

Grievance/Complaints Handling Policy-

Staff

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

Education and Care Schools National Regulations

Children (Education and Care Schools) National Law NSW	
168	Education and care School 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 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 School philosophy

WHISTLEBLOWING COMPLAINTS

This procedure does not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints are dealt with in the school's whistleblowing policy.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a board member, staff member, a person who supplies goods or services to the school, including a volunteer, an employer of a supplier or a relative of any of these people.
- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity, and is made to a senior staff member, or officer of the school, the school's auditor or a person who the school has authorised to collect such disclosures

PROCEDURAL FAIRNESS AND NATURAL JUSTICE

Our School 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 School.

IMPLEMENTATION

Grievances/Complaints can transpire in any workplace. Handling them appropriately is imperative for sustaining a safe, healthy, harmonious and productive work environment. The Grievance/Complaint 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

HANDLING COMPLAINTS

The *Principal or Authorised Supervisor* generally will assess the complaint and determine:

- whether the complaint is one to be addressed under this policy or is a staff grievance or reportable conduct matter which are dealt with by the relevant policies, see section 1.2; and
- the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised; and
- The School is required to advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG's WWCC Directorate. Information must also be referred internally to the OCG's WWCC Directorate if it meets the threshold for consideration of an interim WWCC bar, as per Section 17 of the WWC Act, pending a formal risk assessment.
- The School may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act and the Children's Guardian Act.

The Principal will:

Manage a formal complaint

- 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 (in writing) where appropriate and pertinent
 - Collect any additional information the School considers necessary to assess the complaint
 - 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.

- 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 School.
- 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.

Note:

There may be circumstances where some of the steps outlined above are not appropriate and the school will determine, on a case by case basis the most appropriate method of handling the complaint.

A complainant and the relevant parties that the complaint is about may choose to have an appropriate support person present at any meeting with representatives of the School about the complaint. However, the School maintains the right to determine whether the person's preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the School to be inappropriate.

STAFF PROCEDURE:

Grievance Procedures

- Be aware of the possible ramifications of their actions when dealing with staff issues.
- 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 Principal. If they are unable to resolve the concern, or feel uncomfortable raising the matter directly with the person concerned. The Approved Provider or Principal (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 Principal immediately and privately.
- Maintain confidentiality at all times.
- Maintain professionalism at all times.

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, Principal) 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.

Harmonious staff relations within the School 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.

The Board, Principal and staff within the school 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 the Board, Principal, 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 Principal/ 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.

4. If unable to be resolved

- If a dispute is unable to be resolved at the workplace, and all appropriate steps under the dispute procedures have been taken, a party to the dispute may refer the dispute to Fair Work Australia; and.

- Fair Work Australia can conciliate the dispute. Generally, the School must consent before Fair Work Australia can conduct an arbitration and make a binding decision about a dispute.

Privacy and Confidentiality

The School Board 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 Principal, the Board will be nominated as an alternative mediator.

The Farmhouse Montessori School may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. Who will ensure that throughout the conflict resolution process the Schools Code of Conduct must be adhered to

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 and staff 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.

Positive communication between educators is vital to the smooth running of the School 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 Farmhouse'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 and the Code of Conduct that all staff sign on commencement 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."

DEFINITIONS

Complaint: 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 School, 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).

Complaints and Grievances Register: Records information about complaints and grievances received at the school, along with the outcomes. This register must be kept in a secure file, accessible only to educators and Department of Education & Early Childhood Education and Care Directorate. The register can provide valuable information to the Approved Provider and Principal of the School to ensure children and family's needs are being met.

Grievance: A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature. For example: If the School 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.

Notifiable complaint: A complaint that alleges a breach of the Regulation and Law, National Quality Standards or alleges that the health, safety or wellbeing of a child at the School may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Principal to the Department or Early Childhood Education and Care within 24 hours of the complaint being made (Section 174(2)(b), Regulation 176(2)(b)).

If the Director is unsure whether the matter is a notifiable complaint, it is good practice to contact The Department of Early Childhood Education and Care 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
- 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 and logged using NQA ITS (National Quality Agenda IT System).

Serious incident: An incident resulting in the death of a child, or an injury, trauma or illness for which the attention of a registered medical practitioner, emergency Schools or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from the centre in contravention of the Regulations or is mistakenly locked in/out of the centre premises (Regulation 12).

A serious incident should be documented in an Incident, Injury, Trauma and Illness Record (sample form available on the ACECQA website) as soon as possible and within 24 hours of the incident. The Regulatory Authority must be notified within 24 hours of a serious incident occurring at the centre (Regulation 176(2)(a)). Records are required to be retained for the periods specified in Regulation 183.

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.

CONTACT

If you have any queries about this procedure, you should contact the school principal on email:- principal@farmhousemontessori.nsw.edu.au for advise.

SOURCES

- Education and Care Schools National Regulation
- National Quality Standards
- ACECQA
- Human Rights and Equal Opportunities Commission
- Fair Work Australia
- AIS

CREATED	MODIFICATION	REVIEW DATES
Jan 2017		August 2018
Nov 2018	New Logo added	Feb 2019
Nov 2019	Fairwork Australia points added	June 2020

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Handling Complaints section added 2022

Contact section added

Whistleblower section added

Sources updated