

# Dispute and Complaint Resolution Policy and Procedures – Head Office

Section Number	Operations 6r
Version	4
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## Executive Summary:

The purpose of this Policy is to ensure a complaint lodged, against staff in the ASC Head Office, by a member of the ASC community (past and present), will be resolved in an appropriate, prompt and professional manner. It is designed to assist the ASC Head Office to resolve conflict in an appropriate and satisfactory way. It is written with the understanding that, in most cases, matters are best resolved at the local level.

## Key Actions:

- Publish the Dispute and Complaint Resolution Policy and Procedures on the ASC website.
- Make available alternative formats for receiving complaints.
- The complainant is contacted within the agreed timeframes.
- Maintain a Complaints Register capturing key information.

**NB:** The list above is not exhaustive, and the Policy should be read in full to understand all obligations.

## 1. PURPOSE

- 1.1. The Anglican Schools Commission (ASC) is committed to ensure that a complaint lodged by a member of the ASC community (past and Present) will be resolved in an appropriate, prompt and professional manner. The ASC community includes staff, parents, guardians, and students.
- 1.2. The ASC seeks to be a caring Christian community, where people are in harmony with each other. Therefore, this Policy is designed to assist with the resolution of conflict in an appropriate and satisfactory way.
- 1.3. This Policy is written with the understanding and experience that, in most cases, matters are best resolved at the local level.

## 2. SCOPE

- 2.1. The following Policy applies to complaints against staff in the Head Office of the Anglican Schools Commission (ASC) to ensure that disputes and complaints are addressed fairly, objectively and in a timely manner.

## 3. PRINCIPLES

This Policy is based on a number of fundamental principles.

- 3.1 Natural justice must be exercised in resolving any dispute or complaint. This requires that both parties receive a fair hearing and that the final decision is made without bias.
- 3.2 The resolution to a dispute or complaint must exhaust all reasonable attempts at conciliation prior to an imposed arbitrated decision.
- 3.3 Individual cases must be examined on their own merits.
- 3.4 Resolutions must take into account the principles of justice, and compassion.
- 3.5 Appropriate confidentiality must be respected by all parties.
- 3.6 The Chief Executive Officer (CEO) has the responsibility to attempt to resolve a dispute or complaint with the parties directly involved.
- 3.7 Parties may appeal to the Chair of the Board the decision made by the CEO.
- 3.8 Where a dispute or complaint involves the CEO, the matter shall be referred in writing directly to the Chair of the Board. In this instance, the Board Executive has the responsibility to attempt to resolve a dispute or complaint with the parties directly involved.

## 4. PROCEDURES

The following procedures will apply in relation to this Policy:

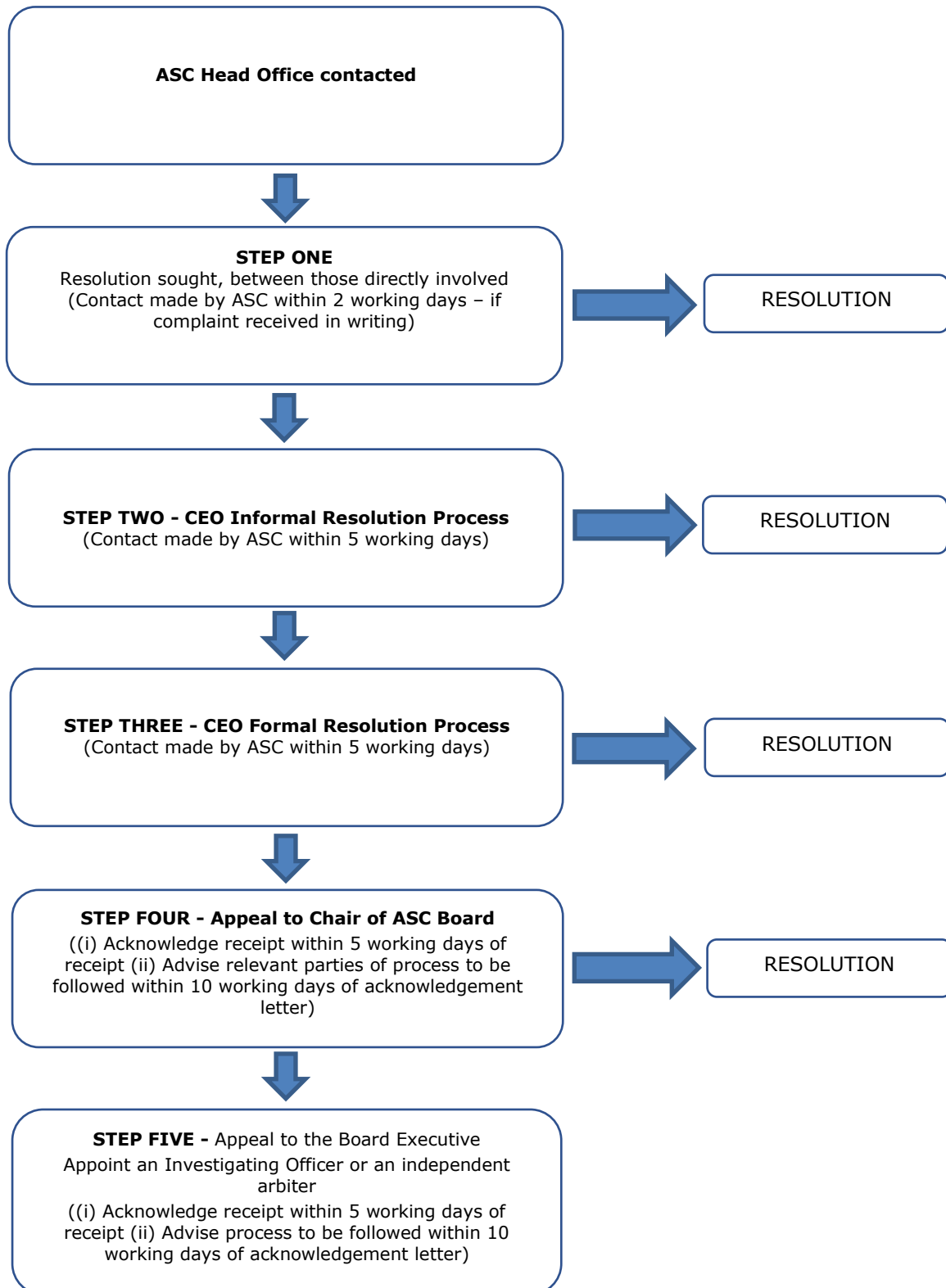
- 4.1 This Policy and Procedures document will be published on the ASC website.
- 4.2 The CEO will maintain an appropriate Complaints Register recording all formal complaints and how they have been resolved. The task will be managed by the Director of Risk and Compliance.
- 4.3 Where other policies and procedures of the ASC exist that address specific matters (e.g., Child Safe etc) they shall be followed.
- 4.4 If the dispute involves an employment issue, the prescribed process in the relevant Enterprise Bargaining Agreement, Award or contract of employment shall be followed.

- 4.5 Each dispute or complaint resolution procedure followed shall ensure that all relevant parties:
- are informed in writing of the dispute or complaint.
  - have the opportunity to place their version on record.
  - have the opportunity to be represented if they so wish.
- 4.6 The resolution of a dispute or complaint, in the first instance, should be undertaken between the immediate parties involved.
- 4.7 Should the immediate parties involved fail to reach a resolution, then the CEO is responsible for undertaking a procedure to resolve any dispute or complaint within the Head Office. This procedure will only be initiated following a written complaint addressed to the CEO.
- 4.8 Where a dispute or complaint involves the CEO, the matter shall be referred in writing directly to the Chair of the Board.
- 4.9 Anonymous complaints may be where there is no name or address supplied, or where the complainants say they do not wish to be identified. Reassurance on the issue of confidentiality must be given to encourage them to disclose their name. If they persist in wishing to remain anonymous, the complaint will be accepted, recorded and evaluated. It is at the CEO's discretion as to what action, if any, will be taken, depending on the nature of the complaint and the information it may contain. Matters will be handled with appropriate confidentiality.
- 4.10 The CEO shall maintain records of the procedure and resolution to any formal dispute or complaint. These will include any statements made by the parties involved.
- 4.11 Records of any dispute or complaint shall be maintained in accordance with the ASC's Privacy Policy.
- 4.12 It is the responsibility of the CEO to attempt to reach a resolution between the parties where possible.
- 4.13 Failing to reach a resolution by agreement, the CEO shall make a decision. When this occurs, the CEO shall inform each party of the decision.
- 4.14 The CEO may call on outside mediation or restorative engagement, including the ASC's Employment Assistance Programme providers, to assist in the resolution of a dispute or complaint.
- 4.15 Any party may appeal the CEO's decision, in writing, to the Chair of the Board, whose decision will be final.
- 4.16 Where a dispute or complaint involves the CEO, the matter shall be referred in writing directly to the Chair of the Board. The Board Executive has the responsibility to attempt to resolve a dispute or complaint with the parties directly involved.
- 4.17 Any party may appeal the Chair of the Board's decision, in writing. In this instance, the matter will be referred to the ASC Board Executive whose decision shall be final and binding on all parties involved in the dispute or complaint.
- 4.18 If the circumstances in clause "4.17" above occur and the Board Executive considers that the complaint should be investigated further, the Board Executive may appoint an independent investigating officer (who is not an ASC Board Member, School Councillor or staff member), or an independent adjudicator, to assist the Board Executive make a determination.

The Visitor (as defined in the constitutions of the ASC) may play a role in this process, once all avenues of appeal have been exhausted, in accordance with the powers bestowed on the Visitor by the ASC Constitution.

- 4.19 The parties to the dispute or complaint shall be notified in writing of the findings of the appeal.
- 4.20 At the end of any dispute or complaint procedure, actions taken shall be evaluated and procedures reviewed.

## DISPUTE AND COMPLAINT RESOLUTION POLICY FLOWCHART – HEAD OFFICE



**NB:** The complainant will be advised if the CEO decides to omit STEP TWO due to the serious nature of the complaint.

Dispute and Complaint Resolution Policy and Procedures – Head Office

## **PROCEDURES FOR IMPLEMENTATION**

### **STEP 1: Local Resolution Process Between the Parties Directly Involved**

1. When a dispute or complaint arises, the parties involved shall attempt to resolve the issue between themselves in the first instance. If a complaint or concern is raised in writing, the complainant must be contacted within two (2) working days, to explain how the ASC proposes to proceed.
2. Step 1 will involve:
  - the complainant being provided with, or advised where they can obtain a copy of this document.
  - all parties having the opportunity to state their position in the matter, allowing each party the opportunity to fully understand the other parties' position.
  - all parties being willing to compromise in order to reach an agreed solution.
  - the complainant being given the opportunity to be represented.
  - advice being given to the complainant about the advocacy and support services available, if the complaint relates to child harm or abuse, and a mandatory report being lodged (if applicable).
3. For purposes of identifying patterns, a record of the complaint should be included in the ASC Complaints register. It may not be possible to complete every field in the register particularly if the complaint is resolved at an early stage.

### **STEP 2: CEO Informal Resolution Process**

**NB:** Where the dispute/complaint is of a serious nature that in the opinion of the CEO requires a formal resolution, the CEO shall proceed directly to the Formal Resolution Process (Step 3). The complainant will be advised if the CEO decides to omit Step 2 due to the serious nature of the complaint.

1. Where the parties directly involved cannot reach a resolution, the CEO should be approached to assist in the resolution of the matter.
2. The CEO (or nominee of the CEO) shall initially deal with the parties by:
  - providing all parties with the opportunity to state their position in the matter to allow the CEO to gain a thorough understanding of each party's position;and then deal with the specifics of the matter by:
  - asking the necessary questions to obtain a detailed response
  - asking what resolution would resolve the matter
  - agreeing on a resolution between the parties where possible
  - setting a timeline when actions to reach the resolution shall be taken
  - reporting to the parties when the resolution actions have been taken.
3. There are no formal written records required for such a resolution. The CEO will make a file note of the meeting.
4. For purposes of identifying patterns, a record of the complaint must be included in the ASC Complaints Register.

### **STEP 3: CEO Formal Resolution Process**

**NB:** The parties to the dispute/complaint shall be provided by the CEO with a copy of this document, at the commencement of this process.

1. When an informal resolution fails or when the CEO decides to move to the Formal Resolution Process immediately, the CEO shall:
  - contact the complainant in writing, within five (5) working days, to explain how the ASC proposes to proceed.
  - request in writing from the complainant information about the nature and details of the dispute/complaint.
  - record the specifics of the dispute/complaint including:
    - (a) the nature of the dispute/complaint;
    - (b) the parties involved;
    - (c) the parties' views of the matter and their suggested resolution;
    - (d) any substantiation provided;
    - (e) the provision to the parties of a proposed timeline for resolution.
  - make a decision based on the merits of the case and appropriately balance the principles of justice and compassion.
  - discuss the decision with the parties and provide the decision in writing within the proposed timeline.
2. The CEO may, after exhausting all reasonable attempts at conciliation, offer outside mediation or restorative engagement, including the service of providers such as ASC Anglicare Employee Assistance Programme, to assist in the resolution of a dispute or complaint, prior to any decision being made.
3. The CEO will maintain an appropriate Complaints Register recording all formal complaints and how they have been resolved.
4. Where a party to the dispute or complaint does not accept the CEO's decision, that party may appeal the decision to the Chair of the Board, after exhausting all reasonable attempts at conciliation. Where the dispute or complaint involves the CEO, the matter shall be referred in writing directly to the Chair of the Board. In this instance, the Board Executive has the responsibility to attempt to resolve a dispute or complaint with the parties directly involved.

#### **STEP 4: Appeal Process to the Chair of the Board**

1. Where an appeal to the Chair of the Board is lodged by a complainant against the decision of the CEO, or where the dispute or complaint involves the CEO, the following information must be provided to the Chair of the Board in writing for purposes of that appeal:
  - the notification of the appeal;
  - the nature and details of the dispute or complaint;
  - facts and/or documents that support or substantiate the dispute or complaint;
  - the decision made by the CEO (unless the complaint is against the CEO);
  - the complainant's proposed resolution to the matter.
2. On receipt of the written information, the Chair of the Board will acknowledge the receipt of the appeal in writing, within five (5) working days, and contact the CEO in writing outlining the dispute/complaint with the documentation provided by the complainant and discuss with the CEO the most appropriate way to proceed. Where the dispute or complaint involves the CEO (as opposed to an appeal of the CEO's decision in Step 3 above), the Chair will confer with the Board Executive prior to seeking to resolve a dispute or complaint with the parties directly involved.
3. The Chair of the Board will advise the CEO and any other relevant parties involved within ten (10) working days, as to the investigating procedure to be adopted regarding the appeal.

4. The Chair of the Board may call on outside mediation or restorative engagement, including the ASC's Employment Assistance Programme providers, to assist in the resolution of a dispute or complaint, prior to any decision being made.
5. Once the Chair of the Board is satisfied that the investigation has been completed, the Chair shall make a decision based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties. Where the dispute or complaint involves the CEO (as opposed to an appeal of the CEO's decision in Step 3 above), the Chair will convey the decision of the Board Executive or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.
6. The parties shall be notified in writing of the outcome of the appeal. A copy of all documentation will be placed on file by the Chair of the Board.
7. The CEO will ensure the Complaints Register is updated with the outcome of the review undertaken by the Chair of the Board. If the complaint involves the CEO, the DRC will ensure the Complaint Register is updated.

#### **STEP 5: Appeal Process to the Board Executive**

1. Where the complainant is appealing the decision of the Chair of the Board, the following information must be provided in writing to the ASC for purposes of the appeal (marked for the attention of the Board Executive):
  - the notification of the appeal;
  - the nature and details of the complaint or dispute;
  - the person/school against whom the complaint is made or with whom there is a dispute;
  - facts and/or documents that support or substantiate the dispute or complaint the decision made by the Chair of the Board;
  - the complainant's proposed resolution to the matter.
2. On receipt of the written information, the ASC Board Executive will acknowledge receipt within five (5) working days, and determine if Steps 1, 2, 3 and 4 have been undertaken by the complainant. Where these steps have not been undertaken, the matter will be referred back to the relevant step and the complainant advised accordingly.
3. Where Steps 1, 2, 3 and 4 have been undertaken, the CEO will appoint an Independent External Investigator (Investigator) (who is not an ASC Board Member, School Councillor or staff member). The Investigator will contact the Chair of the Board and CEO in writing outlining the dispute or complaint with the documentation provided by the complainant, and seeking a response from the ASC to the complaint.
4. The Investigator will advise the complainant, the Board Executive and any other relevant parties involved, within ten (10) working days of the acknowledgement letter, as to the investigating procedure to be adopted by the Investigator regarding the complaint.
5. Once the Investigator has completed the investigation, the Investigator shall make a recommendation to the Board Executive based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.
6. Within five (5) working days of receiving the Investigator's recommendation, the Board Executive shall notify the parties of the outcome of the appeal. A copy of all documentation will be placed on file at the office of the ASC.



7. The CEO will ensure that the Complaints Register is updated with the outcome of the review undertaken by the Investigator.

### Version Control

<b>Version</b>	<b>Date</b>	<b>Summary of Changes</b>
1	Feb 2019	New Policy
2	Feb 2020	Updated to align with recent changes to the Dispute and Complaints Resolution Policy – ASC schools.
3	Apr 2021	Clarify guidelines for managing a complaint – align with Dispute and Complaint Resolution Policy and Procedures (WA/NSW/VIC)  Include timeframes for responding to a complaint.  New Policy format
3a	Apr 2022	Annual review
4	Apr 2023	Annual review