



COMPLAINTS POLICY

“Inspired by the one Spirit of God, Christians and those of other Faiths, we are united around a common set of life-giving values that are fundamental to our vision and practice of education: respect for the dignity of each human person, honesty, justice, solidarity, peace and a sense of the Transcendent.”
(In the Footsteps of Marcellin Champagnat)

Rationale

Newman College can serve as a model for all within Western Australia who seek to create a genuine community. Such a community is always founded upon shared commitment to the common good (Mandate, para 6). Newman College’s Mission Statement reflects this intention:

*Newman College is a Catholic School educating in the Marist Tradition
which endeavours to lead students to know and love Jesus Christ.
With Mary as our model in faith, we encourage students to grow into the fullness of their humanity
in an educational environment where they feel welcomed, accepted and valued.*

On occasions there may be disagreement with a decision and a dispute or complaint may arise within Newman College.

The interactions and protocols of Newman College emphasise the sacredness of human life and the dignity of the individual.

Newman College is committed to ensuring that disputes and complaints are dealt with fairly, objectively and in a timely manner, and that processes reflect the principles of participation, co-responsibility and subsidiarity.

Definition

Complaint means an expression of dissatisfaction with Newman College policies, procedures, decisions, omissions, quality of service, staff or student behaviour.

Dispute means a conflict regarding a right, claim, or demand on one side, met by contrary claims or allegations on the other.

Procedural Fairness refers to the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

Resolution means that a matter has been resolved to the satisfaction of Newman College with respect to the paramount importance of the student(s).

Students are defined as children and young people enrolled in schools and early learning and care services.



Principles

1. All decisions are to reflect the paramount importance of the student(s).
2. Any person may complain orally or in writing about any matter arising from the operations of Newman College.
3. Complainants are personally responsible and liable for the content of their complaints.
4. A dispute or complaint made in accordance with this policy is a dispute or complaint about Newman College, notwithstanding the naming of any staff member in a dispute or complaint.
5. It is preferable that the complainant is verifiable, however if a complaint or any other information of unknown origin (i.e. anonymous) provides information that would cause the Principal concern, it should be considered by the Principal so that they can determine the appropriate course of action.
6. Disputes and complaints will be managed in accordance with the Principle of Subsidiarity, which requires that nothing should be done by a higher authority, agency or level that could be done as well or better by a lower one.
7. Disputes and complaints, and the resolution of such, contribute to continuous learning and improvement so that the potential and opportunity for incidents to be repeated are minimised.
8. Any review of a dispute or complaint will be based on procedural fairness.
9. Information in a complaint should only be disclosed to those parties who have a need to know in order to investigate and resolve the complaint.
10. Once a decision has been made, parties may request a review of the decision in accordance with the Procedures, including escalating the dispute or complaint to the Executive Director of Catholic Education Western Australia (CEWA) and/or Congregational Leader or employer.

Procedures

1. Information about the process for dealing with disputes and complaints is made readily available to parents, students and staff via the College website and Staff Intranet.
2. A dispute or complaint can be made by any person regarding the provision of education or related matter. Depending on the nature and level of the complaint, it should be made in writing. Where an immediate party cannot be identified, such as if it is anonymous or from an unverifiable source, the information should be assessed and duly considered.
3. Where there is a binding legislative or regulatory mechanism (including an Enterprise Bargaining Agreement) that addresses the issue raised in the dispute or complaint, that legislative or regulatory mechanism shall be followed.
4. When a dispute or complaint arises, the immediate parties involved shall be invited to attempt to resolve the issue in the first instance.



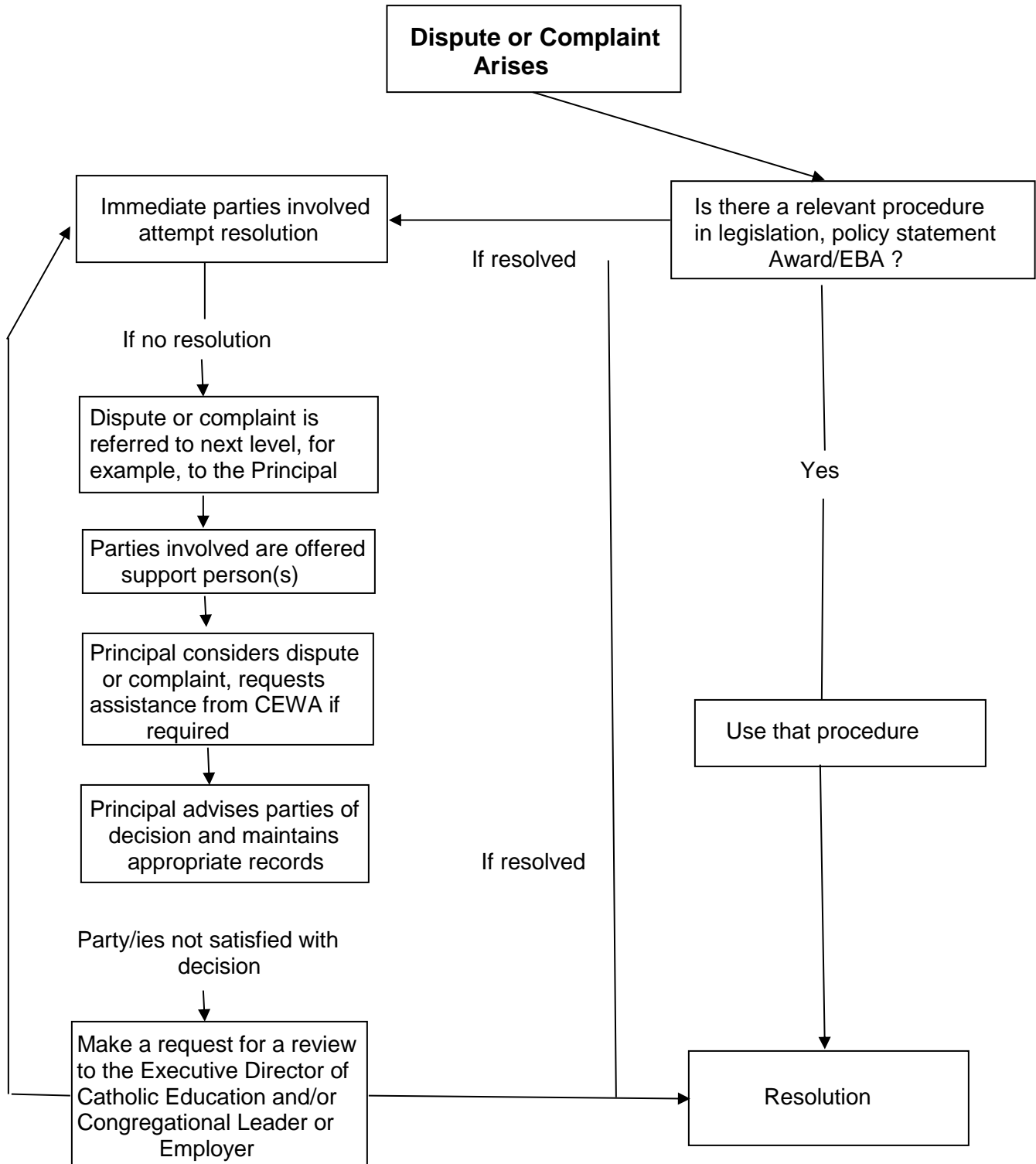
5. Parties may involve a support person(s) to assist them in resolving the dispute or complaint.
6. Should a complainant be dissatisfied with the resolution as a result of involvement of the immediate parties, or if there are unique circumstances, the matter can be referred to the next level by the complainant, for example, to the Principal.
7. The Principal is responsible for the resolution of disputes or complaints within the school referred to them by the immediate parties, in accordance with procedural fairness.
8. Where a dispute or complaint is about the Principal and there is no likelihood that it can be resolved directly with the Principal, the immediate parties may refer the dispute or complaint to the Executive Director CEWA and/or Regional Director Marist Schools Australia.
9. The Principal shall be mindful of managing the wider effects that a dispute or complaint may have on the workplace beyond its resolution.
10. The Principal may request external assistance and expertise (including mediation), including the involvement of the Employment and Community Relations Team of Catholic Education Western Australia (CEWA), Regional Director Marist Schools Australia or an independent service provider to assist in the resolution of a dispute or complaint.
11. The Principal shall inform the complainant (unless anonymous) and relevant parties of the outcome of their decision.
12. The Principal shall maintain appropriate records of the relevant particulars used to make a decision in response to any formal dispute or complaint. Where applicable this will include any statements made by the parties involved.
13. Any party may request a review of the Principal's decision, in writing, to the Executive Director of Catholic Education and/or Regional Director, Marist Schools Australia.
14. Where the Executive Director CEWA receives a written dispute or complaint related to an Order or other accountable school, the Executive Director CEWA shall notify the Regional Director, Marist Schools Australia.
15. The Regional Director, Marist Schools Australia, will review the dispute or complaint, or may request through the Executive Director of Catholic Education WA, that CEWA undertakes the review.
16. The dispute or complaint shall be promptly acknowledged in writing, unless the complainant is anonymous and cannot be identified.
17. The Executive Director of CEWA or Regional Director Marist Schools Australia shall ensure a formal examination and investigation of the complaint and/or areas of disputation.
18. The parties to the dispute or complaint shall be notified of the findings(s) of the dispute or complaint, including the basis of the finding(s). There is no duty to notify an anonymous complainant.
19. CEWA shall maintain appropriate records of the relevant particulars used to make a decision in response to any formal dispute or complaint. Where applicable these will include any statements made by the parties involved.



20. An individual has the right to make an appeal to the Minister for Education with regard to a dispute or complaint (School Education Act 1999). An appeal will only be heard on a breach in process and will not be a re-examination of the merits of the case.

21. A person may make a complaint to an external body or tribunal at any time. The relevant person (i.e. the Principal) may choose to suspend addressing the complaint until the external body or tribunal rules on the complaint, or the external complaint is directed back to Catholic Education for resolution.

Flowchart for Dealing with Disputes and Complaints





Note: An individual has the right to make an appeal to the Minister for Education with regard to a dispute or complaint (School Education Act 1999). An appeal will only be heard on a breach in process and will not be a re-examination of the merits of the case.

References

Bishops of Western Australia 2009, *Mandate of the Catholic Education Commission of Western Australia: 2009-2015*

School Education Act 1999 (WA)

Associated Documentation

CECWA policy statements:

- 2-B1 Selection and Use of Texts in Catholic Schools
- 2-B7 Justice Education
- 2-C4 Harassment, Discrimination and Bullying (Staff)
- 2-C8 Unsatisfactory Performance or Misconduct
- 2-D3 Child Protection
- 2-D5 Student Enrolment
- 2-D6 Dealing with Bullying, Harassment, Aggression and Violence
- 2-D7 Exclusion of Students for Disciplinary Reasons

Newman College policy statements:

- Staff Code of Conduct
- Selection of Appropriate Texts
- Harassment (Staff)
- Bullying (Staff)
- Child Protection
- Enrolment
- Bullying Prevention and Intervention (Students)
- Exclusion of Students for Disciplinary Reasons