



# **Disputes and Resolution Process** **Orana CPS**

## **DISPUTES AND COMPLAINT RESOLUTION POLICY**

- RATIONALE** The School Education Act (174 1(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).1
- 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 subsidiarity. (CS 70).1
  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 or the Congregational Leader 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 for Education in accordance with the School Education Act (1999).
- PROCEDURES**
1. Principals shall provide to parents and staff at the time of enrolment/appointment 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):

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- Harassment of Staff in Schools
- Dealing with Bullying and Harassment
- Termination of Staff Members – Incompetency 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 a 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/Congregational Leader.

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.

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13. Any party may seek the assistance of the Director of Catholic Education or the Congregational Leader to resolve a dispute or complaint.

14. Where the Director of Catholic Education receives a written dispute or complaint related to an order accountable school, the Director of Catholic Education shall notify the Congregational Leader.

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.

<sup>1</sup> Sacred Congregation for Catholic Education (1977) The Catholic School. A Saint Paul Publication, NSW.