

# Dispute and Complaint Resolution Policy and Procedures

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## POLICY

The following policy applies to all schools of the Anglican Schools Commission to ensure that disputes and complaints are addressed fairly, objectively and in a timely manner.

## INTRODUCTION

In Western Australia, the School Education Act 1999 (WA) section 159(1) (j) requires non-government schools to have policies and procedures in all areas as determined by the Minister through the Registration Standards, including a policy and procedures for managing complaints. In Victoria, part 4.3.2 of the Education and Training Reform Act 2006 (Vic) requires schools to comply with standards for registration. These standards also include a requirement for schools to have a policy and procedures for managing complaints or grievances. Part 7, Division 2 of the New South Wales Education Act 1990 (NSW) requires non-government schools to comply with the registration requirements as set out by the Board of Studies, Teaching and Educational Standards (BOSTES). These requirements include the need for schools to have policies and procedures to deal with complaints and grievances.

We seek to be a caring Christian community, where people are in harmony with each other. Therefore, this policy is designed to assist staff, parents, guardians, and students enrolled in Anglican Schools Commission schools (and others where appropriate) to resolve conflict in an appropriate and satisfactory way.

This policy is written with the understanding and experience that, in most cases, matters are best resolved at the local school level.

## PRINCIPLES

This policy is based on a number of fundamental principles.

1. Natural justice must be exercised in resolving any dispute or complaint. This requires that both parties receive a fair hearing and that the final decision is made without bias.
2. The resolution to a dispute or complaint must exhaust all reasonable attempts at conciliation prior to an imposed arbitrated decision.
3. Individual cases must be examined on their own merits.
4. Resolutions must appropriately balance the principles of justice and compassion.
5. Appropriate confidentiality must be respected by all parties.
6. The Principal of the school has the responsibility to attempt to resolve a dispute or complaint with the parties directly involved at the local level.
7. Parties may appeal to the Chair of the School Council the decision made by the Principal.
8. Parties may appeal to the Chair of the Anglican Schools Commission the decision made by the Chair of the School Council.

## PROCEDURES

The following procedures will apply in relation to this policy:

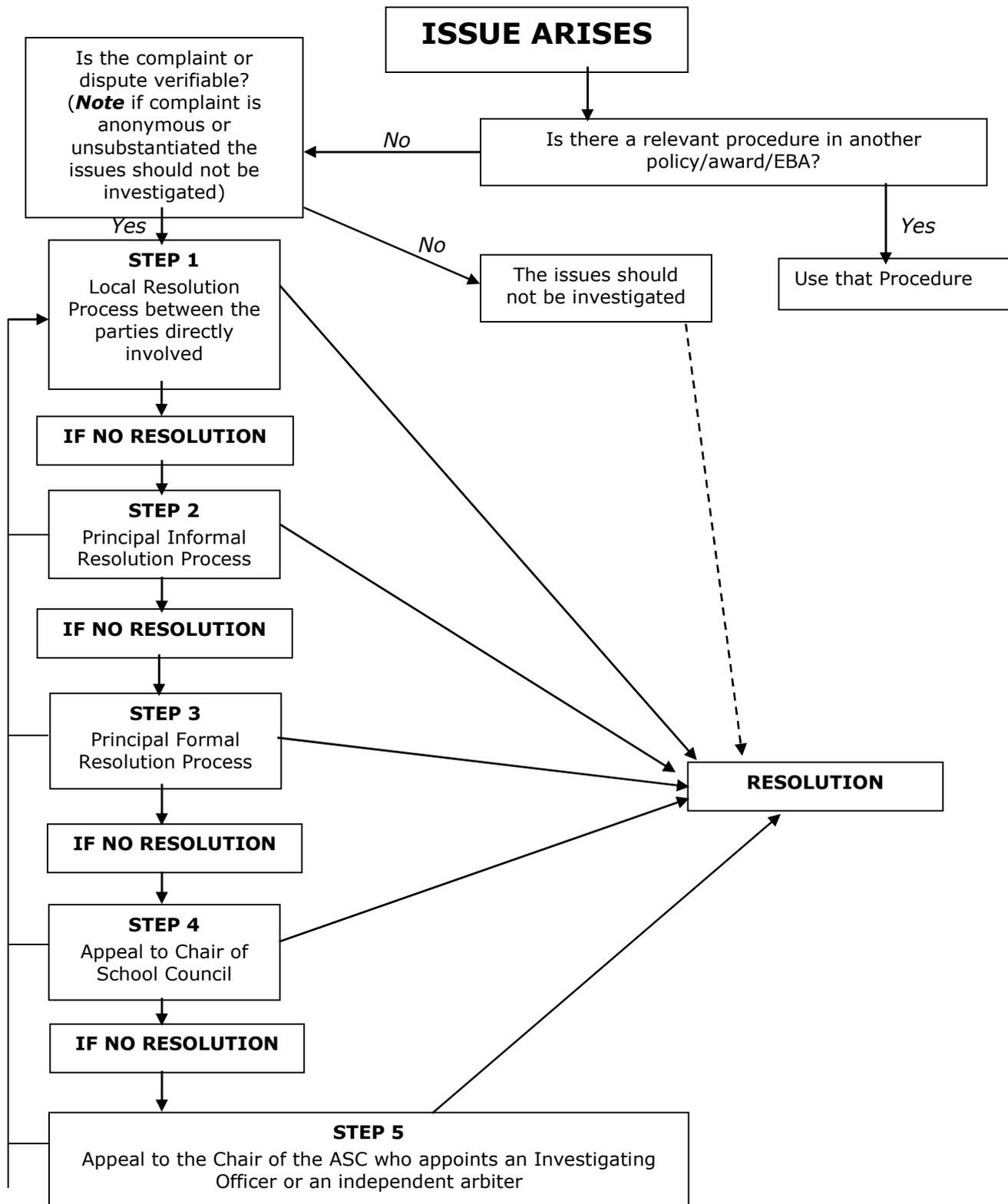
1. Principals shall advise parents, staff and students of this dispute and complaint resolution process.
2. Principals need to maintain an appropriate Complaints Register recording all formal complaints and how they have been resolved.
3. Policies and procedures of the Anglican Schools Commission and individual schools that address specific matters (e.g. Child Protection, Student Enrolment etc.) shall be followed.
4. If the dispute involves an employment issue, the prescribed process in the Anglican Schools Commission's Enterprise Bargaining Agreement or relevant Award or contract of employment shall be followed.
5. Each dispute or complaint resolution procedure followed by a school shall ensure that all relevant parties:
  - are informed in writing of the dispute or complaint
  - have the opportunity to place their version on record
  - have the opportunity to be represented if they so wish.
6. The resolution of a dispute or complaint, in the first instance, should be undertaken between the immediate parties involved.
7. Should the immediate parties involved fail to reach a resolution, then the Principal is responsible for undertaking a procedure to resolve any dispute or complaint within the school. This procedure will only be initiated following a written complaint addressed to the Principal.
8. Where a dispute or complaint involves the Principal the matter shall be referred in writing directly to the Chair of School Council.
9. Anonymous and/or unsubstantiated complaints generally will not be investigated. Complainants should give their name. Matters will be handled with appropriate confidentiality. Depending on the nature of the complaint, anonymous complaints may be investigated, as appropriate.
10. The Principal shall maintain records of the procedure and resolution to any formal dispute or complaint. These will include any statements made by the parties involved.
11. Records of any dispute or complaint shall be maintained in accordance with a school's Privacy Policy.
12. It is the responsibility of the Principal to attempt to reach a resolution between the parties where possible.
13. Failing to reach a resolution by agreement, the Principal shall make a decision. When this occurs, the Principal shall inform each party of the decision.
14. The Principal may call on outside mediation, including the Anglican Schools Commission's Employment Assistance Programme providers, to assist in the resolution of a dispute or complaint.
15. Any party may appeal the Principal's decision, in writing, to the Chair of the School Council.
16. Any party may appeal the School Council's decision, in writing, to the Chair of the Anglican Schools Commission.

17. If "16" occurs and it is determined that the complaint should be investigated further, the Anglican Schools Commission shall appoint an Investigating Officer (who is not an ASC Board Member, School Councillor or staff member), or, where necessary, an independent arbiter.

The Visitor (as defined in the constitutions of the Anglican Schools Commission and individual schools) may play a role in this process, once all avenues of appeal have been exhausted.

18. The parties to the dispute or complaint shall be notified of the findings of the appeal.
19. At the end of any dispute or complaint procedure, actions taken shall be evaluated and procedures reviewed.

## Dispute and Complaint Resolution Policy Process Flowchart



## **GUIDELINES FOR IMPLEMENTATION**

### **(for School Council Chairs and Principals)**

The following guidelines are a suggested approach to resolving a dispute or complaint. Parties may choose to adapt the process to best suit the local setting or particular circumstances, in keeping with the Dispute and Complaint Resolution Policy.

#### **STEP 1 : Local Resolution Process between the parties directly involved**

When a dispute or complaint arises at a school, the parties involved shall attempt to resolve the issue between themselves in the first instance. This will involve:

- all parties having the opportunity to state their position in the matter, allowing each party the opportunity to fully understand the other parties' position
- all parties being willing to compromise in order to reach an agreed solution.

#### **STEP 2 : Principal Informal Resolution Process**

**Note:** Where the dispute/complaint is of a serious nature that in the opinion of the Principal requires a formal resolution, the Principal shall proceed directly to the Formal Resolution Process.

Where the parties directly involved cannot reach a resolution, the Principal should be approached to assist in the resolution of the matter.

The Principal (or nominee of the Principal) shall initially deal with the parties by:

- providing all parties with the opportunity to state their position in the matter to allow the Principal to gain a thorough understanding of each party's position,

and then deal with the specifics of the matter by:

- asking the necessary questions to obtain a detailed response
- asking what resolution would resolve the matter
- agreeing on a resolution between the parties where possible
- setting a timeline when actions to reach the resolution shall be taken
- reporting to the parties when the resolution actions have been taken.

There are no formal written records required for such a resolution. The Principal will make a file note of the meeting.

#### **STEP 3 : Principal Formal Resolution Process**

**Note:** The parties to the dispute/complaint shall be provided by the Principal with a copy of this document, at the commencement of this process.

When an informal resolution fails or when the Principal decides to move to the Formal Resolution Process immediately, the Principal shall:

- request in writing from the complainant information about the nature and details of the dispute/complaint.
- record the specifics of the dispute/complaint including:
  - (a) the nature of the dispute/complaint
  - (b) the parties involved
  - (c) the parties' views of the matter and their suggested resolution
  - (d) any substantiation provided

- (e) the provision to the parties of a proposed timeline for resolution.
- make a decision based on the merits of the case.
- discuss the decision with the parties and provide the decision in writing within the proposed timeline.

The Principal may offer outside mediation, including the services of the ASC Employee Assistance Programme providers, prior to any decision being made.

The Principal will maintain an appropriate Complaints Register recording all formal complaints and how they have been resolved.

Where a party to the dispute or complaint does not accept the Principal's decision, that party may appeal the decision to the Chair of the School Council. Where the dispute or complaint involves the Principal, the matter shall be referred in writing directly to the Chair of the School Council.

#### **STEP 4 : Appeal Process to the Chair of the School Council**

Where an appeal to the Chair of the School Council is lodged by a complainant against the decision of the Principal, or where the dispute or complaint involves the Principal, the following information must be provided in writing for purposes of that appeal:

- the notification of the appeal
- the nature and details of the dispute or complaint
- facts and/or documents that support or substantiate the dispute or complaint
- the decision made by the Principal (unless the complaint is against the Principal)
- the complainant's proposed resolution to the matter.

On receipt of the written information, the Chair of School Council will acknowledge the receipt of the appeal in writing and contact the Principal in writing outlining the dispute/complaint with the documentation provided by the complainant and discuss the most appropriate way to proceed.

The Chair of School Council will advise the Principal and any other relevant parties involved as to the investigating procedure to be adopted regarding the appeal.

Once the Chair of School Council is satisfied that the investigation has been completed, the Chair shall make a decision based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.

The parties shall be notified of the outcome of the appeal. A copy of all documentation will be placed on file by the Chair of School Council.

Where a party to the dispute or complaint does not accept the Chair of School Council's decision, that party may appeal the decision to the Chair of the Anglican Schools Commission.

## **STEP 5 : Appeal Process to the Chair of the Anglican Schools Commission**

Where an appeal to the Chair of the Anglican Schools Commission is lodged by a complainant against the decision of the Chair of School Council, the following information must be provided to the Chair of the Anglican Schools Commission for purposes of the appeal:

- the notification of the appeal
- the nature and details of the complaint or dispute
- the person/school against whom the complaint is made or with whom there is a dispute
- facts and/or documents that support or substantiate the dispute or complaint the decision made by the Chair of School Council
- the complainant's proposed resolution to the matter.

On receipt of the written information, the Chair of the Anglican Schools Commission will appoint an Independent External Investigator (Investigator) (who is not an ASC Board Member, School Councillor or staff member), to initially determine if Steps 1, 2, 3 and 4 have been undertaken by the complainant. Where these steps have not been undertaken, the matter will be referred back to the school.

Where Steps 1, 2, 3 and 4 have been undertaken, the Investigator will acknowledge the receipt of the appeal in writing and contact the Chair of School Council and Principal in writing outlining the dispute or complaint with the documentation provided by the complainant, and seeking a response from the school to the complaint.

The Investigator will advise the Chair of School Council and Principal and any other relevant parties involved as to the investigating procedure to be adopted by the Investigator regarding the complaint.

Once the Investigator has completed the investigation, the Investigator shall make a recommendation to the Chair of the Anglican Schools Commission based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.

The Chair of the Anglican Schools Commission shall notify the parties of the outcome of the appeal. A copy of all documentation will be placed on file at the office of the Anglican Schools Commission and a copy provided to the school.