



# Dispute Resolution Policy and Procedures

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Next Review:	October 2021
Responsibility of:	Risk and Governance Co-ordinator
In Consultation with:	Principal
Ratification:	Risk Management Committee
Legal Check:	TBA



## **Dispute Resolution Policy and Procedures**

### **Policy Statement**

All Overnewton Anglican Community College parents/guardians, students and staff members have the right to have their concerns heard by a relevant member of the College Leadership Team.

This document was previously known as the *Managing Complaints and Grievances Policy and Procedures*.

### **Values**

The College is committed to:

- Adhering to the principles of natural justice.
- The equal treatment of all parties to the dispute.
- Upholding the rights of both sides to be heard, respected and treated fairly.
- Ensuring neither party is victimised or discriminated against as a result of the dispute resolution process.
- Investigating all disputes and dealing with them as soon as practicable.
- Ensuring adequate notice is given of the process that will be followed.
- Ensuring that the respondent is aware of the details of the concern.
- Providing an unbiased and impartial decision-maker to resolve the dispute.
- Substantiating the alleged facts of the case.
- The resolution, where possible, of disputes to the mutual satisfaction of those involved.
- Protecting the confidentiality of all parties involved and handling complaints in a discreet and practicable manner.
- Providing clear procedures for making and dealing with comments and disputes.

### **Types of Disputes that may be Resolved under this Policy**

Overnewton Anglican Community College ('the College') encourages students, parents and employees to promptly lodge concerns that include areas and situations such as:

- The College, its employees or students have done something wrong
- The College, its employees or students have failed to do something that they should have done
- The College, its employees or students have acted unfairly or impolitely
- Issues of student or employee behaviour that are contrary to their relevant code of conduct
- Learning program, assessment and reporting of student learning



- Communication with students or parents
- College fees and payments
- General administrative issues

Student complaints may be brought by students or by parents on behalf of their children, as appropriate in the circumstances.

### **Issues Outside of this Policy**

The following matters are outside the scope of this policy and should be managed as follows:

- Child protection concerns or risks of harm to children should be dealt with in accordance with the law and the College's Child Safe Policy.
- Student bullying complaints should be dealt with under the College's Anti-Bullying Policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the College's Taking Responsibility Policy.
- Concerns relating to privacy should be dealt with under the College's Privacy Policy.
- Student criminal matters should be directed to the Principal who will involve the police as appropriate.

### **Responsibilities**

#### **The College**

The College has the following role and responsibilities:

- Develop, implement, promote and act in accordance with this policy.
- Appropriately communicate this policy to students, parents and employees.
- Upon receipt of a dispute, manage the dispute in accordance with the procedures outlined in this policy.
- Ensure appropriate support is provided to all parties to a dispute.
- Take appropriate action to prevent the victimisation or action in reprisal against the complainant, respondent or any person associated with them.
- Appropriately implement remedies.
- Keep appropriate records.
- Monitor and report on disputes.

#### **All Parties to a Dispute**

The complainant and respondent have the following role and responsibilities:

- Apply and comply with this policy.
- Lodge disputes promptly as soon as possible after the issue occurs or as otherwise appropriate.
- Provide complete and factual information in a timely manner.
- Not provide deliberately false or misleading information.
- Not make frivolous or vexatious complaints.
- Act in good faith, and in a calm and courteous manner.



- Show respect and understand for each other's point of view and value differences, rather than judge or blame.
- Act in a non-threatening manner.
- To be appropriately supported.
- Acknowledge that a common goal is to achieve an outcome acceptable to all parties.
- Recognise that all parties have rights and responsibility, which must be balanced.
- Maintain and respect the privacy and confidentiality of all parties.
- Not victimise or act in reprisal against any party to the dispute or any person associated with them.

### **Employees Receiving Disputes**

Employees receiving disputes have the following role and responsibilities:

- Act in accordance with all College policies and procedures.
- Forward complaints to more senior employees, including the Principal, as appropriate.
- Maintain confidentiality and keep appropriate records
- Not victimise or act in reprisal against the complainant, respondent or any person associated with them.

### **Specific employee grievances**

The College is committed to providing a fair, safe and productive work environment where grievances are dealt with sensitively and expeditiously. An essential part of developing that environment is ensuring that staff members are encouraged to come forward with their grievances in the knowledge that the College will take appropriate action to address those grievances. Grievances that are not addressed have the potential to grow into major problems that can cause tension, low morale and reduced performance and productivity.

Any member of staff may lodge a grievance regarding work-related problems. However, if other procedures exist that more appropriately address that grievance (e.g. sexual harassment or unlawful discrimination), that mechanism should be used.

### **Implementation**

- The College is committed to raising awareness of this process for resolving disputes, including the development and implementation of this policy and procedures, and via clear support and accessibility of this policy and procedures.
- The College is also committed to appropriately training relevant employees (particularly members of the College Leadership Team) on how to resolve disputes in line with this policy and the related procedures.
- The College will keep appropriate records of disputes and monitor disputes and their resolutions.
- The College will act to encourage students, parents and employees to contribute to a healthy school culture where disputes are resolved with as little formality and disruption as possible.

### **Procedure**



- All disputes will be treated seriously and investigated according to these procedures.
- Parents/guardians, staff or students are encouraged, in the first instance, to discuss any comments, disputes or concerns they have about the College or any member of staff, student or parent with a relevant staff member. Parents/guardians and staff are encouraged to include the relevant Head of School in such discussions.
- The complainant may choose to address the dispute directly to the relevant Head of School in writing, in order to make the terms or basis of any dispute as clear as possible.
- The relevant Head of School will address all disputes and concerns promptly – in general, verbally within 24 hours and in writing within 5 working days.
- Disputes that are not resolved to the family's satisfaction will be referred to the Principal or their delegate.
- A record of all complaints and documents pertaining to a dispute will be documented in the student's file and elsewhere as necessary.
- Those involved in a dispute will have the opportunity to present their point of view.
- The College believes that both parties to a dispute have the right to confidentiality against which will be balanced the right of a person to know who is complaining against them.
- In the absence of a court order the College will endeavour to follow the information provided to it, however, we will not endanger student or staff if aggressive behaviour occurs.
- A court order must be supplied before access to a student can be denied.

### ***Step 1: Assessment of dispute***

- The relevant Head of School and staff will endeavour to deal with disputes quickly, fairly and privately.
- If staff cannot resolve the issue, they will encourage the complainant to address the complaint to the relevant Head of School in writing.
- On the receipt of a dispute the Head of School will determine:
  1. Whether they can handle the dispute personally; or
  2. Whether the Principal or their delegate will need to discuss the dispute further and/or form a Complaints Sub-committee.

### ***Step 2: Initial management of dispute***

- If required, The Principal may delegate authority to the relevant Head of School, on the receipt of a dispute, to appoint a minimum of two College leadership members, which may include a Deputy Head of School, to form a Sub-committee to deal with the dispute.
- The Head of School/Complaints Sub-committee will:
  1. Meet to deal with the dispute as soon as possible and will consider the nature and the details of the dispute.
  2. Inform the complainant of the procedure for dealing with the dispute.
  3. Give the complainant the opportunity to meet with them to discuss the dispute.



4. Maintain appropriate records of the information and data collected and respect the confidential nature of information relating to the dispute.
5. Handle any dispute in a discreet and professional manner. All written information relating to the complaints will be kept in a secure place with access limited to those designated by the Principal or Complaints Sub-committee.

### ***Step 3: Investigation of the dispute***

The Head of School/Complaints Sub-committee will:

- Meet individually with all witnesses to any alleged incident, giving right of reply to the person or persons against whom the allegations are made in relation to any accusation or information relating to an alleged incident.
- Obtain any information or documentation that will assist them in trying to resolve the dispute.
- Review relevant information and documents.
- Seek advice, where appropriate, from individuals and organisations that may be able to help resolve the dispute.

### ***Step 4: Resolution stage***

- The Head of School/Complaints Sub-committee will wherever possible, endeavour to resolve the dispute by mutual agreement of the parties involved.
- In the event that the dispute is resolved, the Head of School/Sub-committee will report this to the Principal and where appropriate, set out the terms of any recommendation to be considered by the Principal or their delegate.
- In the event that the dispute has not been resolved to the satisfaction of the parties involved, or particular decisions require the Principal's approval, the Head of School/Sub-committee will refer the matter to the Principal or their delegate.

### ***Step 5: Principal involvement***

- Where an issue is referred to the Principal or their delegate, the Head of School/Complaints Sub-committee will provide a report and include relevant information they have gained in investigations and consultations concerning the dispute.
- The Principal will review the report and any recommendations from the Head of School/Sub-committee and make a decision on the action, if any, to be taken, including relevant review mechanisms.

### ***Step 6: Report and follow up***

- The Head of School/Complaints Sub-committee and/or Principal will advise the complainant and other relevant parties, of any decisions the College has made in relation to the dispute and where appropriate, outline the College's reason for this decision and any action to be taken.
- Where a dispute is dismissed without any action being taken, the College will outline the outcome of the investigation and provide clarification where appropriate.