

	POLICY TITLE	Disputes – Complaints'
	Date Last Reviewed:	2020
	Last Review by:	Brett Crebert

1. Rationale

The *School Education Act* (WA) 1999 requires an educational system to have a means by which disputes and complaints about the provision of education are resolved. The Catholic school, as part of the Body of Christ (1 Cor 12) is required to work harmoniously to build community. The distinctive nature of the Catholic school is guaranteed by all members of the community respecting the rights and responsibilities of each other (CS 73).

2. Definitions

Nil

3. Scope

This Policy applies to all Catholic schools in Western Australia.

4. Principles

4.1 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.

4.2 The resolution to a dispute or complaint must exhaust all reasonable attempts at conciliation prior to an imposed arbitrated result occurring.

4.3 Individual cases must be examined on their own merits.

4.4 Resolutions must appropriately balance the principles of justice with compassion.

4.5 Appropriate confidentiality must be respected by all parties.

4.6 Decision making shall be guided by the principles of participation, coresponsibility and subsidiarity (CS 70).

4.7 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 in the first instance.

4.8 Parties may request the Director of Catholic Education or the Congregational Leader to assist to resolve a dispute or complaint prior to the Principal making a decision.

4.9 Parties may appeal to the Director of Catholic Education the decision made by the Principal.

4.10 Parties have the right to appeal to the Minister for Education in accordance with the *School Education Act* (WA) 1999.

5. Procedures

5.1. Principals shall provide to parents and staff at the time of enrolment/appointment a copy of the brochure *How to Deal with a Dispute or Complaint in a Catholic School*. A reminder shall be provided annually with the information available on the school's website.

5.2. The Catholic Education Commission of Western Australia (CECWA) policies/procedures that address specific matters shall be followed (for example):

- Harassment, Discrimination and Bullying
- Dealing with Bullying and Harassment (Students)
- Termination of Staff Members – Incompetency or Misconduct
- Child Abuse
- Student Enrolment
- Exclusion of Students for Disciplinary Reasons
- Selection of Appropriate Texts in Catholic Schools.

5.3. If the dispute involves an employment issue, the prescribed process in the relevant Enterprise Bargaining Agreement or Award shall be followed.

5.4 Each dispute or complaint resolution procedure followed by a school shall ensure that all relevant parties:

- are informed of the dispute or complaint
- have the opportunity to place their version on record
- have the opportunity to be represented if they so wish

5.5. The resolution of a dispute or complaint, in the first instance, should be undertaken between the immediate parties involved. Only after attempts at this level are exhausted should the matter be referred to the next level.

5.6. a. 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.

b. Party / Parties not satisfied with the decision of the Principal may make a request for a review to the Executive Director of Catholic Education and /or Congregational Leader or Employer.

5.7 Anonymous and/or unsubstantiated complaints shall not be investigated.

5.8 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.

5.9 Records of any dispute or complaint shall be maintained in accordance with the CECWA policy statement 2-D8 'Management of Confidential Information in Schools'.

5.10 It is the responsibility of the Principal to attempt to reach a resolution between the parties where possible.

5.11 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.

5.12 The Principal may call on outside mediation, including the Workforce Relations Team of the Catholic Education Office of Western Australia (CEOWA) to assist in the resolution of a dispute or complaint.

5.13 Any party may seek the assistance of the Director of Catholic Education or the Congregational Leader to resolve a dispute or complaint.

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

5.15 Any party may appeal the Principal's decision, in writing, to the Director of Catholic Education.

5.16 The Director of Catholic Education shall appoint an Investigating Officer. The parties to the dispute or complaint shall be notified of the findings of the appeal.

5.17 The Director General of the Department of Education is responsible for ensuring that the school observes the registration standards, including the standard about its complaints handling system. Any student, parent or community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint. Information is available on the Department of Education website. While the Director General may consider whether the school has breached the registration standards, she does not have the power to intervene in a complaint or override the school's decision.

Dispute and Complaint Resolution Guidelines

No

Issue Arises

- Is the complaint or dispute verifiable?
- Is there a relevant procedure in another policy statement/Award/EBA?
- Child Abuse
- Termination
- Bullying ...
- Enrolment
- Exclusion
- Harassment ...
- If the complaint is anonymous or unsubstantiated then the issues should not be investigated

Use that Procedure if no resolution

Step 2

Principal Informal
Resolution Process

If no resolution

Step 3

Principal Formal
Resolution Process

Step 4

Appeal to the Director of
Catholic Education

If no resolution

Resolution

Yes
Yes
No

Step 1

Local Resolution Process between the parties directly involved

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 the complaint originates from an order-accountable school the Director of Catholic Education will consult with the Congregational Leader prior to appointing the Investigating Officer.

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

The School Education Act (WA) 1999

Jerusalem Bible (1 Cor 12)

Sacred Congregation for Catholic Education (1977) *The Catholic School*. A Saint Publication, NSW (CS 73)

Sacred Congregation for Catholic Education (1977) *The Catholic School*. A Saint Publication, NSW (CS 70)