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**SUNSHINE CHRISTIAN SCHOOL**

*“Live as children of the Light”*

## Procedural Document

### **5.1.A Compliant Resolution Options (Staff Members)**

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#### *Valuing Safe Communities*

#### ***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:

#### **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 and be willing to make the first move towards reconciliation in accordance with the School’s practice

The School has implemented Restorative Practices and these procedures should be followed.

#### **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

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- 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.

### 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. 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.

### 5. Request mediation and conciliation

Seek mediation and/or conciliation through either a *trained* internally appointed mediator or a *trained/qualified* externally appointed mediator.

#### **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 - The Institute of Arbitrators & Mediators Australia. Available online at <http://www.iama.org.au/index.html>)

#### **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 directly enforceable by the school through restorative practices.

### 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.

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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.

**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.

**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 Six)

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](mailto:report.abuse@safeplace.lca.org.au)
- Letter to The Supervisor, PO Box 519, Marden SA 5070

**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](http://www.humanrights.gov.au/info_for_employers/complaints_proc/external_agencies.html)

**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.

## Resolution based on Commitment

Face to face resolution

Expression of concern

Seek procedural guidance

Contact Officer **OR** Occupational Health and Safety representative **OR** Union Representative **OR** Delegated Manager

*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:*

Resolve directly with the person

## Resolution based on Cooperation

Mediation and conciliation

Internally appointed, trained mediator or conciliator

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Externally appointed, trained mediator or conciliator

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Regional Office Complaints process (mediation and investigation)

## Resolution based on Compliance

Investigation and arbitration

External Investigation organised by the school

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Regional Office Complaints process (mediation and investigation)

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**R**

LCA Safe Place Complaints process (sexual abuse & harassment)

Pursue legal action

Report matter to Australian Human Rights Commission

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Report matter to state antidiscrimination or EO agency

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Report matter to police