

# Trinity College Gladstone

## Dispute Resolution Policy & Procedure

<b>Purpose:</b>	The purpose of this policy is to ensure that student, parent and employee disputes are dealt with in a responsive, efficient, effective and fair way.	
<b>Scope:</b>	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.	
<b>Status:</b>	Approved	<b>Supersedes:</b> Complaints Policy
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> 16 <sup>th</sup> September 2019
<b>References:</b>	<ul style="list-style-type: none"> <li>• <i>Education (Accreditation of Non-State Schools) Regulations 2001</i></li> <li>• <i>Australian Education Regulations 2013</i></li> <li>• <i>Fair Work Act 2009</i></li> <li>• <i>Work Health and Safety Act 2011 (Qld)</i></li> <li>• <i>Privacy Act 1988 (Cth)</i></li> <li>• <i>Anti-Discrimination Act 1991 (Qld)</i></li> <li>• <i>Australian Human Rights Commission Act 1986 (Cth)</i></li> <li>• <i>Sex Discrimination Act 1984 (Cth)</i></li> <li>• <i>Age Discrimination Act 2004 (Cth)</i></li> <li>• <i>Disability Discrimination Act 1992 (Cth)</i></li> <li>• <i>Racial Discrimination Act 1975 (Cth)</i></li> <li>• <i>Whistleblower Policy</i></li> <li>• Trinity College Child Protection Policy</li> <li>• Trinity College Work Health and Safety Policy</li> <li>• Trinity College Anti-Discrimination Policy</li> <li>• Trinity College Sexual Harassment Policy</li> <li>• Trinity College Disability Policy</li> <li>• Trinity College Workplace Bullying Policy</li> <li>• Trinity College Privacy Policy</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> June 2024
<b>Policy Owner:</b>	School Governing Body	

## **Policy Statement**

Trinity College is committed to ensuring that student; parent and employee disputes are dealt with in line with Biblical Principles through ways that are responsive, efficient, effective and fair.

*‘Therefore, as God’s chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience. Bear with each other and forgive whatever grievance you may have against one another. Forgive as the Lord forgave you. And over all these virtues put on love, which binds them all together in perfect unity.’ Colossians 3:12-14.*

Trinity College views complaints and disputes as part of an important feedback and accountability process. Trinity College acknowledges the right of students, parents and employees to complain when dissatisfied with an action, inaction or decision of the school and the school encourages such feedback. Trinity College recognises that time spent on handling disputes can be an investment in better service to students, parents and employees.

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

Trinity College encourages students, parents and employees to promptly lodge concerns regarding sexual harassment, discrimination, workplace bullying, 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;
- issues of student or employee behaviour that are contrary to their relevant Trinity College Code of Conduct;
- learning programs, assessment and reporting of student learning;
- Communication with students or parents or between employees;
- 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 Student Bullying Process or the Behaviour Management Procedure.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the Discipline Procedure.
- Employee complaints related to their employment should be directed to their supervisor.
- Student or employee violence or criminal matters should be directed to the Principal who will involve the Police as appropriate.

### **Dispute Resolution Principles**

Trinity College is committed to managing disputes according to the following principles:

- Disputes will be resolved with as little rigmarole and disruption as possible;
- Disputes will be taken seriously;
- Anonymous complaints will be treated on their merits like any other dispute when possible;
- Disputes will be dealt with fairly and objectively and in a timely manner;
- Mediation, negotiation and informal resolution are optional alternatives to investigation;
- Procedural fairness will be ensured wherever practicable;
- Natural justice principles will be observed wherever practicable;
- Confidentiality and privacy will be maintained as much as possible;
- All parties to the dispute will be appropriately supported;
- All parties are entitled to reasonable progress updates;
- Appropriate remedies will be offered and implemented;
- A review mechanism will be offered;
- Complainants, respondents and people associated with them will not be victimised as a result of lodging the dispute nor will they suffer any other reprisals;
- The school will keep confidential records of disputes.

### **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 and the College's Workplace Bullying Policy;
- Appropriately communicate the school's Dispute Resolution Policy and procedures to students, parents and employees;
- Upon receipt of a dispute, manage the dispute in accordance with the Dispute Resolution model prescribed in the procedures;
- Ensure that 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;
- Appropriately train relevant employees;
- 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 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 Disputes***

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;
- 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**

Trinity College 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.

Trinity College 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.

Trinity College will keep appropriate records of disputes in the Complaints Register, will monitor disputes and their resolution and will report on a high-level basis to the school Board on dispute resolution at the school.

Trinity 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**

In cases where the complaint is regarding the Principal, the relevant documentation is to be addressed to the Chairman of the Board, marked "Confidential – Formal Complaint".

All documentation is to be handed to College Administration, who will document the receipt of the complaint and forward it on.

All other complaints and other documentation are to be submitted to the Principal by the Complainant.

Where appropriate complaints will be made into the Complaints Register.

The Principal and another senior staff member (with, as necessary, external advice) will decide how best to manage the complaint. This may include; but not limited to:

- Handling the complaint under a specific College Policy – if applicable;
- Mediation;
- Internal investigation by appropriate senior staff;
- Engaging an external person to investigate the complaint.

The Principal will, where confidentiality allows, meet the alleged Offender/Respondent before any final determination is made to inform him/her of the complaint, all details and copies of documents. The Principal will invite the Respondent to respond then and there, if he/she wishes or at a later time.

The Principal will inform both Complainant and Respondent of the Formal Complaint process decided upon, to address the complaint.

Both parties are invited to have support persons of their choice at all stages of the proceedings.

If mediation has been decided upon, an outside mediator or other mediator agreeable to both parties will be engaged.

- The mediation will take place;
- Both parties will be requested to support any outcome;
- Both parties will be requested to sign on the outcome agreed upon;
- The matter will be monitored at set intervals subsequently.

If the Principal decides the matter needs to be looked into internally; a senior staff member who does not have conflict of interest, will be delegated as Complaint Manager for the complaint in question. The complaint manager can be the Principal.

- Relevant members of staff, students and parents will be interviewed;
- The Complaint Manager will meet with College senior staff to give a summary of the matter;
- The Principal and College senior staff (at the discretion of the Principal) and any external adviser will decide on the outcomes;
- The Principal will put such outcomes in place.

If an investigation by an outside investigator is decided to be appropriate:

- The outside investigator will be engaged as the Complaint Manager;
- The investigator will attend the school to interview both parties and relevant witnesses as nominated by complainant, respondent and investigator.

Where a formal complaint has been lodged, the following type of evidence may be sought and collected as relevant or required.

- Supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker;
- Supervisor's report and personnel records (e.g. sudden increase in sick leave);
- Complaints or information provided by other employees about the behaviour of the alleged person causing the concern;
- Records kept by the person who has the concern;
- Whether the parties presented the evidence in a credible and consistent manner;
- The absence of evidence where it should logically exist.

The outside investigator will provide a report of the investigation including recommendations to the Principal. The report is privileged to the Principal and Board.

The Principal will:

- Decide on the most appropriate outcomes in view of the report and recommendations;
- Inform the Complainant and the Respondent of the outcomes;
- Put in place any outcomes of the investigation;

These may include disciplinary outcomes for staff and students.

Outcomes may include any combination of the following:

- Counselling
- Disciplinary action against the person complained about (e.g. demotion, suspension, probation or dismissal);
- Official warnings that are noted on the personnel file;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- Formal apologies;
- Reimbursing any costs associated with the issue of concern.

Outcomes decided upon will depend on factors such as:

- The severity and frequency of the issue causing concern;
- The weight of the evidence;
- The wishes of the person who is making the complaint;
- Whether the person causing the problem could have been expected to know that such behaviour was a breach of policy/unprofessional conduct;
- The level of contrition;
- Whether there have been any prior incidents or warnings.