. via email to the Complaints Officer or Centre Management). From hereon, the complaint will be referred to as a **grievance**. A grievance is formal statement of a complaint that have not been resolved using internal processes or involves matters of a more serious nature.
- b) The grievance will be referred to the appropriate external agency in accordance with applicable law. The appropriate external agency will primarily depend on the nature of the dispute. The Fair Work Commission will usually the appropriate entity where there is a dispute concerning action taken by Baringa such as a dismissal. In circumstances of bullying, discrimination or harassment, other bodies may be more appropriate.

- c) Centre Management will assist the staff member to pursue the grievance with the external agency. The Board will be notified and a Board Member assigned to support the staff member.

5.5 **Resolution** – Complaints and grievances are considered resolved when all persons involved agree to a solution, when the cause has been removed or resolved, and when arrangements have been made, if appropriate, to repair any damage and distress experienced by the persons involved.

- a) Strategies agreed upon by parties involved are to be put in place to help avoid further conflict.
- b) Centre Management and staff will work together to develop and implement appropriate strategies to facilitate consultative and collaborative decision-making processes within the workplace.
- c) If resolution of the conflict is unsuccessful after all processes have been followed, it may be necessary to take disciplinary action.
- d) If, after exhausting the internal, appeals, or external process, the staff member not satisfied with the outcome, a complaint may be lodged with The ACT Regulatory Authority, Children's Education and Care Assurance (CECA) through their complaints telephone line (02) 6207 7581 or email [complaintsCECA@act.gov.au](mailto:complaintsCECA@act.gov.au).

5.6 **Conflicts of Interest** – It is important for the staff member reporting a complaint or grievance to feel confident in being heard fairly; and an unbiased decision-making process.

- a) Should a conflict of interest arise during the process that involves the Complaints Officer, an alternative Complaints Officer will manage the process (e.g. another Team Leader, Holistic Support Officer or member of Centre Management).

5.7 **Record Keeping**

- a) Baringa recognises information relating to staff complaints and grievances are highly sensitive, as such records will be protected with reasonable security safeguards.
- b) A confidential record of the complaint will be filed on the Complaints Register, including relevant file notes from staff member and parties involved, and the outcome of the Internal Process, Appeals Process or External Process.
- c) Where the complaint leads to a regulatory reporting requirement, Centre Management will provide a copy of the redacted notification report to the Board. This will ensure the Board is kept informed while protecting the privacy of staff and parties involved.
- d) Where a grievance is referred to an external agency, staff involved will be given the opportunity to peruse, correct and endorse their files notes, or records of their meetings. To avoid any possibility of collusion, staff will not be provided with anyone else's records. Records will remain confidential and placed on the employee's personnel file. These records may be removed after a reasonable period of time as determined by Baringa, if there has been no repetition of the matter.

5.8 **Evaluation** – To ensure complaints and grievances are handled appropriately, Centre Management will:

- a) Evaluate each individual complaint and grievance as recorded in the Register to assess that a satisfactory resolution that has been achieved;
- b) Review the Register at least bi-annually to ensure a pattern of similar matters is not occurring;
- c) Review the effectiveness of the internal, appeal and external processes, to ensure all complaints and grievances have been handled fairly and professionally; and
- d) Consider feedback from staff, educators and families regarding the policy.

6. **Feedback**

Families and staff may provide feedback about this document by emailing [admin@baringa.org.au](mailto:admin@baringa.org.au).

## 7. Approval and Review Details

Approval and Review	Details
Approval Authority	Board
Administrator	Centre Management
Next Review Date	31 December 2023

Approval and Amendment History	Details
Original Approval Authority and Date	30 November 2020
Amendment Authority and Date	27 April 2021
Notes	<p>27 April 2021: The policy has been updated with guidance for internal, appeals and external process of handling staff complaints and grievances.</p> <p>30 November 2020: This policy replaces s58 <i>Parent and Carer Grievances</i> (July 2010) in the 2018 Policies and Procedures Manual (August 2018)</p>

## 8. Appendix

### Education and Care Services 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
183	Storage of records and other documents

### Additional Information

**Staff responsibility:** Staff are encouraged 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:** Staff will adhere to the *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. (see: Reportable Conduct Scheme in *Child Protection Policy*)

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standard or alleges that the health, safety or wellbeing of a child at Baringa may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the Regulatory Authority within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If Centre Management is unsure whether the matter is a notifiable complaint, it is good practice to contact the Regulatory Authority for confirmation. Written reports must include:

- details of the event or incident
- the name of the person who initially made the complaint
- if appropriate, the name of the child concerned and the condition of the child, including a medical or incident report (where relevant)
- contact details of a nominated member of the Grievances Subcommittee (or Nominated Supervisor)
- any other relevant information.

Written notification of complaints must be submitted using the appropriate forms, which can be found on the ACECQA website: [www.acecqa.gov.au](http://www.acecqa.gov.au) and logged using NQA ITS (National Quality Agenda IT System).

***Effects of unresolved conflict:*** 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.

### **Sources**

Australian Children's Education & Care Quality Authority. (2014).

Australian Human Rights Commission: <https://www.humanrights.gov.au>

Commonwealth Ombudsman. (2009). Better practice guide to complaint handling: [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf)

Education and Care Services National Regulation. (2011).

Fair Work Australia: <https://www.fairwork.gov.au/>

National Quality Standard. (2017).

Revised National Quality Standard. (2018).