

COMPLAINTS HANDLING POLICY & PROCEDURES

Incorporating Early Learning Grievance Policy

1. Introduction

1.1 Purpose and Scope

This procedure applies to Kesser Torah College (KTC) in handling complaints made in respect of services provided by the College or against staff members, which includes employees, contractors and volunteers. College staff are also able to use this process to lodge a complaint.

This procedure does not extend to personal grievances between parents, guardians or other members of the College community.

1.2 Whistleblowing Complaints

This procedure does not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints is dealt with in the College's Whistleblower Policy, which can be found on the College website.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a board member, staff member, a person who supplies goods or services to the College, including a volunteer, an employer of a supplier or a relative of any of these people
- involves alleged misconduct, an improper situation or circumstances, or illegal activity
- is made to a senior staff member, or officer of the College, the College's auditor or a person who the College has authorised to collect such disclosures.

1.3 Related Policies

Complaints about reportable conduct will be addressed in accordance with the College's *Child Protection Policy*.

Complaints regarding unlawful discrimination, harassment or bullying between staff or a grievance between staff members about work matters, including work relationships and decisions made by other staff members which impact on their work, will be addressed in accordance with the College's *Discrimination, Harassment and Bullying Policy and Procedures*.

1.4 Confidentiality

All parties involved in complaints handling are required to maintain appropriate confidentiality, including in relation to handling and storing records.

2. Complaints

A complaint or grievance is an expression of dissatisfaction made to the College about an educational and/or operational matter relating to services provided by the College or the behaviour or decisions of a staff member, contractor or volunteer, including misconduct.

If a parent/carer, student or staff member has a concern about the conduct of a staff member, they should raise their concern with the college in accordance with section 3. If a complaint that concerns the behaviour of a staff member may constitute reportable conduct, the matter will be addressed in accordance with the College's Child Protection Policy in accordance with Section 1.2.

Please refer to the college's *Child Protection Policy* for information about reportable conduct. Complainants are not required to assess whether their concern meets the threshold of reportable conduct before making a complaint. Any concern about a child's wellbeing may be reported under this policy.

Complaints may be made by a student or parent/carer or a staff member.

The College may seek to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal complaint.

3. Raising a Complaint

3.1 The Complainant

Informal complaints may be raised by a complainant directly with the person involved. However, if the complainant does not feel comfortable doing so, or the matter is one where it may not be appropriate to do so, a complaint can be made to the Head of Primary (Primary issues) or the Director of Teaching and Learning (High School issues) or the Chief Operating Officer (Administration issues). If there is no resolution then the Principal is the next level for the complainant. Any complaint about the conduct of a staff member should be raised directly with the Principal in the first instance.

Should the matter not be resolved through informal processes, the complainant may raise the matter formally with the College. A formal complaint can be made in writing to the Principal, via email.

Where a person wishes to make a formal complaint concerning the Principal the complaint should be made in writing to the President of the Board or their Delegate, via email president@ktc.nsw.edu.au. In this situation, the references in this policy relating to the role of the Principal (or Delegate) should be read as references to the President of Board (or Delegate).

3.2 The College

The Principal (or delegate) will generally acknowledge receipt of a formal complaint in writing as soon as practicable.

4. Handling Complaints

4.1 Assessing a Complaint

When a complaint is reported to the Principal then the Principal or their Delegate generally will assess the complaint and determine:

- whether the complaint is one to be addressed under this policy or is a staff grievance or reportable conduct matter which are dealt with by the relevant policies, see section 1.2
- the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised
- whether the College may be required to report the matter to the Office of the Children's Guardian (OCG), Police, Department of Communities and Justice (DCJ) or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.

4.2 Managing a Formal Complaint

The Principal (or delegate) generally will manage a formal complaint by:

- a) advising the complainant of the likely steps that may be undertaken by the College in relation to the complaint
- b) if appropriate, advising the relevant parties of the complaint at the relevant time and providing them with an opportunity to respond
- c) collecting any additional information the College considers necessary to assess the complaint

- d) deciding about how the complaint may be resolved (“resolution decision”)
- e) advising the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the [Principal/Delegate] and if appropriate, any proposed action to be taken.

There may be circumstances where some of the steps outlined above are not appropriate and the College may determine, on a case-by-case basis, the most appropriate method of handling the complaint.

A complainant and the relevant parties that the complaint is about may choose to have an appropriate support person present at any meeting with representatives of the College about the complaint. However, the College maintains the right to determine whether the person’s preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the College to be inappropriate.

All complaints or concerns referred to the Principal will be acknowledged within 48 hours of receipt, however, a formal response may only be communicated back to the complainant after the Principal has taken time to consult with others.

5. Complaints Relating to Fees

Should there be any dispute between KTC and a student’s family relating to fees, the parent/carer is directed to the *Enrolments Policy and Procedures* which can be found on the College website.

6. Complaints Relating to Halacha (Jewish Law) or Hashkafah (Custom)

Hashkafic concerns or complaints should be addressed in writing to the Principal, who may raise the matter with the Board Appointed Mechanech should he feel the need.

7. Contact

If you have any queries about this document, you should contact the Chief Operating Officer for advice on (02) 9301 1111.

8. Contact Matrix

Issue	Primary School Contact	High School Contact
General questions, including absences and events	1. Receptionist 2. Primary Secretary	1. Receptionist 2. High School Secretary
Educational and classroom matters	Classroom Teacher	Subject Teacher
Escalation of classroom matters	Jewish Studies → Head of Jewish Studies (JS) General Studies → Head of Primary	Jewish Studies → Head of JS General Studies → Director of Teaching & Learning (DTL)
Other matters	Head of Primary	1. House Coordinator 2. DTL
Escalation of welfare matters	1. Welfare Coordinator 2. Head of Welfare	GHS/BHS Head of Welfare

Issue	Primary School Contact	High School Contact
Escalation of behaviour matters		Coordinator of Behaviour Management
Learning Support	General Studies → Head of Learning Support (LS) Jewish Studies → Learning Support Coordinator	General Studies 1. Class teacher 2. House Coordinator 3. Head of Learning Enhancement 4. DTL Jewish Studies → Head of JS
Mental Health matters	Primary Psychologist	High School Psychologist
Escalation of all matters	Head of Primary	DTL
Appointment with Principal	Principal's Executive Assistant	
Fees	1. Bursar (bursar@ktc.nsw.edu.au) 2. Chief Operating Officer (COO, Darrell.godin@ktc.nsw.edu.au)	
Halacha or Hashkafah	Principal	

9. KTC Early Learning Grievance Policy

9.1 Aim

To ensure that all grievances (complaints) are investigated in a timely, transparent, thorough and impartial manner, and that affected parties are advised of the outcome and their rights of appeal.

NQS		
7.1.2	Management systems – systems are in place to manage risk and enable the effective management and operation of a quality service	
National Law		
Section	174	Offence to fail to notify certain information to Regulatory Authority
National Regulations		
Reg.	12	Meaning of serious incident
	168	Education and care service must have policies and procedures
	175	Prescribed information to be notified to Regulatory Authority
	176	Time to notify certain information to Regulatory Authority

9.2 Related Policies

- Educator and Management Policy
- Incident, Injury, Trauma and Illness Policy
- Privacy and Confidentiality Policy

9.3 Managing Breaches and Complaints / Grievances

All breaches of our Code of Conduct (including corruption, maladministration and waste of resources) and complaints or grievances from educators, staff members, families, visitors and volunteers associated with the workplace will be managed in line with our Grievance Guidelines.

This includes incidents of bullying, discrimination and harassment at the Service. Our Service takes any incident of (alleged) bullying, discrimination or harassment very seriously because it can cause significant health and wellbeing issues for employees.

Grievances can occur in all workplaces and handling them properly is important for maintaining a safe, healthy, harmonious and productive work environment. Documented grievance procedures are important because:

- staff and visitors need to know a process exists for receiving and managing grievances and complaints fairly, impartially, promptly and thoroughly.
- they help to ensure small issues or problems do not escalate.
- supervisors and managers need to be aware of issues causing conflict.
- documentation provides evidence and a record of the grievance and the outcome.
- complaints facilitate continuous improvement of Service operations.

9.4 Grievance Guidelines

These guidelines explain the procedure for reporting and managing grievances, the roles and responsibilities of educators, staff and managers and the potential consequences of breaching our policies, procedures and Code of Conduct.

9.5 Educators, staff, volunteers, families and visitors can:

- raise the grievance/complaint directly with the person concerned. Both parties should try to resolve the issue and develop solutions to ensure the problem does not happen again. Discussions should remain private, confidential, respectful and open-minded, will not involve other educators, staff, volunteers or visitors (e.g., parents) and will take place away from children.
- raise the grievance/complaint with the Approved Provider or Nominated Supervisor (or another manager/supervisor if the Approved Provider or Nominated Supervisor is involved) if they are unable to resolve the concern, or feel unable to raise the matter directly with the person concerned. The Approved Provider or Nominated Supervisor (or supervisor) may request the issue be put in writing. Employees should provide all relevant information, including what the problem is, any other person involved in the problem and any suggested solution. Educators are encouraged to communicate openly about the issue.
- raise any grievance involving suspected or actual unlawful activity (including discrimination against or bullying of employees, and alleged/suspected child abuse) with the Approved Provider or Nominated Supervisor immediately and privately.
- be confident that their concerns will be thoroughly investigated, but aware that the outcome may not result in the action requested.

Union members may seek assistance or support from their trade union at any time.

9.6 Educators, staff, volunteers, families and visitors will not:

- get involved in complaints/grievances that don't concern them. This is not ethical or helpful in managing the complaint.
- raise complaints with an external complaints body, such as a court or Tribunal, without using our grievance procedures and appeal process first. (Note a person may report alleged/suspected child abuse by the Approved Provider directly with the Children's Guardian.)

The Approved Provider or Nominated Supervisor can:

- discuss the issue with the complainant within 24 hours of receiving the verbal or written complaint.
- properly, fairly, confidentially and impartially investigate the issue including:
 - thoroughly investigating the circumstances and facts and inviting all affected parties to provide information or respond where appropriate. To encourage teamwork and respect, the issue may be discussed at an educator meeting if the privacy of the people involved can be protected.
 - inviting the complainant to have a support person present during an interview (e.g., health and safety representative, but not a lawyer acting in a professional capacity)
- provide all affected parties with a clear written statement (letter, email or SMS) of the outcome of the investigation within seven working days of receiving the verbal or written complaint.
 - If the resolution of the complaint involves a written agreement, all parties must agree with the wording etc.
 - If the Approved Provider or Nominated Supervisor decides not to proceed with the investigation after initial enquiries, he or she will give the complainant the reason/s in writing.
- keep appropriate records of the investigation and outcome, and store those records in accordance with our Privacy and Confidentiality Policy and Record Keeping and Retention Policy. Unsubstantiated complaints against educators/staff may be retained on file if the person has been given the opportunity to record a comment on the documentation.
- monitor ongoing behaviour and provide support as required.
- ensure the parties are protected from victimisation.
- offer external review by a Tribunal or alternate organisation where employees, visitors and volunteers are unhappy with the outcome of the grievance procedure. Workplace bullying matters may be referred to the Fair Work Commission which can direct employers to take specific actions against workplace bullies or the Work Health and Safety (WHS) Regulator which may investigate whether WHS duties have been contravened.
- request feedback on the grievance process using a questionnaire.
- track complaints to identify recurring issues within the Service.
- notify the regulatory authority within 24 hours if a complaint alleges the safety, health or wellbeing of a child is being compromised. Refer Incident, Injury, Trauma and Illness Policy.

Outcomes may include:

- an apology and a commitment that certain behaviour will not be repeated (monitoring of this over time)
- education and training in relevant laws, policies or procedures (eg bullying awareness, leadership skills)
- assistance in locating relevant counselling services.
- disciplinary procedures including a verbal or written warning, termination of employment or transfer to a different position at the Service.
- ensuring any inequality or inequity is remedied.
- providing closer supervision
- modifying Service policies and procedures
- developing new policies and procedures.

Outcomes may take into consideration relevant industrial relations principles and guidelines and make provision for procedural fairness. The Approved Provider or Nominated Supervisor may consider:

- the number of complaints (or breaches)
- the opportunities given to adhere to a policy or procedure and/or change behaviour.
- the opportunities given to respond to the allegations.

- the seriousness of the complaint (or breach), and whether it impacted the safety and welfare of other employees, volunteers or visitors.
- whether a policy, procedure or complaint is reasonable.

9.7 Complaints that must be notified to Regulatory Authority

The Approved Provider or Nominated Supervisor will notify the regulatory authority through the online NQAITS:

- within 24 hours of any complaints alleging that a serious incident has occurred or is occurring while a child was or is at the service
- within 24 hours of any complaints that the National Law has been breached
- within 7 days of any allegation that physical or sexual abuse of a child has occurred or is occurring while the child is at the service.

Sources

- Education and Care Services National Regulations 2011
- National Quality Standard
- Early Years Learning Framework
- Dealing with Employee Work-Related Concerns and Grievances Policy and Guidelines: NSW DPC

Review

The ELC policy will be reviewed annually by:

- Management
- Employees
- Families
- Interested Parties

Last Reviewed: August 2023

Date for next Review: August 2024