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## Dispute Resolution Policy

### Purpose of the Policy

The purpose of this policy is to ensure that student, parent and employee complaints and disputes are dealt with in a responsive, efficient, effective and fair way.

### Scope

Students, parents and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements.

### Responsibility

Principal/Person appointed by Principal

### Point of Contact

Principal/Person appointed by Principal

### Definitions

A complaint is an expression of dissatisfaction with a real or perceived problem. A complaint may be made if a parent or student thinks that the school has, for example:

- done something wrong;
- failed to do something it should have done; or
- acted unfairly or impolitely.

A complaint may be made about the school as a whole, about a specific department in the school or about an individual member of staff.

All parties included in the 'scope' will be named *stakeholders* in this policy

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## Policy Statement

Caboolture Montessori School is committed to ensuring that complaints are dealt with in a responsive, efficient, and effective and fair way.

Caboolture Montessori School views complaints as part of an important feedback and accountability process.

Caboolture Montessori School acknowledges the right of *stakeholders* to complain when dissatisfied with an action, inaction or decision of the school and the school encourages constructive criticism and complaints.

Caboolture Montessori School recognises that time spent on handling complaints can be an investment in better service to *stakeholders*

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

Caboolture Montessori School encourages *stakeholders* to promptly lodge concerns regarding sexual harassment, discrimination, privacy breaches and non-compliance with child protection processes as well as more general complaints that include areas such as:

- The school, its employees or students have done something wrong
- The school, its employees or students have failed to do something that they should have done
- The school, its employees or students have acted unfairly or impolitely
- Parents have behaved in a manner contrary to the Parent Code of Conduct
- Issues of student or employee behaviour that are contrary to their relevant code of conduct
- Learning programs, assessment and reporting of student learning
- Communication with students or parents
- School 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 of 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 school's Child Protection Policy.
- Student bullying complaints should be dealt with under the Anti-Bullying Policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the Behaviour Management Policy.
- Student criminal matters should be directed to the Principal who will involve the Police as appropriate.
- Employee complaints related to their employment should be directed to their supervisor. Student, employee or parent violence or criminal matters should be directed to the Principal who will involve the Police as appropriate.
- Formal legal proceedings.

### **Dispute Resolution Principle**

The School is committed to managing complaints according to the following principles:

- Disputes will be resolved with as little formality and disruption as possible
- Disputes will be taken seriously
- Anonymous complaints will be treated on their merits complaints will be dealt with fairly and objectively and in a timely manner
- Caboolture Montessori School will determine the appropriate person to deal with the complaint in the first instance. Disputes should be resolved with as little formality and disputation as possible
- Mediation, negotiation and informal resolution are optional alternatives
- Procedural fairness will be ensured wherever practicable, including the right of interested parties to the complaint to be heard
- Confidentiality and privacy will be maintained as much as possible
- All parties to the complaints will be appropriately supported
- Caboolture Montessori School will give reasonable progress updates
- Appropriate remedies will be offered and implemented
- Provide a review pathway for parties to the complaint if warranted
- Complainants, respondents and people associated with them will not be victimised as a result of lodging the complaints and they will not suffer any other reprisals
- The school will keep records of complaints
- The school's insurer will be informed if a complaint could be connected to an insured risk.

## Responsibilities

### School

The school has the following role and responsibilities:

- Develop, implement, promote and act in accordance with the school's Dispute Resolution Policy and procedures
- Appropriately communicate the school's Dispute Resolution Policy and procedures to students, parents and employees
- Ensure that the Dispute Resolution Procedures are readily accessible by staff, students and parents
- Upon receipt of a complaint, manage the complaint in accordance with the Dispute Resolution procedures
- Ensure that appropriate support is provided to all parties to a complaint
- Take appropriate action to prevent victimisation or action in reprisal against the complainant, respondent or any person associated with them
- Appropriately implement remedies
- Appropriately train relevant employees
- Keep records
- Conduct a review/audit of the Dispute Resolution Register from time to time
- Monitor and report to the governing body on complaints
- Report to the school's insurer when that is relevant
- Refer to the school's governing body immediately any claim for legal redress.

### All Parties to a Dispute

The complainant and respondent have the following role and responsibilities:

- Apply and comply with the school's Dispute Resolution Policy and procedures
- Lodge disputes promptly as soon as possible after the issue occurs or as otherwise appropriate
- Expect that the dispute will be dealt with fairly and objectively; in a timely manner; with procedural fairness wherever practicable; that natural justice principles will be observed wherever practicable; that confidentiality and privacy will be maintained as much as possible
- 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 understanding of each other's point of view and value difference, rather than judge and 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 responsibilities 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 Complaints

Employees receiving disputes have the following role and responsibilities:

- Act in accordance with the school's Dispute Resolution Policy and procedures
- Inform the party lodging the dispute of how disputes can be lodged, when they should be lodged and what information is required

- Provide the complainant with information about any support or assistance available to assist them in lodging their complaint
- Provide the complainant with a copy of the school's Dispute Resolution Policy and procedures or direct to administration
- Maintain confidentiality
- Keep appropriate records
- To forward complaints to more senior employees, including the Principal, as appropriate
- To be appropriately supported
- Not victimise or act in reprisal against the complainant, respondent or any person associated with them

## Implementation

- Caboolture Montessori School is committed to raising awareness of the process for resolving disputes at the school, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of the policy and procedures.
- The School is also committed to appropriately training relevant employees (especially senior staff) on how to resolve disputes in line with this policy and the related procedures.
- The School will keep appropriate records of disputes, will monitor disputes and their resolution and will report on a high-level basis to the school Board on dispute resolution at the school.
- The School 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.

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## Dispute Resolution Procedure

### Rationale

Problems are likely to arise if affected parties feel that the school is not open to their concerns. It is better to have a direct complaint to a member of staff than to have *stakeholders* sharing their dissatisfaction with others. Complainants like to feel valued and involved with the school and they should be encouraged to voice their concerns. This is more likely to occur where the culture of the school is open and complaints are received in a positive manner.

An expression of concern, or a simple query, may grow into a painful matter if parents or students or any *stakeholder* feel they have been brushed aside. Equally, issues with the potential to become acutely difficult may dwindle and fade if they are handled well at the initial stage.

The key principles for the handling of complaints are:

- The school is open to the concerns of complainants
- Complaints are received in a positive manner
- Complainants can expect to be taken seriously and can approach any member of staff about their concerns
- Information about complaints is clear and readily available
- Concerns are dealt with speedily and those who have raised them are kept informed about progress
- It is not acceptable for students to receive adverse treatment because they or their parents have raised a complaint
- Clear confidential files and a log are kept
- Confidentiality is respected and maintained so far as is possible
- Resolution of the matter is sought
- Staff training covers the handling of complaints

The school will ensure that all members of staff have appropriate training in handling complaints. Training will cover:

- the complaints procedure
- communication skills, such as listening, questioning and calming
- handling complaints, negotiation and mediation skills
- skills in observing, recording and reporting
- the benefits of handling complaints well and the consequences of handling them badly

## Parental Complaints

If a parent has a complaint, you, as a member of staff, should deal quickly and honestly with the complaint if you feel confident to do so. Such a complaint might be in relation to a subject grade, perceived unfair treatment of a late assignment, and so on.

If you do not feel confident about handling the complaint, you should consult with your Class Director, in the first instance, and with the Principal if you and the Class Director think it is warranted.

If the complaint is about an area that lies outside your responsibility you should report it to the Principal immediately.

Matters incapable of resolution at a particular level should be referred to the appropriate senior person, with parents kept informed of the action being taken. This covers, for example, a complaint made to a relatively junior member of staff about a more senior colleague.

Senior staff will recognise when issues need to go straight to the Principal, with whom the responsibility for most complaints lie.

Certain parents will wish to go straight to the Principal with their concerns, and this should be respected. However, it should be explained that the Principal might not be able to respond until he/she has consulted the staff members who can help.

The Principal will share serious complaints with the President of the Board. If a serious complaint is about the Principal, parents are encouraged to speak to the Principal if possible and then write to the President, whose address will be supplied on request.

If you receive a complaint and decide to respond to the parent or student in writing, you should also discuss your response with the Principal, who will co-sign the response.

Make sure you are clear about the nature of the complaint before you respond. If it is not immediately obvious:

- the parents may need more time to explain;
- they could be asked to put their complaint in writing;
- it may be helpful to discuss possible outcomes.

### **All complaints need to be taken seriously.**

It is the policy of the school that all complaints will be acknowledged immediately; or within five working days if the matter is complex. You should inform parents about what is happening to their concern or complaint, and, if a more detailed response is needed, by what date it will be received. The issue should be dealt with as quickly as possible.

## Recording

Details of complaints should be recorded on a Complaints Reporting Form, available from administration. This form contains the following information:

- date when the issue was raised
- name of complainant
- name of pupil (if applicable)

- brief statement of issue
- member of staff handling the issue
- brief statement of outcome

It is important that you record the details of the complaint accurately as:

- it may become the cause of legal action in the future;
- patterns in the record may indicate a need for action; and
- the Principal should be able to check the log and report on it regularly to the Board.

A file is kept in the Principal's office where all information about complaints, including Complaint Recording Form and supporting documentation must be maintained. These files are confidential and are only to be accessed by members of school staff in the presence of the Principal. The files should contain simple but clear notes of all conversations with parents about any source of dissatisfaction. This applies to friendly chats and to telephone conversations, as misunderstandings easily arise. There should be a clear statement of what is concerning the complainant(s). The notes can be reviewed and agreed with parents.

## **Confidentiality**

Confidentiality is an important issue for students, parents and staff. It is essential that any complaint is treated in a confidential manner and with respect.

Parents often seek an assurance of confidentiality before expressing their concerns. If, for example, they wish to discuss a particular member of staff, they may fear that their child will suffer in some way because they have complained.

It should be made clear to all concerned that it is the school's policy that complaints made by parents should not rebound adversely on their children and similarly that complaints raised by students should not rebound on them or on other students.

The question of confidentiality should be discussed sensitively and on an individual basis with the parents and the school's policy should be carefully explained.

It may be possible to deal with a problem without naming individuals. However, even if no names are given, the source of the complaint may be clear. Depending on the nature of the complaint and on the circumstances, it may be impractical to investigate without identifying the member of staff or the child – it may also be in the interest of the child to do so.

Members of staff are rightly concerned that they should know about complaints that might be damaging to their reputation. Such complaints will be known only to themselves and to those who have to be consulted. The school will provide support for staff against whom a complaint is made, upon request; this will be provided by a colleague who is not otherwise involved.

If there is a situation involving the police, the Principal will take responsibility for action in the school and the Governing Body President will be informed as soon as possible.

## **Anonymous Complaints**

Anonymous complaints may be where there is no indication of either name or address, or where the complainants say that they do not wish to be identified. They may come from members of the public, from parents or from students.

Complaints from the public about the behaviour of a group of students will be dealt with on a general basis, with reminders to all about the school's expectations.

Complainants should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, it is at the Principal's discretion as to what action, if any, should be taken, depending on the nature of the complaint.

Anonymous complaints will be recorded in the log.

**Anonymous allegations about child abuse should be dealt with as outlined in the school's Child Protection Policy.**

Complainants may be satisfied the situation has been resolved by any of the following:

- knowing that changes have been made, and that matters will be different in future
- knowing that the school is now alert to a possible problem
- feeling that their concern has been considered seriously
- an outcome which may be different from the one they sought, but which they perceive to be well-considered
- a considered letter
- an apology

In all cases where time has been needed to investigate a complaint, parents will receive a report in writing which covers:

- the issues raised
- how the issues were considered
- the people consulted
- the action that is to be taken
- an apology, if appropriate

**Intractable Complaints**

There may be a small minority of persistent or aggressive complainants who will never be satisfied, whatever the school does. The school may even discover on investigation that the complaint was without foundation or motivated by malice. Nevertheless, it is wise to treat all complaints seriously and to follow the procedures.

Most complaints can be resolved if approached positively. If a complaint becomes intractable, it may be due to its nature or to the way in which it was handled, or possibly because the parent perceives the school to have 'closed ranks' against him or her.

There are different stages of action to be taken with intractable complaints:

**Referral to the President of the Board**

In most cases, the procedure will be that the Principal refers the matter to the President of the Board and informs the parents that this stage has been reached. However, a situation may arise where the complaint seems to the parent to have been mishandled by the Principal. In those circumstances, the parent should be able to write direct to the President.

The President will discuss the matter fully with the Principal and be provided with relevant documentation. If a briefing is required from a member of staff, this will occur in the presence of the Principal.

The President will respond to the parents, notifying them that he/she is reviewing the matter, asking them if they wish to add anything further and providing a date by which they may expect a response.

The President may be able to offer a new approach to the matter, and this may satisfy the parents. The President's response will be clear and detailed, and will offer a meeting if the parents remain troubled.

Disputes should be put in writing to [secretary@mbma.asn.au](mailto:secretary@mbma.asn.au).

**Meeting with the President of the Board**

If a meeting is requested, the President will offer to meet the parents at a time convenient to them. Those involved are:

- the President of the Board
- the Principal and, at the most, one other member of staff
- the parents

Parents are encouraged to bring with them a supportive friend who is not involved with the complaint. Legal representation is not appropriate at this stage.

The President, after questioning and listening to the parents and the Principal, may be able to find a solution. If this is not possible, and the parents wish to take the matter further, the President could consider seeking the advice of an independent arbitrator.

## **Referral to a Conciliation Committee**

The school may establish a Conciliation Committee if resolution by the Principal and the President of the Board has failed. The Conciliation Committee is composed of a convener, independent of the school, and up to four other members, two of whom will be members of the Board (excluding the President).

The President of the Board, in consultation with the Principal, decides when to refer a complaint to the Conciliation Committee, and invites the convener to call a meeting. The President has no further involvement until the convener reports back at the end of the committee's deliberations.

## **Meeting with the Conciliation Committee**

Those involved in the meeting are:

- up to five Committee members, including the convener;
- the Principal, and possibly a key member of staff; and
- the parents, who are invited to bring a support person, as for the meeting with the President of the Board.

A sufficient amount of time is committed to the meeting, in case it is needed.

The parents and the Principal are asked in advance whether there are any papers they would like to have considered at the meeting, bearing in mind the need for all to keep the proceedings confidential. The papers are copied and distributed before the meeting.

The convener will emphasise that he or she is concerned to reach a positive conclusion and will invite first the parents, then the Principal to speak. After this, the convener encourages questions and general discussion.

The convener may find it helpful at some point to invite the Principal, the parents and their friend to withdraw from the discussion for a time, leaving the Committee alone.

If more time is required, it may be necessary to convene a second meeting. If so, Committee members must commit themselves to attend, as continuity is essential.

If a positive solution is reached, the convener will summarise the outcome and confirm the nature of the agreement before the meeting disperses. The agreement will be recorded, copied and circulated as soon as possible.

At the end of the Committee's deliberations, the convener will make a full report to the Board President and inform the parents that this is being done. The President would be expected to endorse the Committee's decision.

## **Further Action**

Some independent schools may have a person designated as a 'visitor' to whom complaints may be referred if they have not been resolved within the school.

## **Employee Grievances**

The Caboolture Montessori School 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 Principal 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.



Grievance resolution is an integral part of the Principal's duties. The Principal has a responsibility to identify, prevent and address problems in the workplace.

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.

## Procedure

1. Before initiating the grievance procedures, complainants are encouraged to try to resolve any grievance directly with the person(s) concerned. If this is not possible or appropriate, the complainant should proceed to Step 2 of the grievance procedure.
2. Where the complainant has been unable to resolve the grievance him/herself, the complainant should take the matter up with the Principal. Where the grievance involves the Principal, the staff member should refer the matter to the Board.
3. The Principal will address the grievance with a view to resolving it expeditiously, normally within two weeks of receiving the complaint.
4. Following resolution of the grievance, the Principal will monitor the situation to ensure that the resolution has been effective.
5. In any action taken, the Principal will ensure procedural fairness for all parties involved, including informing any respondents of the allegations made against them and providing them with an opportunity to respond.
6. If the complainant believes the grievance has not been resolved to their satisfaction by reference to the Principal, they can refer the matter to the Board. The Board may require the complainant to put the grievance in writing. The Board will attempt to resolve the matter within two weeks of receiving the grievance and will follow similar procedures outlined above for action by the Principal.
7. If the grievance remains unresolved, it may be referred in writing to an independent person by the complainant or the Board.
8. After giving due consideration to the grievance the independent person may do one or more of the following:
  - refer the complaint back to the Board or to a nominee, with advice for resolution; or
  - initiate an investigation into the matter; or
  - seek to resolve the matter directly.

## Outcomes

Outcomes could include:

- the complainant gaining a better understanding of the situation and no longer being aggrieved;
  - the complainant receiving a verbal or written apology;
  - the respondent receiving a verbal or written reprimand;
  - one or both parties agreeing to participate in some form of counselling; and
  - disciplinary action where the School Code of Conduct has been found to have been breached, and/or where misconduct/serious misconduct or unsatisfactory performance has occurred.
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### Policy Release Details

**Date of Policy**

July 2019

**Review Schedule**

Every 2 years, in consultation with students, staff and parents

**Supersedes**

V2.0

**Approved by Principal**

Signature ..... Date ..... / ..... / .....

**Approved by Board**

Signature ..... Date ..... / ..... / .....

**Related Policies and Documents**

Anti-Bullying Policy  
 Anti-Discrimination Policy  
 Behaviour Management Policy  
 Child Protection Policy  
 Disability Discrimination Policy  
 Enrolment Policy  
 Parent Code of Conduct

Privacy Policy  
 Sexual Harassment Policy  
 Staff Code of Conduct  
 Student Code of Conduct  
 Workplace Bullying Policy  
 Work Health and Safety Policy

### Policy Distribution

Restrict Distribution – Internal Use Only	<input type="checkbox"/>	(reason)
Immediate Parent Email Distribution	<input type="checkbox"/>	Date completed:
Immediate Staff Email Distribution	<input type="checkbox"/>	Date completed:
Staff Training Required	<input type="checkbox"/>	Date completed:
Intranet	<input checked="" type="checkbox"/>	
Staff Manual	<input type="checkbox"/>	
Include in Staff Induction Training	<input type="checkbox"/>	
Parent Lounge	<input checked="" type="checkbox"/>	
Parent Manual	<input checked="" type="checkbox"/>	
Website (public)	<input checked="" type="checkbox"/>	
Other (provide details)	<input type="checkbox"/>	