BUILDING
A SAFE AND CARING
COMMUNITY

Complaints and Conflict Resolution Policy and Procedures
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Preamble

Building a Safe and Caring Community (BSCC) is a framework of policies, procedures and guidelines adopted by St Andrews Lutheran College to assist us to reflect the love of God through the way we seek to provide a safe and caring environment for all adults and children involved in our College community. BSCC also assists us to meet our legislative requirements.

Foundational frameworks and legislation

BSCC incorporates:

- **Valuing Safe Communities** (Lutheran Education Australia): a framework of policies relating to the behavior of adults in Lutheran Schools.
- **Safe Place Policy** (Lutheran Church of Australia): a policy relating to the sexual abuse/harassment of people over 18 years of age
- **National Safe Schools Framework** (Australian Government)
- **Principles of Restorative Practices and The Round Table Policy** (St Andrews Lutheran College)
- Other relevant state and national legislation including Child Protection Legislation.

Underlying Principles

**The Gospel:** ‘In the Lutheran school the gospel is to inform all programs, relationships and activities (LCA and Its Schools statement). The love of God in Jesus Christ is to govern all that is done and, in response to this love, people in the school community are directed to their fellow human beings. When they love others, they love him. Christ’s promise is that whatever is done for others is done for him. Informed and transformed by God’s creative, redemptive and sanctifying love, God’s people are concerned with the total needs of their fellow human beings.’ *(Industrial Relations and the Lutheran school).*

**Lifelong Learning:** The framework, **Lifelong Qualities for Learners**, defines the ethos of Lutheran schools: ‘As central to their mission and ministry, Lutheran schools seek to nurture individuals who are aware of their humanity, open to the influence of the Holy Spirit and growing in and living according to a cohesive worldview while living in community and reflecting characteristics of God through core values, especially love, justice, compassion, forgiveness, service, humility, courage, hope, quality, appreciation and restoration’.

**Restorative Practices:** At St Andrews we use Restorative Practices based on biblical principles (Matthew 18:15-17; 1 Corinthians 6:1-11) to help to create a safe, fair, harmonious and productive learning environment. We also employ Restorative Practices to settle differences, resolve issues and restore relationships whilst also meeting the requirements of the law of the land.

Scope

BSCC relates to:

- **Staff:** all employees, paid workplace participants and volunteers;
- **All sub-schools and associated entities** including out of school hours care and vacation care services,
- **Students:** all children and young people enrolled at or attending the sites defined under **school**.

BSCC includes policies and procedures encompassing the following for **students AND staff**:

- Anti-Bullying and Harassment Policy – Students
- Behaviour / Relational Management Policy – MS/SS
- Child Safety and Risk Management Policy
- Child Protection Policy
- Code of Ethics for Support Staff
- Code of Ethics for Teachers
- Complaints and Conflict Resolution Policy and Procedures
- Critical Incident Management Policy
- Duty of Care Policy
- General Anti-Harassment and Anti-Discrimination Policy and Procedures
- Influencing Behaviour within a Restorative Practices Framework Junior School Policy
- Privacy Policy and Procedures
- Restorative Practices, including Round Table Policy
- Risk Management Procedures
- Special Education Policy
- Volunteer Policy and Procedures
- Workplace Health and Safety Policy

Major References:

- **Valuing Safe Communities**, Lutheran Education Australia, November 2008
- **Restorative Practices in Schools**, Margaret Thorsborne
Section 1: Complaints and Conflict Resolution Policy

("If it is possible, as far as it depends on you, live at peace with everyone" Romans 12:18 NIV.)

Lutheran schools seek to be places of physical, social and psychological safety for all where legal requirements are fulfilled, and where caring, cooperative and respectful relationships contribute to supportive communities that reflect the values of the gospel of Jesus Christ and where there is a focus on love, justice, compassion, forgiveness, service, humility, courage, hope, quality and appreciation and restoration.

In particular, St Andrews Lutheran College is committed to using Restorative Practices to address issues of concern, resolve conflict and restore peace.

RP consists of a philosophy and continuum of processes based on the premise that it is preferable for people involved in a conflict, wrongdoing or misbehavior, where possible and appropriate* to be actively involved in the process of resolution and that repairing harm done to people and relationships is an effective way to build a safe and caring community. (See Appendix A: Use of Restorative Practices in the Complaints and Conflict Resolution Processes and Appendix B: Round Table Policy.)

Other related policies and procedures include:
- St Andrews College Council Policy for Resolution of Concerns which provides information about appropriate procedures for approaching College Council
- St Andrews Open Door Policy which covers parents' access to College personnel to express concerns or provide information.
- Student Appeals Procedure relating to verification of teachers' assessment of students' work.
- Valuing Safe Communities Fact Sheet: Complaint Resolution Options

*Please note: this Policy allows for means other than, or in addition to, Restorative Practices, to resolve complaints and conflict where issues are more serious, intractable or in cases involving unlawful behavior such as Child Sexual Abuse.

Section 2: Guiding Principles for Effective Complaints Management

2.1 Commitment
   a) School leaders model best practice in handling complaints
   b) Staff are informed about complaint resolution procedures and the people with the responsibility for receiving and dealing with complaints
   c) Complaint resolution processes rely on people acting in good faith, exercising good judgment, being honest and open, focusing on the issues not the person and communicating in a courteous, and respectful manner

2.2 Fairness
   a) People are entitled to lodge a complaint
   b) Complaints are lodged in good faith
   c) All complaints are taken seriously
   d) Every reasonable effort is made to ensure that a person who lodges a complaint will not be treated unfairly or victimised, the person dealing with a complaint is not intimidated or coerced and the respondent receives a fair hearing
   e) Subject to duty of care or other legal obligations, people are informed of any allegations against them or grounds for adverse comment about them
   f) All parties are given a reasonable opportunity to reflect on information and to put their case
   g) Only matters relevant to the complaint under consideration are taken into account
h) As far as possible and appropriate, confidentiality is respected and maintained by all parties through the resolution process, save where persons are required to be informed on a 'needs to know basis' or where statutory or legal requirements demand that matters be reported

i) Reasonable inquiries or investigations are made before making a decision about the validity or otherwise of a complaint

j) All parties to a complaint are informed of the decision and the reason for it

k) Investigation and decision making arrangements do not conflict

l) No person decides a case in which they have a direct interest

m) All parties are entitled to personal and/or professional advice, support or representation

n) Application of the rules of procedural fairness may vary from one context and situation to another

2.3 Resources

a) Roles and responsibilities for receiving and dealing with complaints are clearly defined and designated, and relevant staff provided with training in communication skills and handling complaints

b) Designated staff have sufficient authority to handle complaints OR ready access to those who do have the necessary authority

2.4 Access

a) Complaints resolution procedures are accessible, consistent and apply to all employees

b) Participants have the right to exercise choice in the method of resolution of a complaint

c) Complaints can be lodged in any form

d) Anonymous complaints are taken seriously, recorded and considered as far as practically possible as they can still lead to a productive outcome. Although there can be limitations on investigation and resolution and complainants may be encouraged to identify themselves, this must not be a requirement

e) The complaints handling procedure is available to all staff, in either print or electronic form

f) The complaints handling procedure is regularly promoted within the school and community

2.5 Assistance

a) Complainants are not required to repeat their complaint to a number of different people

b) The school designates people to receive and manage complaints

2.6 Responsiveness

a) Complaints are dealt with speedily and sensitively

b) Early intervention, effective management and prompt resolution are seen to be critical

c) In general, complaint resolution closest to the source of the problem is the most effective

2.7 Remedies

a) An effective complaints procedure includes a variety of options for resolution

b) Acknowledgement and an apology are expected when a complaint has substance. Where possible, there should be an agreement about how harm can be repaired.

c) A complainant should be provided with evidence that the complaint has been addressed in a transparent and consistent manner

2.8 Data collection and use

a) Complaints are recorded in a systematic and standard way and records filed

b) Records of complaints include sufficient information to allow subsequent analysis if needed

c) Recorded complaints are analysed to determine if there are any recurring patterns

d) Any patterns of behaviour are dealt with by school leaders

2.9 Reviews

a) Complaints handling procedures are regularly reviewed for responsiveness and effectiveness
Section 3: Definitions and Terms

Complaint
Complaints or conflict situations involve two or more people with different expectations and views, each one taking a position and acting on what they believe is right. In addition, the school has expectations that must also be taken into account.
Within the context of this process, a complaint is defined as an expression of dissatisfaction by a student, parent or other staff member with any action or behaviour of a staff member or an aspect of school life or employment which the complainant perceives as adversely affecting him or her, or a student of the school.

The complaint may relate to:
- perceived sexual harassment;
- harassment or bullying
- discrimination on the grounds of disability, race, religious belief, political viewpoint, gender, marital status, pregnancy, sexual preference, national or ethnic origin
- real or perceived unfair, unreasonable or improper treatment
- alleged poor performance (e.g. of teaching or administrative duties)
- conflict of interest
- behaviour that is contrary to the standards defined in the LEA code of ethics
- allegations of bias
- ongoing interpersonal conflict

An employee’s complaint may also relate to issues such as:
- behaviour or perceived inaction by a staff member which has or is likely to have an unreasonable negative impact on another staff member’s ability to fulfil their duties
- administrative decisions concerning people that are arbitrary, capricious or made without appropriate consultation
- industrial issues – anything that has a bearing on conditions of employment (salary, terms of employment, working conditions, work load, etc)

Complainant
The person who is dissatisfied. This may be a parent, student or other staff member.

Defamation
At times a complainant and the employer and employees who attempt to deal with a complaint internally may be threatened with an action for defamation. Although there is little risk of such action succeeding against a genuine complainant who seeks information and support from the appropriate people only, it is important that:
- a complainant is advised not to discuss the complaint issue with all and sundry
- each person who is legitimately provided with information relating to the complaint takes great care to protect that information. Leaving a computer screen open or a note lying on a desk can put the person at risk in any legal action
- each person who legitimately passes on information does so ‘without malice’ and to ensure the health and safety of the complainant

Facts at issue
Details of the complainant’s and respondent’s names and contact information, place and date and description of the alleged behaviour, why it is in question, whether there was any authority to engage in the alleged conduct, whether there was any breach of any policy, behaviour, standard or law.

Good faith complaint
A complaint submitted by a complainant who has honest belief based on reasonable grounds.
Impact of an investigation
Managing the impact of an investigation means:
• anticipating where the impact will be greatest
• considering how the investigation is likely to affect staff morale
• devising strategies to minimise the adverse effects
• devising strategies to restore relationships wherever possible

Procedural fairness
Procedural fairness is also often referred to as ‘natural justice’. It applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way and works to ensure that decision making is fair and reasonable. Justice should not only be done, it should be seen to be done. In effect it means that bias (both real and perceived) is avoided and all parties are given a fair hearing.

Respondent
The subject of a complaint – the person alleged to have caused the dissatisfaction, through their words, action, or inaction.

Vexatious complaint
A complaint that is submitted for an improper purpose – for example, as an act of revenge, to obtain personal benefit or because the person likes to complain all the time.
Section 4: Staff Complaints Resolution Options for Staff Involved in Issues relating to Workplace Harassment / Discrimination

Table A

<table>
<thead>
<tr>
<th>Face to face resolution</th>
<th>Contact Officer OR Occupational Health and Safety representative OR Union Representative OR Delegated Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expression of concern</td>
<td></td>
</tr>
<tr>
<td>Seek procedural guidance</td>
<td></td>
</tr>
</tbody>
</table>

Following discussion and advice, you may decide to submit a formal written complaint to the person delegated with the responsibility for receiving such complaints and to seek resolution of the complaint from the following options

A. Resolution based on Commitment

Resolve directly with the person
### B. Resolution based on Cooperation

<table>
<thead>
<tr>
<th><strong>Mediation and conciliation</strong></th>
<th>Internally appointed, trained mediator or conciliator</th>
<th>OR</th>
<th>Externally appointed, trained mediator or conciliator</th>
<th>OR</th>
<th>Regional Office Complaints process (mediation and investigation)</th>
</tr>
</thead>
</table>

### C. Resolution based on Compliance

<table>
<thead>
<tr>
<th><strong>Investigation and arbitration</strong></th>
<th>External Investigation organised by the school</th>
<th>OR</th>
<th>Regional Office Complaints process (mediation and investigation)</th>
<th>OR</th>
<th>LCA Safe Place Complaints process (sexual abuse &amp; harassment)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Pursue legal action</strong></th>
<th>Report matter to Australian Human Rights Commission</th>
<th>OR</th>
<th>Report matter to state anti-discrimination or EO agency</th>
<th>OR</th>
<th>Report matter to police</th>
</tr>
</thead>
</table>
Complaint Resolution Options Expounded

The choice of the resolution process must lie with the complainant

According to the nature and seriousness of the situation, a staff member may elect to deal with dissatisfaction in one or more of the following ways:

4.1 Face to Face Resolution

If at all possible, a concern, issue, problem or conflict is best dealt with directly between the people involved before it escalates to the stage of making a complaint. Early action at this level generally provides the best opportunity for positive resolution.

Face to face resolution involves the person with the concern raising the matter directly, either verbally or in writing, with the person(s) responsible for the behaviour to let them know the impact their behaviour has had and to see if a misunderstanding has occurred. It requires both parties to work together to reach a mutually agreed resolution through a problem solving approach conducted in a spirit of goodwill and commitment. Both the complainant and the respondent will need to approach the situation in an open, inclusive and cooperative manner.

The following process is recommended:
- discuss confidentially
- state what the problem is
- give an example of the behaviour that has caused dissatisfaction
- state how it is affecting you and your work
- describe what is at stake and why the problem needs to be resolved
- express personal willingness to contribute to a resolution
- seek the other person's perception of the situation
- state what is needed
- be open to new solutions
- be willing to make the first move towards reconciliation

4.2 Expression of concern

At times an aggrieved person simply wishes to talk over a concern about a one off incident to a trusted friend or colleague but does not want to take any further action. While this is a legitimate way of managing a minor concern, passing annoyance or irritation, both parties should be clear about the situation.

However, the following must be noted:
- This should not be a substitute for tackling the issue directly with the person concerned
- While some situations will heal with time, others will not. This is not an appropriate course of action if the issue is causing a problem that is likely to become worse if not dealt with OR if increasing numbers of people are becoming involved.

4.3 Seek procedural guidance

Depending on the arrangements that a particular school has in place, guidance about possible options and assistance in determining an appropriate course of action could be sought from:
- a designated and trained Contact Officer
- a Workplace Health and Safety representative
- a Union representative
- a senior management member with allocated responsibility for staff

All people fulfilling these roles must be clear about their responsibilities to provide correct information, record the details and monitor the situation.
4.4 Resolve the problem directly with the person concerned
Wherever possible, an informal, amicable and equitable resolution of a complaint is the least stressful option for all parties. After obtaining advice, a complainant may decide to make a formal complaint but still be of the opinion that direct resolution with the person concerned is their preferred option. Contact officers can provide informal support in this situation, but they should not be involved in the resolution process.

4.5 Request mediation and conciliation
Seek mediation and/or conciliation through either a trained internally appointed mediator or a trained/qualified externally appointed mediator. Please note: Restorative Practices i.e. a Round Table Conference will normally be used in the former situation.

Conciliation
A process in which parties to a dispute with the assistance of a neutral third party (‘the Conciliator’) identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The Conciliator may have an advisory role in regard to the content of the dispute or the outcome of its resolution, but not a determinative role. The Conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions or give advice on terms of settlement (IAMA).

Mediation
A process in which parties to a dispute with the assistance of a neutral third party (‘the Mediator’) identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or other determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted (IAMA).

It should be noted that any agreement reached by the parties is not directly enforceable by the school.

4.6 Request a formal external investigation
A third party (investigator) collects the information about the situation, appraises it and determines whether the complaint is substantiated or otherwise. It is strongly recommended that this person is from outside of the school to ensure that procedural fairness is followed. Investigations should not be carried out with the preconceived notion that misconduct has occurred. Rather, they are designed to get to the truth of the matter. Even when an investigation does uncover wrongdoing, it can have a favourable impact.

It should be noted that there may be circumstances where initial inquiries or the early stages of an investigation will reveal that there is no case to answer. In such circumstances it may not be necessary to inform the respondent at all, if they are unaware of the investigation. This may save the person from suffering unnecessary stress.

4.7 Regional office complaints procedure
As part of an Enterprise Bargaining Agreement or Collective Agreement, regions may have a complaints procedure that includes both mediation and investigation. Complaints should therefore be lodged through the regional office.

4.8 LCA Safe Place Complaints Procedure
While this option is to be used only for complaints relating to sexual abuse and harassment, it would be quite appropriate for a complainant to go directly to this option. See the Information Sheet: Safe Place Procedure for more details (Appendix C)

Contact is made with Safe Place in any of these ways:
• Phone call to the LCA Safe Place number 1800 644 628, which is a 24/7 referral service
• Email to report.abuse@safeplace.lca.org.au
• Letter to The Supervisor, PO Box 519, Marsden SA 5070

4.9 Seek appropriate legal redress through court action
The matter can be reported to the Australian Human Rights and Equal Commission (formerly HREOC) or the relevant state/territory agency. For more information, see http://www.humanrights.gov.au/info_for_employers/complaints_proc/external_agencies.html

4.10 Report the incident to the police
Some things should not be addressed at a personal level. When complaints are made in circumstances where an alleged crime may have been committed, there is no discretion - the complaint must be reported to the police or relevant outside authorities. These include physical or sexual assault, fraud, indecent exposure, stalking or obscene communications, threatening behaviour.

Section 5: Roles and Responsibilities

The people designated to manage complaints relating to workplace behaviour will be publicised so that everyone is very clear about who to contact and the extent and limitations of that person’s role.

Authorised Persons
Authorised persons are people who have been designated the responsibility, and trained, to deal with complaints relating to workplace behaviour. At St Andrews these include the Principal, Business Manager and Head of Sub-Schools. An authorised person may also be a complaint receiver and the complaints coordinator.

Authorised persons DO:
• receive complaints;
• act as internal mediators, provided that they have received appropriate training (however if there is any likelihood that the authorised person may be required to implement subsequent disciplinary action, that person should not act as a mediator);
• coordinate any investigations by liaising with the external investigator;
• take accurate and detailed records of complaints and subsequent action;
• keep the complainant fully informed of progress to the resolution of the complaint;
• ensure that any agreed action arising from the complaint is carried out;
• ensure that all privacy and confidentiality requirements are met;
• ensure that the complaint is resolved as quickly as possible.

Authorised persons DO NOT:
• act as contact officers;
• conduct investigations.

Complaints Coordinator
A complaints coordinator is a senior staff member who has been delegated both the authority and the responsibility for policy creation, implementation and evaluation, and ensuring compliance.

The coordinator DOES:
• act as a contact officer and receive complaints;
• acts as a point of contact for the parties involved and communicate with them;
• coordinate the tasks that need to be undertaken in the resolution process;
• ensure everyone is treated fairly and with confidentiality;
• monitor the management of complaints, ensuring that they proceed to resolution in a timely manner;
• ensure that details of all complaints and subsequent action are recorded and filed confidentially - a confidential complaints register for the collection and keeping of all records relating to complaints is recommended;
• monitor the complaints records for repetition and patterns of behaviour that may be of concern;
• ensure that relevant staff receive training in complaints processes;
• provide information regarding Employee Assistance Programs and external investigation and mediation services.

The coordinator DOES NOT
• act as an authorised person, mediator, investigator or decision maker.

Contact Officer
Contact officers are designated and trained people within the school charged with the responsibility for receiving complaints and for providing support and information. They act impartially and with all due confidentiality to provide information, advice and support and allow employees to make informed choices about further action in relation to the alleged behaviour.

Contact officers DO
• Take the complaint seriously;
• Clarify why someone has the perception about a situation that they have, and get specific examples of how this perception has been formed;
• Provide information about the relevant school behaviour policies and procedures, including Building a Safe and Caring Community;
• Provide information about the options available to resolve the matter and possible outcomes;
• Ask the person concerned what action they wish to take;
• Provide information about support services available (for example, an Employee Assistance Program);
• Take brief, accurate notes of meetings which do not identify the person(s) concerned and are for the COs own use and to enable the school to monitor the number and type of complaints and target particular problem areas. Information given to a CO may be highly sensitive, contain allegations that are not yet proven, and be potentially damaging. Because the CO does not conduct any investigation, the subject of the allegations is not aware of, and has no opportunity to refute, the claims;
• Clarify the boundaries of the CO role;
• Assist with setting a standard of acceptable workplace behaviour;
• Provide feedback to the appropriate people (authorised persons, complaints coordinator);
• Monitor the situation;
• Advise an authorised person immediately if there are concerns about the safety of the complainant. If there is a risk that a person may harm themselves or is at risk of harm, this needs to be addressed as a separate matter.

Contact officers are people with the ability to
• Demonstrate awareness about the range of emotions the employee making the complaint may be feeling (anger, distress, vulnerability, intimidation, frustration, helplessness);
• Remain objective and non-judgemental;
• Understand and accept diversity;
• Listen effectively;
• Communicate concisely;
• Empathise;
• Remain approachable;
• Confidently utilize the resources, policies and services available;
• Exercise appropriate confidentiality;
• Know when health and safety may be at risk and act appropriately.
Contact officers DO NOT
• Take sides, no matter how unfair the behaviour appears to be;
• Minimise or trivialise concerns;
• Act as a mediator, investigator or decision maker in the complaints resolution process;
• Generally act as support persons in investigations, although they may assist the person concerned by taking them to others as appropriate;
• Counsel or offer advice as to the best course of action.

Selecting contact officers
• While there is no legal requirement to have COs, it is looked on favourably by courts when disputes occur;
• COs may be senior or middle managers, or staff members;
• They should be people who demonstrate the above qualities and abilities before they become COs;
• The role should be advertised, nominations received and then the COs chosen by senior management;
• The school can determine the length of ‘tenure’;
• Particular attention should be paid to ensuring that there is a balance of gender and representation from the different work groups within the school.

Training for contact officers
• Valuing Safe Communities Level 3,
  OR
• Valuing Safe Communities Level 2 plus site based training that includes complaint handling procedures and options, procedural fairness, roles and responsibilities of a contact officer, information about relevant legislation and amendments, record keeping, confidentiality requirements.

Receiver of a Complaint
The employee of the school with whom a complaint is lodged. Most commonly, authorised persons will also receive complaints. However, in some instances, for example when the immediate authorised person is the subject of the complaint (‘the respondent’), a complainant may choose to lodge the complaint with someone else – most likely another authorised person.

A receiver DOES
• Listen to and record details of the complaint;
• Clarify why someone has the perception about a situation that they have, and get specific examples of how this perception has been formed;
• Decide if they, as receiver, are authorised to deal with the complaint and advise the complainant;
• If necessary, hand the written details of the complaint on to the person authorised to deal with it;
• Advise the complainant that the matter is to be handed on to an authorised person.

A receiver DOES NOT
• Offer any defence to the complainant;
• Act as an investigator.
Section 6: Parent / Student Complaints

Open Door Policy
At St Andrews, we have an Open Door Policy that allows parents, students and other members of our community access to people at the College who can listen to their concerns, provide information and resolve issues. We encourage parents to take the opportunity of our Open Door, rather than to seek answers from people who may not know the facts, or to express their concerns to people who cannot help them. As the saying goes: “If you are happy, tell others; If you are not happy, tell us!”

The following is the appropriate procedure for approaching people at the College. It reflects our commitment to Restorative Practices and is based on a passage in the Bible, Matthew 18, which guides all conflict resolution policies of St Andrews.

**FIRST**
Always approach the teacher or staff member who is most immediately involved in the situation. For example, if it is a classroom matter, approach your child’s class teacher (Junior School), subject teacher or Learning Advisor Teacher (Middle or Senior School). If it is a matter to do with Sport, approach the Sports Coordinator (Junior School) or Head of Sport (Middle and Senior School).

**SECOND**
If you do not feel your question is answered, or the situation is resolved, or the person you need to speak to is unavailable, contact the appropriate Deputy or Head of Sub-School - Junior, Middle, or Senior School (Director of Learning and Teaching if it is a curriculum or assessment matter).

**THIRD**
If this brings about no resolution, make an appointment to meet with the Principal.

Please note the following:

**The Role of the P&F**
The main purpose of the P&F is to raise funds, run businesses and coordinate social activities. It is not a forum to discuss specific issues related to students at the College, though there is opportunity at meetings to ask questions of general interest to parents.

**Class Coordinators**
These special people have the role of arranging social and fundraising events, and are not representatives of the class parents to approach College staff on their behalf. Parents are asked to take matters up themselves with the appropriate College personnel.

**Parent Forum**
The College provides special opportunities for parents to provide input into decision-making on important issues or developments.

**Appointments with teachers**
If you wish to speak to a class teacher, or other teachers in Positions of Responsibility, please make an appointment. Just prior to class, during class, and while classes are being dismissed are not appropriate times to speak with teachers, especially about issues of significant concern. At these times teachers must attend to their duty of care for students and their responsibility to be properly prepared for lessons.
Section 7: Parents and Staff Complaints to College Council

COLLEGE COUNCIL POLICY FOR RESOLUTION OF CONCERNS

From time to time, situations may arise where you, as a member of the St Andrews community, may wish to contact the College Council over an issue that you feel has not been satisfactorily resolved. It is important that community members realise that Council has employed the Principal to manage the day-to-day operations of the school and that all issues of concern must be taken to the Principal in the first instance.

If the Principal is unable to resolve the matter and you wish to refer it to the College Council, please follow the steps outlined below to ensure that Council can respond in a fair and equitable manner to your concern:

1. **Address** your concern in writing to either the Secretary or the Chairman of the College Council. Please ensure that your letter is signed and dated because Council cannot act upon anonymous complaints.

2. **Outline**:
   - The exact nature of your concern/s;
   - What opportunity you have provided for the Principal to resolve the matter;
   - What remains unresolved;
   - What action you would like to see taken to fully resolve the matter for you.

3. **Provide**:
   - Full details of your name and address, home and business telephone numbers to enable Council to contact you if it requires further information;
   - Details of your children’s names and classes (if the concern involves one or more of your children). This is to assist Council members who are not directly involved in the school and who may not be aware of details that you may feel are obvious.

4. **A copy of the letter should be handed to the Principal**.

Council will then consider your letter and determine the appropriate response.

Each member of College Council has undertaken to recommend the above procedure when he or she becomes aware of a complaint not resolved to the satisfaction of the complainant. This can only occur if the usual avenues of redress have been exhausted.

October 1999
Section 8: Student Academic Appeals

It is the right of all students at St Andrews to appeal against a judgement made by a teacher in a test or assignment. It is recognised that marking is a subjective activity and therefore it is possible for students to feel, from time to time, that they wish to verify a judgement made. Students who make an appeal should NOT be made to feel they have done the wrong thing.

It is the right of all teachers to be treated with respect as professionals. Thus the following behaviours are unacceptable:

- students going behind a teacher’s back to get a second opinion;
- teachers giving the student a second opinion on a fellow-teacher’s marking without the procedure below being followed.

If at all possible, to avoid charges of lack of fairness, the following should occur:

- orals, especially for Year 11s and 12s, should be double-marked or videotaped;
- the marks for orals should be returned only after all have been completed;
- when there is more than one class in the subject, regular moderation meetings should be held where marks or ratings of different teachers for the same piece of work or test are compared.

The correct procedure is as follows:

- The student approaches the teacher who has marked the work and asks to appeal the decision;
- The teacher will discuss the reasons with the student and will offer to seek a second opinion, (this should be offered willingly, not grudgingly);
- This second opinion will preferably be sought from the Head of Department or Teacher in Charge of the Subject, but if this is not available a second teacher in the subject area. If this is not available, a teacher outside the school can be sought, or the HOSS or Principal;
- The second marker should read the work, without knowledge of the mark given by the first teacher;
- The two teachers will then confer, discuss the matter, and come to an agreement;
- The result will be provided to the student, with comment from the second marker in writing.
Section 9: Appendices

APPENDIX A: Use of Restorative Practices in Complaints and Conflict Resolution Processes at St Andrews Lutheran College

“If it is possible, as far as it depends on you, live at peace with everyone” Romans 12:18

“The conversation is the relationship” Margaret Thorsborne

In the spirit of the Christian Gospel, St Andrews Lutheran College is committed to using Restorative Practices with all members of our community to build harmonious relationships and resolve issues of concern or conflict, openly and respectfully.

We encourage open communication, preferably face-to-face, and encourage feedback.

We seek, not just to put a stop to unhelpful, harassing or discriminatory behaviour, but also to repair harm, “put things right” and bring about reconciliation between the parties in the spirit of Matthew 18:15.

Restorative Practices form the cornerstone of all policies and procedures relating to behavior management, staff/student welfare and complaints/conflict resolution. Trained staff facilitate the processes.

All staff and students are expected to be supportive of and participate in Restorative Practices when they are involved in a conflict or issue. Parents are asked to support a “restorative pedagogy” that builds a school culture that is fair, safe, and encourages effective learning.

The use of Restorative Practices is normative at St Andrews and they are applied to most situations. However, there are some unusual situations where Restorative Practices are not recommended, at least in the first instance (see below).

There are some situations where refusal by a student or staff member to engage in Restorative Practices to repair harm they have caused, could place at risk their continued enrolment/employment in the College community.

What are Restorative Practices?

Restorative Practices (RP) is a philosophy and a continuum of processes from informal chats to formal structured conversations (St Andrews Round Table Policy) or mediation. RP is based on the following premises:

1. **Conflict causes harm that needs to be repaired.** “Pain that is not transformed, will be transmitted.” Richard Rohr

2. **Fight or flight are generally inappropriate responses to conflict.** We do not run away or give in to conflict. We do not pay back.

3. **Conflict needs to be addressed by all parties, preferably face-to-face, in a structured, safe environment.** (*Note: refer to the College’s Child Protection Policy for special circumstances relating to sexual harassment or abuse)*

4. **People involved in a conflict, wrongdoing or misbehaviour need to be actively involved in the process of resolution.** Imposed solutions or punishments can be less effective and less educative.

5. **Using Restorative Practices is not a “soft option”**. Core values include respect, inclusion, accountability and commitment to relationships.
6. Participants learn social and emotional skills they will use throughout their lives such as: active listening, facilitating dialogue, problem-solving, expressing emotion appropriately, developing personal awareness, empathy and taking responsibility.

7. Logical consequences and sanctions (e.g. detentions, suspensions, staff disciplinary procedures) are still used but in the context of RP (e.g. “what can you do to make things right?”).

Special Conditions for the Use of Restorative Practices

The use of Restorative Practices is NOT PERMITTED under the following circumstances (but RP may be used to conclude a matter on the advice of legal personnel):

- Where mandatory reporting is required e.g. alleged child sexual abuse. Advice of Police or Department of Child Safety to be followed.
- Where an adult wishes to make a complaint through the Safe Place Process. Advice of Safe Place Committee to be followed.
- Where a matter involves unlawful behaviour and it is deemed necessary to report it to the Police. Advice of Police or Department of Child Safety to be followed.
- Where a parent, after explanation of processes and possible benefits, expressly forbids the use of RP with a child under the age of 18, following explanation of processes and possible benefits.
- Where a staff member, after discussion with the Complaints Contact Officer, chooses to follow another path to achieve resolution of a complaint.

The use of Restorative Practices MAY NOT BE RECOMMENDED

- Where the matter is a very sensitive one (e.g. sexual harassment), or involves particularly sensitive students or staff members.
- Where there is a significant disparity of power or status between parties to the conflict.
- Where considerable time has elapsed since the dispute and parties have clearly “moved on”.
- Where one party has initiated legal proceedings.

The use of Restorative Practices WILL GENERALLY BE REQUIRED by the College:

- Where a student or staff member has admitted to wrongdoing or harmful behavior (intentionally or unintentionally)
- Where the College requires Restorative Practices to be used as part of disciplinary proceedings in response to alleged harmful behaviour by a student or staff member.

APPENDIX B: Round Table Policy

“If it is possible, as far as it depends on you, live at peace with everyone” Romans 12:18

The Round Table is one of the key Restorative Practices used at St Andrews to resolve conflicts involving staff and students, through a structured, face-to-face conversation under the guidance of a trained facilitator.

All staff and students are expected to be supportive of and participate in Restorative Practices when they are involved in a conflict or issue.

Why do we need the Round Table?

- As in any community, we experience conflict among our students, staff, and parents. We are committed to providing, when possible and appropriate, opportunities and resources for students, staff, and parents to learn and practise conflict transformation.

- This policy is an integral part of both our Behaviour Management and Anti-Bullying policies and is based on current best practice in this field. It can be used alongside of, or instead of, more traditional sanctions such as detentions, suspensions etc.

- There are a number of skills and attitudes we are seeking to develop in our students and staff across the whole College:
  
  - The laying down of “weapons” such as pay-outs, gossip, insults, evil eye, excluding, etc
  - Having the courage to face up to someone who has hurt us
  - Having the courage to face up to someone whom we have hurt.
  - Being able to cope, chill out, stay calm and centred, etc
  - Listening to others and appreciating their point of view
  - Learning to fight gracefully and fairly (i.e. put one’s point of view assertively, not aggressively)
  - Identifying and solving problems
  - Accepting responsibility and being accountable.
  - Learning how to forgive and move on

Who uses the Round Table?

Any participants to any conflict that arises in the College and affects members of the community e.g. students, staff, parents, people from outside the College who have been affected.

When do we use a Round Table?

- **Students:**
  Reported cases of malicious gossip, persistent disruptive/defiant behaviour by a student or students who may not have responded to routine behaviour management, and especially when it seems related to conflict involving particular staff members, some cases of bullying, reported cases of vilification or discrimination (eg in relation to ethnicity or disability), where a harmful culture of “pay-outs” etc is evident among students or staff, or any protracted conflict that is affecting our community, and does not appear to be resolving.

- **Staff:**
  Reported cases of workplace harassment or discrimination or conflict with other staff members, parents or students.
Is “Going to the Table” expected at St Andrews if there is a problem?

- Going to the Round Table is “the way things are done at St Andrews” to resolve conflicts and restore relationships. In most situations, a Round Table will be recommended after a person has been unable to resolve a situation using a personal approach or when a situation is more difficult or ongoing.

- There are some situations when a Round Table is not recommended. This is normally decided at a pre-conference interview, or by Senior Management of the College.

- Some students are required to attend a Round Table as part of a disciplinary process or if wrongdoing has been determined.

- Students and staff can ask to have a Round Table if they feel the need for it

What happens at a Round Table?

- “Round Tables” is a process that we lead students and staff through in order to teach, and allow hands-on experiences of, conflict transformation. Although there are two actual round tables in the College that we can use, it is preferable to use an unobstructed circle and conducted in any quiet, private area.

- The process itself is a structured conversation, led by a trained facilitator, where the parties to a conflict or those involved in a problem situation (with supporters if necessary) meet face-to-face to discuss the issue. It is based on a script that includes key questions that encourage participants to be honest and real about the harm that has been caused, and to widen each person’s understanding of what has been going on. The goal is to “free up” emotions, prejudices etc so that an agreement for some level of resolution can be reached. Accountability is provided by follow up meetings.

- “Going to the Table” differs from Mediation in that it may not be as issue-focused and, for students, may be required by the Principal or other staff. It should be noted though, that all participants are treated with respect and it is up to each person how much and in what way they contribute to the meetings. The important thing is that they experience the process.

- Round Table meetings can only be conducted by suitably trained staff that have been approved by the Principal.

“…..conflict is a common concern and …..it can be a positive experience to ‘let go’ and participate in the process. …..reaching this deep or felt understanding involves individual and collective emotional transformation. The two are linked. Personal emotional transformation is directly linked with the transformation of relationships between people.”  

from “Transforming Conflict” by David Moore & John McDonald

“The Round Table is intended to be a place of peacemaking, where the process itself, the environment of the table, and a willingness to ‘make a difference’, will help make it possible to turn conflict into co-operation.”

from “The conversation is the relationship” Margaret Thorsborne