



<b>Policy Name</b>	<b>COMPLAINTS AND GRIEVANCE POLICY &amp; PROCEDURES</b>
<b>Policy Number</b>	<b>SAF-001.3</b>
<b>Head of Policy</b>	College Principal
<b>Management Responsibility</b>	College Vice Principal Head of High School Head of Primary School
<b>Attention</b>	<ul style="list-style-type: none"><li>• Students</li><li>• Staff</li><li>• Visitors to the College</li><li>• Parents and Guardians</li></ul>
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<b>Related College Policies</b>	<ul style="list-style-type: none"><li>• Anti-Bullying Policies &amp; Procedures (Years K-2, Years 3-6 and Years 7-12)</li><li>• Behaviour Management Policy &amp; Procedures</li><li>• Child Protection Policy &amp; Procedures</li><li>• Child Safety and Wellbeing Policy</li><li>• Code of Conduct - Parents and Students</li><li>• Code of Conduct - Staff</li><li>• Inclusion Policy</li><li>• Whistleblowers Policy</li></ul>
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<b>Access</b>	<input checked="" type="checkbox"/> College Intranet (Staff & Parents) <input type="checkbox"/> Staff Intranet only <input type="checkbox"/> Restricted - Board and/or College Executive



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## COMPLAINTS AND GRIEVANCE POLICY & PROCEDURES

### 1. BACKGROUND

This Complaints and Grievance Policy & Procedures (**Policy**) is to be read in conjunction with:

- the College Ethos which can be accessed [here](#); and
- the Code of Conduct - [Parents and Students](#); and
- the Code of Conduct - [Staff](#),

both of which Codes set out expected behaviours of parents, students and staff at Moriah College (**College**) and can be accessed at the links above.

### Core Values

The College's educational endeavours are based on our Core Values: commitment (*mechuyavut*), responsibility (*achrayut*), respect (*kavod*) and integrity (*yoshra*) and kindness (*chesed*).

### 2. DEFINITIONS

**'College'** – comprises of the following entities:

- The Moriah College War Memorial College Association [ABN 98 077 604 961];
- The Moriah War Memorial Jewish College Association Limited [ABN 87 003 214 560];
- Kehillat Moriah Incorporated [ABN 16 284 221 251];
- Moriah College Parents' & Friends' Association [ABN 55 169 539 714]; and
- Moriah College Foundation Limited [ACN 162 505722]

**'formal complaint'** - is a written expression of dissatisfaction relating to any of the College's policies, procedures, practices, services, facilities or behaviour, where the complainant is seeking a response, conclusion or remedy.

A formal complaint may be expressed by : parents; students; or Staff member (but not directed towards another Staff member).

Formal complaints may include any matter pertinent to:

- student education or wellbeing;
- the delivery of education by a member of staff or external provider;
- the pastoral care given by a member of staff; and
- the behaviour of a student, Staff member (as defined) or parent, or external provider when engaged in College-related activities.

**'complainant'** – is one or more individuals who lodge a complaint.

**'grievance'** - is an expression of dissatisfaction about the College.

**'mediation'** – is a voluntary and confidential process where a neutral third party, the mediator, provides assistance to the parties in dispute, to find some common ground and reach a settlement. A mediator may be an employee of the College who has no conflict of interest in the issue under discussion, or an external mediator.

**'parents'** include parents, step-parents, guardians, carers and any others with parental responsibilities for students at the College.

**'procedural fairness'** - also known as 'natural justice', is a principle of law that is concerned with the procedures used in decision making, rather than the actual decision reached. Key requirements of procedural fairness include:

- providing respondents with relevant details of the allegations that have been made against them;
- providing respondents with relevant details of the procedures to be followed in considering the matter;
- giving respondents an opportunity to respond to the allegations (including as to any mitigating circumstances), before a decision is made;
- a decision maker who will resolve the matter, having no bias nor a conflict of interest; and
- that the decision will only be based on relevant factors.

**'respondent'** – is the person or entity about whom a complaint is made.

**'Staff'** – includes all of the College's employees, contractors, volunteers, coaches and peripatetic staff.

**'support person'** – is a person who may be a friend, student, member of staff or a family member, who may: assist a person make, or respond to, a complaint; accompany a person to an interview in respect of a complaint, as an observer to provide support; and/or give private advice in respect of the complaint process, but is not able to speak on behalf of, or advocate for, the complainant or respondent.

**NOTE:**

1. The only complaints that are dealt with under this Policy are formal complaints (as defined above).
2. In this Policy a reference to a "complaint" means a formal complaint.
3. Informal complaints or grievances are dealt with by the College by the application of common sense.

### **3. INTRODUCTION**

#### **Policy Statement**

The purpose of this Policy is to provide a framework for the effective management of complaints lodged by students, parents or staff (but not directed towards another staff member).

The aim of this Policy is to:

- provide an efficient, open, transparent and accessible mechanism for addressing complaints, relevant to this Policy, in accordance with the principles of natural justice;
- promote fairness towards both complainants and respondents in the process of dealing with complaints;
- enhance the relationship of parents and students, with Staff and the College; and
- Where relevant, rectify processes and procedures arising from a valid complaint through the College's continual improvement process.

This policy does not apply where a complaint relates to:

- (a) alleged bullying, discrimination, physical assault, harm, harassment or sexual harassment. Such complaint will be made and dealt with in accordance with the relevant College policies and procedures such as the Code of Conduct - Staff, Code of Conduct - Parents and Students and the Anti-Bullying Policies & Procedures;
- (b) the abuse of an enrolled student under 18 years of age and an allegation of sexual abuse or likely sexual abuse, significant harm or unacceptable risk of harm or inappropriate behaviour. Such complaint shall be made and dealt with in accordance with the Child Protection Policy & Procedures;
- (c) a complaint to which the Whistleblower policy applies which will be dealt with in accordance with that policy.

#### **4. THE COMPLAINTS AND GRIEVANCES POLICY & PROCEDURES**

The following principles apply both to complainants and respondents:

- anonymous letters or phone-calls will not be acted upon;
- teachers, students and parents, are entitled to raise concerns and make complaints and to have them dealt with within a transparent and clear process;
- consideration will be given to the level of seriousness of the concern/complaint, before beginning the process;
- consideration will also be given to determine the most appropriate member of staff for initial contact within the College;
- all efforts will be made to resolve disputes at the most appropriate level and for all parties to have an opportunity to have their position considered;
- individual cases are considered on their own merits and within the context of the existing policies, procedures and guidelines of the College;
- appropriate confidentiality must be respected by all parties;
- complaints will only be dealt with by the College staff and not by the Board of Directors. The only exception to this rule is where the respondent is the College Principal, in which case the matter should be raised with the President of the Board, who will raise the issue with the College Principal.



## 5. TYPES OF COMPLAINT

There are two types of complaint within the scope of these procedures.

### 5.1. Complaints about a person

A complaint may be made about the behaviour of:

- a student at the College;
- a parent;
- a member of staff; and/or
- people external to the College with whom students or staff interact as part of a program of study or a co/extra curricular activity.

Complaints under this category may include, but are not limited to: reports of conduct under the College's Child Protection Policy and Procedures; ethical and integrity issues; conflicts of interest; misconduct; reportable conduct; fraud; bribery; dishonesty; favouritism; discrimination; victimisation; vilification; and harassment.

*NB: Reports of conduct covered by the Child Protection Policy & Procedures are dealt with under the procedures in that policy.*

### 5.2. Complaints about administration or process

A complaint may be made in relation to administrative issues or processes leading to detriment, including: complaints of mismanagement; unreasonable decisions; inconsistent application of College policy or procedure; denial of procedural fairness and failure to provide rights, or providing incorrect advice.

## 6. PROCEDURES FOR DEALING WITH COMPLAINTS

### 6.1 Three Stage Procedure

The College implements a three stage procedure for dealing with complaints:

#### **Stage 1 – Local Process**

During this stage the complaint is dealt with at the local level, directly with the person/s concerned in the hope that the complaint will be resolved informally.

The complainant should raise their complaint directly with the member of staff or other relevant person, most directly involved with, or responsible for, the subject-matter of the complaint.

#### **Stage 2 – Central Process**

In some circumstances it may be more appropriate for a complaint to be raised and dealt with by a member of the College Executive, who may try and resolve the matter informally or where necessary, initiate an investigation. A complainant may initiate a Stage 2 Central Process, without first undergoing a Stage 1 process.

A complainant who wishes to have his/her complaint dealt with under a Stage 2 process, should lodge the complaint in writing to a member of the College Executive, or the College's Director of People & Culture (if relating to a staff member).

### **Stage 3 – The College Principal**

If the matter still remains unresolved, or in the case of a formal complaint of alleged unlawful discrimination by, or alleged reportable conduct (as defined in the Child Protection Policy), of a member of staff, or relevant other person, the complaint shall be referred to the College Principal by the complainant or other relevant person.

Where a complaint involving a serious grievance or unlawful discrimination by a student or staff member is upheld, the College Principal will take disciplinary action against the respondent. The disciplinary action may vary depending upon the circumstances. Where such a complaint against a parent is upheld, on more than one occasion, or is of a very serious nature, the parent may be asked to remove their child from the College.

## **6.2 Form of the Complaint**

6.2.1 Complaints must be made in writing and should include the following information:

- the complainant's name and contact details;
- details of the specific matter, incident or issue the subject of the complaint;
- if the complaint is about a person(s), the identity of the respondent (person(s) being complained about) and his/her relationship to the complainant;
- the complainant's preferred method for dealing with the complaint (ie informal or formal);
- the remedy/outcome the complainant seeks; and
- any action already taken by or on behalf of the complainant, seeking to resolve the issue.

6.2.2 If the complainant does not make the complaint in writing, the College may proceed on the basis of its understanding of the complaint expressed in writing to, and confirmed in writing by, the complainant.

6.2.3 Where a complainant is uncomfortable with raising the complaint with the member/s of staff most directly involved, the complaint can be made through a support person.

## **6.3 Informal Resolution of Complaints**

6.3.2 The member of staff, who is managing the complaint, will aim to resolve the complaint as quickly as possible, using informal processes.

6.3.3 To help reach a mutually acceptable outcome, a meeting may be held to discuss the complaint.

6.3.4 A support person may be brought to the meeting by the complainant.

6.3.5 The member of staff to whom the complaint is notified, will:

- read the complaint and/or listen to the complainant's concerns and their desired outcomes;

- provide the complainant with a copy of this document, explaining the grievance procedures and the range of options open to him/her;
- inquire into the matter providing all parties with an opportunity to be heard, including informing the respondent of the allegations made against them and providing them with an opportunity to respond;
- keep all those involved informed about the progress of the matter; and
- monitor the situation during and after the resolution process.

## **6.4 Formal Resolution of Complaints**

### **6.4.1 Investigations**

- 6.4.1.1** The purpose of an investigation of a complaint is to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and determine a suitable response. The nature and scope of the investigation required in response to a complaint, will depend on the circumstances of each case.

An investigation should incorporate the following four principles:

- procedural fairness for both complainant and respondent;
- timeliness to minimise opportunities for further misconduct and/or the potential for bitterness, and opportunities to breach the confidentiality to which complainants and respondents are entitled, is minimised;
- confidentiality for all parties, where practicable and appropriate; and
- accurate recordkeeping, including recording of reasons for all significant investigation related decisions.

At the conclusion of the Stage 2 Central Process, a determination may be made. Where a determination is made, the outcome will be confirmed in writing, giving brief reasons, to the complainant and respondent/s.

- 6.4.1.2** The outcome may be that the complaint has, or has not, been upheld, or partly upheld. Where it has been determined that the complaint has been upheld or partly upheld, any consequential actions will be communicated to the complainant and the respondent.

### **6.4.2 The Investigation Process**

- 6.4.2.1** A summary of the Investigation Procedure is as follows:

#### **STEP 1**

- following the submission of the complaint, the complainant will be interviewed by a member of the College Executive, to establish and document relevant facts;
- the complainant may elect to supply that member of the College Executive with additional documents in support of the complaint;
- notes will be taken during the interview and a summary of the interview will be prepared by a member of the College Executive;
- the summary of the interview will be provided to the complainant for checking and verification;



## **STEP 2**

- the respondent will be advised formally in writing, that a complaint has been made;
- the respondent will be provided with a copy of the complaint and any supporting documentation provided by the complainant, as well as the summary of the complainant's interview;
- the respondent will be invited to a formal meeting with a member of the College Executive. If the respondent wishes to provide a written response in addition to attending the meeting, he/she will be allocated time in which to prepare and submit a response;
- the respondent will be advised that they will be provided with the opportunity to consider and comment on any evidence obtained in relation to them;
- the respondent will be invited to bring a support person, to observe but not speak at, the meeting;
- notes will be taken during the meeting and a summary of the meeting will be prepared by a member of the College Executive;
- the summary of the meeting will be provided to the respondent for checking and verification;

## **STEP 3**

- the complainant will be provided with a copy of the summary of the meeting with the respondent and statement/summary of evidence and will be given the opportunity to respond;
- both the respondent and complainant may if necessary, be invited to provide further details/clarification in writing, on aspects of their evidence;
- interviews may be conducted with witness/es (if any) to particular events or incidents, related to the complaint;
- notes will be taken during the interview and a summary of the interview will be prepared by a member of the College Executive;
- the summary of the interview will be provided to the witness for checking and verification;
- Both the complainant and the respondent will, where relevant, be provided with the opportunity to respond to any additional matters arising from witness interviews which is material to the outcome of the investigation; and

## **STEP 4**

- a final report will be compiled by the member of the College Executive who has conducted the meetings and interviews,.

### **6.4.3 Expectations and time frame**

**6.4.3.1** The College acknowledges that complainants may have expectations as to how their complaint should be handled. To manage the complainant's expectations, the College will generally seek to:

- register and acknowledge receipt of the complaint, within three working days;
- clarify the complainant's issues, consulting with the complainant and other parties where necessary;



- explain the complaint handling process, to the complainant or refer them to this policy;
- consider whether the complaint requires or warrants referral due to its subject matter;
- confirm with the complainant that the complaint has been fully understood;
- clarify with the complainant what outcome they are seeking;
- assess the most suitable method for dealing with the complaint, for example whether the complaint is best resolved either by discussion/negotiation, by mediation, or investigation;
- provide realistic time frames for dealing with the complaint;
- advise the complainant when it is not possible to resolve the complaint within the stated time frame; and
- provide the complainant and respondent with updates on the progress of the complaint.

#### **6.4.4 Possible Outcomes**

**6.4.4.1** A complaint may be resolved in a variety of ways. This will depend on whether or not the complaint is substantiated, the seriousness of the matter, the wishes of the complainant and the nature of the working or other relationship of the persons involved.

**6.4.4.2** If the complaint is upheld in whole or in part, then, depending on the nature of the complaint, the following are some possible outcomes:

- an agreement between the parties resolving the complaint;
- a verbal or written apology;
- the review of a policy or procedure of the College;
- targeted professional development opportunity, or training;
- dissemination of information;
- referring the parties or either of them, to counselling;
- where a member of staff is the respondent to the complaint, disciplinary action may follow;
- where a student is the respondent to the complaint, applying a sanction as set out in the Behaviour Management Policy & Procedures; and
- where a parent is the respondent to the complaint, reviewing their child's enrolment status.

**6.4.4.3** Both the complainant and the respondent will be notified of findings (in writing) following any investigation.

**6.4.4.4** If a complaint is not upheld or not substantiated (e.g. the evidence is insufficient on the balance of probabilities), but some issue arises from the investigation that is required to be addressed then, the possible outcomes include:

- relevant training for staff or students;
- monitoring of behaviour of members of staff, students or parents;
- counselling for the parties involved;
- mediation at local level; and/or
- a review of College policy or procedure.

**6.4.4.5** Depending on the circumstances, the Head of Learning & Teaching High School, Deputy Head Primary School, or Head of Department, may be consulted in relation to the findings of the investigation.

## **7 CONFIDENTIALITY**

**7.1** The College is bound by the Australian Privacy Principles established under the *Privacy Act 1988 (Cth)*. In relation to health records, the College is also bound by the New South Wales Health Privacy Principles, which are contained in the *Health Records and Information Privacy Act 2002 (NSW)*.

**7.2** Key personnel and members of staff of the College are required to maintain confidentiality.

**7.3** Information about a matter will only be divulged to those with direct involvement in the matter, with the following exceptions:

- where there is risk of harm to a person or persons;
- where the matter is subject to legal proceedings or other action, which requires the production of records held by the College in response to a subpoena or similar; and/or
- where there is a clear public interest, or obligation to share information.

## **8 RECORD KEEPING**

**8.1** Notes and documentation must be kept at all stages of the resolution of a complaint, including records of interviews, meetings, discussions, and actions proposed or taken.

**8.2** All records and notes produced and documents considered in handling a complaint, must be stored by the College, in a confidential file.