

COMPLAINTS / GRIEVANCE PROCEDURE

Date of approval: 10 October 1996

Last reviewed: June 2004

Due for next review: June 2006

POLICY STATEMENTS:

Definition: A grievance is any complaint that may be presented by a user of the service, Committee member, or staff member to the Committee for action concerning any aspect of, the operation of the kindergarten. See Regulation 51, Childcare regulations 1988.

The intention of the kindergarten is that every effort will be made to resolve any grievance issue in a fair and informed way without prejudice.

Confidentiality for all parties will be guaranteed.

Legal Implications

In receiving a grievance the Committee needs to be aware that as “proprietor” of the kindergarten it is their responsibility to ensure that the grievance is followed up and dealt with to the best conclusion possible.

Due to legal implications which may arise from such grievances, it is important for the grievance to be in writing before the Committee takes action on it. Committees need to be aware that the Incorporation of the kindergarten does not protect an individual from legal liability.

Written reports, requested by the Committee from staff, a parent or committee member, are deemed to be “privileged:” information and cannot be released or used in any Civil court action. This information is especially important for staff to know where they may be asked to provide reports to Committee as part of the grievance resolution process.

All information related to a grievance is to be kept confidential by ensuring it is kept in a secure place.

Grievance Sub Committee

The Committee needs to appoint a Grievance Sub Committee who is confident and capable of handling these sorts of issues. The Committee needs to ensure that the integrity of the kindergarten is preserved at all times by ensuring that any Grievance Sub Committee:

- Clearly understand their role and extent of their authority
- Understand any statutory requirements upon them when dealing with a grievance e.g. the relevant award, the kindergarten Constitution, Children’s Services Regulations (see Regulation 38(I))

- Understand that they will act under a mandate of confidentiality not to reveal the contents of any grievance, except to the Committee, and that the Committee itself also respects that confidentiality.

There are different sections to the policy:

SECTION 1: Parents and Committee

This section deals with grievances about the Committee, a parent or a child. It often concerns the misconduct of a parent or Committee member, e.g. misconduct by a Treasurer, harassment of a staff member by a parent or member of the Committee.

SECTION 2: The Program

Grievances relating to the program may relate to the teacher's performance or a difference in values and expectations concerning the way the program is run.

SECTION 3: Staff

The procedure for dealing with grievances about staff is clearly laid out in the terms and conditions of employment. The Committee as the employer is responsible to ensure that the award is followed in the resolution of any grievance to do with staff performance.

PROCEDURES

STAGES OF RESOLUTION

Stage One – Information Phase

Any grievance is to be presented in writing to the Grievance Sub-Committee. In this stage the Sub Committee will need to decide the severity of the problem. This often difficult and they may need to consult with KPV for further advice and direction. The Grievance Sub-Committee may need to speak to the person/s lodging the complaint to gather further information.

The Children's Service Adviser needs to be notified within 48 hours of receiving any complaint (Se Regulation 51 Children's Services Centre Regulations – Complaints.)

Stage Two – Counselling Phase

In this stage the Grievance Sub-Committee should speak with the person/s that the grievance relates. Prior to doing this the Sub-Committee will need to have decided:

- Who will do the counseling session and how it will be done.
- What they will and will not say.
- What must be written down – usually this relates to any specific request to the person to address the complaint.
- What follow up there will be and when, and how to assess if there has been any change or if the issue is resolved.

Stage Three – Post Counselling Phase

In this stage the Sub Committee must monitor the progress of the action they have taken and ensure that there is feedback both to the Committee and to the person/s who lodges the complaint.

RELATED POLICIES

Confidentiality

RESPONSIBILITY

Committee of Management

Grievance Sub-Committee