



Procedures for Resolving Complaints

1. Purpose

This document identifies procedures to facilitate dispute resolutions between:

- parents/carers and school staff member/s
- parents/carers and the school Principal
- parents/carers and the Diocese of Toowoomba Catholic Schools Office (TCSO)
- school staff member/s and other school staff member/s
- TCSO staff members and other TCSO staff members
- school staff member/s and the school Principal
- school staff member/s and a TCSO member
- the school Principal and a TCSO member
- parents/carers and the Executive Director: Catholic Schools
- staff members (including Principals) and the Executive Director: Catholic Schools

This document also identifies procedures to facilitate resolution of complaints regarding failure to adhere to Diocese of Toowoomba Catholic Schools (TCS) policies and procedures inclusive of the Diocese of Toowoomba Catholic Schools Board Student Protection policy and Diocese of Toowoomba Catholic Schools Student Protection Policy and Procedures.

Note: Industrial disputes are not addressed. They are the subject of specific guidelines.

2. Values

The values which shape and direct these dispute resolution procedures include:

- the Church is a community in which relationships are called to manifest love and respect for all
- the Christian understating of forgiveness and reconciliation which implies that the primary process for resolving disputes involves a conciliation of human persons rather than the independent assertion of legal rights
- provision of means whereby the parties in dispute can reach agreement and be reconciled thus maintaining or restoring right relationship

Following TCS policies and procedures is paramount for ensuring the safety and wellbeing of all staff, students and parents/carers. Where there are complaints that policies and procedures are not being followed, TCS is committed to resolving the matter in a just and accountable manner.

3. Definitions

Adjudication: The act of making an order, judgement or decree (in relation to an issue where parties are in dispute).

Conciliation: A procedure for the resolution of a dispute. The process through which a neutral third party attempts to persuade parties to a dispute to settle their differences.

Diocese of Toowoomba Catholic Schools Office (TCSO): The educational executive arm of the Bishop. It operates under the authority of its Executive Director: Catholic Schools.

Diocese of Toowoomba Catholic Schools (TCS): The system of 31 schools and the Catholic Schools Office.



Executive Director: Catholic Schools: The person whom the Bishop has delegated the leadership, management and administration of Catholic Schools in the Diocese of Toowoomba.

Director: School Improvement Services (Director: SIS): The person whom the Executive Director: Catholic Schools has appointed as the Director of School Improvement Services of the Catholic Schools Office.

Mediator: One who mediates between parties at variance or in dispute.

Mediation: Bringing about an agreement between parties; to effect an agreement or reconciliation.

School staff: For the purpose of this document school staff includes: teachers, teacher aides, administration staff, support staff and grounds staff.

4. Conciliation

Dispute resolution at the school level

4.1 When a dispute arises within the school community involving

- parents/carers and school staff
- school staff member/s and other staff member/s
- parents/carers and the school Principal, or
- school staff member/s and the school Principal

The matter will be discussed initially between the parties involved with a view to resolving the dispute. The Principal must be told a dispute exists.

If, within a reasonable period of time, the parties are unable to reach a mutually acceptable outcome a conciliation meeting will be arranged between the Principal and the parties involved. This meeting should take place as soon as possible of the parties telling the Principal the dispute is unresolved.

If the matter remains unresolved, any party to the process may formally refer the matter to the TCSSO through the Executive Director: Catholic Schools.

The Executive Director: Catholic Schools will refer the matter to the Director: SIS.

The Director: SIS will:

- register the complaint
- acknowledge to each party to the dispute that the dispute has been referred
- appoint a Senior Education Officer or approved person to liaise with the parties

The Senior Education Officer or approved person will:

- develop a dispute resolution process acceptable to both parties
- coordinate and, where appropriate, participate in the process
- notify the Director: SIS of the outcome of the process

Director: SIS notifies the Executive Director: Catholic Schools of the outcome.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6.



4.2 When a dispute arises involving parents/carers and a member of the TCSO

The Executive Director: Catholic Schools will appoint an appropriate senior member of the TCSO staff to discuss the matter with the parent/carer and the member of the TCSO.

If the parties are unable to reach a mutually acceptable agreement, the Executive Director: Catholic Schools will arrange for a conciliation meeting to take place.

The conciliation meeting must take place as soon as possible of the Executive Director: Catholic Schools being told an agreement cannot be reached. Parties at the conciliation meeting will include:

- (i) the TCSO staff member with whom the parent/carer has the dispute
- (ii) the parent/carer; and
- (iii) a facilitator appointed by the Executive Director: Catholic Schools

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6.

4.3 When a dispute arises involving school staff member/s and a member of TCSO

The Executive Director: Catholic Schools will appoint an appropriate senior member of TCSO staff to discuss the matter with the school staff member and the member of TCSO.

If the parties are unable to reach a mutually acceptable agreement, the Executive Director: Catholic Schools will arrange for a conciliation meeting to take place.

The conciliation meeting must take place as soon as possible of the Executive Director: Catholic Schools being told an agreement cannot be reached. Parties at the conciliation meeting will include:

- (i) the TCSO staff member with whom the school staff member is in dispute
- (ii) the school staff member; and
- (iii) a facilitator appointed by the Executive Director: Catholic Schools

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6.

4.4 When a dispute arises involving the Principal of a school and a member of TCSO

The Executive Director: Catholic Schools will appoint an appropriate senior member of TCSO staff to discuss the matter with the Principal and the TCSO member.

If the parties are unable to reach a mutually acceptable agreement, the Executive Director: Catholic Schools will arrange for a conciliation meeting to take place.

The conciliation meeting must take place as soon as possible of the Executive Director: Catholic Schools being told an agreement cannot be reached. Parties at the conciliation meeting will include:

- (i) the TCSO staff member with whom the school Principal is in dispute
- (ii) the school Principal; and
- (iii) a facilitator appointed by the Executive Director: Catholic Schools

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6.



4.5 When a dispute arises involving a member of TCSO and another member of the TCSO

The Executive Director: Catholic Schools will discuss the matter with the TCSO members individually or will appoint an appropriate Director/Chief to meet with the individuals.

If the parties are unable to reach a mutually acceptable agreement, the Executive Director: Catholic Schools will arrange for a conciliation meeting to take place.

The conciliation meeting must take place as soon as possible of the Executive Director: Catholic Schools being told an agreement cannot be reached. Parties at the conciliation meeting will include:

- (i) the members of TCSO staff in dispute; and
- (ii) a facilitator appointed by the Executive Director: Catholic Schools

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6.

4.6 When a dispute arises involving a parent/carer and the Executive Director: Catholic Schools

The parties will attempt to reach a mutually acceptable agreement. If the parties are unable to reach a mutually acceptable agreement the Executive Director: Catholic Schools will arrange for a conciliation meeting to take place.

The conciliation meeting must take place as soon as possible of the Executive Director: Catholic Schools being told an agreement cannot be reached. Parties at the conciliation meeting will include:

- (i) the parent/carer
- (ii) the Executive Director: Catholic Schools; and
- (iii) a facilitator appointed by the Executive Director: Catholic Schools

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6.

4.7 When a dispute arises involving a school staff member (including Principals) and the Executive Director: Catholic Schools

The parties will attempt to reach a mutually acceptable agreement using established industrial procedures. If the parties are unable to reach a mutually acceptable agreement, then the matter can be referred to the Bishop who may arrange for a conciliation meeting to reach a mutually acceptable agreement.

The conciliation meeting must take place as soon as possible of the parties to the dispute recognising they are unable to reach an agreement. Parties at the conciliation meeting will include:

- (i) the school staff member/Principal concerned
- (ii) the Executive Director: Catholic Schools; and
- (iii) a facilitator appointed by the Bishop

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6 taking note that where the responsibility relates to the Executive Director: Catholic Schools in Section 5 and Section 6 that this be replaced with the Bishop.



Complaints regarding Diocese of Toowoomba Catholic Education policies and procedures

4.8 School

When a parent/carer or other party has a complaint that a school has not followed TCS policy or procedure the matter will be raised initially with the school Principal.

The Principal must notify the Director: SIS of the complaint as soon possible. If, within a reasonable period of time the complaint is unable to be resolved to a mutually acceptable outcome, the complaint will be referred to the TCSO through the Executive Director: Catholic Schools.

- (i) The Executive Director: Catholic Schools will refer the matter to the Director: SIS
- (ii) The Director: SIS will:
 - register the complaint
 - acknowledge to each party that the complaint has been received
 - refer the complaint to the appropriate person for advice regarding the application of the relevant policy and procedure to the complaint
 - Director: SIS notifies the Executive Director: Catholic Schools of the outcome

If the complaint relates to the Student Protection Policy and Procedure, then the matter will be referred to the Student Protection Officer(s) or the appropriate person for advice.

If the complaint is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6.

4.9 TCSO

When a parent/carer, school Principal or TCSO staff member has a complaint that TCSO has not followed TCS policy or procedure, the parties will attempt to reach a mutually acceptable agreement using established industrial procedures. If the parties are unable to reach a mutually acceptable agreement, then the matter can be referred to the Bishop who may arrange for a conciliation meeting to reach a mutually acceptable agreement.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Section 5 and Section 6 taking note that where the responsibility relates to the Executive Director: Catholic Schools in Section 5 and Section 6 that this be replaced with the Bishop.

5. Mediation

5.1 The Director: SIS will convene mediation, and will appoint a mediator to oversee the mediation process based on the training and experience of that person. If necessary, more than one mediator may be appointed.

5.2 The following people are normally disqualified from serving as mediator/s:
(i) anyone involved with one of other of the parties so as to have a particular interest in the outcome of the dispute; and/or
(ii) anyone who can be shown to be biased towards or against one of the parties in dispute.

5.3 Prior to the meeting a senior staff member of the TCSO and the parties to the dispute will document the complaint/s and will provide the mediator/s with a summary of the issue/s to be resolved.

5.4 Parties involved should answer questions and suggestions put to them by mediator/s in order to achieve a resolution to the dispute.

5.5 In order to achieve a resolution to the dispute, the parties should actively participate in the mediation process.

5.6 Meetings

Meetings between the parties in dispute and mediator/s shall take place in a confidential setting.



5.7 Confidentiality

All communications made in the process of mediation shall be treated as confidential by all who share them.

5.8 Minutes

Prior to the mediation commencing, agreement must be reached as to how the mediation will be recorded and distributed to the parties. Copies will be provided to each party to the dispute.

5.9 If resolution is reached, the mediator/s will draft a summary of the agreement, and shall submit it for the approval of the participants. The participants and the mediator/s shall sign a copy of the summary that shall be forwarded to the Executive Director: Catholic Schools.

6. Adjudication

6.1 It is preferable that the parties themselves propose the solution to their dispute. If they are unable to do so following mediation (see Section 5), the Executive Director: Catholic Schools will be notified.

6.2 The Executive Director: Catholic Schools will then confirm with both parties to the dispute that adjudication will take place and will appoint an appropriate adjudicator.

6.3 The decision of the adjudication process will be forwarded to the Executive Director: Catholic Schools for consideration.

6.4 The Executive Director: Catholic Schools, upon advice of the adjudicator/s will inform parties in writing of the decision/s reached.

7. Costs of mediation and adjudication

It is expected that costs associated with mediation and adjudication will not disadvantage any party. However, parties to a dispute should be aware that costs may be incurred, and may be apportioned among the parties involved in the mediation and/or adjudication process.