



Grievance Policy

Yeshivah – Beth Rivkah Colleges

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1.0 Document Information

About this Document:

This document contains the Grievance Policy for Yeshivah – Beth Rivkah Colleges

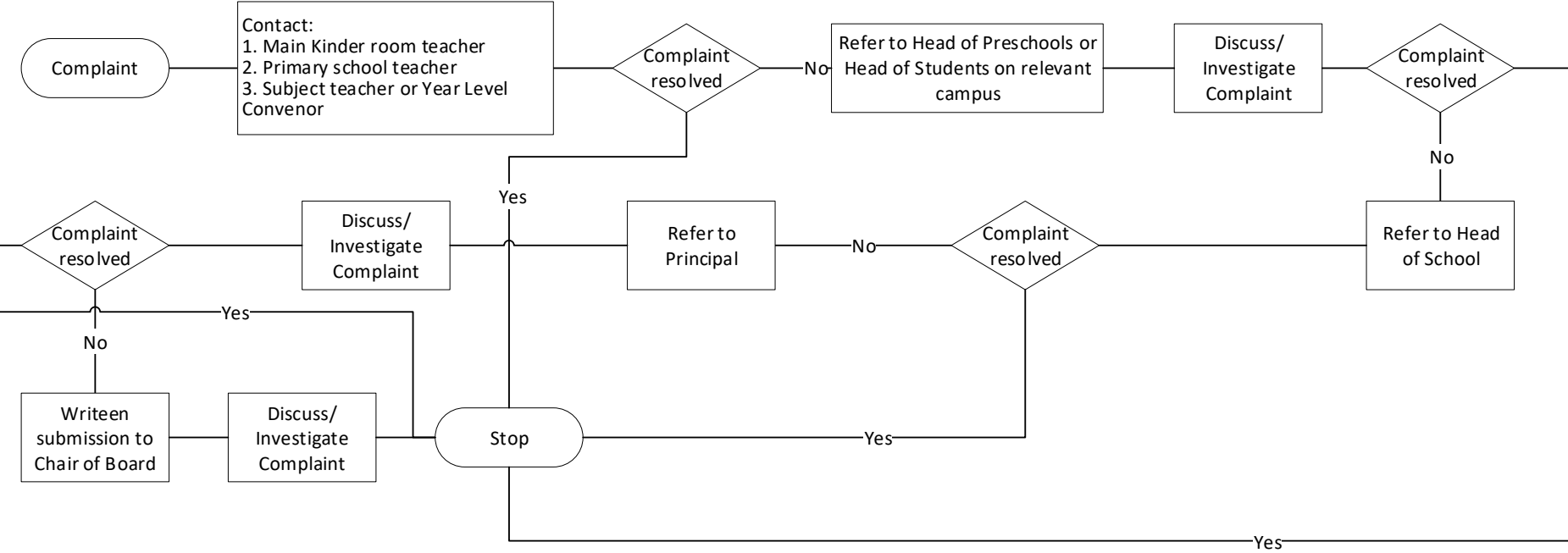
Related Documents:

- Organisation’s Commitment Statement
- Practice and Behaviour Guidelines
- The Child Reporting and Allegation Policy
- Mandatory Reporting Flowchart
- Disclosing Sexual Abuse – Q&A
- Individual Staff Commitment Statement
- Reportable Conduct Policy for Protection of Children
- Yeshivah – Beth Rivkah Colleges Privacy Policy
- YBR Equal Opportunity and Respectful Workplace Policy
- YBR Anti Bullying Policy
- YBR Child reporting and allegation policy

Revision History:

Version	Changed By	Date	Revision Description
1.0		11.07.18	Ratified by YBRSL Board

2.0 Flow Chart



3.0 Purpose

The purpose of this policy is to provide the framework for:

- Receiving and addressing complaints and grievances at Yeshivah - Beth Rivkah Colleges (YBR) and
- Procedures to be followed in investigating complaints and grievances.

4.0 Scope

This policy applies to all students, parents and guardians who have a complaint or grievance that falls within YBR's area of responsibility. Matters of serious misconduct such as sexual offences, criminal charges, serious incidents, or matters requiring mandatory reporting should in the first instance be raised with the relevant external authority and are not covered by the scope of this policy. (Refer YBR Child Abuse Reporting and Allegations Policy)

Note 1: This policy does not address complaints relating to employment matters under relevant Awards. The relevant awards provide information on the management of such issues.

YBR staff who wish to pursue an employment related complaint should take steps to resolve this directly with their Head of School, following which, may refer the matter to the Chief Operating Officer or to the Principal.

5.0 Policy

5.1 Guiding Principles

YBR welcomes feedback it receives from students, parents and guardians. Responding to both positive and negative feedback promotes open communication. Complaints about any aspect of YBR's operations, service, students or staff will be handled in an appropriate and timely manner. The confidential nature of complaints will be respected. (Refer YBR Privacy Policy.)

YBR undertakes to:

- Investigate complaints or grievances thoroughly and impartially;
- Handle complaints or grievances seriously and sympathetically;
- Handle complaints or grievances promptly and confidentially; and
- Where appropriate, encourage individuals to take ownership of their actions and reflect on the impact of their behaviour.

The following principles underpin this policy:

- In the event of a complaint, where appropriate, every attempt will be made to seek a resolution to the matter through informal discussions;
- It will be the objective of all concerned, to resolve all complaints or grievances in a timely, consistent and fair manner; and
- All parents/guardians, students, and other YBR community members have the right where they believe that the matter is serious enough, to report a grievance.

When addressing a complaint it is expected that all parties will:

- Show respect and understanding of each other's point of view
- Operate within applicable legislation
- Acknowledge that their goal is to achieve an outcome acceptable to all parties
- Act in good faith and in a calm and courteous manner
- Recognise that all parties have rights and responsibilities which must be considered.

5.2 Unreasonable complainant conduct

All complaints should be considered in accordance with the YBR's complaint-handling procedures including when a complainant's behaviour is thought to be unreasonable.

While a decision maker considers a range of factors and views, they may at any point in the process outlined in this policy consider a complainant's behaviour to be unreasonable, Inaccurate, misleading, malicious or false. . In these circumstances, it is appropriate for the decision maker to communicate to the complainant the basis on which this consideration was arrived at. The decision maker may also indicate an acceptable procedure for future communication with the complainant about their complaint.

YBR considers behaviour to be unreasonable when:

- It is clearly and significantly outside the expectations of cooperation, courtesy and respect
- It calls for staff resources and time unjustified by the nature or significance of the complaint
- An action or complaint is brought without merit or simply untrue, often to cause annoyance to another person
- It is oriented towards conflict

5.3 Anonymous complaints

YBR requires all complaints to be considered. However, it recognises that its staff might not be able to fully consider a complaint if they cannot effectively liaise with the complainant.

Furthermore, anonymous complaints raise natural justice issues for respondents who have a right to know full particulars of the allegations made against them.

YBR staff responsible for handling anonymous complaints shall determine the procedure by which each anonymous complaint received by the school will be managed.

6.0 Procedure

6.1 Receiving Complaints

Complaints should be addressed to the senior kinder teacher in the Preschool room, the subject teacher in the Primary Schools or Year Level convenor in the High Schools in the first instance.

When a complaint is received by YBR staff, the person to whom the complaint is addressed will:

- Encourage the complainant to resolve the complaint directly with the person involved where appropriate;
- Through informal discussion, attempt to resolve the issue;
- Subject to section 5.3, inform the complainant that they may request a meeting with the Head of Primary or Secondary School, Head of Preschool or Principal to discuss their complaint; and
- Inform the complainant if the matter cannot be resolved informally or directly, to submit a formal complaint in writing.

6.2 Dealing with a formal or serious Complaint or Grievance

When a formal/serious complaint or grievance is lodged with YBR, the staff member receiving the formal complaint or grievance should record all relevant details regarding the grievance and immediately inform the Head of Preschool, Head of Primary School or Head of Secondary School.

If the complaint or grievance is notifiable or needs to be reported to any external agency, the Head of Preschool, Head of Primary School or Head of Secondary School is to notify the Principal and the staff member together with a head of staff or member of the Welfare team will promptly make a report to the relevant authority. (Refer YBR Child Abuse Reporting and Allegations Policy)

In the event of a serious but “non reportable” complaint or grievance being lodged, the Head of Preschool, Head of Primary or Secondary School will:

- Acknowledge the grievance in a timely manner being no more than 2 business days;
- Disclose any conflict of interest and stand aside from the investigation and subsequent processes and pass the matter on to another member of the SMT or the Principal if necessary;
- Inform other YBR staff if their involvement is required;

If the grievance is a notifiable or a reportable complaint, inform the complainant of the requirements to notify the relevant external authority of the grievance and explain the role that authority may take in investigating the complaint where appropriate; (Refer YBR Child Abuse Reporting and Allegations Policy)

- Maintain appropriate records of the information and data collected, including minutes of meetings, incident reports and copies of relevant documentation relating to the grievance;
- Respect the confidential nature of information relating to the grievance and handle any grievance in a discreet and professional manner; and
- Store all written information relating to grievances securely and in compliance with the YBR Privacy Policy.
- All mandatory reports or issues related to any form of abuse will be registered by a welfare committee member and stored in an area with secure and restricted access

6.3 Unresolved complaints after initial contact

Complaints that remain unresolved after review by the senior kinder teacher, subject teacher or year level convenor (as above), can then be escalated to the Head of Students on the relevant campus or to a member of the campus's Senior Management Team (SMT).

If a complaint still cannot be resolved and has been escalated through this hierarchy, it can then be referred to the Principal. The Principal may refer halachic/hashkafic complaints to the Board's Rabbinic subcommittee.

6.4 Investigating the formal Complaint or Grievance

The Head of Primary or Secondary School or the Head of Preschool will consider the nature and the details of the grievance and either commence an investigation or pass the matter on to the Principal if required.

When investigating the formal complaint or grievance and gathering relevant information, the person conducting the investigation will:

- Meet with individual complainant, and give right of reply to the person against whom the allegations are made in relation to any accusation or information relating to an alleged incident where appropriate;
- If any of the parties are students, refer the students to the Head of Students;
- Inform staff involved that they have the right to be accompanied by a support person such as a friend or colleague;
- Inform staff involved that if they engage the services of a lawyer or other advisor, the staff member is responsible for payment of all costs of such services. The school must be notified 48 hours prior to the meeting if a lawyer has been engaged, and in what capacity they will attend;
- Dependent on the seriousness of the issue contact relevant parents/guardians;

- Offer the complainant the opportunity of meeting with the Principal of YBR to discuss the complaint and provide additional information where relevant;
- Inform the complainant of the procedures for dealing with the grievance if the complainant does not take up the opportunity to attend a meeting;
- Document the time, date and detail of meetings/discussions, and follow this up with a letter to the complainant outlining the information discussed;
- Review relevant information and documents;
- Obtain any other relevant information or documentation that will assist in resolving the grievance; and
- Seek advice, where appropriate, from individuals and organisations that may be able to assist in resolving the grievance such as the Independent Schools of Victoria.

6.5 Following the Investigation

Once the investigation of the grievance is complete, the person conducting the investigation will:

- Endeavour to resolve the grievance by mutual agreement of the parties involved;
- Attempt to resolve the grievance within 10 working days;
- Meet to discuss the information gathered and determine further action, including generating recommendations to be presented to the Principal of YBR if necessary;
- Ensure that any recommendations or actions are in accordance with relevant legislation, funding and compliance requirements;
- Document outcomes and issue formal warnings or disciplinary action where required;
- Report outcomes that may include relevant information gained in investigations and consultations to the Principal and, where required, provide any recommendations for consideration by the Principal;
- Inform the Principal of the involvement of external authorities and the outcomes of any investigation by external authorities;
- Advise the complainant and other relevant parties of any decisions made by the Principal in relation to the grievance; and
- Follow up to ensure the parties involved understand and have been communicated with clearly in relation to the outcome and monitor progress on any actions taken. Further disciplinary action or sanctions may be implemented if issues persist.

6.6 Failure to resolve the Formal Complaint or Grievance

If the formal complaint or grievance is not resolved following investigation:

- The complainant should outline the grievance in writing to the Principal; and
- Every effort will be made to resolve the issue within 10 working days and the Principal may recommend that the parties in dispute meet with an external mediator or other relevant 3rd party to resolve;

If the issue remains unresolved after mediation:

- The Principal will review the grievance and investigation documentation, and the mediation documentation, and will issue a decision in writing to the complainant.

6.7 Right of External Review

If a complainant is not satisfied with the outcome, or the complaint directly concerns the Principal, then the complainant may refer the formal complaint or grievance in writing to the Chair of the school Board.

The Chair, or delegate thereof, will then review the investigation process, and a decision will be made as to whether the above procedures have been followed and reasonably determined. The Chair will decide in their absolute discretion whether any further action will be taken or not.

This policy does not limit a complainant's right to use other available agencies and processes including legal processes.

Complainants may also refer to the following websites for further information:

- <http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx> (for school related complaints); or
- <http://www.education.vic.gov.au/childhood/providers/regulation/Pages/complaints.aspx> (for Preschool related complaints).

6.8 Communication of Policy

This policy is accessible to all staff, students, contractors, volunteers, parents/guardians, visitors, external stakeholders and other members of the YBR community via the YBR website and intranet.

6.9 Review of Policy

This policy will be reviewed for effectiveness bi-annually:

- As part of YBR's policy review schedule
- Following significant issues raised through this policy;

7.0 Definitions

Complaint: A complaint is an expression of dissatisfaction with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision at school

Grievance: A Grievance is a matter to be investigated according to formal processes. This includes complaints which are not able to be resolved through informal processes or mediation, and matters relating to allegations of misconduct where disciplinary action against a student or staff member may be an outcome of the investigation

Harassment: Any unwelcome and uninvited comment, attention, contact or behaviour that an individual or witness finds humiliating, offensive or intimidating. It can be verbal, physical, psychological, written or visual. Refer to YBR Equal Opportunity and Respectful Workplace Policy, YBR Anti Bullying Policy and the YBR Child reporting and allegation policy.

Notifiable complaint: A complaint that alleges a breach of the relevant Act or Regulation, or alleges that the health, safety or wellbeing of a child at YBR may have been compromised. Any complaint of this nature must be reported to the relevant authority or agency. Written notification of complaints must be submitted using the appropriate forms. Support and advice should be sought from a member of the YBR Welfare Committee.

Serious incident: An incident resulting in a serious injury, trauma, serious illness or the death of a child, or for which the attention of a registered medical practitioner, emergency services or hospital is sought or should have been sought. This also includes an incident in which a child appears to be missing, cannot be accounted for, is removed from YBR in contravention of the legislation or is mistakenly locked in/out of the YBR premises. The Principal must be informed who will in turn notify the Chair of the School Board.

8.0 References

- Education and Training Reform Act 2006
- DET:
<http://www.education.vic.gov.au/childhood/providers/regulation/Pages/complaints.aspx>
- VRQA <http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx>
- Education and Care Services National Law Act 2010.
- Education and Care Services National Regulations 2011
- Privacy Act 1988 (Cth)