

DISPUTE AND COMPLAINT RESOLUTION POLICY

*Reviewed: 2016
Date for Review: 2018*

Rationale

The School Education Act (174 I (d)) 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).

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 result occurring.
3. Individual cases must be examined on their own merits.
4. Resolution must appropriately balance the principles of justice with compassion.
5. Appropriate confidentiality must be respected by all parties.
6. Decision making shall be guided by the principles of participation, co responsibility and subsidiarily. (CS. 70).
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.
8. Parties may request the Director of Catholic Education to assist to resolve a dispute or complaint prior to the Principal making a decision.
9. Parties may appeal to the Director of Catholic Education the decision made by the Principal.
10. Parties have the right to appeal to the Minister of Education in accordance with the School Education Act (1999).

Procedure

1. At the time of enrolment/appointment, parents and staff shall be provided a copy of the brochure How to Deal with a Dispute or Complaint in a Catholic School.
2. The Catholic Education Commission of Western Australia (CECWA) policies/procedures that address specific matters shall be followed (for example):
 - Harassment of Staff in Schools
 - Dealing with Bullying and Harassment
 - Termination of Staff Members – In competency or Misconduct
 - Child Abuse
 - Student Enrolment
 - Exclusion of Students for Disciplinary Reasons
 - Selection of Appropriate Texts in Catholic Schools
3. If the dispute involves an employment issue, the prescribed process in the relevant Enterprise Bargaining Agreement or Award shall be followed.
4. Each dispute or complaint resolution procedure followed by the 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. 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.
6. 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. Where a dispute or complaint involves the Principal the matter may be referred directly to the Director of Catholic Education.
7. Anonymous and /or unsubstantiated complaints shall not be investigated
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.
9. Records of any dispute or complaint shall be maintained in accordance with the CECWA policy Management of Confidential Information in Schools.
10. It is the responsibility of the Principal; to attempt to reach a resolution between the parties where possible.
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.
12. 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.

13. Any party may seek the assistance of the Director of Catholic Education to resolve a dispute or complaint.
14. International students may seek mediation with through the International Student Conciliator at the Department of Education Services. The Conciliator attempts to resolve disputes between international students and institutions, as part of the institution's internal complaints and appeals procedure. The Conciliator is able to discuss issues of concern at any stage of the internal complaints and appeals procedure, however, will not become actively involved in the case until the parties have attempted to resolve the dispute themselves and that attempt has failed.
15. Any party may appeal the Principal's decision, in writing to the Director of Catholic Education.
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.
17. For International Students, if conciliation and mediation by the Principal or Director of Catholic Education does not resolve the matter, either the party may refer the matter to arbitration by the independent external arbiter, Mr Gary Carlton.

Independent Arbiter

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