

Seventh-day Adventist Schools (Northern Australia) Limited



Department: Education	Description: Policy
Administrative Area: Risk Management and Compliance	Type: Mandatory
Document Name: Complaints and Dispute Resolution	Issue Date: 26 February 2018
Document ID: NAS193.001.ADM	Review Date: Term 1 - 2020

Carlisle Adventist Christian College Complaints and Dispute Resolution Policy

Purpose:	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 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	
References:	<ul style="list-style-type: none"> • 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) • SDAS(NA)Ltd Sexual Harassment Policy (NAS189.001.ADM) • SDAS(NA)Ltd Workplace Bullying Policy (NAS202.001.ADM) • SDAS(NA)Ltd Disability Discrimination Policy (NAS203.001.ADM) • SDAS(NA)Ltd Anti-Discrimination Policy (NAS192.001.ADM) • SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM) • SDAS(NA)Ltd Workplace Health and Safety Policy and Procedures (NAS015.001.ADM) • SDAS(NA)Ltd Privacy Policy (NAS130.003.ADM) 	
Status:	Approved	Supersedes:
Policy Owner:	Seventh-day Adventist Schools (Northern Australia) Limited	
Authorised by:	Chief Executive Officer	Date of Authorisation: 19 February 2018
Approved by:	<p>This policy has been ratified by the Board of Directors of Seventh-day Adventist Schools (Northern Australia) Limited as the Complaints and Dispute Resolution Policy for Seventh-day Adventist Schools (Northern Australia) Limited.</p> <p>Pr Darren Slade Board of Directors Chairperson Date of Approval: 26/02/2018</p> <p>Natalie Scott Board of Directors Secretary Date of Approval: 26/02/2018</p>	
Review Cycle:	Reviewed Biennially (every two years)	Next Review Date: Term 1 - 2020
Review Team:	Board of Directors, NSSAB, Chief Executive Officer, Project Officers	

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<u>Revised by</u>	<u>Section</u>	<u>Details of Changes</u>
Steve Cowley (26 March 2018)	Whole document	As per BoD 'flying minute' of 26 February 2018: <ul style="list-style-type: none"> • document status changed from 'Draft' to 'Approved' • issue and approval dates changed to 26 February 2018 • names of BoD Chairperson and Secretary added • SDASNA changed to SDAS(NA)Ltd
Steve Cowley (6 April 2018)	Whole document	As per email from Jack Ryan 5 April 2018, changed Education Director and Chief Education Director titles to Chief Executive Officer

Rationale

Seventh-day Adventist Schools (Northern Australia) Limited is committed to ensuring that student, parent and employee complaints and disputes are dealt with in a responsive, efficient, effective and fair way.

Seventh-day Adventist Schools (Northern Australia) Limited views complaints and disputes as part of an important feedback and accountability process. Seventh-day Adventist Schools (Northern Australia) Limited acknowledges the right of students, parents and employees to complain when dissatisfied with an action, inaction or decision of the school or governing authority. Seventh-day Adventist Schools (Northern Australia) Limited recognises that time spent on handling disputes can be an investment in better services to students, parents and employees.

Types of Disputes that may be Resolved under this Policy

Seventh-day Adventist Schools (Northern Australia) Limited encourage students, parents and employees to promptly lodge concerns regarding sexual harassment, discrimination, workplace bullying and privacy breaches 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 the SDAS(NA)Ltd Performance and Conduct Policy (NAS200.001.ADM);
- 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 SDAS(NA)Ltd Child Protection Policy (NAS170.001.ADM);
- Student bullying complaints should be dealt with under the SDAS(NA)Ltd Student Bullying Policy (NAS195.001.ADM) or SDAS(NA)Ltd Positive Behaviour Management Policy (NAS196.001.ADM);
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the SDAS(NA)Ltd Student Discipline Policy (NAS197.001.ADM);
- 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.

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Dispute Resolution Principles

Seventh-day Adventist Schools (Northern Australia) Limited 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 school will keep confidential records of disputes.

Responsibilities

System Responsibilities

Seventh-day Adventist Schools (Northern Australia) Limited acknowledges its responsibility to manage disputes in accordance to the *Dispute Resolution Principles* and will undertake the following steps to appropriately respond to any complaints or grievances:

- Develop, implement, promote and act in accordance with the SDAS(NA)Ltd Complaints and Dispute Resolution Policy (NAS193.001.ADM) and SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM);
- 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 train relevant employees;
- Keep appropriate records.

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School Responsibilities

The education entities of Seventh-day Adventist Schools (Northern Australia) Limited acknowledges their responsibility to manage disputes in accordance to the *Dispute Resolution Principles* and will undertake the following steps to appropriately respond to any complaints or grievances:

- Implement, promote and act in accordance with the SDAS(NA)Ltd Complaints and Dispute Resolution Policy (NAS193.001.ADM) and SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM);
- Appropriately communicate the SDAS(NA)Ltd Complaints and Dispute Resolution Policy (NAS193.001.ADM) and SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM) to students, parents and employees;
- Upon receipt of a dispute, manage the dispute in accordance with the model prescribed in SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM)
- 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 both have the following role and responsibilities:

- Apply and comply with the SDAS(NA)Ltd Complaints and Dispute Resolution Policy (NAS193.001.ADM) and SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM);
- 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,
 - Adhering to procedural fairness wherever practicable,
 - Observing natural justice principles wherever practicable,
 - Maintaining confidentiality and privacy as much as possible;
- Providing complete and factual information in a timely manner, rather than providing deliberately false or misleading information;
- Act in good faith, and in a calm, courteous and non-threatening manner;
- Show respect and understanding of each other's point of view and value difference, rather than judge and blame;
- Acknowledge that a common goal is to achieve an outcome acceptable to all parties, recognising that all parties have rights and responsibilities which must be balanced;
- Maintain and respect the privacy and confidentiality of all parties;
- Not make frivolous or vexatious complaints, nor victimise or act in reprisal against any party to the dispute or any person associated with them.

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Employees Receiving Disputes

Employees receiving disputes have the following role and responsibilities:

- Act in accordance with the SDAS(NA)Ltd Complaints and Dispute Resolution Policy (NAS193.001.ADM) and SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM);
- Inform the party lodging the complaint or grievance 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 SDAS(NA)Ltd Complaints and Dispute Resolution Policy (NAS193.001.ADM) and SDAS(NA)Ltd Complaints and Dispute Resolution Procedures (NAS194.001.ADM);
- Maintain confidentiality and keep appropriate records;
- To forward complaints to more senior employees, including the Principal, as appropriate;
- To be appropriately supported while the dispute resolution is processed;
- Not victimise or act in reprisal against the complainant, respondent or any person associated with them.

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Implementation

Seventh-day Adventist Schools (Northern Australia) Limited is committed to raising awareness of the process for resolving disputes at each of its educational entities, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of the policy and procedures.

Seventh-day Adventist Schools (Northern Australia) Limited 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.

Seventh-day Adventist Schools (Northern Australia) Limited will keep appropriate records of disputes, will monitor disputes and their resolution and will report on a high-level basis to the Board of Directors on dispute resolution at each of its educational entities.

The individual educational entities of Seventh-day Adventist Schools (Northern Australia) Limited 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.

Each educational entity of Seventh-day Adventist Schools (Northern Australia) Limited will appoint an appropriate employee as an Equity Contact Officer to provide confidential and impartial information about the relevant policies and processes.

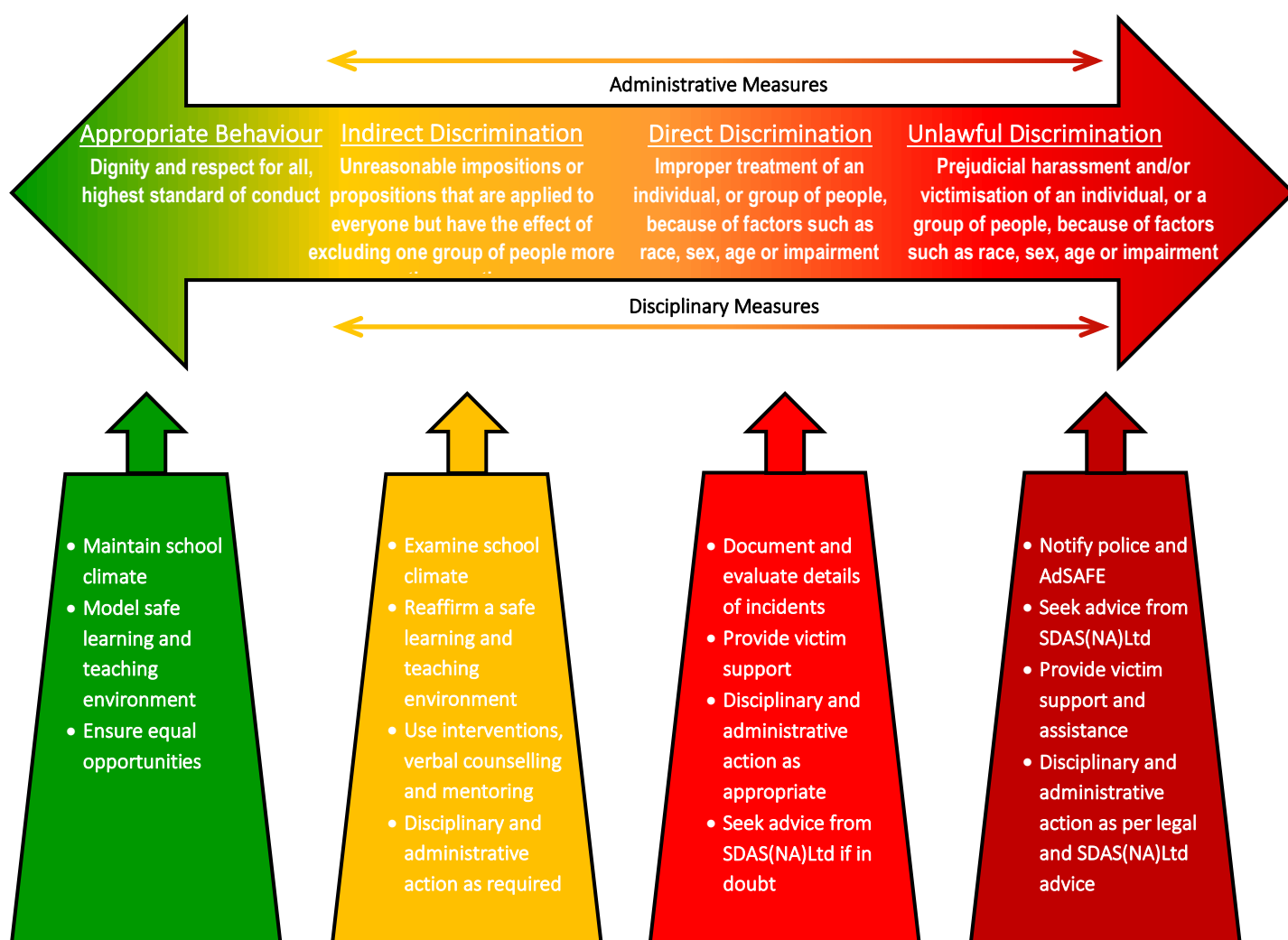
Compliance and Monitoring

Each school that is part of Seventh-day Adventist Schools (Northern Australia) Limited will need to take reasonable steps to resolve disputes as follows:

- **Awareness** - regularly raise awareness of discrimination with staff, parents and students via the clear support and promotion of the anti-discrimination policy by the school board and executive management team;
- **Training staff** - regularly educate and train employees (especially senior staff) appropriately on how to prevent and manage discrimination;
- **Instructing students** – how to identify discrimination (e.g. race, impairment, gender) and that in the first instance to report directly to their classroom teacher.
- **Dispute resolution** - awareness, promotion and implementation of the SDAS(NA)Ltd Complaints and Dispute Resolution Policy and Procedures (NAS194.001.ADM);
- **Record keeping, monitoring, reporting** - keep appropriate records, monitor and report on discrimination issues;
- **Contact the Chief Executive Officer of Seventh-day Adventist Schools (Northern Australia) Limited** - to provide confidential and impartial information about the school's relevant policies and processes;
- **Culture** - removal of any discriminatory or offensive materials, rules and practices, and encouragement of employees and students to contribute to a healthy school culture.

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The Continuum of Discrimination



Leadership Responsibilities and Actions

(The above diagram was adapted from http://www.forces.qc.ca/assets/FORCES_Internet/images/caf-community-support-services/sm-figure5.gif <accessed 25 September 2017>)

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