

STAFF GRIEVANCES AND COMPLAINTS POLICY

Policy Number	P-STA-002 Staff Grievances and Complaints Policy	Version Number	3.00
Drafted by	Executive Officer Director of Education Human Resources Coordinator	Approved Date: Review Date:	January 2022 January 2023
Responsibility	The Board of Bubup Womindjeka Family and Children’s Centre Association (Inc.)		
Related Service Policies	<ul style="list-style-type: none"> ▪ Equal Opportunity, Anti-Discrimination and Anti-Harassment Policy ▪ Staff Code of Conduct Policy ▪ Privacy and Confidentiality Policy 	<ul style="list-style-type: none"> ▪ Staffing Policy ▪ Occupational Health and Safety Policy 	
Legislation and Standards	<ul style="list-style-type: none"> ▪ Work Health and Safety Act 2011 ▪ Workplace Relations Act 1996 ▪ Equal Opportunity Act 2010 (Vic) ▪ Fair Work Act 2009 (Cth) ▪ Fair Work Regulations 2009 (Cth) ▪ National Quality Standard, Quality Area 4: Staffing Arrangements 		
Sources	<ul style="list-style-type: none"> ▪ Australian Children’s Education and Care Quality Authority (ACECQA): www.acecqa.gov.au ▪ Children’s Services Award 2010 ▪ Educational Services (Teachers) Award 2010 ▪ Fairwork: Guide to the OHS Act 2004, WorkSafe Victoria ▪ Managing safety in your workplace, WorkSafe Victoria v WorkSafe Victoria: www.worksafe.vic.gov.au 		

AUTHORISATION

This policy was adopted by the Bubup Womindjeka Family and Children’s Centre Board of Governance on 15th August 2016.

PURPOSE

This policy will provide guidelines to ensure that:

- All staff have the right to work in a safe working environment and to be treated with dignity and respect.
- Procedures are in place through which staff can have a workplace grievance addressed.
- All staff members are able to raise grievances without fear of reprisal.

PRINCIPLES

Bubup Womindjeka Family and Children’s Centre is committed to:

- Value the opportunity to be heard;
- Promote conflict resolution;
- Encourage the development of harmonious partnerships and a culture free from discrimination and harassment;
- Ensure that conflicts and grievances are mediated fairly;
- Are transparent and equitable and compliant with legislative requirements.
- Keep confidential, where practicable, the information provided by any person involved with a complaint.

SCOPE

This policy applies to the Approved Provider, Persons with Management or Control, Nominated Supervisor, Persons in day-to-day Charge, staff, contractors, volunteers, students on placement, parents/guardians, children and others attending the programs and activities of Bubup Womindjeka Family and Children's Centre.

BACKGROUND

Managing Grievances

In the case of all grievances, the Human Resources Coordinator or Nominated Supervisor will review the allegations and respond to the staff member who raised the complaint.

While the procedural requirements of the grievance resolution mechanism may vary, Bubup Womindjeka Family and Children's Centre aims to ensure that:

- grievances are addressed sensitively, promptly and in accordance with relevant policy and principles of natural justice
- all reasonable steps are taken to respect the confidentiality of the people involved in a grievance
- fairness and impartiality prevail throughout the appropriate resolution process - until a grievance is investigated and a decision is made, a grievance is an allegation, not a fact
- appropriate records are maintained throughout the resolution process
- persons who notify grievances are protected from victimisation or reprisal
- persons who notify grievances are regularly informed of the progress of the matter, including the consequences of any finding that the grievance is substantiated or not substantiated.

DEFINITIONS

The terms defined in this section relate specifically to this policy.

Employee: person employed by Bubup Womindjeka Family and Children's Centre includes persons employed on a continuing, fixed term or casual basis.

Grievance: Typically defined as a concern or complaint raised by an Employee against a process, action, omission or decision within the responsibility and control of the Bubup Womindjeka Family and Children's Centre which relates to employment or related internal human resources matters, which has or is likely to have an unreasonable negative impact on the ability of an Employee to undertake their duties, or similar impact on their career.

Mediation: A process in which parties to a dispute, with the assistance of a neutral third party ('the Mediator'), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The Mediator has no advisory or other determinative role with regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

Mediator: An individual with appropriate experience and training appointed Bubup Womindjeka Family and Children's Centre assist the Complainant and Respondent to negotiate a solution which is acceptable to both of them but not to determine what that solution will be.

PROCEDURES

Most grievances should be able to be resolved at the informal stage. Before entering into the formal process, the aggrieved staff member should attempt to resolve the grievance with the other person.

In circumstances where the grievance is unable to be resolved at the informal stage, aggrieved staff member should refer the matter to the Human Resources Coordinator. The Human Resources Coordinator may;

- organise for mediation to occur to try and resolve the grievance;
- make a relevant determination about the grievance;
- investigate the matter to make findings as to whether or not some or all of the grievance is substantiated; or
- refer the matter to an external investigator to investigate the matter and make findings as to whether or not some or all of the grievance is substantiated.

If the grievance is dealt with by formal investigation, Human Resources Coordinator will aim to ensure:

- Before a grievance is investigated, the aggrieved staff member describes the allegations they wish to make (in most instances, but not all, this will need to be in writing), including particulars of the allegations so that they can be investigated appropriately;
- The person against whom the allegations are made is provided with the details of the allegations that will be investigated and provided with the right of response; and
- All parties are informed in writing of the outcomes of any investigative process.

Outcomes and Referral

If a grievance is investigated under this Policy and findings are made that substantiate any or all of the allegations made, the Human resources Coordinator may:

- Counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
- Commence disciplinary action in accordance with the staff members relevant award
- Take no further action.

Confidentiality and Victimisation

- The parties to a grievance are required, at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the matter to anyone other than an advocate, staff representative or a qualified counsellor.
- A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a grievance under these procedures.
- Any breach of either the confidentiality or non-victimisation requirements will be treated seriously and may result in disciplinary action. Any such breach will be referred for investigation and handling in accordance with the relevant misconduct procedure.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Nominated Supervisor will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

Relevant Forms/Documents

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Version History

Date	Version	Author/s	Details
July 2014	1.00	Public officer	New policy
April 2016	2.00	Chief Executive Officer	Revision for updated format, document ID, related policies and relevant legislation and standards. Addition of definitions and evaluation.
December 2019	3.00	Executive Officer Director of Education Human Resources Coordinator	Reviewed and updated policy.

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January 2021	3.00	Human Resources Coordinator	Policy reviewed and no changes made.
January 2022	3.00	Director of Education	Policy reviewed and minor editorial amendments made.