

Complaints, Grievances and Conflict Policy

DOCUMENT CONTROL			
Document Owner	Compliance Manager	Last Review Date	April 2024
Version	2.1	Approved by	CST Executive
Status	Endorsed	Next Review Date	April 2027

1. **Purpose**

1.1. There are times in every community when people may have concerns about how an issue is being addressed. When raised, these concerns may be found to be misunderstandings and easily resolved, or they may become a point of disagreement between the parties involved. Where a disagreement is not resolved to the satisfaction of all concerned parties, it may become a point of conflict and assistance from another person or entity may be required in order to reach a suitable resolution.

The manner in which concerns, disagreements and conflicts are managed can mean the difference between harmony and tension in a community. This Policy sets out for parents, students, employees and others involved within the CST community the way to deal with any concerns, disagreements and/or conflicts that arise and to promote their resolution by measures based on consultation and cooperation consistent with biblical principles and practices.

The purpose of this Policy is to:

- prescribe fair and consistent procedures to resolve grievances and/or conflicts in the school community;
- ensure complaints, grievances and/or conflicts are resolved in a timely manner and, where possible, between the persons concerned;
- ensure all members of the school community are aware of Association policies for responding to complaints, grievances and/or conflicts;
- ensure CST processes comply with the relevant sections of Awards and the Privacy Act;
- ensure the CST response to complaints, grievances and/or disputes within the school community is consistent with the CST Mission 'To honour God through the provision of Christ-centred education.

2. Scope

2.1. This Policy applies to all complaints, grievances and conflict between any member(s) of a school community or any persons affected by the school's operations, including the Board of Directors, Principals, staff, students, parents, volunteers, suppliers, contractors and neighbours. It covers:

- Introduction
- Biblical Basis
- Complaints or Grievances Response Process
- Conflict Resolution Process
- Documentation
- Where an issue involves child protection or another area covered by specific legislation, it will be referred immediately to the relevant external agency. This may preclude the application of this Policy for a time.
- In all cases, the policies and procedures of CST and the individual school addressing the particular issue shall be followed. This Policy is designed to complement, not override, the proper process in relation to such matters.

2.2. This Policy replaces all previous policies concerning complaints, grievances and conflict resolution. In dealing with complaints, grievances and/or conflicts, CST seeks to determine God's will and what is right and just for the people concerned. This Policy has been prepared in consultation with members of the Christian Schools Tasmania community.

3. Policy

3.1. **Definition of terms for the purpose of this Policy:**

- **Grievance** includes any disagreement, unresolved difference or negative feeling between any members of the school community, which, if left unresolved, will be detrimental to ongoing relationships in the school.
- **Complaint** has the same meaning as **Grievance** for the purposes of this Policy.
- **Complainant** refers to the person who initiated the complaint or grievance response.
- **Conflict** or **Dispute** means a complaint or grievance which cannot be resolved between the parties concerned.
- **Mediation** is a process where an independent person, agreeable to and accepted by all parties in dispute or, if agreement between the parties to the dispute cannot be reached, a person appointed by CST to mediate on the matter and works with those parties to reach reconciliation or at least a resolution which all parties agree is acceptable.
- **Respondent** refers to the person against whom a complaint is made.
- **Support Person** refers to a third-party person invited to attend formal discussions under Stage 3 of the Complaints or Grievances Response Process. The role of the support person is to provide emotional support. The support person is not to act as an advocate and should not speak on behalf of the party they are supporting.

3.2. **Introduction:** The Association is committed to forming and maintaining harmonious and cooperative relationships at all levels in the Christian Schools Tasmania community. Where there is disagreement or where relationships break down, CST firstly looks to the scriptural principles for resolution.

This Policy is intended to complement the provisions of the Award but not replace them. Biblical principles are not inconsistent with the Award. They are to be applied in the first instance. Where there is a discrepancy between the Award (and/or any applicable law) and the Policy, the applicable law and/or the Award must be followed.

In any potential conflict situation, it is best if the resolution process begins as soon as the situation has been identified. The longer the conflict is left, the harder it may be to reach a reconciliation.

The Board will ensure Principals and all senior staff have the necessary training to fulfil their roles under this Policy.

3.3. **Biblical Basis:**

CST acknowledges the wisdom of Scripture as advanced by the following references taken from the New International Version of the Holy Bible.

Mat 5:23-44

Therefore if you are offering your gift at the altar and there remember that your brother has something against you, leave your gift there in front of the altar. First, go and be reconciled to your brother; then come and offer your gift.

Col 3:23-4

Whatever you do, work at it with all your heart, as working for the Lord, not for men, since you know that you will receive an inheritance from the Lord as a reward. It is the Lord Jesus Christ you are serving.

Eph 5:21

Submit to one another out of reverence for Christ.

Mat 18:15-17

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. 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. If he refuses to listen to them, tell it to the church and if he refuses to listen even to the church, treat him as you would a pagan or a tax collector.

Mat 18:21-2

Then Peter came to Jesus and asked, "Lord, how many times shall I forgive my brother when he sins against me? Up to seven times?" Jesus answered, "I tell you, not seven times, but seventy-seven times."

Mat 6:14-15

For if you forgive men when they sin against you, your heavenly Father will also forgive you. But if you do not forgive men their sins, your Father will not forgive your sins.

Rom 13:8

Let no debt remain outstanding except the continuing debt to love one another, for he who loves his fellow man has fulfilled the law.

The implementation of the resolution process which follows will be tempered by these instructions about Christian love, forgiveness and reconciliation.

As Christians, we are exhorted to pray without ceasing, and where two or three gather in God's name, He will be present with them. It would therefore be encouraged that prayer is made an integral part of the process of handling differences, and meetings would normally begin and end with time spent praying.

- 3.4. **Complaints, Grievances and Conflict Response Process:** The following process is used for the resolution of complaints or grievances in the school community. It is based on Biblical precepts, and in relation to staffing matters, complies with the requirements of the Award. Provided the spirit of the Policy is maintained, the process allows for some flexibility in its application where circumstances warrant.

Stage 1 - Informal Discussions:

When differences first become evident, reconciliation is sought through private and informal steps involving only the parties concerned. The Complainant is encouraged to approach the Respondent/s with a view to initiating discussions about the alleged grievance. No official record is kept of these discussions, but it is recommended all parties keep diary notes with a precis of the matters discussed and any agreements reached.

Stage 2 - Formal Discussions:

- If the Complainant is not successful in resolving the complaint or grievance directly with the Respondent/s involved or the Complainant feels it is inappropriate to approach the Respondent/s directly, the Complainant should refer the complaint or grievance to the Designated Party as shown in Attachment A below. If escalating issues to the Designated Party, the Complainant must put the complaint or grievance in writing, including the nature and details of the complaint or grievance (when, where, who, what etc.) and must also include what kind of outcome the Complainant is seeking.
- The Designated Party will then:
 - investigate the complaint or grievance by interviewing the parties involved both individually and, if deemed necessary by the Designated Party, collectively;
 - make a determination as to how to resolve the issue and present the proposed resolution to the parties involved.
- In the event all parties are satisfied with the resolution proposed by the Designated Party, the matter will be closed, and no further action will be required.
- Records of these discussions must be kept, including any commitments or undertakings given by any of the parties involved. All parties are encouraged to sign and keep a common record of discussions. The online Complaints and Grievance Form available on the CST intranet (or SharePoint) should be used to record this discussion.
- In the event the Complainant is not satisfied with the resolution proposed by the Designated Party or the Complainant feels it is inappropriate to approach the Designated Party, the Complainant can refer to and follow the formal grievance procedure outlined in the relevant Industrial Award or Agreement or, if preferred, the Complainant may approach an outside agency to discuss possible solutions to the impasse.
- If after Stage 2 the matter has not been resolved to the satisfaction of the Complainant, the matter will be treated as a conflict or dispute and will advance to Stage 3 – Formal Mediation.
- The appropriate parties, as detailed in the online form, should immediately be informed of the grievance once it has reached this stage, along with a brief summary of the outcome of the meeting and progress toward resolution. It is not necessary to include details of the discussions in this summary.
- In principle, the parties involved in the grievance process, other than the Complainant and the Respondent, should have a supervisory role over the Complainant and Respondent involved in the grievance.

Stage 3 - Formal Mediations:

- In the event a resolution cannot be reached via Stage 2, either party to the conflict or dispute may initiate formal mediation in an attempt to resolve the matter.
- An independent person trusted and accepted by both parties will be asked to mediate in the conflict and document points of agreement and disagreement.
- At this stage, any party to the conflict or dispute may involve another person as a support person who will play no role in the discussion but will be present to offer support to that person.
- It is expected both parties at this stage will be committed to reaching a resolution and will, therefore, generally comply with any reasonable recommendations of the mediator.
- Records of these discussions must be kept, including any commitments or undertakings given by any of the parties involved. All parties are encouraged to sign and keep a common record of discussions. The online Complaints and Grievance Form available on the CST intranet (or SharePoint) should be used to record this discussion.
- The appropriate parties, as detailed in the online form, should immediately be informed of the conflict once it has reached this stage, along with a brief summary of the outcome of the meeting and progress toward resolution. It is not necessary to include details of the discussions in this summary.
- At the conclusion of the Formal Mediation process, the appointed mediator will inform the parties involved of the mediator's recommendation/s with regard to the conflict or dispute and, as stated earlier, all parties have agreed to comply with any reasonable recommendation/s made by the mediator.
- In the event the mediator's recommendation/s are considered not to be reasonable by any party to the conflict or dispute, the matter will be referred to arbitration.

Stage 4 – Arbitration:

- In cases where matters relating to the Award or employment conditions are concerned, the final recourse is to external arbitration through the courts or the Industrial Relations Commission.
- In all other cases, including those cases where one or more of the parties involved in the complaint, grievance and/ or conflict are unwilling to engage in the above three stages for resolution, the following process will be observed:
 - a. In order to initiate the arbitration, any party to the issue or the mediator appointed in Stage 3 may make a written complaint addressed to the Principal. Where a disagreement or conflict involves the Principal, the matter should be referred in writing directly to the Chief Executive Officer of CST. Where a disagreement or conflict involves the Chief Executive Officer, the matter should be referred in writing directly to the Board Chair of CST.
 - b. The complaint must be written and contain sufficient and specific detail of the basis of the complaint or conflict whilst having regard for matters of confidentiality and competing duties of care.
 - c. On receiving a written complaint, the Principal, Chief Executive Officer or Board Chair is responsible for undertaking Formal Complaint Proceedings, with the intent to resolve the substantive issues of the disagreement or conflict.
 - d. CST is committed to dealing promptly with issues as they arise.
 - e. At the time the complaint is acknowledged, a time frame for the Formal Complaint Proceedings will be discussed and agreed to by all concerned parties.

- f. When undertaking Formal Complaint Proceedings, the Principal, Chief Executive Officer or Board Chair will ensure all relevant parties:
 - are informed in writing of the complaint and/or conflict;
 - have the opportunity to place their version on the record; and
 - are informed they have the opportunity to bring along a support person to a meeting if desired.
 - g. The Principal, Chief Executive Officer or Board Chair will assist the parties to attempt to reach a resolution, personally or through a delegate, by facilitating a meeting and mediating discussion.
 - h. Procedural fairness must be exercised in any Formal Complaint Proceedings. This ensures all the parties involved will receive a fair hearing, and any final decision is without bias. The principles of procedural fairness are as follows: the person considering the issue will act impartially;
 - anyone involved in the matter has the right to be heard fully;
 - anyone involved has the right to have a support person present;
 - all relevant information will be taken into account; and
 - where a conflict of interest arises or is perceived to have arisen, a mutually acceptable independent person may be brought in.
 - i. Accurate and appropriate notes of meetings will be kept with due regard to the confidentiality of the people involved.
 - j. Subsequent to these proceedings, the Principal, Chief Executive Officer or Board Chair may initiate appropriate action within the school community, where agreed to by the parties, as part of any resolution to the disagreement, conflict or complaint.
 - k. The Principal, Chief Executive Officer or Board Chair will maintain records of the Formal Complaint Proceedings and the outcome. These will include any statements made by the parties involved. These records will be kept and used in accordance with the conditions of the Commonwealth Privacy Act (1988).
 - l. If a resolution has not been reached within the initially agreed time frame (or extended time as mutually agreed), either of the parties involved may request the matter be referred, with full details, to the CST Chief Executive Officer or Board Chair.
 - m. The Chief Executive Officer or Board Chair will make a decision regarding the substantive issues with reference to all the written material provided and may make further enquiry or meet with the people involved if deemed appropriate.
 - n. The Chief Executive Officer or Board Chair will inform each party of the decision.
 - o. Any request for review of the process and outcome of this decision may be addressed through the Chief Executive Officer or Board Chair to the CST Board. The Board may make recommendations as they see fit (including, but not limited to, the appointing of an external mediator).
 - p. All parties to the arbitration proceedings will be notified of the findings of the Board review.
 - q. At the end of any conflict resolution process, actions taken will be evaluated and procedures reviewed. This evaluation and review will be initiated by the facilitator at the level of resolution (e.g. Principal, Chief Executive Officer or Board appointed external mediator).
- In the event one or more of the parties to the conflict is/are not satisfied with the outcome of the arbitration process, it is the right of the dissatisfied party or parties to seek remedy at law.

3.5. Documentation:

- 3.5.1. Full reports will be completed for all but Step 1 of the Complaints, Grievances and Conflict Response Process – the online Complaints and Grievance Form available on the CST intranet (or SharePoint) should be used.

3.5.2. Where a grievance or conflict involves an Association school, a worker or a volunteer, a full record will be kept of the steps taken. The Board will be kept informed of the progress made toward resolution, although not necessarily the details of the discussions.

3.5.3. Each person involved should keep their own informal records during Stage 1 of the process. The use of diary notes is recommended. Parties may keep more complete records of these discussions for their own use.

3.6. **Roles and Responsibilities:**

3.6.1. All persons, including students, parents and volunteers are responsible for:

- applying Biblical principles in their dealings with each other and those in authority over them;
- seeking God's will by praying earnestly, both individually and when meeting to discuss matters of dispute or discipline.

3.6.2. Workers are responsible for:

- taking steps to resolve disagreements or disputes as quickly as possible by initiating discussions in the Complaint or Grievance Response Process;
- following the steps outlined in this Policy, and/or allowing them to be followed.

3.6.3. Senior workers are responsible for implementing this Policy with their staff as directed by the Principal.

3.6.4. The Principal is responsible for:

- implementing this Policy in each school;
- tempering the implementation of this Policy with Christian love, forgiveness and reconciliation;
- keeping appropriate records of actions taken under this Policy;
- seeking independent counsel in difficult situations, especially during the later steps in the process;
- keeping the Board informed through the Chief Executive Officer.

3.6.5. The Board is responsible for:

- the review and maintenance of this Policy and associated documentation;
- implementing this Policy for Board members, Heads of School, Association workers, volunteers and members of the wider community;
- disseminating this Policy into the Christian Schools Tasmania community;
- seeking independent counsel in difficult situations, especially when involved in Steps 2 to 4 in the process;
- ensuring that Senior workers are qualified or skilled to carry out their responsibilities under this Policy.

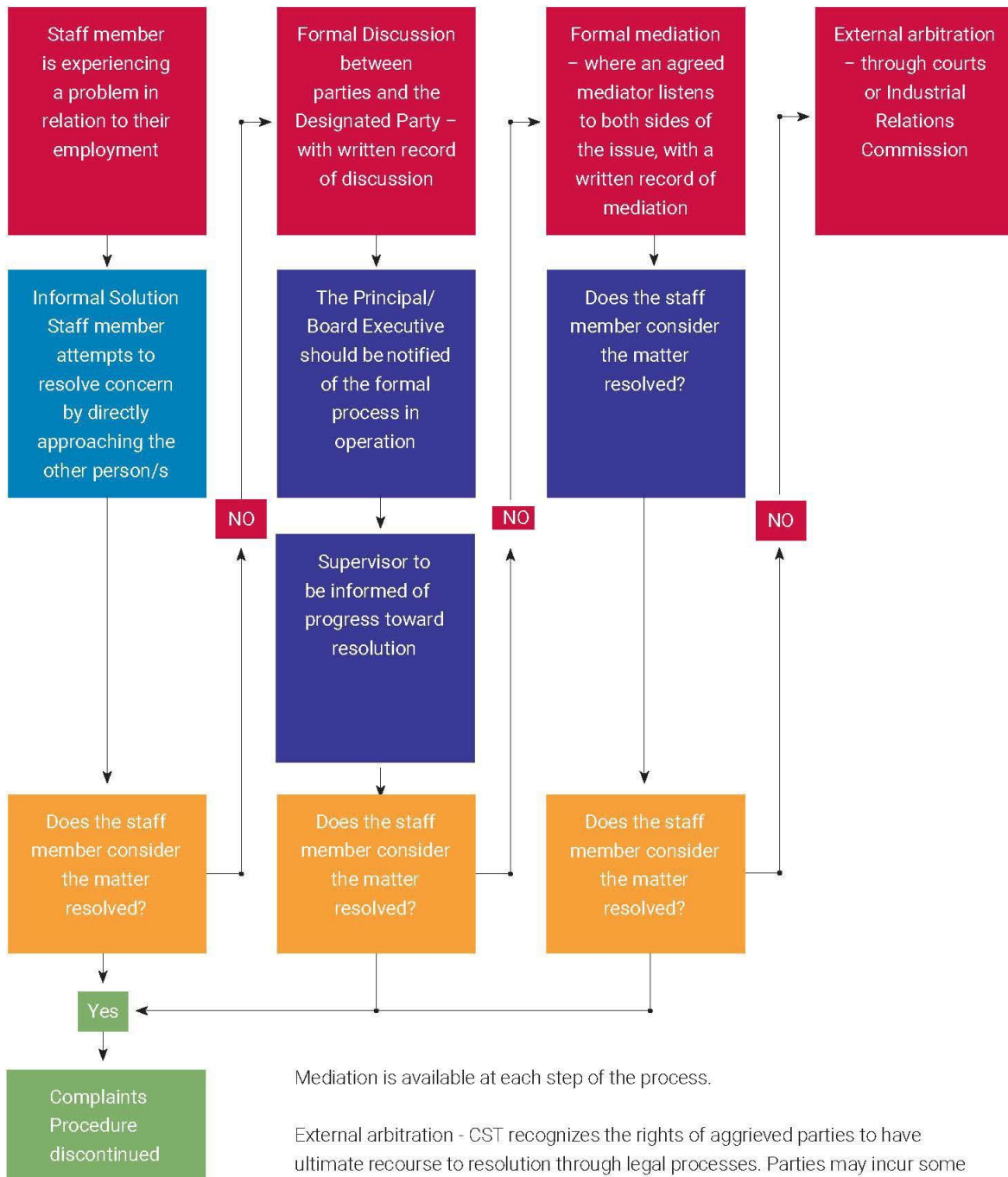
3.7. Designated Parties for the Grievance Response Process:

Respondent	Step	Parties involved (other than Complainant and Respondent)*
Workers, Senior Staff/Coordinators	1. Informal Discussions	If no resolution can be reached - Principal (advised)
	2. Formal Discussions	Principal (informed), Independent Mediator (optional)
	3. Formal Mediation	Independent Mediator, Principal, CEO, Board (advised)
	4. Arbitration	Courts or Industrial Relations Commission (Board informed)
Principal	1. Informal Discussions	If no resolution can be reached - CEO (advised)
	2. Formal Discussions	CEO, Independent Mediator (optional), Board Chairman (advised)
	3. Formal Mediation	Independent Mediator, CEO, Board (informed)
	4. Arbitration	Courts or Industrial Relations Commission, Board (informed)
Chief Executive Officer (Board)	1. Informal Discussions	If no resolution can be reached - Board Chairman (advised)
	2. Formal Discussions	Board Chairman (informed), Independent Mediator (optional)
	3. Formal Mediation	Mediator (reporting to Board), Board Chairman
	4. Arbitration	Mediator (reporting to Board), Board Chairman

* References to 'advised' in the above table refer to informal phone or email advice, whereas references to 'informed' require formal written communication via management or Board reporting.

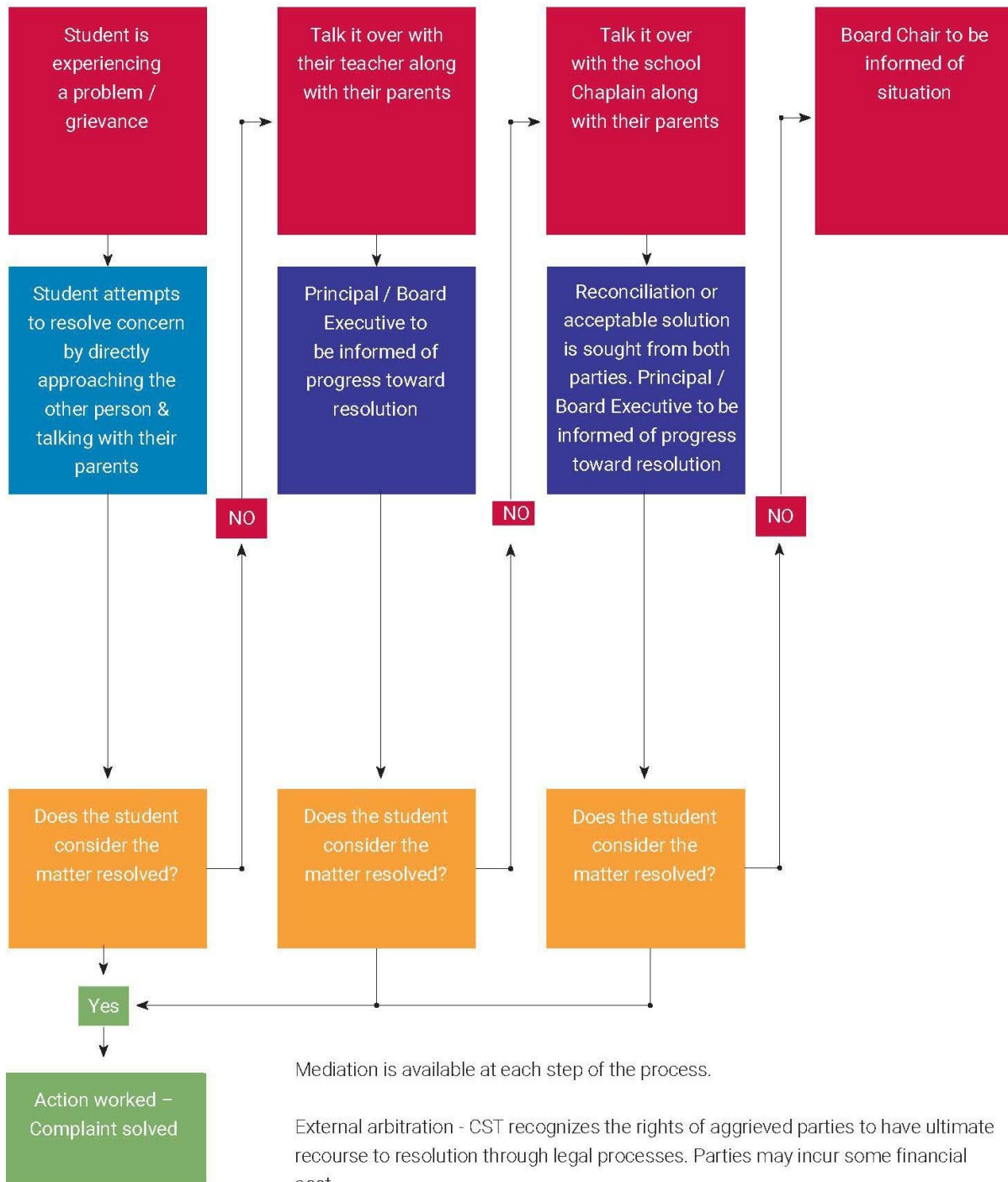
Staff Complaints Process

To be used in conjunction with the Complaints Management Policy



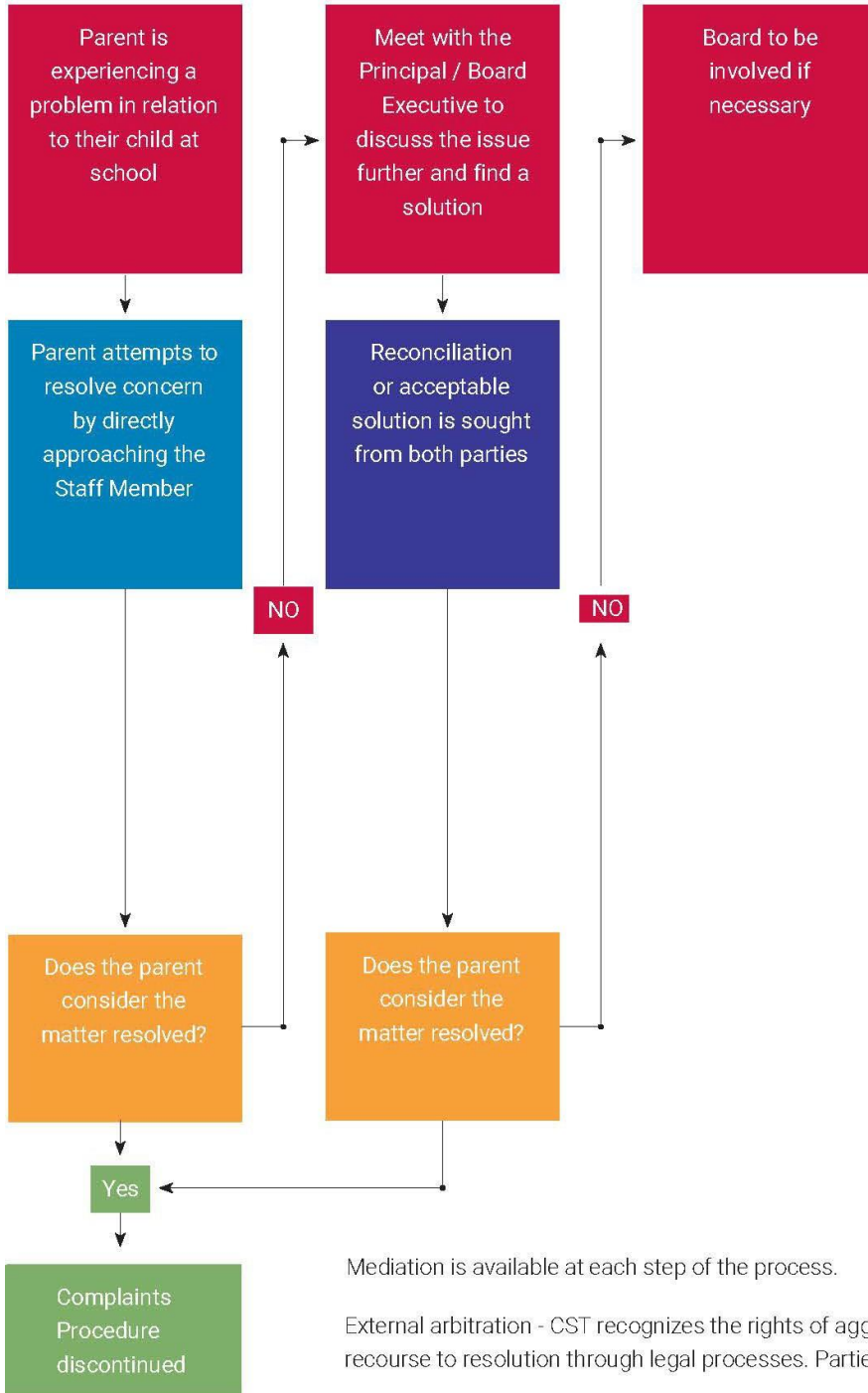
Student Complaints Process

To be used in conjunction with the Complaints Management Policy



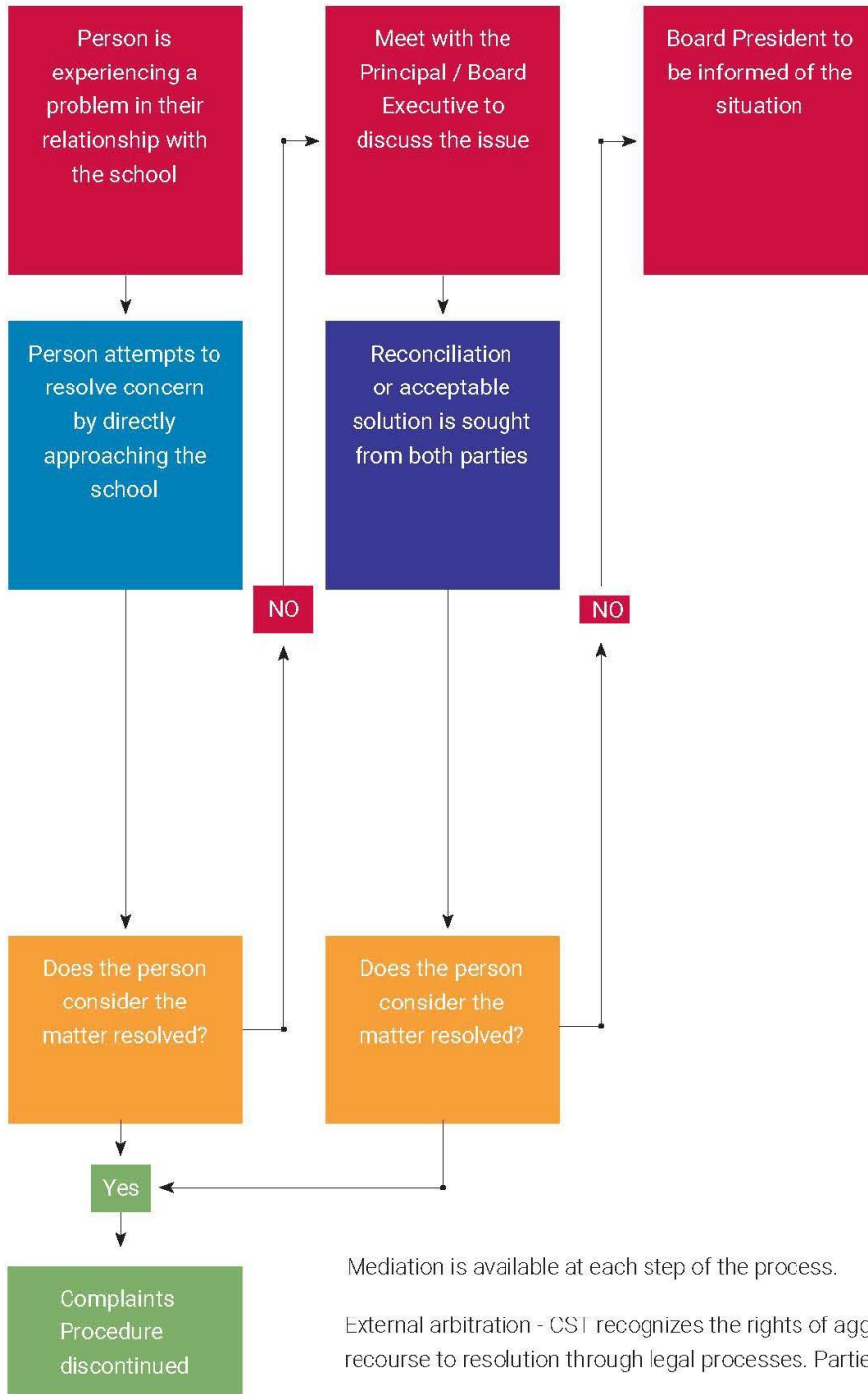
Parent Complaints Process

To be used in conjunction with the Complaints Management Policy



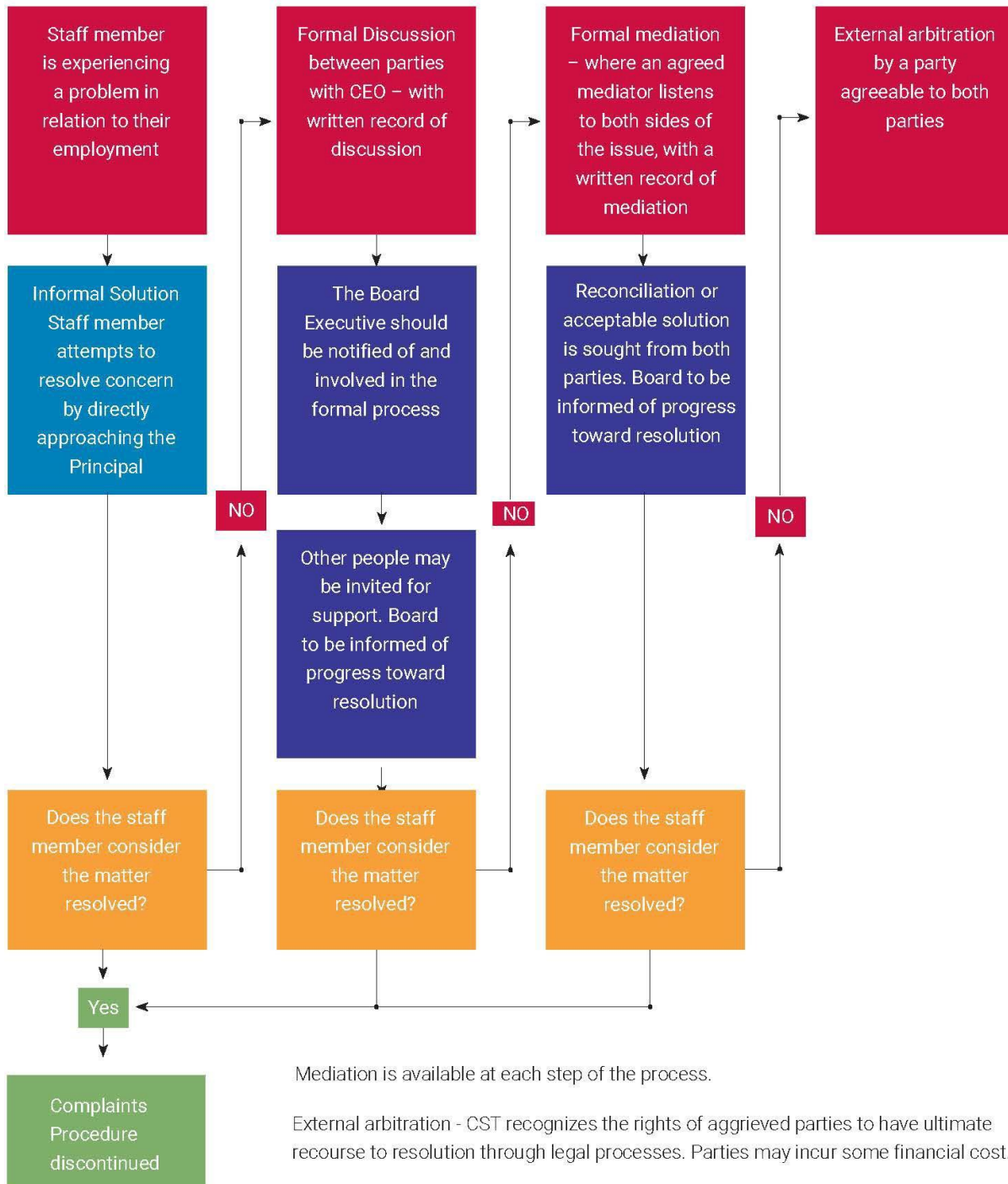
Other Community People Complaints Process

To be used in conjunction with the Complaints Management Policy



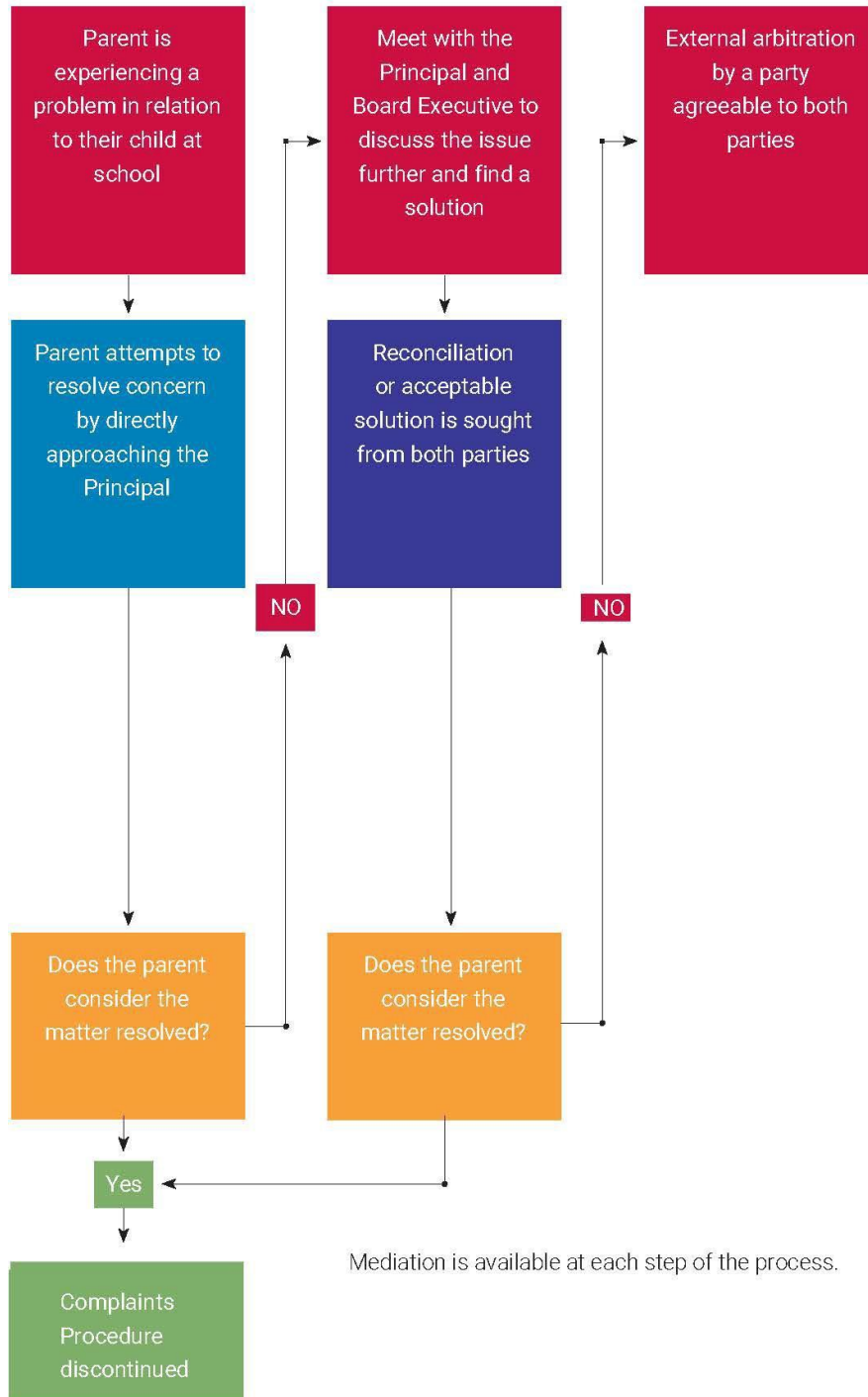
Staff Complaints Process Involving Principal

For complaints involving the Principal - To be used in conjunction with the Complaints Management Policy



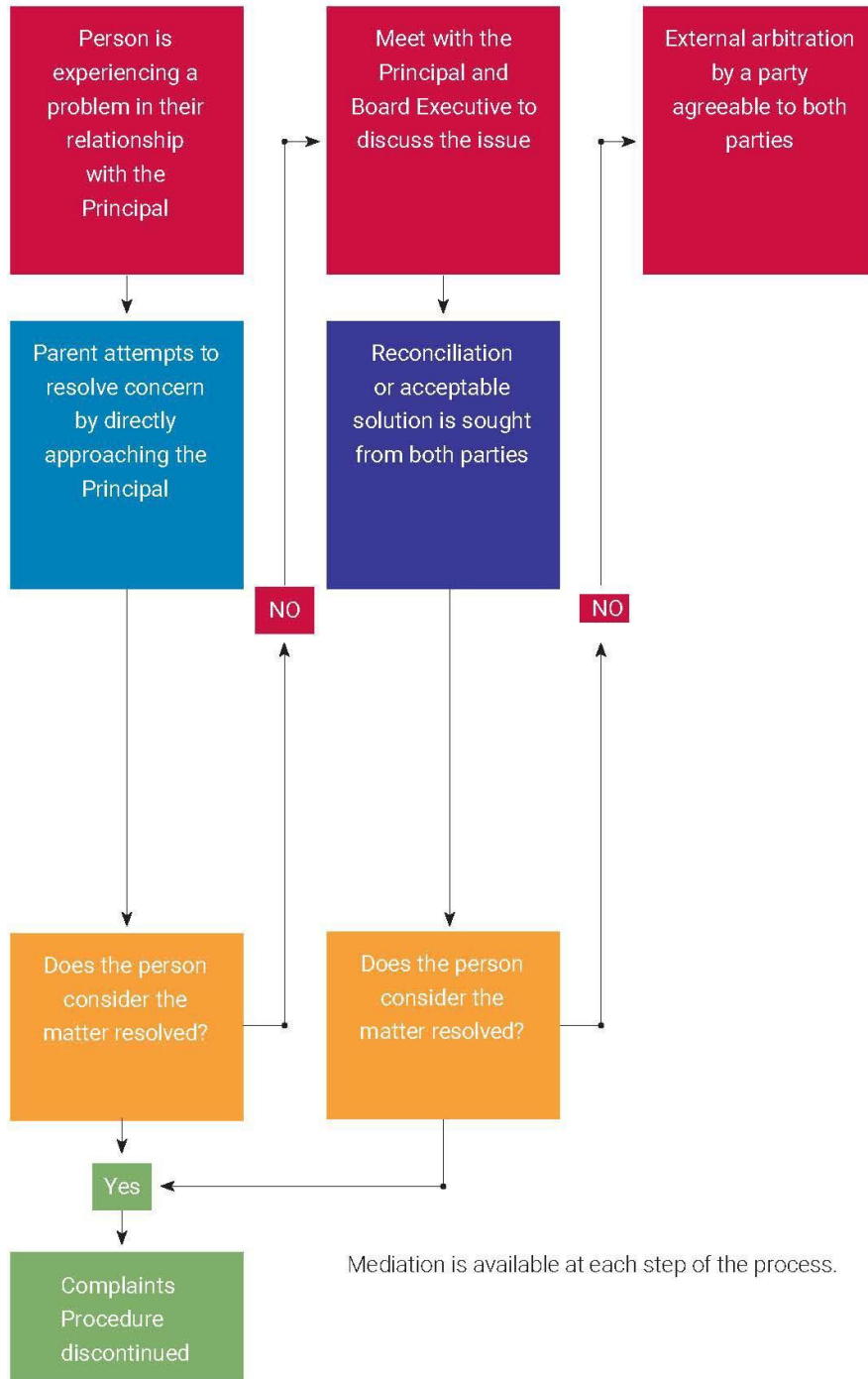
Parent Complaints Process Involving Principal

For complaints involving the Principal - To be used in conjunction with the Complaints Management Policy



Other Community People Complaints Process Involving Principal

For complaints involving the Principal - To be used in conjunction with the Complaints Management Policy



4. References and Additional Related Documents

- Staff Recruitment, Induction and Probation
- Professional Growth and Development
- Counselling and Disciplinary Policy
- Christian Schools Tasmania's Vision, Mission & Values
- Christian Schools Tasmania's Code of Conduct

5. Record Keeping

- 5.1 This Policy is to be kept for three (3) years until review, unless there is a significant legislative or organisational change requiring earlier review.
- 5.2 The master copy is kept in <https://www.cst.tas.edu.au/services> under Policy Documents, online in read-only in PDF form. Any printed or downloaded copies are deemed uncontrolled.

GENERAL DEFINITION OF TERMS:

Where referred to in this document:

Christian Schools Tasmania (CST) means an association of Christians who, through their Board of Directors, are legally responsible for Calvin Christian School, Channel Christian School, Emmanuel Christian School and Northern Christian School.

The School refers to the CST school to whom the Policy applies.

The Board means the Board of Directors of Christian Schools Tasmania.

Executive is a forum including the Chief Executive Officer, Principals and the Business Manager.

Chief Executive Officer (CEO) is the person appointed to the position of Chief Executive Officer of the Association, or a person acting from time to time in that position.

Principal means the person charged with responsibility for the operation of an Association school, or a person acting from time to time in that position.

Compliance Manager is the person appointed to the position of Compliance Manager of the Association, or a person acting from time to time in that position.

Business Manager is the person appointed to the position of Business Manager of the Association, or a person acting from time to time in that position.

Manager means a person appointed to a managerial position within CST.

Staff is any person either employed by CST either on a casual, part-time or permanent basis as well as volunteers, contractors and sub-contractors engaged in working at a CST School.

Parent is a person who is the legal guardian of a child enrolled at a CST school.

Child means any student enrolled at a CST school.