
DISPUTE AND COMPLAINT RESOLUTION POLICY

(A) RATIONALE

The School Education Act [1999: Section 174 (1) (d)] requires an educational system to have a means by which disputes and complaints about the provision of education are resolved.

As an agent of the Catholic Church, Saint Maria Goretti's Catholic School is committed to working in partnership with all stakeholders to build a vibrant community. To this end:

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 - The Catholic School (1977): Sacred Congregation for Catholic Education]

(B) 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. Resolutions 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 subsidiary.
7. The resolution of a dispute or complaint should be addressed initially between the parties who are directly involved.
8. The Principal is responsible for attempting to resolve a dispute or complaint at the local School level with the parties who are directly involved if they are unable to resolve the dispute or complaint. Parties may contact the Director of Catholic Education or the Congregational Leader to assist in resolving a dispute or complaint prior to the Principal making a decision.
9. Parties may appeal the decision made by the Principal to the Director of Catholic Education.
10. Parties have the right to appeal to the Minister for Education in accordance with the School Education Act (1999).

(C) PROCEDURES

1. Principals shall provide to parents/staff at the time of enrolment/appointment a copy of the brochure: Dispute and Complaint Resolution Procedures in Catholic Schools.
2. The relevant Catholic Education Commission of Western Australia (CECWA) policies and/or procedures that address specific matters shall be followed. For example:
 - 2.1. Harassment in Schools.
 - 2.2. Termination of Staff Members - Incompetency or Misconduct.
 - 2.3. Student Enrolment.
 - 2.4. Exclusion of Students for Disciplinary Reasons.
 - 2.5. If the dispute involves an employment issue, the prescribed process in the relevant Enterprise Bargaining Agreement or Award shall be followed.
3. Each dispute or complaint resolution procedure followed by a school shall ensure that all relevant parties:
 - 3.1. Are informed of the dispute or complaint.
 - 3.2. Have the opportunity to place their version of the dispute or complaint officially on record.
 - 3.3. Have the opportunity to be represented if they so wish.
4. The resolution of a dispute or complaint, in the first instance, should be undertaken between the immediate parties involved.
5. It is the responsibility of the Principal to attempt to reach a resolution between the parties where possible.
6. Where a dispute or complaint involves the Principal the matter may be referred directly to the Director of Catholic Education /Congregational Leader.
7. The Principal may call on outside mediation, including the Employee and Community Relations Team of the Catholic Education Western Australia (CEWA) to assist in the resolution of a dispute or complaint.
8. Any party may seek the assistance of the Director of Catholic Education to resolve a dispute or complaint.
9. 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. In this case the Principal shall make a decision. When this occurs, the Principal shall inform each party of the decision.
10. Any party may appeal the Principal's decision, in writing, to the Director of Catholic Education.

11. 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.
12. The Principal shall maintain records of the procedures employed and resolution achieved in dealing with any formal dispute or complaint. These records will include any statements made by the parties involved.
13. Records of any dispute or complaint shall be maintained in accordance with the CECWA Management of Confidential Information in Schools Policy.

Catholic Education Commission of Western Australia: 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;
- 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 CEWA policy 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:
 - The nature of the dispute/complaint;
 - The parties involved;
 - The parties viewpoint of the matter and their suggested resolution;
 - Any substantiation provided;
 - The provision to the parties of a proposed timeline for resolution.
- Make a decision based on the merits of the case;
- Discuss with the parties the decision 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 CEWA, 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 the complainant has undertaken Steps 1, 2 and 3. 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 CEWA.
- A file containing the course of the dispute and resolution shall be maintained by the CEWA.

Note:

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, the Director General does not have power to intervene in a complaint or override the school's decision.

END OF DOCUMENT
