

## DISPUTE RESOLUTION & COMPLAINTS POLICY and PROCEDURE

### PURPOSE

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.

### 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.

### POLICY STATEMENT

Hillcrest Christian College is a complex organisation encompassing students, parents and staff. Hillcrest Christian College values these people and believes that a process for the acceptance, monitoring and resolution of conflict, complaints and grievances is in the best interests of maintaining a harmonious, supportive and productive College community.

Hillcrest Christian College is committed to ensuring that student, parent and employee disputes are dealt with in a responsive, efficient, and effective and fair way. Hillcrest Christian College views complaints and disputes as part of an important feedback and accountability process. Hillcrest Christian 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. Hillcrest Christian College recognises that time spent on handling disputes can be an investment in better service to students, parents and employees.

### REFERENCES

Education (Accreditation of Non-State Schools) Regulations 2001  
Australian Education Regulations 2013  
Fair Work Act 2009  
Work Health and Safety Act 2011 (Qld)  
Privacy Act 1988 (Cth)  
Anti-Discrimination Act 1991 (Qld)  
Australian Human Rights Commission Act 1986 (Cth)  
Sex Discrimination Act 1984 (Cth)  
Age Discrimination Act 2004 (Cth)  
Disability Discrimination Act 1992 (Cth)  
Racial Discrimination Act 1975 (Cth)  
Hillcrest Christian College Enterprise Bargaining Agreement  
Hillcrest Christian College Child Protection Policy, B104  
Hillcrest Christian College Child Protection Risk Management Strategy Policy, B105  
Hillcrest Christian College Work Health and Safety Policy, B209  
Hillcrest Christian College Anti-Discrimination Policy, B217  
Hillcrest Christian College Harassment - Sexual Policy, B207  
Hillcrest Christian College Disability Discrimination Policy, B216  
Hillcrest Christian College Harassment - Workplace Bullying Policy, B208  
Hillcrest Christian College Privacy Policy, B210

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

Hillcrest Christian College encourage 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 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 Hillcrest Christian College Child Protection Policy, B104.
- Student bullying complaints should be dealt with under the Hillcrest Christian College - Harassment - Student Bullying Policy, B209 or Positive Behaviour Management Policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the Discipline Policy
- Student or employee violence or criminal matters should be directed to the Executive Head of College who will involve the Police as appropriate

### DEFINITIONS

**Complainant:** any person who has a grievance. This may include any member of staff, employee, parent or student

**Grievance:** any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified

**Dispute Resolution Policy:** the procedure and objectives set out in this document

**Dispute Resolution Procedure:** the procedure defined in this dispute resolution policy

**Respondent:** any person against whom a grievance is brought

**College Board:** means governing body of the College

**The College:** Hillcrest Christian College

#### Confidentiality

- The College is committed to the confidentiality of all complaints, at all steps in the process of their dispute resolution.
- Only the College and persons directly involved in a grievance will have access to information the subject of the grievance. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved.
- Complainants and respondents have a duty to uphold strict confidentiality during the grievance procedure for the safety and consideration of others that may be involved.  
Complainants and respondents must not publicise the grievance or the progress of its resolution. The School considers any breach of confidentiality a serious issue worthy of disciplinary action if warranted.
- Any documents created or dealt with during the course of the procedure will be marked “confidential” and put in a safe place. These documents may only be accessed by the parties involved in the grievance or by the College if the matter impacts upon the review of this policy.
- Although the College is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person’s right to confidentiality. For example, a person’s health and safety may be at risk, or the grievance may involve criminal activity. In these circumstances, the College will always prioritise the safety of the students, staff and wider community.

#### Time Limit

The College will try to resolve all grievances as quickly as possible. However, the timeframe for resolution of a grievance will depend on the complexity, nature and scope of the grievance.

#### Dispute Resolution Principles

The College is committed to managing disputes 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 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 College will keep confidential records of disputes

#### RESPONSIBILITIES

##### *The College*

The College 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
- 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 Executive Head of College, as appropriate
- To be appropriately supported
- Not victimise or act in reprisal against the complainant, respondent or any person associated with them

#### Implementation

Hillcrest Christian College is committed to raising awareness of the process for resolving disputes at the College, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of the policy and procedures.

Hillcrest Christian College is also committed to appropriately training relevant employees (especially senior staff and Executive) on how to resolve disputes in line with this policy and the related procedures.

Hillcrest Christian College will keep appropriate records of disputes, will monitor disputes and their resolution and will report on a high-level basis to the College Board on dispute resolution at the College.

Hillcrest Christian College will act to encourage students, parents and employees to contribute to a healthy College culture where disputes are resolved with as little formality and disruption as possible.

Hillcrest Christian College has appointed an employee as an Equity Contact Officer to provide confidential and impartial information to College staff about the College's relevant policies and processes.

#### DISPUTE RESOLUTION PROCEDURE

**Step 1:** In the first instance, grievances should be taken, by the aggrieved person, to the person who they believe has grieved them. Resolution of the matter between these two individuals would result in an end of the grievance.

It should be noted that should the aggrieved person not feel comfortable approaching the person who they allege has grieved them, then the aggrieved person shall be able to raise the grievance with the most relevant member of the College Leadership team.

**Step 2:** If resolution is not possible from the Step 1, a mediator, agreed to by both parties, should be appointed to help resolve the grievance (e.g. senior staff member or Executive).

**Step 3:** If resolution is not forthcoming from Step 2, then a formal complaint outlining the grievance, and the steps that have been taken towards resolution, should be made in writing to the Executive Head of College.

**Step 4:** The respective Executive staff member will investigate the matter and make a finding. The Executive Head of College if necessary, will make a determination on the matter.

Right of appeal exists to the Board through the Board Chairperson who is to ensure that the correct procedures have been followed.

#### COMPLAINTS PROCEDURE

Person(s) with a complaint concerning the manner that the College conducts its responsibilities have access to the following procedure:

##### Informal Complaint

**Step 1:** The initial stage of any complaint shall be for the complainant to communicate directly with the operational representative of the College, e.g. the teacher, who will endeavour to resolve the matter.

It should be noted that should the complainant(s) not feel comfortable approaching the person they have the complaint against, then the complainant(s) shall be able to raise the complaint with the most relevant member of the College Leadership team.

**Step 2:** The complainant(s) dissatisfied with the outcome of the complaint as outlined in Step 1, may then complain to the relevant member of the Executive team or Executive Head of College, who will endeavour to resolve the issue.

**Step 3:** Person(s) dissatisfied with the outcome of the complaint outlined in Step 2, may initiate a 'formal complaint.'

### Formal Complaint

- formal complaints may only proceed after the informal complaint procedure has been finalized
- the complaint and its outcome shall be recorded in writing
- on receipt of a formal complaint the Executive Head of College shall convene an independent panel to hear the complaint; this shall be the 'complaint committee'
- the complaint committee shall not have had previous involvement with the complaint and should include representatives of the Executive Head of College, teaching staff and an independent staff member
- the complainant shall be given an opportunity to present his/her case to the committee and may be accompanied by one other person as support or as representation
- the relevant staff member shall be given an opportunity to present his/her case to the committee and may be accompanied by one other person as support or as representation
- the complaint committee will make a decision on the complaint
- the complaint committee will communicate its decision on the complaint to all parties in writing within 5 working days of making its decision.

*Policy Owner | College Board*