

### 1. Introduction

The purpose of this policy is to provide an overview of the process to be utilised in the resolution of a dispute or complaint that may arise from time to time. The Catholic Education Commission of Western Australia (CECWA) Dispute and Complaint Resolution policy was implemented in 2002 and provides a process that must be followed by all Catholic schools when addressing issues of dispute or complaint. The Dispute and Complaint Resolution policy is consistent with the accountability requirements under the School Education Act (1999).

The Dispute and Complaint Resolution policy has been developed on the following basis:

- the Church's social teachings and the principles of natural justice, eg, the right to be heard and the right of response, etc.
- the need to resolve the dispute or complaint initially at College level before involving the Director of Catholic Education.

### 2. 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).

### 3. Principles

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

Individual cases must be examined on their own merits and resolutions must appropriately balance the principles of justice with compassion. Appropriate confidentiality must be respected by all parties.

Decision making will be guided by the principles of participation, co-responsibility and subsidiarity (CS 70). The Principal has the responsibility to attempt to resolve a dispute or complaint with the parties directly involved at the local level in the first instance. Parties may request the Congregational Leader to assist to resolve a dispute or complaint prior to the Principal making a decision. Parties may appeal to the Provincial Leader of the Oblates the decision made by the

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

## 4. Procedures

The Principal will provide to parents and staff a copy of the brochure *How to Deal with a Dispute or Complaint in a Catholic School*, this information is available on the College website.

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

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

## 5. Disputes / Complaints

Where a dispute or complaint involves the Principal the matter may be referred directly to the Director of Catholic Education/Congregational Leader. Anonymous and/or unsubstantiated complaints shall not be investigated.

Records of any dispute or complaint will be maintained in accordance with College records management procedures and the Mazenod Privacy Policy. If the dispute or complaint involves an employment issue, the prescribed process in the relevant Enterprise Bargaining Agreement or Award shall be followed.

Personally identifiable information about complainants will only be available for the purposes of addressing the complaint. It will not be passed to a third party without the complainant's consent except as required by law.

## 6. Resolution

Each dispute or complaint resolution procedure followed by the College will ensure that all relevant parties:

- are informed of the dispute or complaint
- have the opportunity to place their version on record
- are offered support person(s).

In the first instance, the resolution of a dispute or complaint 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 where the Principal is responsible for undertaking a procedure to resolve any dispute or complaint within the College.

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.

It is the responsibility of the Principal to attempt to reach a resolution between the parties where possible. Failing to reach a resolution by agreement, the Principal will make a decision. When this occurs, the Principal will inform each party of the decision. The Principal may call on outside mediation, including the Employee and Community Relations Team of the Catholic Education Office of Western Australia (CEOWA) to assist in the resolution of a dispute or complaint. Any party may appeal the Principal's decision, in writing, to the Director of Catholic Education.

## 7. Process

### 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.
- A Head of Year, Head of Department or College Leadership Team (Middle or Senior Leader) will assist in the resolution as required.
- Complaints are to be acknowledged within two working days.

### Step 2: Principal Informal 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
  - keeping parties informed as to the progress of the complaint
  - reporting to the parties when the resolution actions have been taken.

There are no written records required for such a resolution.

**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.*

### Step 3: Principal Formal Resolution 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:
  - the nature of the dispute/complaint
  - the parties involved
  - the parties' views of the matter and their suggested resolution

- any substantiation provided
- the provision to the parties of a proposed timeline for resolution
- keep parties informed as to the progress of the complaint
- 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 CECWA, 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 Provincial Leader of the Oblates.

The Principal, where required, will refer to an external authority such as the Department for Child Protection or the WA Police Service for advice or immediate action.

The Principal, where appropriate, will inform the College Board of the complaint.

**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.*

#### **Step 4: Appeal Process**

Where an appeal to the Provincial Leader of the Oblates 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.

## 8. Complaints resolution pathway

