



Policy: Dispute and Complaint Resolution
Released: 2016
Next Review: 2021

ST BERNARD'S DISPUTE AND COMPLAINT RESOLUTION GUIDLINES

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, para 6).

On occasions there may be 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. St. Bernard's Catholic Primary School 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.

The purpose of this policy statement is to provide an overview of the process to be utilised at St Bernard's Primary School in the resolution of a dispute or complaint that may arise from time to time.

PRINCIPLES

1. All decisions are to reflect the paramount importance of the student(s).
2. Any person may complain orally or in writing about any matter arising from the operations of St. Bernard's School.
3. Complainants are personally responsible and liable for the content of their complaints.
4. It is preferable that the complainant is verifiable, however if a complaint or any other information of unknown origin (i.e. 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.
5. 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.
6. 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.
7. Any review of a dispute or complaint will be based on procedural fairness.
8. 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.
9. Once a decision has been made, parties may request a review of the decision in accordance with the procedures, including escalating the dispute or complaint to the Executive Director of Catholic Education in Western Australia.
10. The Dispute and Complaint Resolution policy has been developed on the following basis:
 - The principles of the policy are based on 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 the school level before involving the Executive Director of Catholic Education.

In the case of a dispute or complaint resulting from an employment related issue, the prescribed provision of the relevant Enterprise Bargaining Agreement or Award shall be adhered to.

DEFINITIONS

Complaint means an expression of dissatisfaction with Catholic Education 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 refers to the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

Resolution 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.

PROCEDURES

1. All issues of dispute or complaint must be addressed in the first instance at the school level.
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.
3. Where there is an appropriate Catholic Education Commission of Western Australia (CECWA) policy statement that provides a specific mechanism for addressing the dispute or complaint, that policy statement shall be followed.
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. When a dispute or complaint arises, the immediate parties involved should attempt to resolve the issue in the first instance.
6. Parties may involve a support person(s) to assist them in resolving the dispute or complaint.
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.
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.
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 Catholic Education.
10. A principal must be mindful of managing the wider effects that a dispute or complaint may have on the workplace beyond its resolution.
11. The principal may request external assistance and expertise (including mediation), including the involvement of the Employment and Community Relations Team of the Catholic Education of Western Australia (CEWA) to assist in the resolution of a dispute or complaint.
12. The principal shall inform the complainant (unless anonymous) and relevant parties of the outcome of their decision.
13. The principal (and CEWA where applicable) 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.
14. Any party may request a review of the principal's decision, in writing, to the Executive Director of Catholic Education.
15. The dispute or complaint shall be promptly acknowledged in writing, unless the complainant is anonymous and cannot be identified.
16. The parties to the dispute or complaint shall be notified of the findings(s) of the dispute or complaint, including the basis of the finding(s). There is no duty to notify an anonymous complainant.
17. 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.

18. A person may make a complaint to an external body or tribunal at any time. The relevant person (i.e. 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.

REFERENCES

Bishops of Western Australia 2009, Mandate of the Catholic Education Commission of Western Australia: 2009-2015
School Education Act 1999 (WA)
2-D1 CEWA Dispute and Complaint Resolution Policy

Review History

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Next Review

Year	Person / Group Responsible
2021	Principal