ST PIUS X CATHOLIC PRIMARY SCHOOL
DISPUTES AND COMPLAINT RESOLUTION

The *Executive Directive – Dispute and Complaint Resolution* provides the process to ensure that disputes and complaints across Catholic Education Western Australia Ltd (CEWA) are dealt with fairly, objectively and in a timely manner. The processes used are child friendly, culturally safe, respect the dignity of the human person, and guide leaders in the principles of participation, co-responsibility and subsidiarity as they apply to the management of disputes and complaints.

Note: This applies to non-diocesan schools whose governing body is a signatory of the System Membership Agreement.

PRINCIPLES

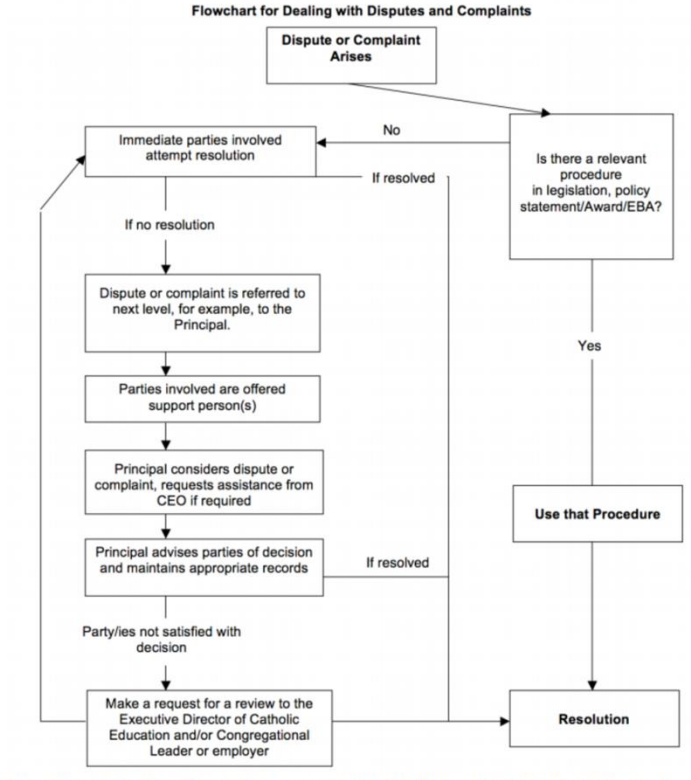
1. Conduct which breaches the Code of Conduct or contravenes Catholic values is not tolerated.
2. A dispute or complaint made in accordance with this directive is a dispute or complaint made with reasonable grounds for concern about Catholic schools, notwithstanding the naming of any staff member in a dispute or complaint. Vexatious, trivial or previously finalised issues will not be considered.
3. Any person may complain orally or in writing about any matter arising from the operations of Catholic schools.
4. A complainant has the right to make a complaint while remaining anonymous.
5. Complainants are personally responsible and liable for the content of their complaints.
6. All directives to respond to complaints and concerns are designed to be respectful, child focused, child friendly and culturally safe.
7. All directives must be regularly reviewed to ensure constant improvement.
8. As appropriate, additional support must be provided to support the complaint disclosure and management directives for particular community groups, for example, Aboriginal people, those living in remote and regional areas, those with a disability and those from culturally and linguistically diverse backgrounds.
9. All complaints will be taken seriously, whether or not they are made anonymously or are verifiable and will be addressed promptly and thoroughly, according to relevant directives.
10. All decisions are to reflect the paramount importance of the student(s).
11. Disputes and complaints will be addressed in a timely manner; the urgency of the matter must be given due consideration when prioritising individual cases.
12. 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.

13. All conflicts of interests must be declared by any person who receives or is asked to respond to a complaint.
14. Disputes and complaints will be managed in accordance with the Principle of Subsidiarity.
15. Complaints, concerns, disputes, disclosures and related incidents will be reviewed to identify causes and systemic failures, opportunities to minimise the potential for a repeat incident and to promote a culture of continuous improvement.
16. Privacy and record keeping legal obligations must be met.
17. As may be required by law, complaints, concerns and disclosures will be reported to the relevant authorities or law-enforcement agencies.
18. Once a decision has been made, parties may request a review of the decision or any remedy provided in accordance with directives, including escalating the dispute or complaint to the Executive Director of CEWA and/or Congregational Leader or Governing Authority.
19. The process for review of the management of a dispute or complaint will be based on the rules of procedural fairness.
20. An individual must use the CECWA Policies and Executive Directives to address an issue or concern, unless an individual wishes to report a disclosable matter anonymously and/or with appropriate protections in place, in which case this Whistleblower Protection Framework should be used.

DIRECTIVES

1. The principal must ensure follow they process and guides in this directive:

Flowchart for dealing with disputes or complains



Note: An individual has the right to make 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 reexamination of the merits of the case.

Disputes or Complaints Covered under this Executive Directive

Where there is an appropriate Executive Directive that provides a specific mechanism for addressing the dispute or complaint, the appropriate procedure must be followed.

Where there is a binding legislative or regulatory mechanism (including an Award or Enterprise Bargaining Agreement (EBA) that addresses the issue raised in the dispute or complaint, that legislative or regulatory mechanism must be followed.

This Executive Directive is intended to cover disputes and complaints that are not covered in existing legislation, another Executive Directive, Award or EBA.

Availability of Information

Information about the process for dealing with disputes and complaints from parents regarding a school-based issue must be made readily available.

Resolution by Immediate Parties

When a dispute or complaint arises, the immediate parties involved should attempt to resolve the issue in the first instance.

Parties may involve a support person(s) to assist them in resolving the dispute or complaint.

Resolution by Principal or Line Manager

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.

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.

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.

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.

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.

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.

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. 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.

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.

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

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.

Any party may request a review of the principal or line manager's decision, in writing, to the Executive Director of CEWA Ltd.

Where the Executive Director of CEWA Ltd receives a written dispute or complaint related to an order or other accountable school, the Executive Director of CEWA Ltd must notify the Congregational Leader or governing authority.

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.

The dispute or complaint must be promptly acknowledged in writing unless the complainant is anonymous and cannot be identified.

The Executive Director of CEWA Ltd must ensure a formal examination and investigation of the complaint and/or areas of disputation.

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.

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.

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. 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.

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.

Recording Disputes and Complaints

All disputes and complaints must be recorded on a school or office's complaints register, or centrally on any system-wide complaints register.

The complaints register must have the capacity to record 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 role of the Director General in the complaint process

> *"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 power to intervene in a complaint or override the school's decision."*

SCOPE

This policy informs all students, parents, and guardians of St Pius X.

REFERENCES

Catholic Education Commission Western Australia Education Policy – February 2021

Authorised By	Principal	Signature	M. Vranjes
		Date	Nov 2021
Effective Date	Jan 2022	Next Review	Dec 2025