

## Grievance Policy

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### NQS

7.1.2	Management systems - Systems are in place to manage risk and enable the effective management and operation of a quality service.
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### National Law

Section	174	Offence to fail to notify certain information to Regulatory Authority
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### National Regulations

Regs	12	Meaning of serious incident
	168	Education and care service must have policies and procedures
	175	Prescribed information to be notified to Regulatory Authority
	176	Time to notify certain information to Regulatory Authority

### Aim

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.

### Related Policies

- Educator and Management Policy
- Incident, Injury, Trauma and Illness Policy
- Privacy and Confidentiality Policy

### 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 (eg parents) and will take place away from children
- The Grievance Register and Procedure should be followed.
- 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 should provide all relevant information, including what the problem is, any other person involved in the problem and any suggested solution. Educators 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.

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 (eg 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 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 the Work Health and Safety (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. Refer Incident, Injury, Trauma and Illness Policy.

**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 (eg 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.

## **Complaints that must be notified to Regulatory Authority**

The Nominated Supervisor will notify the regulatory authority through the online NQA ITS:

- within 24 hours of any complaints alleging that a serious incident has occurred or is occurring while a child was or is at the service
- within 24 hours of any complaints that the National Law has been breached
- within 7 days of any allegation that physical or sexual abuse of a child has occurred or is occurring while the child is at the service.

## **Sources**

**Education and Care Services National Regulations 2011**

**National Quality Standard**

**Early Years Learning Framework**

**Dealing with Employee Work-related Concerns and Grievances Policy and Guidelines: NSW DPC**

## **Review**

The policy and our code of conduct will be reviewed annually by:



- Management
- Employees
- Families
- Interested Parties

Last reviewed: 1<sup>st</sup> May 2019

Date for next review: 1<sup>st</sup> May 2020

## Complaints Form:

## Grievance Register and Procedure:

### Grievance Register and Procedures

A record or register will be maintained by the centre outlining the nature of the complaint, the complainant, date the complaint has been brought to the Head of Chabad Youth, attention and action taken to resolve the complaint.

Grievances are classified as "less serious" or "more serious". Less serious grievances tend to be those where the problem is causing inconvenience or dissatisfaction rather than serious physical or emotional stress.

Name of Person Dealing With Complaint \_\_\_\_\_

Date Grievance was received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

#### Steps to be taken

Task	Date Started	Date Complete	Completed By	Signature



<b>Receipt Letter Upon receiving the grievance</b>				
<b>Grievance to be investigated</b>				
<b>Areas to be addressed identified</b>				
<b>Communicate the result of the investigation to the grievant</b>				
<b>Document the result and process</b>				
<b>Offer external review to the grievant</b>				
<b>Send Questionnaire to grievant</b>				
<b>Tracking similar complaints to rectify issues within our centre</b>				



## SAMPLE LETTER

### WE ARE NOT TAKING YOUR DISSATISFACTION LIGHTLY

Dear [CONTACT NAME],

Thank you for your letter of [DATE] describing the issues you have been having with our centre. [OUTLINE OF GREVIANCE]. I appreciate your sincerity.

We are not taking your dissatisfaction lightly. In fact, we are using our grievance policy to address your grievance and this letter will outline the steps we will be taking.

I will be doing my utmost to maintain confidentiality throughout this process. However in order to deal with the grievance effectively the person involved in the grievance may have to be told of the grievance being made against them.

I will be the person handling the grievance in the first instance. In normal cases, no action will be taken without the consent of the persons raising the grievance, nor will their name be disclosed without prior consent.

Victimisation of any person presenting with a grievance is unacceptable and may be viewed as misconduct.

Our grievance process follows the below steps:

1. Receipt letter upon receiving the grievance
2. Grievance to be investigated
3. Areas to be addressed identified
4. Communicate the result of the investigation to the grievant
5. Document the result and process
6. Offer external review to the grievant
7. Tracking similar complaints to rectify issues within our centre

Sincerely,

Rabbi Moshe Kahn

Chabad Youth Director

## The Investigation



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How will the grievance be dealt with? The Head of Chabad Youth will have an interview with the complainant and clarify the facts, work out whether advice is needed from another source, discuss the options available and help formulate a plan of action.

This might include making a decision about the seriousness of the grievance; involving other appropriate people or initiating a mediation process or referring the matter to e.g. The board.

Investigation Table

**1. Clarify and document the facts.**

**2. Is advice/statements/eye witness needed from another source?**

(Other employees, etc) **yes** **no** (please circle)

**2a. List the other sources required for advice**

**3. What would be the desired outcome from the grievant?**





**4. Are you a suitable person to investigate the matter? If yes continue, if not who would be suitable?**

**5. When will you be able to contact the other sources for further information/clarification?**

**6. Set timeframe for further investigation**

**7. Advice or statements from Other Sources**

**8. Is the desired outcome from the grievant achievable? yes no (please circle)**



### Areas to be addressed

Areas to be addressed	Date Started	Date Complete	Completed By

### Communicate the result of the investigation to the grievant. Resolution of grievances.

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Grievances are usually only considered resolved when all parties agree, when the cause of the grievance has been removed or resolved, and when arrangements have been made, if appropriate, to repair and make good any damage and distress suffered by the grievant.

Any disciplinary action of a staff member resulting from the investigation of a serious grievance shall be dealt with in accordance with Centre's disciplinary policy.

On the conclusion of any complaint or investigation, family feedback on the matter should be sought via the provision of a simple tick box questionnaire, with a reply paid envelope.

- In person
- With a letter





## Grievance Outcome Questionnaire

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To ensure you are totally satisfied with the resolution of your grievance - could you please complete this form.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Overall how satisfied are you with the results from the grievance process (Please circle one)

Very Satisfied    Satisfied    Neither satisfied or dissatisfied    Dissatisfied    Very Dissatisfied

Did you receive receipt letter upon receiving the grievance	Yes	No
Was your grievance investigated	Yes	No
Were the results of the investigation communicated to you by the director?	Yes	No
Were you offered an external review for your grievance	Yes	No

What areas of the grievance policy and procedures require most improvement?

### Other Comments



**Thank you for your time and please use the addressed and stamped envelope to return this form.**

## **Document the result and process**

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All information used to create this grievance procedure must be kept in the Front reception office with copies if necessary given to members of management. All records must be kept for 7 years.

## **Offer external review to the grievant**

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An external review process is available as a part of the grievance and complaints procedure. If the grievant isn't happy about the result you may need to offer an external review process.

Who can do the review?

The Department of Education and Early Childhood Development on (03) 9637 2000 for further information.

AISV is also available.

## **Tracking similar complaint**

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Records will not be retained of less serious grievances unless they are part of the resolution. If they are kept, it will be in the strictest confidence. Details won't be entered on the file of any staff member involved unless a disciplinary action has been undertaken.

Grievance Tracking System

### **Step 1**

Identify all grievances made in the last 12 months in the centre.

### **Step 2**

Group similar grievances together to identify patterns

### **Step 3**

Within the groupings identify any similar factors or threads running through the complaints

These may include:

Children



Families

Staff Members

Locations

Etc

**Step 4**

If a similar factor or thread is identified it will need to be addressed.