



## DISPUTE AND COMPLAINTS RESOLUTION POLICY

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## 1. RATIONALE

Catholic schools serve as a model 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 the College.

The interactions and protocols of La Salle College emphasise the sacredness of human life and the dignity of the individual.

La Salle College 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 La Salle 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).

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

Students are defined as children and young people enrolled in the College.

## 3. SCOPE

This policy applies to all members of the College community

## 4. PRINCIPLES

- 4.1 All decisions are to reflect the paramount importance of our student(s).
- 4.2 Any person may complain orally or in writing about any matter arising from the operations of the College.
- 4.3 Complainants are personally responsible and liable for the content of their complaints.
- 4.4 A complaint made in accordance with this policy is a complaint about La Salle College, notwithstanding the naming of any staff member, volunteer or contractor in a complaint.
- 4.5 It is preferable that the complaint 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.

- 4.6 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 Complaints and their resolution will 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 complaint will be based on procedural fairness.
- 4.9 Information on a complaint will only be disclosed to those parties who have a need to know 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 the procedures.

## 5. PROCEDURE

- 5.1 Information about the process for dealing with disputes and complaints will be readily available to all members of the school community. The information will be provided in clear language and, so far as is reasonable, in formats accessible to all, so that no complainant is disadvantaged. Information provided will include:
  - where and how complaints can be made;
  - the process for handling complaints;
  - time periods associated with various stages in the process;
  - options for remedy or redress; and
  - how to obtain feedback on the status of a complaint.
- 5.2 A complaint can be made by any person regarding the provision of education or related matter. Where an immediate party cannot be identified, such as if it is anonymous or from an unverifiable source, the information will be assessed and duly considered.
- 5.3 Where there is an appropriate CEWA Ltd or College policy or procedure that provides a specific mechanism for addressing the complaint, that policy or procedure will be followed.
- 5.4 Where there is a binding legislative or regulatory mechanism (including an Enterprise Bargaining Agreement) that addresses the issue(s) raised in the complaint, that legislative or regulatory mechanism will be followed.

### **School-based procedure for complaints**

- 5.5 When a complaint arises, the immediate parties involved should attempt to resolve the issue in the first instance.
- 5.6 Upon receipt of a complaint, the complaint will be recorded with supporting information. The record of the initial complaint will identify the remedy sought by the complainant, and any other information necessary of the effective handling of the complaint.
- 5.7 Receipt of a complaint will be acknowledged to the complainant wherever possible. The College is unable to notify complaints made anonymously, or where the complainant cannot be identified.
- 5.8 Upon receipt, each complaint will be assessed in terms of severity, safety implications, complexity, impact and the need for immediate action.

- 5.9 The complaint investigator will make every reasonable effort to investigate all relevant circumstances and information surrounding a complaint. The level of investigation will be commensurate to with the severity of the complaint.
- 5.10 Parties can involve a support person(s) to assist them throughout the investigation process.
- 5.11 Following an appropriate investigation, the complaint investigator will inform the parties involved of the outcome and/or any action(s) relevant to the complainant or to the parties involved.
- 5.12 If the complainant accepts the proposed decision or action, action(s) taken will be recorded and the matter will be closed.
- 5.13 If a complainant is dissatisfied with the proposed decision or action, they will be informed of alternative forms of internal and external recourse available.

### ***Internal escalation***

- 5.14 The Principal is responsible for the resolution of disputes and complaints within the school referred to them by the immediate parties, in accordance with procedural fairness.
- 5.15 The Principal will be mindful of managing the wider effects that a dispute or complaint may have on the school community.
- 5.16 The Principal can request assistance and expertise from the Employee Relations Team at CEWA Ltd to aid in the resolution of the dispute or complaint.
- 5.17 The Principal will maintain appropriate records of information used to make a decision in response to any dispute or complaint. This includes statement(s) by the parties involved, where applicable.
- 5.18 The Principal will inform the complainant (unless anonymous) and relevant parties of the outcome of their investigation and decision.
- 5.19 Where a dispute or complaint is about the Principal and/or there is no likelihood that it can be resolved at the school level, the immediate parties can refer the matter to their School Improvement Advisor or the Executive Director of CEWA Ltd.

### **External reviews of decisions**

- 5.20 Any party can request a review of the Principal's decision, in writing, to the Executive Director of CEWA Ltd.
- 5.21 A person has the right to appeal to Director General of the Department of Education. The Director General 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 power to intervene in a complaint or override the school's decision.
- 5.22 A person can 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 CEWA Ltd for resolution.

**Accountability and learning**

- 5.23 The Principal will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.
- 5.24 Reporting and analysis will be undertaken to monitor trends and identify any systemic issues in the management or day-to-day operation of the College.
- 5.25 The Principal will continually monitor the College's handling of complaints to ensure its effectiveness in responding to and resolving complaints, and to identify and correct deficiencies in its operation.

**Confidentiality, privacy and record storage and retention**

- 5.26 Complaint records can contain personal and confidential information which must not be disclosed to unauthorised persons.
- 5.27 The College will maintain complaint records on their official records management system.
- 5.28 The College will not destroy or dispose of complaints records contrary to the CEWA Ltd Record Retention Schedule and the *State Records Act 2000* (WA).

**6. REVIEW HISTORY**

| <b>Year of Review:</b> | <b>Reviewed By:</b> | <b>Amendments/Review:</b> |
|------------------------|---------------------|---------------------------|
| 2020                   | Principal           |                           |

**7. NEXT REVIEW**

| <b>Year:</b> | <b>Person Responsible:</b> |
|--------------|----------------------------|
| 2021         | Principal                  |