

PROCEDURE FOR RESOLVING COMPLAINTS, GRIEVANCES, CONCERNS AND ALLEGATIONS OF STAFF OR ADULT MISCONDUCT

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.

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 dealt with effectively. We believe that an effective complaints resolution process is consistent with KTC's objectives, core values of *Derech Eretz* and a Nurturing Environment, as well as our obligations under Halacha (Jewish law) and Australian law.

These guidelines are intended to provide assistance to members of the KTC community who wish to bring a complaint or concern to the attention of KTC, by providing an understanding of:

- what you can do if you have a complaint (including a concern, grievance or problem) relating to:
 - your child's education or wellbeing
 - operational matters in the school
 - matters relating to teaching and learning
 - fees issues
 - halachic or ethos matters
 - concerns, grievances or allegations regarding a member of staff's interaction with your child
- how a complaint might be raised and resolved.

Please note: Allegations of behaviour or actions which fall under the guidelines for *Mandatory Reporting or Reportable Conduct*, are dealt with in the College's **Child Protection Policy and Procedures** located on the College's website or in hard copy on request from Reception or the College Principal's office.

What does KTC aim to do?

KTC aims to address all concerns/complaints expeditiously, fairly and confidentially. Grievances, concerns, allegations or complaints can be made via email, telephone or in person.

Who to see for what?

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

Please note: Educational and operational concerns/complaints are referred to the College's **Professional Staff** and/or the **College Principal** and not the President of the Board or members of Kesser Torah College's Board of Management. 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 Coordinator or Head of Welfare (High School) or Welfare Coordinator or Head of Welfare (Primary School).



- 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 himself/herself and/or you do not feel comfortable discussing it with him/her) you should contact the relevant member of the Senior Management Team:
 - For Early Learning (CRELS and ECC) concerns to: Lesley Shneier, Director of Early Learning: lesley.shneier@ktc.nsw.edu.au
 - For Early Learning Jewish Studies specific concerns: Mushky Chaiton, Jewish Studies Coordinator: musky.chaiton@ktc.nsw.edu.au
 - For Primary School (PS) General Studies (GS) concerns: Noelene Bellingham, Head of Primary School: noelene.bellingham@ktc.nsw.edu.au
 - For PS Jewish Studies (JS) / Informal Jewish Education or Student Welfare concerns: Rabbi Levi Milecki, Head of Primary Jewish Studies and Head of Student Welfare: rabbi.milecki@ktc.nsw.edu.au
 - For High School (HS) GS concerns (Boys and Girls): Head of General Studies (currently Michele Hanwell-short): michele.hanwellshort@ktc.nsw.edu.au
 - For HS JS / Informal Jewish Studies concerns (Boys and Girls): Rabbi Yaacov Chaiton, Head of Jewish Studies and Deputy College Principal: rabbi.chaiton@ktc.nsw.edu.au
 - For HS Student Welfare concerns: Firstly, the relevant Year Coordinator, then Rabbi Dovber (Berel) Light, Head of Student Welfare: rabbi.light@ktc.nsw.edu.au

If the concern cannot be resolved at this level, or the nature of the concern or complaint is particularly sensitive in nature, please make contact with the College Principal (currently 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: roy.steinman@ktc.nsw.edu.au.

When can you expect a response?

You will receive a response to your concern **no later than 48 hours** after having received notification of your concern, complaint or grievance.

- If you think that the College Principal, himself, has engaged in unlawful or inappropriate conduct, or if he has refused to hear your complaint, you should raise the matter with the President of the KTC Board (currently Shaul Schapiro). 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. Please note: concerns, complaints and grievances should not be taken to the President of the Board or directly to a member of the Board, without it first being addressed by the professional staff of the College as outlined above, unless the subject of the allegation, concern or grievance is the College Principal himself.

Process for raising complaints/grievances/concerns regarding educational matters; teaching and learning issues; student wellbeing and behaviour; operational matters:

- Complaints, concerns or grievances should ideally be communicated directly to the relevant staff member in the first instance (by e mail, telephone call or in person). If the concern, complaint or grievance has not been resolved at this level, or it is deemed to be too sensitive to be raised at this level, it should be communicated to the relevant senior manager, as specified above (point 2). If the subject of the concern, grievance or complaint is a senior manager (as above) then the concern, complaint or grievance should be raised with the College Principal.
- It may be necessary for the person conducting the investigation into the matter to conduct a more formal interview of the person making the complaint or raising the concern or grievance. File notes of this interview will be taken and retained.
- There may be grounds under certain circumstances when the identity of the complainant may be held in confidence.
- Other people (witnesses) where relevant will be interviewed with files of notes of all interviews taken and retained.
- If relevant, any and all other evidence will be collected (documents; notes; IT records; photographs; etc)
- The person(s) against whom a complaint, concern or grievance is brought will be given details of the allegation(s) against him/her and will be given a reasonable opportunity to explain his/her side of the story. Again, notes will be taken and retained.
- After considering the evidence, the Senior Manager conducting the investigation will have a follow-up discussion with the complainant in order to provide feedback on the enquiry and to further clarify any allegations made or to provide a preliminary response to the complaint, concern or grievance.
- Once all interviews have been conducted, the person conducting the investigation will communicate to all parties involved his/her decision(s) or findings about the concern, grievance or complaint that has been raised and also discuss any consequent actions or outcomes. It is hoped that such complaint, grievance or concern can be resolved both amicably and professionally and that a fair and just resolution or outcome can be arrived at – to the mutual understanding of both parties.
- File notes of all meetings and discussions will be made and retained for possible future reference.
- There may be circumstances in which some of the steps outlined above need to be varied and KTC will determine, at its discretion on a case-by-case basis, the most appropriate variation (if necessary) of handling the complaint, concern or grievance.
- In some instances, the Senior Manager or College Principal conducting the investigation may need to discuss the concern, grievance or complaint and the outcome of the investigation with the College Principal or College President as the case may be.
- The outcome of the investigation may result in one or more of the following actions:
 - a compromise being proposed between the parties involved about the issues raised
 - a decision that a complaint is either substantiated or unsubstantiated
 - a solution in which both parties benefit to some extent (i.e. 'win-win')

- an apology by one party to another
 - some form of disciplinary action being taken
 - no action being taken.
- Whatever the process used, KTC will keep a confidential record of the complaint and the outcome of the process. Records will be kept by the relevant Senior Manager and a reference to the investigation will be placed on the staff/student file.

Allegations of students being bullied by other students will be dealt with according to the College's *Anti Bullying Policy and Procedures* located on the College's website.

Allegations of Staff or Adult Misconduct

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.

Allegations of staff or adult misconduct need to be raised with the College Principal or his delegate via email, phone call or in person. The College will require the allegation to be put in writing and will acknowledge receipt of same within 48 hours. The College Principal or his delegate will then conduct a formal **internal investigation** into any allegations of staff or adult misconduct.

In matters relating to the Early Learning Centre, irrespective of whether there is or there is unsubstantiated misconduct, as determined by the internal investigation, 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.

For matters relating to **Mandatory Reporting** or **Reportable Conduct**, see the *College's Child Protection Policy and Procedures* on the College's website. Hard copies are available from the College Principal's office

Internal Investigation Procedure

- (a) 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.
- (b) 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.
- (c) Any, and all, witnesses will be interviewed by the College Principal/his delegate. Again, detailed records of all interviews will be made and retained.
- (d) 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.

- (e) The person against whom an allegation has been made will be interviewed by the College Principal/his delegate.
- (f) 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.
- (g) 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.
- (h) Thereafter, the College Principal/his delegate, will determine what specific consequences or actions should be taken, including but not limited to:
 - i. consulting with, reporting the matter to, or the investigation of the incident by an external agency
 - ii. seeking legal advice where necessary
 - iii. notifying the College's insurer, should the investigation reveal inappropriate behaviour by a staff member or volunteer that could result in legal action
 - iv. relevant file notes, letters, cautions, warnings that need to be made
 - v. suspension or dismissal of the relevant employee, if warranted
 - vi. relevant counselling for the employee against whom an allegation has been made, and/or the person making the allegation, and/or the alleged victim
 - vii. 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.
- (i) At the conclusion of the investigation, all records of the investigation will be stored in the College Principal's office and a reference of the investigation will be placed in the staff file.

Workplace Bullying

Staff members who wish to raise concerns about workplace bullying, harassment, intimidation or discrimination are encouraged to follow the procedures as outlined in the College's *Statement About Unlawful Discrimination, Harassment, Vilification and Bullying* (located on the Staff Common Drive).

It is unlawful to victimise a person who has made a complaint of discrimination, harassment, vilification or unlawful bullying. However, if a person makes a false statement about a complaint or makes a vexatious or malicious complaint, or otherwise in bad faith, KTC may take whatever action it deems appropriate, which might involve disciplinary action (including expulsion or dismissal of a student) or termination of employment or work contracts.

Complaints Relating to Fees

- If you have a complaint relating to the determination made by the Bursar (currently Ms Janine Kim) in relation to school fees, parents 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 Chief Operating Officer (COO, currently Mr Darrell Godin) 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 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).
- After receipt of all relevant specifics of your request for review to the Chairperson, the Chairperson 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, from the KTC Fee Committee or outside KTC). The decision of the Chairperson is final and binding with the full delegated authority of the KTC Board of Management.
- 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.
- 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).
- 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.

The records pertaining to such complaints will be kept by the Chief Operating Officer, electronically or in a locked cupboard in his office and a reference to the investigation will be placed on parent's fee account file.

Bursar: bursar@ktc.nsw.edu.au

Chief Operating Officer: darrell.godin@ktc.nsw.edu.au

Complaints Relating to Halacha (Jewish Law) or Hashkafah (custom) / Chabad or Jewish Ethos off/in the College

Hashkafic concerns or complaints should be addressed in writing to the College Principal, who will raise the matter with the College's *Mechanchim* (members of the College's Religious Ethos Committee). The Ethos Committee meets regularly with the College Principal and the Heads of Jewish Studies (High School: Rabbi Yaacov Chaiton and Primary School: Rabbi Levi Milecki).

Concerns or complaints will be answered by either the College Principal or one of the other members of the Ethos Committee. All complaints or concerns referred to the Ethos Committee through the office of the College Principal will be acknowledged within 48 hours of having received them, however, a formal response from the Ethos Committee will only be communicated back to the complainant after the Ethos Committee has formally met.