



Moriah College
בית ספר הר המוריה

GUIDELINES FOR RESOLVING COMPLAINTS BETWEEN STAFF AT MORIAH COLLEGE

<i>Endorsed By:</i>	<i>Board of Directors</i>
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MORIAH COLLEGE
GUIDELINES FOR RESOLVING COMPLAINTS BETWEEN STAFF AT MORIAH COLLEGE

1. Moriah College (**the College**) has a Complaints and Grievance Policy & Procedures (**Complaints Policy**) which, among other things deals with formal complaints by and in respect of staff. The Complaints Policy expressly excludes from formal complaints, complaints/grievances by staff about or concerning other Staff. These Guidelines are designed to deal with those intra staff complaints/grievances.
2. Whilst the College aims to maintain a happy and productive working environment, where all staff can work together harmoniously, we recognise that from time to time, complaints or grievances will arise.
3. In achieving the kind of environment that the College strives for, it is important for there to be an effective complaints resolution process; a process which gives College all staff members (fulltime, part time, casual, contractors and volunteers) (**Staff**), confidence that their issues of concern – which might also be called grievances or complaints – are properly dealt with.
4. These guidelines are intended to provide assistance to Staff who wish to bring a complaint to the attention of the College, by providing an understanding of:
 - (a) what you can do if you have a complaint (including any concern, grievance or problem), about something that has happened at the College attributable to another member of Staff; and
 - (b) how such a complaint might be resolved.
5. These guidelines are not intended to be definitive or prescriptive, and do not form part of any contract (including any employment contract). Instead, they give some guidance about options and processes that might be used. The College has the absolute discretion to vary these guidelines from time to time. These guidelines should be read in conjunction with the Complaints Policy & Procedures, the Code of Conduct – Staff, and the College’s Anti-Bullying Policies & Procedures.

What does the College aim to do?

6. The College aims to treat seriously, all complaints which trouble Staff, quickly and as fairly and confidentially as is reasonably possible.
7. We are concerned about any issues which might relate to a breach of the law. Particularly relevant are the College's legal obligations – and the obligations of Staff – in respect of:
 - (a) discrimination (including harassment and vilification);
 - (b) workplace health and safety (including bullying);
 - (c) child protection; and
 - (d) the duty of care that the College has to its students.
8. We also want Staff to feel comfortable to raise other types of issues. These guidelines apply to all types of issues of concern which staff members might raise.

What should you do if you have a complaint?

9. If you think that you are being unlawfully discriminated against, harassed, vilified or bullied, or are otherwise feeling unhappy at work, do not ignore the problem or hope that it will just go away. Instead, ask the Staff member responsible for the conduct to stop as soon as possible. If you do not feel that you can do this, or if it doesn't work, you should talk to your Head of Department / Line Manager or a Grievance Advisor as soon as possible.
10. The Grievance Advisors are:
 - (a) Roberta Goot (Vice Principal): rgoot@moriah.nsw.edu.au; (02) 9375 1711.
 - (b) Bade Mathialagan (People & Culture): bmathialagan@moriah.nsw.edu.au (02) 9375 1920.
 - (c) Nominated Supervisor in ELC via (Dalia Ottensooser): dottensooser@moriah.nsw.edu.au (02) 9375 1795.
11. The Grievance Advisors can be contacted at any time to discuss any grievance or give you advice.
12. Unfounded accusations of unlawful discrimination/harassment can harm the reputation of those involved and could lead to legal action for defamation. Complaints that are made maliciously, or not in good faith, may amount to misconduct.
13. Be careful with whom you discuss your complaint. It is very easy for rumours to spread, and this can impact on the College's ability to deal with a complaint fairly for all parties.

How might your complaint be resolved?

14. All Staff complaints are important to us, and should be addressed.
15. There are different options for resolving complaints. You may wish (or it may be appropriate), for your complaint to be dealt with either informally or formally.
16. **Informal resolution** is what happens when the people involved resolve the issues between themselves. Sometimes this happens through discussions, or an exchange of correspondence, or a mediated meeting between the people involved to see if the issues can be resolved between them. Informal resolution will NOT involve the College conducting any investigation or making any formal decision about what has happened, or what the consequences should be. However, we may help the people involved with discussions or other communications, or give guidance about appropriate next steps.
17. **Formal resolution** usually happens when one of the people involved wants a formal process, or because of the nature of the complaint – for example, if it is about a very serious issue. The College has an absolute discretion as to whether to use a formal process. If it chooses to do so, then the College:
 - (a) will investigate the complaint;
 - (b) may make a formal decision about what has happened; and
 - (c) will make a decision about what the consequences (if any) should be. These may, for example, include disciplinary action and/or reporting to relevant authorities such as the Department of Communities and Justice.

18. Generally speaking, if there is to be formal resolution, then the procedures set out in the Complaints Policy will apply to the resolution of formal complaints under these Guidelines, with the necessary changes being made.
19. In summary the procedures will involve:
 - (a) the College will ask the Staff member with the complaint to describe it, in detail, usually in writing;
 - (b) the other Staff member(s) against whom the complaint is brought will be given details of the allegation(s) against them and be given a reasonable opportunity to explain their side of the story;
 - (c) other people (for example witnesses) may be interviewed;
 - (d) notes will be taken of interviews;
 - (e) documents may be collected; and
 - (f) after considering the evidence, the College will communicate its decisions about the facts and about the outcomes to the Staff involved, usually in writing.
20. There may be circumstances in which some of the steps outlined above are not appropriate and the College will determine, in its absolute discretion on a case by case basis, the most appropriate method of handling the complaint.
21. The possible final outcomes of either type of complaint process include, without limitation:
 - (a) a decision that a complaint is substantiated or unsubstantiated, either in whole or in part;
 - (b) a compromise between the Staff members involved about the issues raised;
 - (c) a solution in which both Staff members benefit to some extent;
 - (d) no action being taken; or
 - (e) action pursuant to 23 below.
22. Whatever the process used, and regardless of whether it is formal or informal, the College will keep a confidential record of the complaint.

What happens next?

23. If the College considers that a person may have acted inappropriately, particularly if the complaint involves allegations of discrimination, harassment, vilification or bullying or other inappropriate behaviour, then the College will take whatever action it considers appropriate. This might involve disciplinary action, up to and including termination of employment or work contracts and/or reporting to a relevant authority.
24. It is unlawful to victimise a person who has made a complaint of discrimination, harassment, vilification or unlawful bullying. However, if a person lies about a complaint or makes a complaint maliciously or otherwise in bad faith, the College may take whatever action it considers appropriate, which might involve disciplinary action including termination of employment or work contracts.

See also: Anti-Bullying Policies