



PLC
PRESBYTERIAN
LADIES' COLLEGE
SYDNEY
— 1888 —

DISPUTE RESOLUTION

INCLUDING DISCRIMINATION,
HARASSMENT AND BULLYING

2016

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1. INTRODUCTION

In accord with its Christian ethos, PLC Sydney is committed to providing a safe and supportive environment for all students and staff.

In particular, discrimination (including sexual discrimination), harassment and bullying will not be tolerated at PLC Sydney.

The processes to be followed in settling any concerns or disputes are based on the ideals of respect and procedural fairness.

Members of the PLC Sydney College community, that is parents, students and staff, have a right to raise concerns and have them addressed in a timely manner by an appropriate member of staff.

Complaints will be handled objectively and with sensitivity.

This policy has been developed with reference to the Australian Standards *AS 4608-2004 (Dispute Management Systems)*, *AS ISO 10002-2006 Customer Satisfaction - Guidelines for Complaints Handling in Organizations*, the *Fair Work Act 2009* and AIS policies on grievance procedures, as well as relevant legislation and applicable Multi-Enterprise Agreements.

An objective of this policy is to provide a framework for the effective handling and resolution of disputes, and improving communications within the College.

2. KEY DEFINITIONS

| | |
|----------------------------|--|
| Complaint | A complaint is a statement expressing dissatisfaction with a College procedure or the conduct of a member of the College community received by a staff member of the College requiring action or a response. |
| Dispute | A dispute can arise from the process of dealing with a complaint or conflict. |
| Procedural fairness | A way of proceeding that is fair to persons who might suffer a detriment as a result of a decision. Procedural fairness is generally recognised as having two elements: the right to be heard and the right to an impartial decision. |
| Discrimination | Discrimination is treating one person or group less favourably than another causing them disadvantage. Unlawful discrimination is discrimination which law has defined as unacceptable. |
| Harassment | Unlawful harassment is any form of conduct or behaviour which affects a person that is unwelcome or uninvited, and a reasonable person would have anticipated might humiliate, offend or intimidate the person exposed to the conduct. |
| Bullying | Bullying is repeated, unreasonable behaviour directed towards a person, such as a staff member, other individual, or group that may cause harm, including risks to health and safety. |
| Grievance | A complaint by a staff member regarding procedures, or an outcome of a procedural matter, concerning that staff member. |

3. OUTCOMES

The desired outcomes in the case of complaints include:

- the determination about whether there has been a misunderstanding
- the determination about whether there has been any unsatisfactory or inappropriate practice or action
- the implementation of any necessary changes designed to bring about better educational, pastoral or administrative outcomes
- the achievement of reconciliation between parties
- the establishment of renewed confidence in relationships

4. THE POLICY

4.1 GENERAL

PLC Sydney is committed to settling complaints of any nature in a timely manner, using procedural fairness and respect for all.

The responsibility for the resolution of all complaints rests with the Principal. The Principal may delegate the resolution to appropriate staff as he deems necessary.

In the first instance, it is always desirable that a complaint be raised with the person who is directly involved in the issue. If this proves to not be feasible, then the matter should be raised with their immediate supervisor. **Section 4.2** of this policy indicates the members of the Executive to whom the Principal has delegated broad areas of responsibility for complaints handling.

A professional response to complaints promotes fairness, leads to improvements and creates confidence in the outcome.

Complaints will be dealt with in terms of the potential seriousness of the complaint rather than on the role of person making the complaint.

Staff handling the complaint are required, in good faith, to use professional judgement and a balanced consideration of the rights and needs of all parties.

It is possible that the Principal may seek external assistance should this be thought expeditious in settling complaints.

4.2 DELEGATION OF COMPLAINTS HANDLING

The Principal has delegated broad areas for the resolution of disputes to the positions listed in the table. The named positions, or their delegate, has responsibility for ensuring this policy and its procedures are used to resolve the matter.

Any staff member who receives a complaint in any of the named areas must ensure the nominated delegate is made aware of the complaint so that it can be addressed by that person or their delegate.

| Complaint received and assessed as to its type | |
|---|--|
| Type of complaint | Person(s) delegated to address matter |
| Child Protection allegation | To: Deputy Principal, Head of Junior School who report to Senior Counsellor, who reports to Principal |
| From student/parent: re school procedures | Deputy Principal, Head of Junior School |
| From student/parent: re curriculum issues | Head Teacher Curriculum, Head of Junior School |
| From student/parent: re classroom practices | Head Teacher Learning and Teaching, Head of Junior School |
| From student/parent: re bullying/harassment | Deputy Principal, Head of Junior School |
| From staff: re other staff conduct/ performance | Deputy Principal, Head of Junior School, Head Teacher Compliance and Human Resources |
| From staff: re employment matters, discrimination / bullying | Head Teacher Compliance and Human Resources |
| From staff: re matters involving parents | Deputy Principal, Head of Junior School |
| From public: re student behaviour | Deputy Principal, Head of Junior School |
| From public: re premises | Bursar |
| From anyone: re matters involving the Extension Centre or Boarding House | Deputy Principal, Head Teacher Compliance and Human Resources |
| From anyone: re co-curricular activities | Coordinator Co-curricular Activities Senior School, Coordinator Co-curricular Activities Junior School; Head of Performing Arts for Performing Arts matters; Head of Sport for sport matters |
| From anyone: re Aftercare, Vacation care | Director of Out of School Hours Care, UnitingCare |

4.3 CHILD PROTECTION MATTERS

Complaints regarding child protection allegations are to be reported directly to either the Head of Junior School or the Deputy Principal who must report to the Senior School Counsellor who reports to the Principal in accordance with the College's **Child Protection Policy** and relevant legislation. Procedures and processes for managing these allegations are set out in the College's **Child Protection Policy**.

4.4 COMPLAINTS REGARDING INTER-STUDENT BEHAVIOUR

Complaints about the behaviour of students to one another will be referred to the Deputy Principal or the Head of Junior School, as appropriate. The processes for handling such issues are dealt with in the **Student Discipline Policy** and **Anti-Bullying Guidelines**, which include procedural fairness.

4.5 COMPLAINTS BETWEEN PARENTS

On occasions, parents may contact the College with issues regarding another parent. These should be referred to the appropriate Head of Junior School or the Deputy Principal. With due regard for the requirements of the **Privacy Act**, the delegate will handle the matter. This may require that the parties involved are encouraged to deal directly with one another.

4.6 COMPLAINTS REGARDING THE PRINCIPAL

Complaints of child protection matters regarding the Principal must be reported directly to the Chairman of College Council. The Chairman will ensure child protection processes, as outlined in the College's **Child Protection Policy**, are followed.

Except for child protection matters, complaints regarding the Principal should first be discussed with the Principal. If unresolved the matter should then be addressed with the Chair of College Council. The Chair of College Council may then investigate the matter, using the procedural fairness principles and processes of this **Dispute Resolution Policy**. The Chair may use the services of an external person, such as another Principal, a mediator or legal provider, to investigate the matter.

4.7 COMPLAINTS BY PEOPLE WITH LIMITED ENGLISH

Any person making a complaint who does not have English as their first language will be provided with the services of an interpreter if they, or the staff member handling the complaint, require it for clarity of understanding and communication.

4.8 ANONYMOUS COMPLAINTS

Anonymous complaints are those where the complainant does not provide their identity. They are different from complaints where the person provides their identity but then seeks confidentiality.

Anonymous complaints should be passed on to the staff member's supervisor and brought to the attention of the Principal. In general, such complaints may not be acted upon unless they involve child protection matters or if individuals can be identified. The information should be filed in case of further developments.

4.9 FALSE AND MALICIOUS COMPLAINTS

If an employee makes a complaint that is found to be both false and malicious, disciplinary action will be considered by the Principal using the procedures of this Policy. If a student makes a complaint that is found to be both false and malicious, disciplinary action will be considered by the Principal using the procedures of the **Student Discipline Policy**.

5. COMPLAINTS REGARDING PREMISES/EQUIPMENT/PROCESSES

Staff, students, parents or members of the public may raise concerns about such things as the premises, the use of the premises, or processes that occur regarding the College. These can include, but not be limited to, matters such as:

- traffic access, parking availability and abundance
- extent of lighting; volume of bells/chimes
- use of facilities; water use
- application of rules or regulations such as 'pick-up and drop-off' routines, etc.

Such complaints will be handled by the Principal or his delegate. In all cases the complainant will be treated with respect. The procedure to be followed is:

- assess if remedy is possible – in some cases this will not be possible as the matter is covered by legislation or other government or workplace policies. If remedy is not possible inform the complainant.
- if remedy is possible and warranted, arrange for this to occur in a reasonable time frame and inform the complainant.
- if the remedy is possible but in the view of the College is not warranted, inform the complainant.

- if remedy is warranted but not within the responsibility of the College, inform the complainant and direct the person to the appropriate person or organisation who may be able to remedy the situation.

Complaints about work health and safety issues should be addressed using the College's **WHS Policy and Procedures**.

6. PROCEDURES FOR HANDLING COMPLAINTS CONCERNING STAFF

6.1 GENERAL STATEMENT

From time to time, issues in the workplace may cause dissatisfaction. Most issues can be resolved through direct discussion between the parties. As well, regular meetings can resolve many issues and are a recommended course of action.

If a problem or concern arises within the School that cannot be resolved with the person directly involved with the issue then it should be referred to the appropriate delegate nominated in the flowchart in **Section 4.2** with a view to discussing the issue and seeking resolution.

Conflict resolution attempts to settle differences by focusing on basic interests and developing mutually satisfying options, while acknowledging the respective rights and responsibilities of those involved. This process allows for open discussion of disputes without retaliation.

Any queries about the complaints process should be directed to the Head Teacher Compliance and Human Resources in the first instance.

6.2 THE PROCESS

The School will determine the most appropriate method of dealing with a complaint concerning staff. This could include, among other things:

- a) requesting further information from the complainant
- b) requesting further information from the staff member(s) subject to the complaint
- c) requesting information from co-workers or third parties
- d) meeting with the staff member subject to the complaint or others involved in the complaint
- e) reviewing and responding to the complaint or arranging for an appropriate person to review and respond to the complaint
- f) facilitating a meeting between the person(s) that the complaint concerns

On receipt of a complaint the School will generally take the following steps:

1. determine the best method of handling the complaint
2. advise the person(s) subject to the complaint of the likely steps that will be undertaken by the school in relation to the complaint
3. advise the person(s) subject to the complaint about of the nature of the complaint and seek their response
4. collect any additional information the School considers necessary to properly review the complaint
5. advise both the person subject to the complaint and the complainant of the School's response to the complaint and if appropriate any proposed action to be taken

However, there may be circumstances in which some of the steps outlined above are not appropriate and the School will determine, in its absolute discretion, on a case by case basis, the most appropriate method of handling the complaint.

A staff member who raises a complaint and the person subject to the complaint may elect to have an appropriate support person present at any meeting with representatives of the School about the complaint. However, depending on the nature of the complaint it may not be appropriate for the support person to be a work colleague.

It is unlawful for a staff member to be victimised or otherwise disadvantaged as a result of raising a complaint or acting as a witness in a dispute.

7. GRIEVANCE

PLC Sydney recognises that from time to time a staff member may have concerns that a decision or process involving them has been dealt with unfairly or is unjustified. The staff member presenting the grievance will provide the grounds for their complaint directly to the Principal.

The Principal will delegate an Executive staff member to investigate the grievance, with regard to the need for objectivity and procedural fairness. The Executive staff member will report their findings and recommendations to the Principal.

If the grievance is upheld, the College will take whatever action it considers appropriate.

8. CONFIDENTIALITY

Confidentiality and privacy require that all parties to a dispute must ensure that information is restricted to those who genuinely need to know. Furthermore, those people should only be told as much as they need to know and no more. For example, some people may need to know of the issue so they can provide advice, but not the identities of the persons involved.

9. ACKNOWLEDGMENT OF UNDERSTANDING

THE DISPUTE RESOLUTION POLICY

This page is to be completed, removed from the Policy document and returned to the office of the Head Teacher Compliance and Human Resources (HTCHR). If you have any concerns or questions regarding the policy please seek advice from the HTCHR.

Name:

Department:

I acknowledge that I have read and understand the **Dispute Resolution Policy**. I acknowledge that I will follow the appropriate procedures to help ensure the well-being of all.

Signed:

Date: