



Heritage Christian School

Dispute Resolution Plan

Version History

Version	Date	Notes
1.0	20/4/05	Initial Draft Sample Document
1.1	3/5/05	Revised following initial workshop
1.2	7/8/06	Small adjustment after Primary Principal's departure

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Purpose of this document:

The purpose of this document is to set out the internal dispute resolution procedures of Heritage Christian School (“**the School**”). In particular, the document sets out:

- how the School receives and deals with complaints from members of the school community (other than staff);
- the maximum time frame for dealing with complaints;
- the remedies the School may offer for resolving complaints;
- how the School refers unresolved complaints to the Board;
- how the School records and monitors complaints and uses this information to identify and address recurring or systemic issues;
- the information the School will provide to the School Community about dispute resolution.

Who must comply with this document:

The School has established the processes and policies set out in this document to assist in operating along Biblical standards and to comply with relevant statutory obligations.

The School’s Principal and Complaints Officer are responsible for ensuring:

- compliance with the processes and policies set out in this document; and
- all relevant people are aware of the processes and policies which apply from time to time under this document.

Important related documents:

Christian Schools Australia Limited NSW Registration System Handbook

Board of Studies Registration and Accreditation Manual for Non-Government Schools

Australian Standard on Complaints Handling (AS 4269 – 1995)

1 COMPLAINT HANDLING AND DISPUTE RESOLUTION

The School is committed to efficient and fair resolution of any complaints or disputes that may arise.

The School has adopted a formal policy which provides a complaint handling process for those making inquiries and complaints. The policy has been designed to be consistent with Biblical principles and the standards set out in the Australian Standards Complaint Handling Policy (AS 4269-1995).

IMPORTANT NOTE:

If a complaint or inquiry contains an allegation of abuse or 'reportable conduct' reference must be made to the School's Child Protection Policy and the allegation dealt with in accordance with that policy.

2 COMPLAINT HANDLING POLICY

2.1 Definitions

The following terms have the following meanings:

- **Complainant:** person or organisation making a complaint other than a member of staff who should refer to the School's policy in relation to staff communication .
- **Complaint:** any expression of dissatisfaction with a service offered or provided.
- **Dispute:** a complaint unsatisfactorily pursued.
- **Member of the School Community:** normally a parent or legal guardian of a student or a student of the School, or a staff member of the school.
- **Reportable Conduct:** has the definition given by the *Ombudsman Act 1974* but broadly encompasses any inappropriate behaviour towards children.
- **Systemic Problem:** a problem caused by failures in the product or service design, delivery systems or organisational policies or procedures.

2.2 General principles

The School will endeavour to handle all aspects of an inquiry or complaint in a manner that reflects Biblical principles and God's love. The broad principles that underlie this policy are outlined in **Annexure 1**.

The School recognises the need to be fair to both the Complainant, to the School its employees, representatives, and others within the School Community.

Parties to a Complaint have the right to:

- be heard;
- provide and request all relevant material to support the Complaint;

- be informed of the criteria and processes, including the avenues for further review applied by the School in dealing with Complaints;
- be informed of the School's decision and the reason for that decision where appropriate subject to legal requirements; and
- maintain confidentiality.

Additionally, the School has the right to:

- amass sufficient detail about the Complaint to enable the School to properly investigate and respond to the Complaint;
- place all relevant material before the person investigating the Complaint.

It is important to remember that the School, its employees and representatives share the same rights as the other members of the School community. This will ensure fairness for parties in the resolution process.

No fees are to be levied against any person with respect to the investigation and reporting of any Complaint (save and except where required by law). Fees may be levied with respect to the provision of information to the Complainant, as authorised by legislation.

2.3 Complaints Officer

The School has appointed an officer whose role will include managing the response to any Complaint and ensuring all Complaints are dealt with in accordance with this policy. The School may appoint a second Complaints Officer to assist with this function.

The School's Complaints Officers are named in **Annexure 2**. At Heritage Christian School they would normally be the Secondary Principal and the Primary Principal. Due to a temporary restructure for Terms 3 and 4 in 2006, there will be an overall Principal who will be the Complaints Officer until the Board decides on the future structure of the School Executive.

2.4 Making a formal inquiry:

- The formal inquiry may be made in person, by telephone or in writing, and should be made to the Complaints Officer and if required by the Complaints Officer be confirmed in writing or by electronic mail. The Complaints Officer cannot give opinions or recommendations which would amount to financial or legal advice.
- The Complaints Officer will note the nature of any personal, telephone or written inquiry and the date of the inquiry in a register of inquiries.
- The Complaints Officer will generally acknowledge receipt of an inquiry within two (2) business days and respond to an inquiry to the relevant person within 14 days of the receipt of the inquiry.
- If requested by the Complaints Officer, the School may extend the response period but so that any inquiry will be given a response within a period not exceeding 90 days. In these circumstances the Complaints Officer will advise the Complainant of the extension of the response period, and the likely time for a response.
- The Complaints Officer will note the date of response in the register of inquiries.

2.5 Making a complaint:

- A complaint must be made in writing to the Complaints Officer and should make clear that the person is making a Complaint (not an inquiry). If a complaint or inquiry contains an allegation of 'reportable conduct' reference must be made to the School's Child Protection Policy and the allegation dealt with in accordance with that policy
- The Complaints Officer must verify that the Complaint is a relevant Complaint and note the nature of the Complaint and the date of its receipt in a register of complaints.
- The Complaints Officer may seek advice, hold meetings and obtain information as is necessary to attempt to resolve the Complaint with the Complainant.
- If the Complaints Officer is unable to resolve the Complaint with the Complainant within 60 days of receiving the complaint the Complaints Officer must refer the Complaint to the Principal, together with all relevant information in connection with the Complaint.
- The Complaints Officer may seek advice, hold meetings and obtain further information as is necessary in order to formulate a recommendation and report to the Principal in relation to the complaint.
- The Complaints Officer may request the Complainant to provide written evidence or to submit to medical examination in connection with the Complaint. The Complainant shall comply with the Complaints Officer's request within 14 days or such further period as agreed.
- The Principal must make a decision within 90 days of receipt of the Complaint. The Complainant must be advised in writing of the Principal's decision in relation to the Complaint and of the date of the Principal's decision within 30 days of the Principal making its decision
- The Principal must also advise the Complainant that the Complainant may complain to the School Board about the decision.
- The Complaints Officer shall note the Principal's decision and the date it was advised to the Complainant in the register of complaints.

2.6 Minimising Disputes

The School acknowledges handling a difficult Complaint efficiently requires patience and skill to avoid an initial negative situation becoming even more negative and degenerating into a dispute.

There are two main elements in a Complaint situation that need to be effectively handled to minimise the likelihood of a dispute.

These are:

(a) Dealing with the Complainant's feelings

- Listen – this is the first step in reducing the tension.
- Acknowledge the Complainant's issues.
- Empathise – this relieves tension and so opens channels of communication.
- Do not offer excuses, or argue with the Complainant.
- Commit to a time when you will contact them with a proposed resolution or a likely time we will have a resolution.
- Always contact the Complainant when you said you would even if it is just to assure them we are investigating their claim.
- Commit to a new time of contact.

(b) Dealing with the specifics of the Complaint

- Ask the necessary questions politely, to obtain a detailed response.
- Restate the main issues and seek the Complainant's agreement that you accurately understand the problem.
- Agree on a solution (or plan of action) without appearing to dictate terms in order to avoid the likelihood of re-raising tension.
- Set a timetable and ensure the Complainant is happy with the proposed timing.
- Take action on an agreed solution and ensure that the solution is presented to the Complainant within the timeframe agreed.

3 TIMELINESS

The School believes the success of its internal dispute procedure will depend on responding to Complainants in a timely manner. Where an immediate resolution is not possible, it is incumbent on the School to explain the reason for any delay in resolution and that the matter is still being considered.

The following are the target times for handling inquiries and complaints:

(a) Where a member of the School community makes a telephone inquiry:

- The School will make every effort to address the inquiry immediately.
- If the matter cannot be addressed immediately, the Complainant will be contacted within two (2) working days to acknowledge the matter is outstanding and to request further information.
- The School will respond to the relevant person within 14 working days of the time of the inquiry.

(b) Where a member of the School community lodges a complaint in written form (including facsimile or by electronic means):

- Within two (2) working days, the School will contact the Complainant to acknowledge receipt of the Complaint and request any additional information.
- The Complaints Officer will try to resolve the Complaint within 14 working days of receipt of the Complaint.
- If the matter is not resolved by the Complaints Officer the Principal must make a decision within 90 days of receipt of the Complainant.

4 REMEDIES

4.1 Possible remedies

The School's provision of remedies will reflect what is fair and reasonable in the circumstances, complies with its legal obligations and is good industry practice.

In the event that the Complaint is shown to be justified and involves poor service or a technical failure by the School, the following remedies may be considered appropriate (in the School's absolute discretion):

- correction;
- technical assistance;
- provision of additional information;
- referral;
- assistance;
- apology; or
- compensation.

For the avoidance of doubt, where it can be demonstrated that the Complainant has suffered detrimental financial outcomes because of a failure by the School to conduct its operations in accordance with applicable legislation, it may be appropriate for the School to ensure that the Complainant has restitution to their previous financial position.

4.2 Remedies to be extended to other members of the school community

The School Complaints Officer must consider in respect of any Complaint that may be indicative of a pattern of systematic failure whether it is appropriate to offer remedies to others who may have suffered in the same way as the Complainant but did not make a formal Complaint.

5 ANALYSING OF COMPLAINTS DATA

5.1 Complaints Register

A Complaints Register is to be kept by the School Complaints Officers that has the following information:

- name, address and contact details of the Complainant;
- date of the initial Complaint;
- nature of the Complaint;
- remedies to the Complaint; and
- date of resolution of the Complaint.

The register will be reviewed at least quarterly with a view to identifying systemic problems which may indicate a fault requiring rectification. By evaluating data, the School will be able to determine the recurring causes of Complaints and whether remedial action is warranted.

Aggregated data highlighting systemic Complaints can be used to:

- redesign policies and services;
- change organisational practices and procedures;
- re-train staff;
- re-assess communication practices in relation to the School community.

5.2 Reporting of Complaints

The School's Complaints Officer will report all Complaints to the Principal. The Principal will update the School Board's Audit & Compliance Committee on any new Complaints, as well as the status of existing Complaints.

The Complaints Officer will also report to the Principal in relation to any systematic failures in operations that may be occurring.

6 REVIEW BY THE SCHOOL BOARD

6.1 Referral to the Board

The School's policy will be to refer a Complaint to the School Board Executive where:

- the Complaints Officer or any other senior officer of the School considers the detail of the Complaint requires an independent assessment whether by reason of complexity, matters of principle raised or otherwise; or
- the Complaint cannot be resolved to the satisfaction of the School and the Complainant in accordance with the time limits specified above, or any reasonable extension agreed with the Complainant, and the Principal forms the view the Complaint is not frivolous or vexatious; or

- at the request of the Complainant where a Complainant is not satisfied with the resolution of the Complaint by the Principal.

6.2 Complaints not directly involving the Principal

Where a Complaint does not directly relate to the actions of the Principal the role of the School Board's Audit & Compliance Committee shall be to determine whether the procedures set out in this policy have been complied with and the Complaint has been dealt with fairly. In the event that this policy has not been complied with the Principal may be directed to reconsider the Complaint in accordance with the principles and procedures outlined in this policy.

6.3 Complaints directly involving the Principal

Where a Complaint directly relates to the actions of the Principal the role of the School Board Executive shall be to undertake the functions normally undertaken by the Principal in accordance with the procedures set out in this policy.

7 VISIBILITY OF PROCEDURES

7.1 Publicity of procedures

The School believes that the existence of its Dispute Resolution Procedure, its purpose and the method under which Complainants may access it must be publicised in such a way that members of the school community and other relevant persons with Complaints are not discouraged to make their Complaints known to the School.

7.2 Staff training

The School ensures that its procedures are familiar to all staff and to its representatives in the following manner:

- all new staff are trained in the existence of the policy and the procedures, and compliance with the policy is a factor considered in the performance development review of all staff;
- the procedures and any update are distributed to staff members; and
- the results of the analysis of Complaints are distributed to all relevant staff members.

7.3 Publicising the procedures to members of the school community

The School will make all members of the school community aware of its dispute resolution procedure as follows:

- parent information material will include reference to the policy; and
- the policy will be published on the School's website.

8 UPDATING OF THIS DOCUMENT

From time to time, this document may be revised to:

- improve existing procedures; or

- reflect changes in any applicable legislation.

The School's Principal and Complaints Officer are responsible for ensuring that:

- this document, and any related documents, are updated when necessary to reflect changes in the law or when otherwise appropriate;
- the current updated version of this document is given to all relevant people;
- the current version of this document appears on the School's website; and
- a summary of the internal and external dispute resolution processes is included in relevant school information material.

ANNEXURE 1

Biblical Principles

INTRODUCTION

In order for the school to operate effectively as a community it is important that all members of the community including parents, staff and students, understand the basis on which the community operates. As a Christian ministry the principles upon which the school operates must be grounded in Biblical truth. As a community it must also be remembered that relationships are vitally important.

The policy set out below is based upon the Biblical principles, which form the basis of communications within the school. Some key references include - Matthew 18:15-20 and 21-35; Romans 12:9-21; 1 Corinthians 13:1-8; Ephesians 4:1-4 and 5:21; and Philippians 2:1-5. The policy should also be understood and implemented within the context of the love for one another that should characterise a Christian community (John: 13-34-35).

COMMUNICATION WITHIN THE SCHOOL COMMUNITY

Within the community of the school there is a great deal of formal and informal communication and it is not the intention of the school to restrict the relationships that are an important part of the life of the school. However Scripture warns, 'The tongue has the power of life and death' (Proverbs 18:21 NIV) The words that we say are very powerful and can cause considerable damage. In order to minimise the potential for damage to the school, the members of the school community, and the church alike the principles set out in Matthew 18 should be followed not in a legalistic way but as a model given by Christ himself for us to follow. Within the context of the school this might generally happen as follows:

First Principle. Talk first with the person with whom you have a problem.

If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. Matthew 18:15

It is vital that Christians should pray about an issue before trying to resolve it bearing in mind that we must not sin when we get angry ' "In your anger do not sin": Do not let the sun go down while you are still angry' (Ephesians 4:26 NIV), and that we must always be ready to forgive (Colossians 1:13) and to accept the responsibility to live at peace with others as far as it is our responsibility (Romans 12:18).

In the first instance any conflicts should be addressed informally between the two parties involved. The aim is to find out whether the problem you see is a real concern or just a problem of communication. If you then believe your brother is wrong you should lovingly correct your brother and restore the relationship before it suffers any further harm. As indicated in this passage this should be done in a private manner. If, and only if, this does not result in the conflict being resolved the matter may, after prayerful consideration, be taken to the next stage.

Second principle. If you can't resolve the problem take a wiser person with you.

But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. Matthew 18:16

Prior to involving others in any disagreement it must be borne in mind that to do so reduces the likelihood of the matter being resolved without some damage to the relationship with the other person. Although this may be healed over time it is wise to count the cost **before** embarking on this cause of action.

If it is prayerfully considered that the matter needs to be taken before witnesses it is generally appropriate that this be the person most directly responsible for the person against whom the complaint is made within the authority structure of the school. If this does not result in the matter being resolved it is important to again seek the Lord to ensure that the complaint is justified as each stage will, most likely, result in further deterioration of the relationship. If the matter cannot be resolved at the lowest level of the authority structure within the school it should then be formalised and treated as a formal inquiry or complaint.

Third Principle. Only refer matters to the Board when the prior steps have been tried.

If he refuses to listen to them, tell it to the church; Matthew 8:17a

If the processes outlined in this Dispute Resolution Plan do not result in a resolution of the dispute the matter should then be referred to “the church”. As indicated above the school operates as a ministry of Sample Church under which the school derives its authority. The church has delegated this authority for the running of the school to the School Board who, in this case, would act as ‘the church’.

The process for involving the Board is outlined in Section 6 above. It is not appropriate for individual Board members to be approached or canvassed on any issue as proceedings of the School Board are confidential and not discussed publicly. Any Board member who is approached directly with a complaint will not enter into discussion on the subject but will merely request that the matter be addressed through the appropriate channels as outlined in this policy.

In reaching a decision on any matters before it the School Board must consider all the available information and act in the best interest of the school as a whole. This may result in decisions being made for reasons that cannot be fully explained because of the need to maintain confidentiality. While it is intended that a response will generally be made to matters raised with the School Board this will not usually include details of any discussion and may consist only of acknowledgment that the issue has been raised.

In the event that an issue is raised with the School Board and in the view of the complainant is not satisfactorily resolved it would be appropriate for that person to review their continuation as a member of the school community. It is not appropriate for issues to be discussed outside the framework that is discussed in this policy. In the event that this occurs the School Board may decide that, after following the procedure set out in this policy, it is in the best interests of the school that the relationship is terminated.

Fourth Principle. : Preserve unity as much as you on your part can do

Be completely humble and gentle; be patient, bearing with one another in love. Make every effort to keep the unity of the Spirit through the bond of peace: Ephesians 4:2-3

You should not discuss your grievances with other people not directly concerned with fixing the problem as set out above. The Body of Christ, which is in effect Christ himself is hurt when we gossip about problems or when we talk to others about issues that they do not need to know about. Often after an issue is resolved between two people the problem reoccurs because so many other people have heard about it and they did not hear how it was resolved. Christians are called to be patient, humble forgiving and keeping unity as much as they can.

ANNEXURE 2

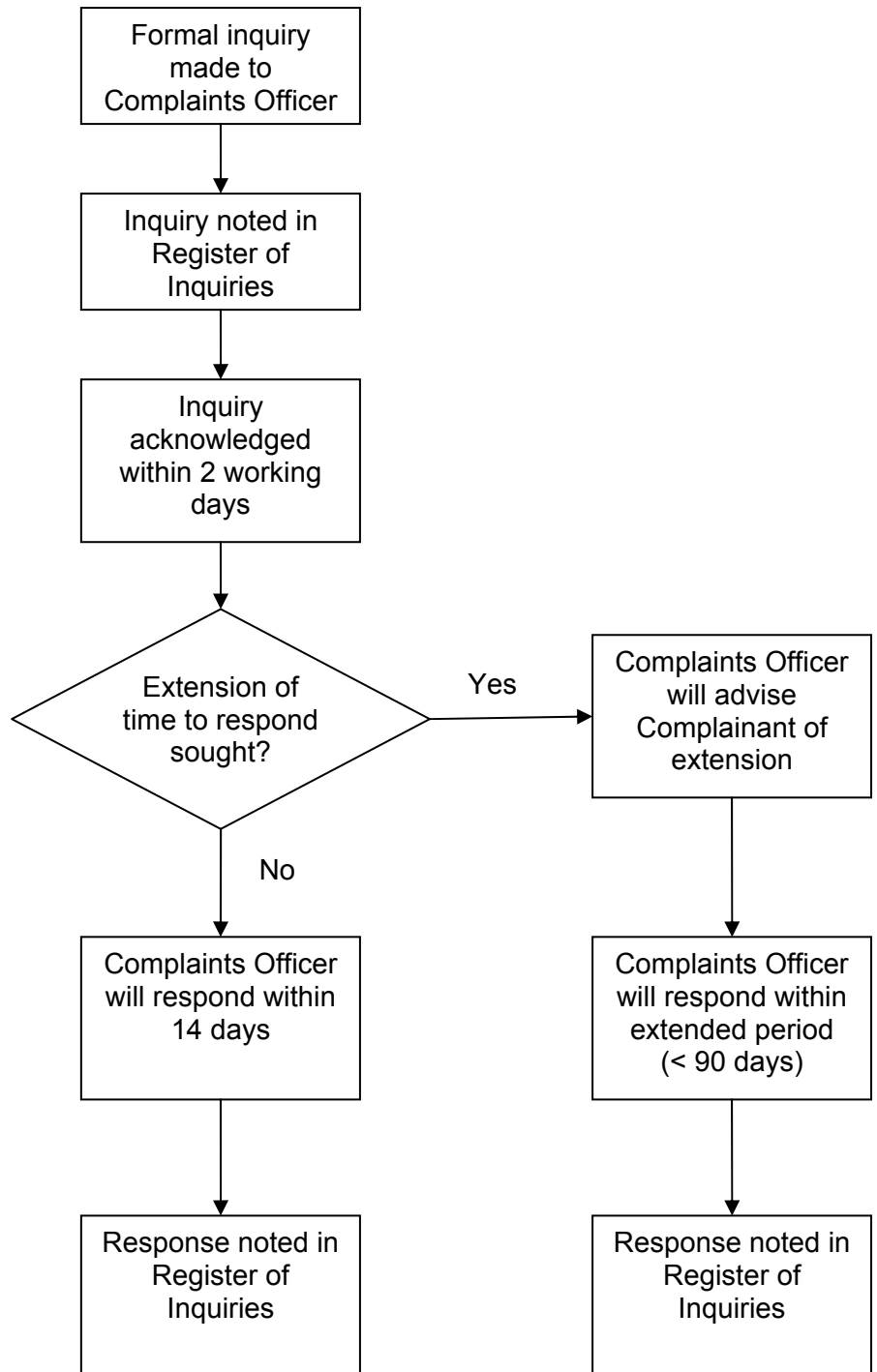
The School Complaints Officer

Name & Position	Contact details	Date of Appointment
Phil Johnson (Principal)	Heritage Christian School PO Box 5598 Port Macquarie NSW 2444 Phone: (02) 65838277 Fax: (02) 65836640 Email: philj@heritage.nsw.edu.au	January, 2003

ANNEXURE 3

Dispute Resolution Flowchart

INQUIRY



COMPLAINT

