



Infant Jesus School

A LEADing Learning School

Dispute and Complaint Resolution Procedure

Aim

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, para 6).

On occasions there may be disagreement with a decision and a dispute or grievance 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 grievances are dealt with fairly, objectively and in a timely manner, and that processes reflect the principles of participation, co-responsibility and subsidiarity.

| Sources of Authority | |
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| CECWA Policy | Community |
| Executive Directive | Dispute and Complaint Resolution Executive Directive |

Scope

This procedure statement applies to all members of the Infant Jesus School community.

Definitions

Dispute means a conflict regarding a right, claim, or demand on one side, met by contrary claims or allegations on the other.

Complaint means an expression of dissatisfaction with Catholic Education policies, procedures, decisions, omissions, quality of service, staff or student behaviour.

The rules of *procedural fairness* require:

- a) a hearing appropriate to the circumstances;
- b) lack of bias;
- c) evidence to support a decision; and
- d) inquiry into matters in dispute.

Principles

- 4.1 Infant Jesus School is committed to providing an environment that is safe for its employees, student and parents. Conduct which breaches the Code of Conduct or contravenes Catholic values is not tolerated.
- 4.2 All decisions are to reflect the paramount importance of the student(s)

- 4.3 Any person may complain orally or in writing about any matter arising from the operations of Infant Jesus School.
- 4.4 Complainants are personally responsible and liable for the content of their complaints.
- 4.5 A dispute or complaint made in accordance with this procedure is a dispute or complaint about Infant Jesus School, notwithstanding the naming of any staff member in a dispute or complaint. Vexatious, trivial or previously finalised issues will not be considered.
- 4.6 If it is preferable that the complainant 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.
- 4.7 Disputes and complaints will be managed in accordance with the Principle of Subsidiarity, which requires that nothing shall be done by a higher authority, agency or level that could be done as well or better by a lower one.
- 4.8 Disputes and complaints will be managed in a timely manner with the Principal, or delegate, seeking to resolve all disputes within 14 days from the date that the review process is initiated.
- 4.9 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.
- 4.10 Disputes and complaints will be managed fairly, objectively and in an unbiased manner, according to the rules of procedural fairness, both for complainants and any individual mentioned in the dispute or complaint raised.
- 4.11 Information in a dispute or complaint should only be disclosed to those parties who have a need to know in order to investigate and resolve the complaint.
- 4.12 Once a decision has been made, parties may request a review of the decision in accordance with the directives, including escalating the dispute or complaint to the Executive Director of Catholic Education in Western Australia.

Procedure

5.1 Availability of information

- 5.1.1 Information about the process for dealing with disputes and complaints from parents regarding a school-based issue is available on the school website and in the Parent Handbook.

5.2 Resolution by the Immediate Parties

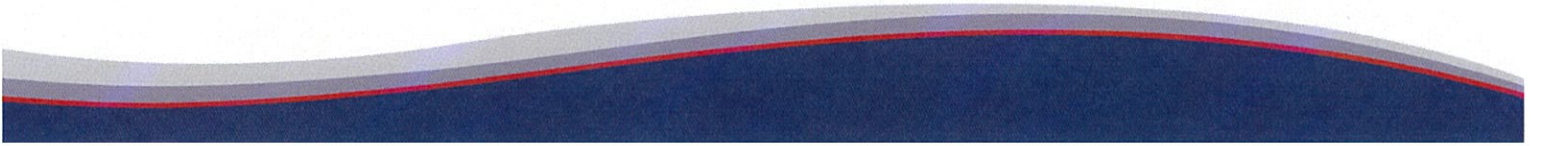
- 5.2.1 When a dispute or complaint arises, the immediate parties involved should attempt to resolve the issue in the first instance.
- 5.2.2 Parties may involve a support person(s) to assist them in resolving the dispute or complaint.

5.3 Resolution by Principal or Line Manager

- 5.3.1 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 or line manager.

- 5.3.2 It is preferable that complaints are made in writing to the principal or line manager in the first instance. However, provision must be made for complaints to be made orally. In both situations, a record of the complaint that is as detailed as possible should be made at the earliest opportunity and, wherever possible, the complainant should verify the accuracy of that record.
- 5.3.3 It is preferable that a complainant identifies him or herself as well as the subject or subjects of the complaint. However, a complainant has the right to make an anonymous complaint, in all cases. The information should be assessed and duly considered.
- 5.3.4 The principal or line manager is responsible for the resolution of disputes or complaints within the school referred to them by the immediate parties, in accordance with the rules of procedural fairness.
- 5.3.5 A principal or line manager must be mindful of managing the wider effects that a dispute or complaint may have on the workplace beyond its resolution.
- 5.3.6 The principal or line manager may request external assistance and expertise (including mediation), including the involvement of the School Improvement Advisor or CEWA Employment Relations Team to assist in the resolution of a dispute or complaint.
- 5.3.7 The principal or line manager must inform the complainant (unless s/he has chosen to remain anonymous) and relevant parties of the outcome of their decision in a timely manner. If a complaint is upheld; the complainant must be provided with redress to remedy the situation; any remedy must be fair, reasonable and appropriate to the nature of the complaint. Remedies that may be offered to complainants include but are not limited to: providing an apology; changing a directive, practice or behaviour; reconsidering a decision; retracting a public statement; providing non-financial assistance; or providing financial compensation for any loss.
- 5.3.8 The principal or line manager must 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.

5.4 Resolution by or Escalation of the Complaint to the Executive Director of CEWA Ltd and/or Congregational Leader or Governing Authority

- 5.4.1 Where a dispute or complaint is about the principal or line manager and there is no likelihood that it can be resolved directly with the principal or line manager, the immediate parties may refer the dispute or complaint to the Executive Director of CEWA Ltd and/or Congregational Leader or governing authority. The complaint will be managed by a person (or people) who has no current or previous personal or professional connection that may be considered to be a conflict of interest.
- 5.4.2 Any party may request a review of the principal or line manager's decision, in writing, to the Executive Director of CEWA Ltd.
- 5.4.3 The Congregational Leader or governing authority of the order or other accountable school will review the dispute or complaint or may request through the Executive Director of CEWA Ltd, that CEWA Ltd undertake the review.
- 5.4.4 The dispute or complaint must be promptly acknowledged in writing unless the complainant is anonymous and cannot be identified.
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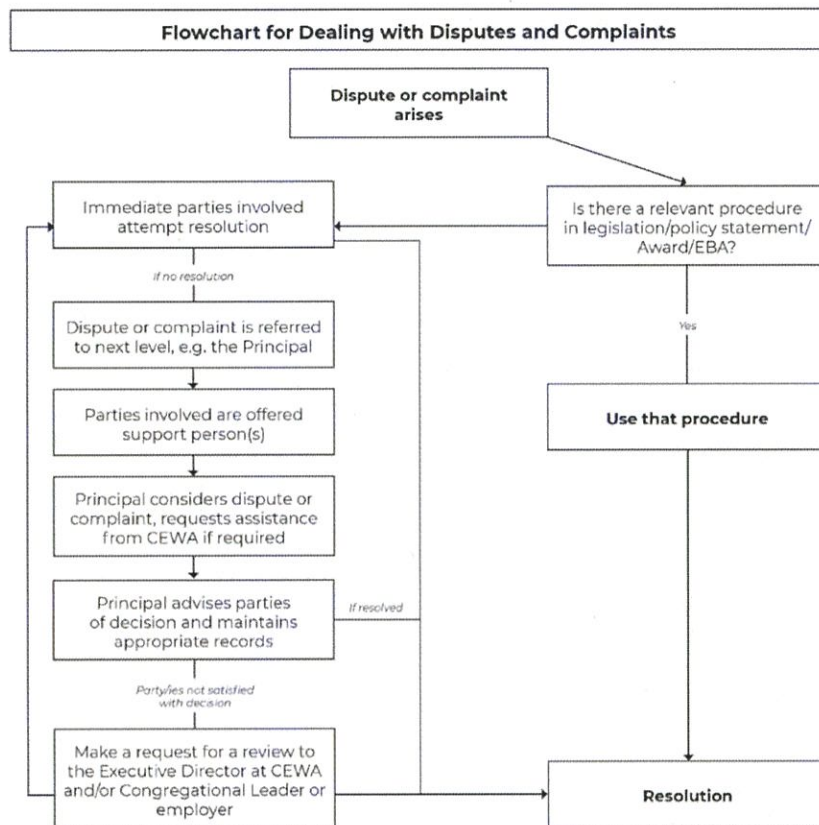
- 5.4.5 The Executive Director of CEWA Ltd must ensure a formal examination and investigation of the complaint and/or areas of disputation.
- 5.4.6 The parties to the dispute or complaint must be notified of the finding(s) of the dispute or complaint, including the basis of the finding(s). There is no duty to notify an anonymous complainant.
- 5.4.7 CEWA Ltd must 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.
- 5.4.8 It should be noted that the Director General of the Department of Education does not have power to intervene in, mediate, resolve or determine the outcome of a complaint made to or about a non-government school. The Non-Government School Regulation Directorate of the Department of Education can be contacted about a complaint or concern but does not have a role in the resolution of complaints. The Directorate monitor compliance with the standards and requirements for non-government schools. Further information is available on the Department of Education website.
- 5.4.9 A person may make a complaint to an external body or tribunal at any time. The relevant person (i.e. the principal, line manager, Executive Director, Congregational Leader or governing authority) 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 CEWA Ltd for resolution.

5.5 Recording Disputes and Complaints

- 5.5.1 All disputes and complaints are recorded on the Infant Jesus School complaints register with the following information
- Date of complaint
 - Name of complainant and relationship to the school
 - Subject matter of the complaint, including the name of any person complained about and his or her relationship to the school
 - Complaint investigator and position or role at the school
 - Date investigation completed
 - Whether complaint upheld
 - Resolution agreed with or offered to the complainant
 - Date of referral for review (for example by the governing body)
 - Complaint reviewer and relationship to the school
 - Date review finalised; and
 - Review resolution agreed with or offered to the complainant.

"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."

Flowchart for dealing with Disputes and Complaints



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|-----------------|----------------------------------|--------------|----------------|
| Authorised by | Clare Moffat | Signature: | <i>cmoffat</i> |
| | Principal Infant Jesus School | Date: | September 2022 |
| Effective Date: | January 2022 | Next Review: | January 2023 |