

## GRIEVANCE POLICY AND PROCEDURE (STAFF)

Related Quality Area	QA4: Staffing Arrangements
Related Policies	<p>Code of Conduct Policy</p> <p>Child Protection Policy (definitions of child abuse, neglect, grooming; reporting obligations)</p> <p>Prevention of Discrimination, Sexual Harassment, Bullying and Victimisation Policy</p> <p>Privacy and Confidentiality Policy</p> <p>Grievance Policy and Procedure (Families)</p>

### PURPOSE

This policy explains how NFC staff can raise workplace grievances or complaints and details our Centre’s procedures for receiving and managing informal and formal complaints.

We are committed to providing safe, accessible, and fair ways for staff to raise concerns, consistent with our Code of Conduct, Prevention of Discrimination, Sexual Harassment, Bullying and Victimisation Policy, and legislative obligations. Staff may raise complaints in person, in writing, or anonymously (via NFC’s letterbox or QR code). No staff member will be victimised for raising or supporting a genuine grievance. Complaints will be treated with fairness, respect, and a child-centred focus that prioritises safety. Confidentiality will be maintained, except where law requires reporting (e.g. child protection, criminal conduct, WHS).

Grievances involving discrimination, harassment, bullying, victimisation, or harm will be handled using trauma-informed approaches, ensuring safe, supportive, and non-judgemental processes. Investigators and managers must avoid practices that may retraumatise complainants (e.g. demanding linear recall, minimising harm, or showing disbelief).

### SCOPE

This policy applies to all NFC employees, educators, students, volunteers, contractors, committee members, and management. Family and visitor grievances will be dealt through separate mechanisms.

### LEGISLATIVE COMPLIANCE

This policy is consistent with the Education and Care Services National Law and Regulations, including section 174 and regulations 168, 170, 171, and 176, and with relevant workplace legislation including the Fair Work Act 2009 (Cth) and the NT Work Health and Safety Act. All notifiable complaints will be

reported to the NT Department of Education and Training (Regulatory Authority) via NQA ITS within 24 hours.

## OVERVIEW

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.

Positive communication between educators is vital to the smooth running of the Service 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 Service'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 and 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 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

**Approved Provider (Parent Committee):** The Approved Provider is the legal entity responsible for operating the Centre. At NFC, the Approved Provider is the Parent Committee. The Committee has overall responsibility for ensuring the Centre complies with the Education and Care Services National Law and Regulations.

**Bullying:** Repeated unreasonable behaviour directed at a person, or a group of people, that creates a risk to health and safety. See NFC's Prevention of Discrimination, Sexual Harassment, Bullying and Victimisation Policy for the full definition.

**Complaint:** An expression of dissatisfaction that can usually be resolved promptly (aim: within 5 business days) without a formal investigation.

**Disclosure:** Sharing information about harm, discrimination, harassment, bullying, victimisation, abuse, or suspected risk of abuse, without necessarily making a formal complaint or requesting a grievance process. Disclosures may be made for awareness, support, or workplace adjustments.

**Discrimination:** Treating someone unfairly because of an attribute such as race, sex, disability, age, or caring responsibility. See NFC's Prevention of Discrimination, Sexual Harassment, Bullying and Victimisation Policy for the full definition.

**Grievance:** A formal complaint requiring investigation, or where early resolution was not possible.

**Harm:** Any experience that causes physical, psychological, cultural, or emotional injury, including but not limited to discrimination, sexual harassment, bullying, victimisation, neglect, abuse or other unlawful conduct.

**Mediator:** A person who attempts to assist and support 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.

**Nominated Supervisor (Director):** The Nominated Supervisor is the person approved by the NT Department of Education and Training to manage the day-to-day operations of the Centre. At NFC, this is the Director, who is responsible for ensuring children are safe, well cared for, and that all staff follow the Centre's policies and legal obligations.

**Notifiable complaint:** A complaint that alleges a breach of the Regulation and Law, National Quality Standard or alleges that the health, safety or wellbeing of a child at the Centre may have been compromised. Any complaint of this nature must be reported by the Approved Provider or Nominated Supervisor to the NT Department of Education and Training 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 NT Department of Education and Training 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 (or Nominated Supervisor).
- 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](http://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 centres 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 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)). These records are required to be retained for the periods specified in Regulation 183.

**Sexual harassment:** Unwelcome conduct of a sexual nature that makes someone feel offended, humiliated, or intimidated. See NFC's Prevention of Discrimination, Sexual Harassment, Bullying and Victimisation Policy for the full definition.

**Victimisation:** Victimisation means treating someone badly, or threatening to treat them badly, because they have made or intend to make a complaint, have given or may give evidence or information in a complaint, or have alleged or may allege that someone has breached the law. Victimisation can also happen if someone is punished for helping another person to raise a complaint. Victimisation is unlawful.

**WHS Grievance:** A workplace health and safety concern (including bullying or psychological safety), which may be reported to the Fair Work Commission or NT WorkSafe.

## PRIVACY AND CONFIDENTIALITY

Management and Educators will adhere to our Privacy and Confidentiality Policy when dealing with grievances. However, if a grievance or complaint involves a staff member or child protection issue, a relevant government agency will need to be informed as soon as practicable or within 24 hours. As mandatory reporters, educators and staff are required to report all instances of (alleged or witnessed) of child abuse (including assault, sexual abuse and grooming) and neglect to Police, approved provider and Child Protection agencies within 24 hours. [see Child Protection Policy]

## 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 Approved Provider, Nominated Supervisor or other Management will be nominated as an alternative mediator. Our Centre may also engage the resources of an Independent Conflict Resolution Service to assist with the mediation of a dispute. We will ensure that throughout the conflict resolution process the services Code of Conduct must be adhered to.

## ACCESS & PROTECTIONS

- Complaints can be made in person, by phone, in writing, or anonymously (via NFC's letterbox or QR code).
- Staff may be supported by a union representative, colleague, or other support person.
- Interpreters, Easy Read documents, and reasonable adjustments can be made available on request.
- If the grievance involves the Nominated Supervisor (Director) or a Committee member, an alternative manager or an external mediator will handle the process.
- All parties will be afforded procedural fairness.
- No staff member will be victimised for raising or supporting a grievance.
- Staff making a disclosure may choose to seek support or workplace adjustments without initiating a formal grievance. NFC will respect the wishes of the complainant regarding how the matter progresses, unless legal or WH&S obligations require otherwise.
- NFC commits to avoiding institutional betrayal by ensuring that responses are transparent, respectful, and free from retaliation.
- NFC encourages concerns to be raised internally so they can be addressed quickly and fairly. However, nothing in this policy limits the right of staff, families, or visitors to make a complaint directly to an external body such as the NT Anti-Discrimination Commission, the NT Ombudsman, NT Police, NT WorkSafe, or the NT Department of Education and Training.

## PROCEDURE

### Pre-Stage: Disclosure

- Staff may make a disclosure about harm, discrimination, harassment, bullying or victimisation without triggering a formal complaint or grievance process.
- Disclosures can be made verbally, in writing, or anonymously, and may be used to seek acknowledgement, support, workplace adjustments, or restorative options.
- Unless legal or safety obligations require escalation (e.g. child protection, WHS, criminal conduct), disclosures will only progress to a formal complaint or grievance if the person raising the concern requests it.

### Stage 1: Informal Resolution

- Staff are encouraged to attempt to resolve grievances directly with the colleague involved, where they feel safe and comfortable to do so.
- If the matter cannot be resolved directly, staff may raise it with a Team Leader.
- The Team Leader may support staff to resolve minor grievances locally without escalating to the Director, provided the grievance does not involve a breach of law, Work Health and Safety obligations, or child safety requirements.
- Staff may elect to keep such grievances confidential at this stage. However, Team Leaders must provide de-identified information about the grievance to the Nominated Supervisor (Director), so the Director is aware of the nature and frequency of issues without details being disclosed.
- If the grievance escalates, repeats, or cannot be resolved informally, it must be referred to the Director within 24 hours so it can be acknowledged, logged in the Grievance Register, and tracked.
- All grievances referred to the Director will be acknowledged within 2 business days, and a plan for resolution provided within 5 business days.
- All informal resolutions must be handled in a respectful, supportive, and trauma-informed way. The focus is on listening, validating concerns, and preventing re-traumatisation.

### Stage 2: Facilitated Resolution

- If unresolved, the matter will be referred to the Approved Provider (Parent Committee).
- This may involve a structured meeting between the parties, facilitated by the Director or Committee, or mediation with an independent person if required.
- Staff may bring a union representative, colleague, or other support person, and may also access the Employee Assistance Program (EAP).
- Trauma-informed approaches must be applied to ensure complainants feel supported and safe.

### Stage 3: Formal Investigation

- If early resolution is not possible, a formal investigation will be undertaken. For formal investigations, a clear written record will be made that includes:
  - what the grievance is about,
  - who is handling it, and
  - what outcome is being sought.
- Statements and evidence will be collected, all parties will have an opportunity to respond, and a support person, union representative, or interpreter may be present if required.
- Investigations will be conducted in a trauma-informed and procedurally fair manner. This includes adapting questioning techniques to avoid re-traumatisation, providing breaks, and ensuring the complainant feels safe and supported throughout.

- Staff will receive an outcome or progress update within 20 business days.

### **Suspected Risk of Abuse**

- Any NFC employee, educator, student, volunteer, contractor, committee member, family member, or visitor who reasonably believes that a child may be at risk of abuse, neglect, grooming, or harmful sexual behaviour must report the concern immediately to the Nominated Supervisor (Director).
- Under the Care and Protection of Children Act 2007 (NT), all adults have a legal obligation to report a reasonable belief of harm, neglect or exploitation of a child to Territory Families and/or NT Police within 24 hours. Concerns must be reported to Territory Families and/or NT Police within 24 hours.
- The Director will assess whether the matter also constitutes a notifiable complaint under the Education and Care Services National Law and Regulations and notify the NT Department of Education and Training via NQA ITS within 24 hours if required.
- Do not investigate before reporting. Do not ask leading questions or alert the alleged person before a report has been made.
- Immediate safety planning will occur to protect all children involved, with supports provided in a trauma-informed and child-centred manner.
- All records of suspected risk will be entered into the Complaints Register and, if applicable, the Incident/Trauma Register.

### **Complaints Involving Allegations of a Child Exhibiting Sexual Behaviour**

- All such complaints will be treated with seriousness, sensitivity, and urgency.
- Educators and staff will use professional judgement to distinguish between age-appropriate, concerning, and serious sexual behaviours. Not all sexual behaviour involving children poses a risk to safety, but all concerns will be documented and assessed.
- The concern must be reported immediately to the Director.
- The Director will consider age, developmental capacity, behavioural history, context, impact on others, and vulnerability when assessing immediate risks and next steps.
- Mandatory reporting applies - any reasonable belief of harm must be reported to Territory Families and/or Police within 24 hours.
- The Director will assess whether the matter is also a notifiable complaint to the NT Department of Education and Training (via NQA ITS) and make the required notification within 24 hours.
- Immediate steps will be taken to ensure the safety and wellbeing of all children, including adjustments to supervision or environments.
- Support will be provided to both the child/ren impacted and the child alleged to have exhibited the behaviour, recognising that such behaviour may be an indicator of trauma or exposure to harm.
- Records will be kept in line with Privacy & Confidentiality requirements, and families will be communicated with respectfully and appropriately.
- NFC will ensure staff engage in ongoing professional learning to promote a consistent and appropriate approach to identifying and responding to sexual behaviours in children.
- Families will be encouraged and supported to raise concerns in confidence and will be provided with information and referrals to support services where appropriate.

## Appeal

- Staff dissatisfied with the outcome may request an internal review by the Approved Provider (Parent Committee).
- If still dissatisfied, complainants may escalate to relevant external bodies (Fair Work Commission, NT Anti-Discrimination Commission, Ombudsman, NT Department of Education and Training, NT Police, NT WorkSafe).

## Resolution Options

- Options for resolving complaints may include:
  - direct discussion with the person involved
  - a facilitated meeting or mediation
  - provision of an explanation or further information
  - acknowledgement or apology
  - changes to workplace practice or procedure
  - training, coaching or education
  - review of a relevant policy or system
  - disciplinary action (where staff conduct is in breach of policy or law)
- Staff may also access support such as a union representative, cultural support person, interpreter, or the Employee Assistance Program (EAP).
- Restorative approaches (such as facilitated dialogue, peer support, or acknowledgement of harm) may be offered in addition to formal outcomes, where appropriate and agreed to by the complainant.

## RESPONSIBILITIES

### Approved Provider (Parent Committee):

- Ensure obligations under the Education and Care Services National Law and Regulations are met.
- Ensure the name and contact details of the person to whom complaints can be made are clearly displayed at the Centre.
- Treat all grievances seriously and as a priority.
- Ensure grievances remain confidential, except where law requires reporting.
- Ensure grievances reflect procedural fairness and natural justice.
- Ensure copies of this policy and procedure are readily accessible to staff, families, and visitors.
- Investigate and document grievances fairly and impartially.
- Notify the NT Department of Education and Training (Regulatory Authority) via NQA ITS within 24 hours if a complaint alleges a risk to a child's safety, health, or wellbeing.
- Regularly review this policy to ensure grievances are investigated promptly, fairly, and thoroughly.
- Ensure that grievances result in reviews of relevant policies, procedures, and practices.
- Keep appropriate records in line with the Privacy and Confidentiality Policy and Records and Retention Policy.
- Monitor ongoing behaviour and provide support as required.
- Ensure all parties are protected from victimisation and bullying.
- Request feedback on the grievance process using a feedback form.
- Track complaints to identify recurring issues and report to the Parent Committee.

### Nominated Supervisor (Director):

- Implement this policy and procedure.
- Inform staff about the grievance process.

- Discuss the complaint with the complainant within 48 hours.
- Ensure the Approved Provider and NT Department of Education and Training are aware of grievances that are notifiable or cannot be resolved.
- Ensure complaints are documented and records are kept.
- Invite all affected parties to provide information, and give the accused person an opportunity to respond.
- Permit the accused person to have a support person present.
- Provide a clear written outcome to the complainant and the accused within 20 business days (or a progress update).
- Provide written reasons if management decides not to proceed with an investigation.
- Work cooperatively with the Approved Provider, educators, staff, and the complainant to resolve grievances.

#### **Educators and Staff:**

- Understand and follow this policy and procedure.
- Promptly report all grievances or complaints received to the Nominated Supervisor or Approved Provider.
- Cooperate fully with any investigation.
- Support colleagues respectfully when a grievance is raised.

#### **EXTERNAL OPTIONS**

- Fair Work Commission.
- NT Anti-Discrimination Commission
- NT Department of Education and Training (Regulatory Authority) via NQA ITS.
- NT Police.
- NT WorkSafe.
- Ombudsman NT.

#### **MANAGING UNREASONABLE CONDUCT**

Unreasonable, abusive, or vexatious conduct will be managed to protect staff, families, and the integrity of the complaints process. This may include setting reasonable limits on contact (such as written-only communication or a single point of contact). If, after investigation, a grievance is found to be frivolous, malicious, or repeated without new evidence, the Approved Provider may decide to close the grievance. All decisions will be documented, and the complainant will be advised in writing of the reasons.

#### **RECORDS & REVIEW**

- All complaints will be entered into the Complaints Register, analysed for patterns, and reported to the Parent Committee to inform systemic improvements and the Quality Improvement Plan.
- Policy owner: Approved Provider (Parent Committee). Review every 2 years, or earlier if legislation changes.

#### **EVALUATION**

To ensure grievances are handled appropriately, the Nominated Supervisor will:

- Review individual grievances to confirm satisfactory resolution.
- Analyse the Complaints Register for patterns or recurring issues.

- Assess whether procedures were followed fairly and professionally.
- Seek feedback from staff on the grievance process.

## REVIEW

POLICY REVIEWED BY	Judy Rondon	Director	November 2021
POLICY REVIEWED	September 2025	NEXT REVIEW DATE	November 2024
MODIFICATIONS	<ul style="list-style-type: none"> <li>• Policy reviewed as per review cycle</li> <li>• No changes made</li> </ul>		
POLICY REVIEWED BY	Anika Oling	Staff Liaison Officer	October 2025
POLICY REVIEWED	October 2025	NEXT REVIEW DATE	October 2027
MODIFICATIONS	<ul style="list-style-type: none"> <li>• Policy reviewed as per review cycle</li> <li>• Sources checked for currency</li> <li>• Legislative changes implemented</li> <li>• Updated to reference NT Department of Education and Training consistently</li> <li>• Corrected spelling and formatting errors</li> <li>• Plain-language definitions added for harm, disclosure, victimisation, discrimination, bullying, sexual harassment, and WHS grievance.</li> <li>• New sections added: Suspected Risk of Abuse, Complaints Involving Allegations of a Child Exhibiting Sexual Behaviour, and Child-Friendly Reporting.</li> <li>• Responsibilities section aligned with ACECQA, QECNT, and NTG requirements.</li> <li>• Formal investigation process clarified (written record of what complaint is about, who is handling it, and what outcome is being sought).</li> <li>• Evaluation section streamlined for alignment with best practice.</li> <li>• Appeals process expanded to include escalation to external bodies (Fair Work Commission, NT Anti-Discrimination Commission, Ombudsman, NT Department of Education and Training, NT Police, NT WorkSafe).</li> </ul>		