



## GUIDELINES FOR RESOLVING COMPLAINTS/ GRIEVANCES AND THE PROCEDURES FOR CONDUCTING AN INTERNAL INVESTIGATION INTO ALLEGATIONS OF STAFF AND ADULT MISCONDUCT

### Guidelines for Resolving Complaints/Grievances

1. Kesser Torah College (KTC) aims to maintain a happy and productive environment, one in which our whole community (our staff, students and the families of students) can work together towards the education of our students.
2. One element in achieving this kind of environment is an effective complaints resolution process; a process which gives members of the KTC community confidence that their issues of concern - which might also be called grievances or complaints - are properly dealt with. We believe that an effective complaints resolution process is consistent with KTC's objectives and core values of *Derech Eretz* and a Nurturing Environment, as well as our obligations under Halacha and Australian law.
3. These guidelines are intended to provide assistance to members of the KTC community who wish to bring a complaint to the attention of KTC, 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 KTC
  - (b) how a complaint might be resolved.
4. These guidelines are not intended to be definitive, or prescriptive. They do not form part of any contract. Instead, they give some guidance about options and processes that might be used.
5. If a KTC staff member wishes to bring a complaint, he/she should refer to the Staff Guide lines for Resolving Complaints at KTC.

#### What does KTC aim to do?

1. KTC aims to address all concerns/complaints, and to treat these as expeditiously, fairly and confidentially as possible.
2. We are particularly concerned about any issues which might relate to a breach of the law. Particularly relevant are KTC's legal obligations, and the obligations of the KTC community more generally, in respect of:
  - (a) discrimination (including harassment and vilification)
  - (b) workplace health and safety (including bullying)
  - (c) child protection
  - (d) the duty of care that KTC has to its students
3. We also want KTC community members to feel comfortable to raise other concerns or issues. These guidelines apply to all types of issues of concern which community members might raise.

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### Who to see for what?

Educational matters, or matters in general (other than complaints related to fees)

1. **Please note:** Educational and operational concerns/complaints are referred to the **College Principal** and the **professional staff** and not the President of the Board or members of the Kesser Torah Board. If a concern is "subject-specific", you should generally first contact the class teacher (Primary School) or Subject Teacher (High School). If the concern is "social" in nature or wider than a specific subject, you should contact the Year Convenor/Head of Welfare (High School) or Head of the Primary School.
2. If the matter cannot be resolved at this level, or if it is inappropriate to go to the teacher (for example if the complaint is about the teacher and/or you do not feel comfortable discussing it with her/him), you should contact the relevant member of the Senior Management Team:
  - For CRELS (Nest, Simcha) concerns: Vanessa McCarthy, Acting Coordinator
  - For ECC (3-4, 3-5 y.o): Ilana Ludwig or Christina Zanneti, Acting Coordinators
  - For Early Learning Jewish Studies concerns: Mushky Chaiton
  - For Primary School (PS) General Studies (GS) concerns: Noelene Bellingham, Head of Primary School
  - For PS Jewish Studies (JS) / Informal Jewish Education concerns: Rabbi Levi Milecki, Head of Primary School Jewish Studies
  - For High School (HS) GS concerns (Boys and Girls): Michele Hanwell-Short, Head of General Studies
  - For HS JS / Informal Jewish Studies concerns (Boys and Girls), Rabbi Yaacov Chaiton, Head of Jewish Studies
  - For Student Management in HS: Firstly, the Year Coordinator, then Rabbi Dovber (Berel) Light, Head of Student Management

If the concern cannot be resolved at this level, please make contact with College Principal, Roy Steinman. It may be necessary to set out your complaint/concern in writing, stating clearly the nature of the issue, and providing any supporting documentation.

3. Only if you think that the College Principal has engaged in unlawful or inappropriate conduct, or if he has refused to hear your complaint, would it be appropriate to raise this with the President of the KTC Board. Any complaint to the President in these circumstances should be in writing and should contain specific details of the matter or incident concerned. The President would then raise the matter with the College Principal or appoint a delegate to conduct an investigation into the matter on his/ her behalf. Any findings from such an investigation conducted by the President, or his/ her delegate, will be deemed to be the final decision of KTC.

### Complaints Relating to Fees

1. If you have a complaint relating to the determination made by the Bursar (currently Ms Sara Benjamin) in relation to your fees, you are entitled to contact the Chairperson of the KTC Fee Committee (Chairperson) within two (2) weeks of such determination. You must provide your request for review in writing to the Chairperson, via the KTC Business Manager/Financial Manager detailing the basis for the review, including the nature of the issue, and providing any supporting documentation. If your request for review is not provided in writing to the Chairperson within the specified period, then your request will be deemed invalid under these

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Guidelines and it will be at the Chairperson's sole discretion whether to accept the review. It is requested that you provide the details of your request for review in no more than one (1) or two (2) pieces of correspondence (not including supporting documentation).

2. After receipt of all relevant specifics of your request for review to the Chairperson, the Chair person will use all reasonable endeavours to provide his/her determination within one (1) week. The Chairperson, at his/her sole discretion, may seek counsel from any individual (employee of KTC, including but not limited to the Bursar or the College Principal of KTC, (currently Mr Roy Steinman), from the KTC Fee Committee or outside KTC) but is not obliged to. The decision of the Chairperson is final and binding with the full delegated authority of the Board of KTC.
3. You acknowledge and agree there is no further 'right of appeal' once the Chairperson has made a decision regarding your request for review of fees.
4. Until a final decision is made under these Guidelines the determination of the Bursar is valid and binding on the relevant party. Fees, as determined by the Bursar, must be paid in accordance with the Bursar's determination. If fees are not up to date, as determined by the Bursar, throughout the review process as specified above, then KTC will be entitled in its absolute and sole discretion to determine the request for review to be invalid and KTC will be entitled to follow the Fees Policy (as specified in KTC's Policy Handbook).
5. You acknowledge and agree the Chairperson is not in breach of your or your children's privacy for seeking counsel from any third party in accordance with these Guidelines.

### Complaints Relating to Halacha (Jewish Law) or Hashkafah / Chabbad or Jewish Ethos

1. If you have a *Hashkafik* concern or complaint, you should address your concern in writing to the College Principal, who will raise the matter with the College's *Mechanchim* (religious Ethos Committee).

### Other Complaints/Grievances

In addressing Concerns/Complaints/Grievances, you may prefer your concerns to be dealt with either informally, or formally.

1. **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 KTC 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.
2. **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 such as a potential breach of child protection laws. KTC has an absolute discretion as to whether to use a formal process. If it chooses to do so, then, KTC will:
  - (a) investigate the complaint
  - (b) make a formal decision about what has happened

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- (c) make a determination regarding appropriate consequences (if any). These may, for example, include disciplinary action and/or the reporting of the matter to the relevant authorities, such as the Department of Community Services.
3. In general, if there is to be formal resolution, then:
  - (a) KTC will ask the person with the complaint to describe it, in detail, usually in writing
  - (b) the person(s) against whom the complaint is brought will be given details of the allegation(s) against him/her and be given a reasonable opportunity to explain his/her side of the story
  - (c) other people (witnesses) may be interviewed
  - (d) notes will be taken of interviews
  - (e) documents may be collected
  - (f) after considering the evidence, KTC will communicate its decisions about the facts and about the outcomes to everyone involved, usually in writing.
4. There may be circumstances in which some of the steps outlined above are not appropriate and KTC will determine, in its absolute discretion on a case by case basis, the most appropriate method of handling the complaint.
5. The final outcome of either an informal or a formal complaint process may be:
  - (a) a compromise between the parties involved about the issues raised
  - (b) a decision that a complaint is correct or incorrect
  - (c) a solution in which both parties benefit to some extent
  - (d) no action being taken.
6. Whatever the process used, KTC will keep a confidential record of the complaint and the outcome of the process.
7. 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 vexatious or malicious complaint, or otherwise in bad faith, KTC may take whatever action it considers appropriate, which might involve disciplinary action (including expulsion or dismissal of a student) or termination of employment or work contracts.
8. If KTC considers that a person may have acted inappropriately, particularly if the complaint involves allegations of discrimination, harassment, vilification, staff/adult misconduct or bullying or other inappropriate or unprofessional behaviour, then KTC will take whatever action it considers appropriate. This might involve disciplinary action (including expulsion or dismissal of a student), termination of employment or work contract/s of an employee or volunteer and/or the reporting of the incident to a relevant authority. For complaints/ concerns about workplace bullying or harassment, see the separate Guidelines regarding KTC's **Procedures for Investigating Allegations of Workplace Bullying or Harassment**.

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9. If there is an allegation or reported observation of any wrongdoing, that does **not** fall under the **Mandatory Reporting Guidelines** nor the **Reportable Conduct Guidelines** against adults at the College, the College Principal or his delegate is obliged to conduct an internal investigation. The College Principal will also determine whether it is necessary to seek legal advice before proceeding.

### Procedure for Conducting an Internal Investigation into Allegations of Staff Misconduct / Unprofessional Behaviour

#### Definition of Misconduct

Behaviour, conduct or actions committed by staff or adults working in the College that falls *outside* the **Mandatory Reporting Guidelines**, or the **Reportable Conduct Guidelines** but is nevertheless deemed to have been unprofessional or inappropriate in nature and to have had a negative impact on students.

To maintain impartiality, it is important that the manager of the person against whom an allegation has been made is not the investigator in the matter.

In matters relating to the Early Learning Centre, irrespective of whether there is or there is not substantiated misconduct, any parental complaint about any kind of inappropriate mishandling of children will need to be reported by the College, as the approved provider, to the **NSW Department of Education** (through the NQAITS portal) as a matter of course.

#### The Internal Investigation: Procedure

1. If there is an allegation of misconduct, against an employee, volunteer or any other adult at the College, the College Principal or his delegate will advise such person of the allegation(s) against him/her and also the likely process and timeframe of the investigation that will be conducted.
2. The person who is making the allegation will be interviewed by the College Principal and one other senior staff member. Comprehensive notes will be taken during the interview. The College Principal may engage an external investigator as appropriate. At the end of the interview, the file note of the meeting will be read back to the interviewee in order for him/her to correct or amend any details pertaining to the allegations.
3. Any, and all, witnesses will be interviewed by the College Principal/his delegate. Again, detailed records of all interviews will be made and retained.
4. Any and all other evidence will be collected (e.g. CCTV footage, IT records, security records, photographs, etc) from the College facilities or from witnesses.
5. The person against whom an allegation has been made will be interviewed by the College Principal/his delegate.
6. A follow-up discussion will be held with the person making the allegation/s in order to provide feedback regarding the investigation. During this discussion, it may be important to further clarify the allegations in order that any additional responses, clarifications, etc can be made.
7. Once all interviews have been concluded, the College Principal/his delegate will analyse all the information collected and deliberate the matters in order to ascertain whether or not the allegations can be substantiated or not.

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8. Thereafter, the College Principal/his delegate, will determine what specific consequences or actions should be taken, including but not limited to:
- (a) consulting with, reporting the matter to, or the investigation of the incident by an external agency
  - (b) seeking legal advice where necessary
  - (c) notifying the College's insurer, should the investigation reveal inappropriate behaviour by a staff member or volunteer that could result in legal action
  - (d) relevant file notes, letters, cautions, warnings that need to be made
  - (e) suspension or dismissal of the relevant employee, if warranted
  - (f) relevant counselling for the employee against whom an allegation has been made, and/or the person making the allegation, and/or the alleged victim
  - (g) any other relevant action

The employee against whom the allegation was made will be advised verbally and/or in writing about the outcome of the investigation and any determined outcomes.

The person making the complaint will also be advised in writing about the substantiation or otherwise of their allegation.

9. At the conclusion of the investigation, all relevant documentation pertaining to the allegation and the investigation will be collated and filed in the employee's College records and all members of the investigating team will debrief on the matter in order to identify improvements in College processes, policies or protocols and the procedure of the internal investigation.