



## DISPUTES AND COMPLAINTS RESOLUTION POLICY

**Date for Review 2021**

### 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. Definitions

*Complaint* means an expression of dissatisfaction with Kearnan College 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 statement applies to all Catholic schools and early learning and care services in Western Australia.

### 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 Kearnan College.
- 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 Kearnan College, 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.

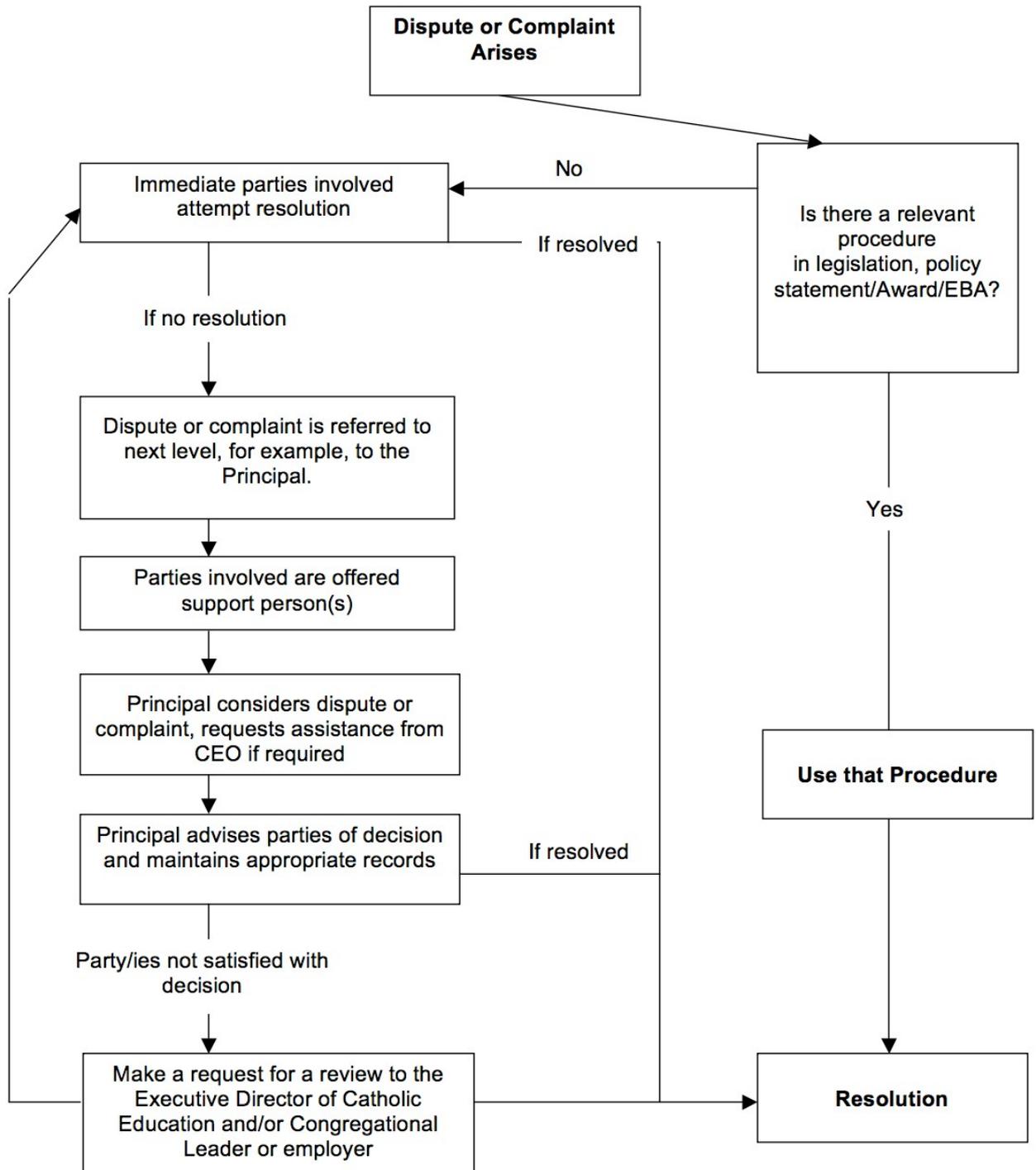
- 4.7 Disputes and complaints, and the resolution of such, contribute to continuous learning and improvement so that the potential and opportunity for incidents to be repeated are minimised.
- 4.8 Any review of a dispute or complaint will be based on procedural fairness.
- 4.9 Information in a complaint 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 via the College website.
- 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 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 CEWA.
- 5.10 A principal shall 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 CEWA.
- 5.15 The dispute or complaint shall be promptly acknowledged in writing, unless the complainant is anonymous and cannot be identified.
- 5.16 The Executive Director of Catholic Education shall ensure a formal examination and investigation of the complaint and/or areas of disputation.
- 5.17 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.
- 5.18 Kearnan College 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.
- 5.19 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.
- 5.20 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.
- 5.21 The Director General of the Department of Education 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.

## Flowchart for Dealing with Disputes and Complaints



**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.*

### PROCEDURE FOR RAISING A CONCERN OR COMPLAINT:

The College welcomes opportunities to get to know and build relationships with the wider community. Complaints about any aspect of the School's operations, service or personnel will be handled responsively, openly and in a timely manner while respecting the confidential nature of such matters. The following are recommended courses of action regarding communication between parents and the school:

#### Step 1. DISCUSS WITH YOUR CHILD'S TEACHER

Kearnan College acknowledges that concerns and issues exist that may be resolved informally without the need to follow a formal complaints process. In such cases complainants are encouraged to initially raise issues or concerns informally with the relevant teacher. Discussing the issue or concern as soon as possible and face to face may clarify the situation and resolve any misunderstandings satisfactorily.

To avoid disruption to the teaching schedule, communication with teachers should take place at mutually convenient times. If a longer conference time is thought to be needed, an appointment can be made through the school office or via a short note to the teacher concerned, or via email.

#### Step 2. DISCUSS WITH THE HEAD OF SCHOOL

In the event that this does not resolve the issue, the complainant should then bring it to the attention of the Head of School. The Head of School is available to meet with parents and carers upon request where:

- a) You believe that a particular teacher has not adequately addressed the classroom concern which you have raised directly with them; or
- b) You have an issue, concern or matter of interest about the general operation of the Junior or Secondary School. Parents who wish to have an interview with the Head of School should make an appointment through the office or via email.

#### Step 3. DISCUSS WITH THE SCHOOL PRINCIPAL

In the event that this does not resolve the issue, the complainant should then bring it to the attention of the Principal. Parents who wish to have an interview with the Principal should make an appointment through the office or via email.

#### Step 4. REFER TO CATHOLIC EDUCATION OFFICE OF WESTERN AUSTRALIA

In the event an issue or concern cannot be satisfactorily addressed at the school level, it can be discussed with the Catholic Education office of WA. Matters pertaining to the life of the school should, in the first instance, be raised at the school level. Failure to do so often delays the process of achieving resolution, as in nearly all cases matters will be referred back to the School Principal for consideration before the Catholic Education office will become involved. It is expected that parents, carers and teachers will follow this process as the fastest way to achieve a positive outcome.

#### Step 5. RECORD KEEPING

All complaints that cannot be resolved will be recorded by the staff member handling the complaint and kept on the relevant file/s. Details should include:

- The nature of the complaint
- Dates and names of parties concerned
- Staff members involved in handling the complaint
- Action taken and outcomes.

#### **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, Victimisation and Bullying policy  
CECWA Unsatisfactory Performance or Misconduct policy  
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  
Code of Conduct

#### **9. Next Review: 2021**