

HOLY NAME PRIMARY SCHOOL

FORSTER



Disputes and Grievances Policy

Last Reviewed

2016

Next Review

2018

DISPUTES AND GRIEVANCES POLICY

RATIONALE

Schools are valued as special places where staff, students and parents have a right to a safe and supportive environment. From time to time, disagreements and conflict may arise which may result in complaints and grievances being expressed. These may occur between teacher and teacher, teacher and student, student and student, teacher and parent and so on. Often the problem impacts on relationships and the building of a peaceful school community and a harmonious working environment.

To create a safe and supportive environment within our schools and Catholic Schools Office it is essential to develop practices characterised by procedural fairness, mutual trust and respect especially in the area of *Complaints Management*. A Complaints Management Policy is a requirement of the NSW Board of Studies as a mandatory component of the registration of non-government schools.

Clear, published processes based on the principles of respect for each individual, natural justice, confidentiality, legitimacy of complainant's feelings, support and protection for all those involved and a non-judgemental, non-adversarial approach provide a professional approach that creates confidence in the outcome.

An effective complaints management system is an essential part of the provision of quality service and the promotion of fairness and justice both within individual schools and across the broader Diocesan school community. In particular, a professional response to complaints, suggestions and matters causing concern provides opportunities for improving service, promoting outstanding and agreement and preventing further problems.

A Statement of the Catholic Dimension of Holy Name School

Our Vision

Holy Name School
is a parish-based community
of life-long learners
fostering a positive, challenging,
child-centred environment
founded on gospel values.
The children are nurtured
to become responsible, discerning thinkers
displaying
"concern for others".

A Statement about Learning at Holy Name School

Holy Name Primary School strives to create a collaborative, supportive and faith-filled learning community where all learners are valued and encouraged to achieve their potential.

As a school we are committed to:

- Child-centred learning
- An holistic education inspired by the vision of Jesus that nurtures the whole human person, inviting them to make life-enhancing choices
- Developing and enhancing a positive school and parish relationship inclusive of teachers, students and their families
- Teaching and Learning that is engaging, purposeful and creative where children and teachers are encouraged to take risks and develop a life-long love of learning
- High expectations of learners and the challenging of learners to creatively solve problems
- Providing a range of learning opportunities that allow all learners to experience success
- Building resilience and a capacity to engage and respond to the needs and demands of 21st Century learning

AIMS

This policy aims to:

- Clarify procedures for complaints management to ensure that all parties are assured of a fair process and a just outcome.
- Provide direction of schools to develop policies and procedures for the handling of complaints and grievances with specific reference to processes for raising and responding to suggestions and matters of concern identified by students, staff and/or parents.

IMPLEMENTATION

- This policy has general regard to existing Diocesan policies and departmental arrangements.
- The following are excluded from having regard to this policy: staff appraisal; school evaluation; employment contracts; salaries and awards; worker's compensation/return to work programs and criminal matters.
- The management of complaints is embedded in the fundamental value of 'justice for all' and built upon a fully acknowledged and accepted understanding of the foundational principles of inclusivity, procedural fairness, due diligence and restorative action.

**REFER DIAGRAM 1
FOUNDATIONAL PRINCIPLES**

- For the general management of complaints, the following tiered approach is recommended:

First tier	Handling at the point of initial receipt
Second tier	Referral of the complaint for handling by a more appropriate person within the school workplace
Third tier	Referral of the matter to an officer of the Catholic Schools Office and/or the Dispute Resolution Service
Fourth tier	Referral of the matter to an agency external to the Catholic Schools Office

- Diagram 2 describes a basic process that emphasises three components of management – receipt, handling and referral. This process provides the basis of all four tiers of approach to the management of complaints.

It should be recognised that on some occasions, depending on the circumstances, a complaint or matter causing concern may not follow this tiered process.

REFER DIAGRAM 2
COMPLAINTS MANAGEMENT PROCESS

- A written record of a complaint should be kept by the person responsible for its management. This record should be regarded as private and confidential and should include specific details of the receipt and handling/referral of the complaint and outcomes achieved.
- Appeal of the complaints management process and achieved outcome(s) should be made available to all involved persons where requested. An appeal is established through referral to a senior authority and should be conducted by a person not previously involved in the matter. The appeals process will consider and make a finding on how the complaint process has been conducted and its outcome(s).
- The following should be viewed as comprising the features essential to an effective school complaints management policy:
 - * Established on the basis of the foundational principles set out in Diagram 1.
 - * Constructed according to a four tiered approach underpinned by the three key points of management – receipt, handling and referral.
 - * Primacy given to timely response to a complaint.
 - * Emphasis on resolution at the lowest possible level of response.
 - * Based upon a joint problem-solving approach wherever possible.
 - * Written record kept of the management process and achieved outcomes.
 - * Characterised by transparency and procedural fairness.
 - * Confidentiality and privacy extended to all parties wherever possible.
 - * Feedback provided to all involved – for some significant matters, this feedback should be in written form.
 - * Ongoing reflection to enable improvement in policy, procedures and processes and quality of service.

- Any person making a complaint or suggestion should not be subjected to any form of reprisal, harassment or victimisation. The foundational principles upon which the Complaints Management Policy is based requires all complaints are openly received and responded to without the complainant experiencing disadvantage. Where harassment and victimisation is claimed, it is necessary for the complaints handler to facilitate and inquiry into the claim. Where a claim is substantiated, the matter should be redressed as far as is possible to the complainant's satisfaction.
- Staff and members of the school community need to be familiar with a school's policy and established procedures for managing complaints and responding to suggestions and matters of concern. This should include clear information as to which person(s) manage particular complaints. Principals should include information about these procedures in a school's information handbook and in at least one school newsletter each year.
- In support of the effective management of complaints and conflict the Catholic Schools Office makes available to school communities a Dispute Resolution Service. This service provides school communities, upon request, with a qualified arbitrator and mediator who is able to provide assistance through the provision of advice, training and the conduct of mediations, conciliations and restorative justice conferences.
- The Catholic Schools Office will provide school communities with opportunities to participate in complaints management training. This training will assist schools to develop their own complaints management policies as well as essential skills for handling complaints. The training will be supported at a Diocesan level through the Professional Development Program and at an individual school level through the Dispute Resolution Service.

BUDGET

- 4.1 Each year an appropriate school budget is to be allocated for complaints management reflecting this policy and the priorities of the Diocese.
- 4.2 Diocesan and local budgets should support the appropriate training and professional development of staff.

EVALUATION

This policy will be evaluated after three (3) years of its implementation or as the need arises. The process will involve relevant members of the Catholic Schools Office and representatives from Diocesan schools and the parent community.

GLOSSARY

Appeal/review	An impartial, determinative process available to all parties to a complaint wherein an independent person reviews both the way in which the complaint management process has been conducted and the integrity of its outcome(s).
Complaint	An expression of dissatisfaction or concern with a school or the Catholic Schools Office regarding policy, procedures and/or actions and decisions made.
Complaints management	An established system of responding to and handling complaints and suggestions regarding matters causing dissatisfaction or concern.
Conflict	A disagreement through which persons involved perceive a threat to their needs, interests or concerns.
Confidentiality	Protection given to the non-disclosure of things said and done; an ethical duty held by persons to ensure that matters are held to be private and in confidence between themselves and others.
Dispute resolution	Formal and informal processes that are designed to provide mutually beneficial outcomes to disagreement and conflict between persons. Dispute resolution processes are typically consensual, involve negotiation and include the third party assisted processes of restorative justice conferencing, mediation and conciliation.
Due diligence	The care taken by a reasonable person to ensure that others do not suffer unnecessary harm or disadvantage; the obligation bestowed upon a person to act responsibly, efficiently and prudently in the carrying out of his or her duties.
Duty of Care	A legal requirement that a person exercise a reasonable standard of care toward others in order to protect them from unnecessary risk of harm; professional duty of care exists at a level higher than that placed upon a member of the general public.
Equitable	Justice dictated by even-handedness, reason, conscience and a natural sense of what is fair to all; 'fairness is not everyone getting the same but everyone getting what he or she needs'.
Impartial	Responding to all persons equally, free of bias and with no preconceived opinion; taking no personal advantage from espousing either side of a disagreement or conflict.
Privacy	The extent to which a person can determine which personal information is to be shared with whom and for what purpose; a legally bestowed principle that ensures that certain information remains protected from disclosure.

Problem-solving approach

A way of negotiating through disagreement and conflict that emphasises persons' jointly held responsibilities to achieve resolution through collaborative thought and action.

Procedural fairness

an obligation placed upon organisations and persons making decisions affecting the rights and welfare of others to engage in decision-making with due diligence, transparency and without bias. Procedural fairness affords certain rights to persons including the right to know of matters alleged, the right to respond and the right to appeal decisions made.

Restorative

A way of approaching matters that have caused concern or harm that places primacy upon accountability for actions, reparation of harm or wrongs and community acceptance and reintegration.

Support Document 1:

Dispute Resolution Service

The Dispute Resolution Service is managed through the Employee Services Unit of the Catholic Schools Office. The service makes available to school communities and employees of the Catholic Schools Office assistance in the management and resolution of complaints, disagreements and conflict. This assistance may take a variety of forms but in particular, the provision of professional development, advice and the assisted, consensual resolution processes of restorative conferencing, mediation and conciliation. This assistance acts in concert with other processes and arrangements in place in the Diocese for handling suggestions, complaints and matters causing concern.

Referral

The Dispute Resolution Service is managed by a qualified arbitrator and mediator who may be freely contacted by all members of the Diocesan school system. Referral can be made directly by any person through contacting the Employee Services Unit either by telephone or by email and written correspondence.

Referral may be made at any time during the life of a complaint, disagreement or conflict, however, the Catholic Schools Office encourages persons to attempt to resolve matters as early as possible and at the most immediate point.

Referral of a matter to the Dispute Resolution Service should be made where persons consider that a neutral, third-party person is required to assist in resolving and/or managing an issue or set of issues. Usually, but not always, this follows attempts at local (ie at the school or office level) resolution.

Service benchmarks

The Dispute Resolution service is guided by the following seven benchmarks:

Benchmark 1: Accessible

The service is made readily available to all members of the Diocesan school system. This is achieved by promoting knowledge of its existence, by having no cost barriers and by being easily activated by all members.

Benchmark 2: Inclusive

The service strives to be inclusive at all times. The service is available without restriction to all members of staff, parents and students.

Benchmark 3: Confidential

Dispute resolution processes extend confidentiality to all parties. The exceptions to this benchmark occur where all parties agree to public acknowledgement of both the processes and outcomes, where matters give rise to or impact upon system operational concerns and guidelines and where issues may potentially or actually contravene law.

Benchmark 4: Fair

Dispute resolution processes strive to produce outcomes which are held to be fair by observing the principles of procedural fairness, by the neutral person observing rules of impartiality and, where decisions are required, by making these on information brought forward and revealed.

Benchmark 5: Accountable

The Catholic Schools Office accepts its responsibility to support members of the Diocesan school system to achieve fair and just outcomes to complaints and matters causing concern and conflict. The Catholic Schools Office encourages community members to extend similar values between themselves.

Benchmark 6: Efficient

The Catholic Schools Office provides processes and procedures that promote efficient prevention and handling of complaints and matters causing concern and conflict. It seeks to make these processes and procedures available in a timely and responsible manner.

Benchmark 7: Effective

The Dispute Resolution Service is judged to be effective by having appropriate and comprehensive terms of reference and through periodic review and evaluation of performance.

Principles of dispute resolution

Conflict and disputes may be more effectively prevented where persons seek to establish and maintain good working relationships and where an organisation promotes a working environment embedded in the values of togetherness and justice. Conflicts that do arise may be handled and resolved more effectively when persons are committed to achieving the best possible mutual outcome and preserving the working relationships.

Good working relationships are based on the essential principles of:

- Good faith and respect for other's interest
- Open and effective communication
- Accessible and effective processes

Good faith

The elements of good faith include:

<i>Commitment</i>	Persons should be committed to achieve the mutually intended outcomes of the relationship. All persons should agree to comply with processes designed to prevent and resolve complaints, disagreements and conflict.
<i>Trust</i>	Persons should be confident that they can rely on the others in the relationship to do the right thing by each other.
<i>Respect</i>	Persons should respect and have regard for the other person's needs and interests.
<i>Flexibility</i>	Persons should be prepared to modify their original intentions and expectations to achieve the best, mutually accepted outcomes.
<i>Confidentiality</i>	Persons need to be aware when discussions are confidential and this should be agreed to prior to such discussions.

Effective communication

The elements of effective communication include:

<i>Openness</i>	Persons should effectively communicate adequate and relevant information to each other.
<i>Access</i>	Persons need to agree on procedures to ensure that communication is effective and timely.
<i>Listening</i>	Persons should be prepared to listen to the other's views, concerns and comments.
<i>Understanding</i>	Persons need to understand the nature and effect of any complaint, disagreement or misunderstanding. Persons need to be aware that language and cultural differences may exist and that these differences should be recognised and respected.

Effective processes

The elements of effective processes include:

<i>Planning</i>	Organisations need to have processes and procedures in place for preventing, handling and resolving complaints, disagreements and conflict.
<i>Choice</i>	Persons should have the opportunity to decide how a matter is to be managed and should come to an agreement on this.
<i>Assistance</i>	When persons feel they cannot handle or resolve a matter themselves, or are unable to represent their interests, they should have opportunities available to them within the organisation to seek independent, expert advice and assistance.
<i>Learning</i>	Persons should recognise that they can learn from the process of dispute resolution. Persons should take the lessons learnt from past experiences and apply them to preventing, handling and resolving future misunderstandings, disagreements and conflict.
<i>Transparency</i>	An organisation should communicate and promote its established processes and procedures for preventing, handling and resolving complaints and conflict.

Dispute resolution procedures

Problem-solving negotiation

Problem-solving negotiation provides a way to engage in a joint problem-solving.

Process for producing constructive outcomes to a disagreement or conflict. It does this by shifting conversation from individual positions to placing attention on the joint construction of solutions based on the underlying needs and interests of those involved.

A problem-solving approach to negotiation can be employed by persons in disagreement themselves or with the assistance of a neutral third-party facilitator. The clear advantage of assisted over unassisted negotiation is that the facilitator can help parties to stay focused on the process and provide impartial reflection and advice throughout the conversation. In doing so, the facilitator leads persons through a systematic discussion of the issues towards the efficient achievement of mutually agreed outcomes.

Restorative Justice Conferencing

Restorative Justice Conferencing is a procedure embedded in the wider milieu of restorative practices that are of increasing use in schools across the world. Conferencing is perhaps of greatest value where school communities have a commitment to restorative principles and where these are reflected on a daily basis in the interactions between people. Conferencing provides a controlled forum for dealing with wrongs and harm. It seeks to promote accountability for actions taken. Similar to all restorative practices, conferencing encourages positive relationships through the building of individual and collective responsibility and respect for others.

A conference is managed by a trained facilitator and may involve a wide circle of participants. It is preceded by a series of individual meetings and follows an ordered, scripted process. An action plan, designed to repair difficulties and restore relationships, is developed and signed by all participants.

Mediation

Mediation is a formal process that provides persons with a controlled forum for establishing workable solutions to disagreements and conflict. There are many forms of mediation but all follow a basic structure wherein a mediator meets separately with persons prior to the mediation, works systemically through presenting issues, assist participants to identify alternatives and facilitates final agreements. Mediation focuses participants on solving the presenting difficulties themselves under the guidance of the mediator.

The key principle of mediation is the participants work together to arrive at an agreement that is of benefit to all concerned.

Mediation works best where participants enter the process voluntarily and where a commitment is made to participate in good faith to achieve durable agreement and an ongoing relationship.

Mediators are bound by practice standards and a code of ethics. A mediator should display a high degree of skill, empathy, commitment and confidentiality.

Conciliation

Conciliation shares many of the characteristics of mediation; however, it differs to the extent that a conciliator may have an advisory or determinative role regarding the content of the dispute and/or the outcome of the process. The conciliator is usually expert in the matter in dispute and, as a consequence, may make recommendations and determinations on the terms of agreement and settlement. Regardless of this role, the conciliator will maintain a focus on assisting participants to generate their own solution to the dispute.

Within a school system, conciliation may take place regarding matters requiring specific knowledge relevant to educational settings. These may include issues regarding curriculum, student enrolment, student behaviour and welfare management, assessment and teaching practice, as well as matters involving Commonwealth and State regulations relating to school function and funding employment.

Similar to mediators, conciliators are bound practice standards and a code of ethics. A conciliator should display an expert knowledge of an area in dispute, a high degree of skill, empathy, commitment and confidentiality.

Contact Details

Dispute Resolution Service

Employee Services Unit

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**Support Document 2: Schools Training and Professional
Development Pack**

To be developed

COMPLAINTS MANAGEMENT PROCESS DIAGRAM II



