



GRIEVANCE (STAFF) POLICY

Mandatory – Quality Area 4

Precious Gems Childcare Pty Ltd trading as "Kids Haven Childcare"

Quality Area 4.1.1	Organisation of Educators
Quality Area 4.1.2	Continuity of Staff
Quality Area 4.2	Professionalism
Quality Area 4.2.1	Professional collaboration
Quality Area 4.2.1	Professional standards

National Law Section 174 Offense Serious incident

Children (Education and Care Services) National Regulations NSW

Regulation 168(2)	Education and care service must have policies and procedures
(i)	Staffing, including
Regulation 173	Prescribed information to be displayed
Regulation 176	Time to notify certain information to Regulatory Authority
Regulation 181	Privacy and Confidentiality Policy
Regulation 183	Storage and Records

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

RELATED POLICIES

- | | |
|---|-----------------------------------|
| • <i>Service Philosophy</i> | <i>Health and Safety Policy</i> |
| • <i>Bullying, Discrimination & Harassment Policy</i> | <i>Interactions with Children</i> |
| • <i>Families and Staff Policy</i> | <i>Service Philosophy</i> |
| • <i>Work Health & Safety Policy</i> | <i>Code of Conduct Policy</i> |
| • <i>Privacy and Confidentiality Policy</i> | |

POLICY STATEMENT 1. VALUES

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.
- The right to have the decision based on relevant evidence.

2. SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, educators, staff, students on placement, volunteers, parents/guardians, children and others attending the programs and activities of Kids Haven Childcare.

3. 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.
- Are transparent and equitable.

4. DEFINITIONS

Background

Complaints or grievances may be received from anyone who comes in contact with KHC including parents/guardians, volunteers, students, members of the local community and other agencies.

In most cases, dealing with complaints and grievances will be the responsibility of the person with day-to-day management or control. If the problem cannot be resolved, the parties may request that it be escalated to the Approved Provider. When a complaint or grievance is lodged, it must first be determined whether it is a general or a notifiable complaint (refer to Definitions).

5. DEFINITIONS

COMPLAINTS:

An issue of a negligible nature that can be resolved within 24 hours, and does not require a comprehensive investigation. Complaints include a manifestation of discontentment, such as poor service, and any verbal or written complaint directly related to the Centre (including general and notifiable complaints). Complaints do not include staff, industrial or employment matters, occupational health and safety matters (except associated with the safety of children).

GRIEVANCE:

A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more severe nature. For example: If the service is in breach of a regulation causing injury or possible harm to a child.

MEDIATOR:

A person who attempts to make people involved in a conflict come to an agreement.

MEDIATION:

An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

6. THE APPROVED PROVIDER WILL:

- Treat all grievances seriously and as a priority.
- Ensure grievances remain confidential.
- Ensure grievances reflect procedural fairness and natural justice.
- Acknowledge the grievance in writing within 2 working days of receipt.
- 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 Staffing Policy.
- Monitor ongoing behaviour and provide support as required.
- Ensure the parties are protected from Victimisation and Bullying

6. EDUCATOR, 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. If they are unable to resolve the concern, or feel uncomfortable raising the matter directly with the person concerned. The Approved Provider 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.

7. EDUCATOR, 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 consent.

8. RESOLUTION OUTSIDE THE WORKPLACE

An employee, the employer or their representatives may refer the dispute to the Fair Work Commission after all appropriate steps have been taken within the workplace. The Fair Work Commission can deal with a dispute through conciliation, mediation or, if agreed by the parties, arbitration.

If the dispute still isn't resolved, the Fair Work Commission can use any method of dispute resolution permitted by the Fair Work Act that it considers appropriate to ensure the dispute is settled.

AUTHORISATION

This policy was adopted by the Approved Provider of Kids Haven Childcare on 1st January 2022.

REVIEW DATE: 01/01/2024