

Topic: DISPUTE AND COMPLAINT RESOLUTION

*Policy No:*2- D1

Policy Area: COMMUNITY

Originally Released: 2009

Date for Review: 2021

Principal: MRS KERRIE MERRITT

1. RATIONALE

Catholic schools can serve as models for all within Western Australia who seek to create genuine communities. Such communities are always founded upon shared commitment to the common good (Mandate, 6).

On occasions there may be a disagreement with a decision and a dispute or complaint may arise within a Catholic school.

The interactions and protocols of Catholic schools emphasise the sacredness of human life and the dignity of the individual.

Catholic Education is committed to ensuring that disputes and complaints are dealt with fairly, objectively and in a timely manner, and that processes reflect the principles of participation, co responsibility and subsidiarity.

2. DEFINITION

Complaint means an expression of dissatisfaction with Catholic Education policies, procedures, decisions, omissions, quality of service, staff or student behaviour.

Dispute means a conflict regarding a right, claim, or demand on one side, met by contrary claims or allegations on the other.

Procedural Fairness means that a matter has been resolved to the satisfaction of Catholic Education in Western Australia with respect to the paramount importance of the student(s).

Students are defined as children and young people enrolled in schools and early learning and care services.

3. SCOPE

This Policy applies to Assumption Catholic Primary School, Mandurah

4. PRINCIPLES

4.1 All decisions are to reflect the paramount importance of the student(s).

- 4.2 Any person may complain orally or in writing about any matter arising from the operations of Assumption Catholic Primary School.
- 4.3 Complainants are personally responsible and liable for the content of their complaints
- 4.4 A dispute or complaint made in accordance with this policy is a dispute or complaint about Assumption CPS, notwithstanding the naming of any staff member in a dispute or complaint.
- 4.5 It is preferable that the complaint is verifiable, however if a complaint or any other information of unknown origin (ie. Anonymous) provides information that would cause the Principal concern, it should be considered by the Principal so that they can determine the appropriate course of action.
- 4.6 Disputes and complaints will be managed in accordance with the Principle of Subsidiarity, which requires that nothing should be done by a higher authority, agency or level that could be done as well or better by a lower one.
- 4.7 Disputes and complaints, and the resolution of such, contribute to continuous learning and improvement so that the potential and opportunity for incidents to be repeated are minimised.
- 4.8 Any review of a dispute or complaint will be based on procedural fairness.
- 4.9 Information in a complaint should only be disclosed to those parties who have a need to know in order to investigate and resolve the complaint.
- 4.10 Once a decision has been made, parties may request a review of the decision in accordance with Procedures, including escalating the dispute or complaint to the Executive Director of Catholic Education in Western Australia and/or Congregational Leader or employer.

5. PROCEDURES

- 5.1 Information about the process for dealing with disputes and complaints must be made readily available to parents, students and staff. This can be via a range of media; it will be available on the school website and typically included in the parent handbook.
- 5.2 A dispute or complaint can be made by any person regarding the provision of education or related matter. Depending on the nature and level of the complaint, it should be made in writing. Where an immediate party cannot be identified, such as if it is anonymous or from an unverifiable source, the information should be assessed and duly considered.
- 5.3 Where there is an appropriate Catholic Education Commission of Western Australia (CECWA) policy statement that provides a specific mechanism for addressing the dispute or complaint, that policy statement shall be followed.

5.4 Where there is a binding legislative or regulatory mechanism (including an Enterprise Bargaining Agreement) that addresses the issue raised in the dispute or complaint, that legislative or regulatory mechanism shall be followed.

5.5 When a dispute or complaint arises, the immediate parties involved should attempt to resolve the issue in the first instance.

5.6 Parties may involve a support person(s) to assist them in resolving the dispute or complaint.

5.7 Should a complainant be dissatisfied with the resolution as a result of involvement of the immediate parties, or if there are unique circumstances, the matter can be referred to the next level by the complainant, for example, to the principal.

5.8 The principal is responsible for the resolution of disputes or complaints within the school referred to them by the immediate parties, in accordance with procedural fairness.

5.9 Where a dispute or complaint is about the principal and there is no likelihood that it can be resolved directly with the principal, the immediate parties may refer the dispute or complaint to the Executive Director of Catholic Education and/or Congregational Leader or employer.

5.10 A principal must be mindful of managing the wider effects that a dispute or complaint may have on the workplace beyond its resolution.

5.11 The principal may request external assistance and expertise (including mediation), including the involvement of the CEWA Employment and Community Relations Team to assist in the resolution of a dispute or complaint.

5.12 The principal shall inform the complainant (unless anonymous) and relevant parties of the outcome of their decision.

5.13 The principal shall maintain appropriate records of the relevant particulars used to make a decision in response to any formal dispute or complaint. Where applicable this will include any statements made by the parties involved.

5.14 Any party may request a review of the principal's decision, in writing, to the Executive Director of Catholic Education and/or Congregational Leader or employer.

5.15 Where the Executive Director of Catholic Education receives a written dispute or complaint related to an order or other accountable school, the Executive Director of Catholic Education shall notify the Congregational Leader or employer.

5.16 The Congregational Leader or employer of the order or other accountable school will review the dispute or complaint, or may request through the Executive Director of Catholic Education, that the CEOWA undertake the review.

5.17 The dispute or complaint shall be promptly acknowledged in writing, unless the complainant is anonymous and cannot be identified.

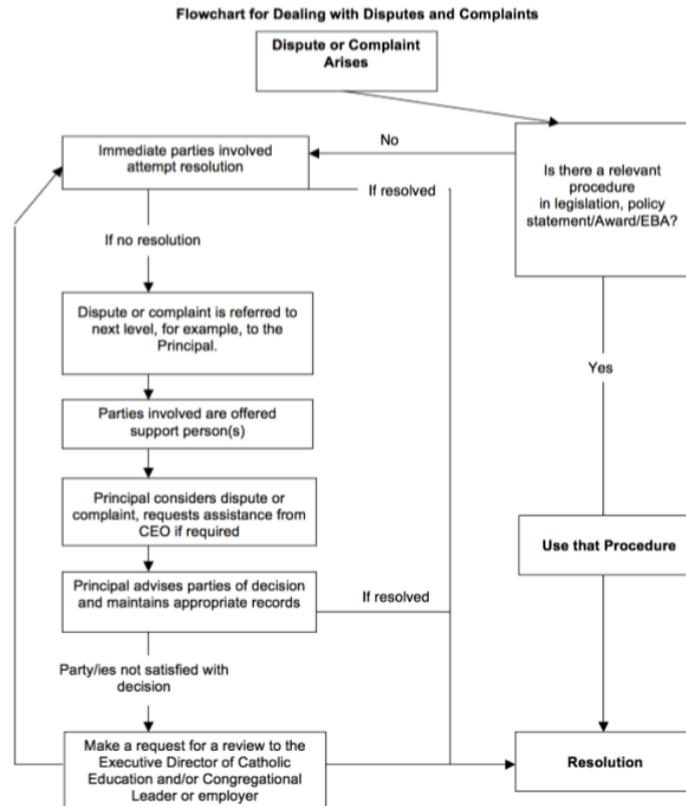
5.18 The Executive Director of Catholic Education shall ensure a formal examination and investigation of the complaint and/or areas of disputation.

5.19 The parties to the dispute or complaint shall be notified of the finding(s) of the dispute or complaint, including the basis of the finding(s). There is no duty to notify an anonymous complainant.

5.20 Assumption CPS shall maintain appropriate records of the relevant particulars used to make a decision in response to any formal dispute or complaint. Where applicable these will include any statements made by the parties involved.

5.21 An individual has the right to make an appeal to the Minister for Education with regard to a dispute or complaint (School Education Act 1999). An appeal will only be heard on a breach in process and will not be a re-examination of the merits of the case.

5.22 A person may make a complaint to an external body or tribunal at any time. The relevant person (ie. the principal) may choose to suspend addressing the complaint until the external body or tribunal rules on the complaint, or the external complaint is directed back to Catholic Education for resolution.



Note: An individual has the right to make appeal to the Minister for Education with regard to a dispute or complaint (School Education Act 1999). An appeal will only be heard on a breach in process and will not be a reexamination of the merits of the case.

Dispute and Complaint Resolution Guidelines

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
- a willingness 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 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 written records required for such a resolution.

Step 3: Principal Formal Resolution Process

Note: The parties to the dispute/complaint shall be provided by the Principal with a copy of the CECWA policy statement and guidelines, *Dispute and Complaint Resolution*, 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:

- 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

At any stage prior to a decision being made by the Principal any party may seek the assistance of the Director of Catholic Education or the Congregational Leader.

The Principal may offer outside mediation, including the services of the CEOWA, prior to any decision being made.

Where a party to the dispute does not accept the Principal's decision that party may appeal the decision to the Director.

Step 4: Appeal Process to the Director of Catholic Education

Where an appeal to the Director of Catholic Education is lodged by a complainant the following information must be provided within the written complaint:

- The nature of the complaint
- The person/school against whom the complaint is made
- Any substantiation of the complaint
- The complainant's proposed resolution to the matter

On receipt of the written complaint, the Director will appoint an Investigating Officer who will initially ascertain if Steps 1, 2 and 3 have been undertaken by the complainant. Where these steps have not been undertaken, except under extenuating circumstances, the matter will be referred back to the school.

Where Steps 1, 2 and 3 have been undertaken, the Investigating Officer will acknowledge the receipt of the complaint in writing and contact the school Principal in writing outlining the dispute/complaint with the documentation provided by the complainant.

The Investigating Officer will advise the Principal and any other relevant parties involved as to

the investigating procedure to be adopted regarding the complaint.

Once the Investigating Officer is satisfied that the investigation has been completed, the Investigating Officer 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 the documentation will be placed on file at the office of the CEOWA.

A file containing the course of the dispute and resolution shall be maintained by the CEOWA.

Note: *Under the School Education Act 1999, an individual has the right to make an appeal to the Minister for Education with regard to a dispute/complaint. An appeal will only be heard on a breach in process and will not be a re-examination of the merits of the case.*

6. References

Bishops of Western Australia 2009, Mandate of the Catholic Education Commission of Western Australia: 2009-2015

7. Related Documents

CECWA Selection and Use of Texts in Catholic Schools policy CECWA Justice Education policy CECWA Harassment, Unlawful Discrimination, Victimization and Bullying policy CECWA Unsatisfactory Performance or Misconduct policy

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CECWA Child Protection policy CECWA Student Enrolment policy CECWA Dealing with Bullying, Harassment, Aggression and Violence (Students) policy CECWA Exclusion of Students for Disciplinary Reasons policy Code of Ethical Conduct

8 REVIEW

Year of Review	Reviewed by:	Amendments / Review
2009	ACPS Staff	Original Release
2014	ACPS Staff	Reviewed and Reformatted
2018	ACPS Staff	Review
2021		Next review