



# ASSUMPTION COLLEGE WARWICK

6 Locke Street (PO Box 347) Warwick QLD 4370

Phone: (07) 4660 4000 Fax: (07) 4660 4099

acwarwick@twb.catholic.edu.au www.acwarwick.catholic.edu.au

## COLLEGE BOARD CONCILIATION, MEDIATION & ADJUDICATION OF DISPUTES POLICY

### RATIONALE:

Each member of the Assumption College community has the right to be heard and a responsibility to challenge practices, policies and actions that contribute to an unsafe or an unjust environment. The following procedures are in place to provide opportunities for the members of the College community to express grievances and concerns of a personal, social, academic or pastoral nature with a view to resolving them. Such procedures ensure reflection, review and renewal of policies and practices in keeping with the ethos of the College.

### VALUES:

The values which shape and direct dispute resolution procedures include:

- The Church is a community in which relationships are called to manifest love and respect for all.
- The Christian understanding of forgiveness and reconciliation which implies that the primary process for resolving disputes involves a conciliation of human persons rather than the independent assertion of legal rights.
- Provision of means whereby the parties in dispute can reach agreement and be reconciled thus maintaining or restoring right relationship.

### PURPOSE:

This document identifies procedures to facilitate dispute resolutions between:

- parents/guardians and school staff member/s (see 1.1).
- parents/guardians and the school Principal (see 1.2).
- parents/guardians and the Catholic Education Office (see 1.3)
- school staff member/s and other school staff member/s (see 1.1).
- school staff member/s and the school Principal (see 1.2).
- school staff member/s and a Catholic Education Office member (see 1.3).
- the school Principal and a Catholic Education Office member (see 1.4).
- staff members (including Principals) and the Director of Catholic Education Office (see 1.4)



# ASSUMPTION COLLEGE WARWICK

6 Locke Street (PO Box 347) Warwick QLD 4370

Phone: (07) 4660 4000 Fax: (07) 4660 4099

[acwarwick@twb.catholic.edu.au](mailto:acwarwick@twb.catholic.edu.au) [www.acwarwick.catholic.edu.au](http://www.acwarwick.catholic.edu.au)

## POLICY STATEMENT:

### 1.0 Conciliation

#### Dispute Resolution at the School Level

#### 1.1 When a dispute arises within the school community involving

- parents/guardians and school staff,
- school staff member/s and other staff member/s,

the matter will be discussed initially between the parties involved with a view to resolving the dispute. The Principal must be told a dispute exists.

If, within seven (7) days, the parties are unable to reach a mutually acceptable outcome a conciliation meeting will be arranged between the Principal and the parties involved. This meeting should take place within seven (7) days of the parties telling the Principal the dispute is unresolved.

If the matter remains unresolved, any party to the process may formally refer the matter to the CEO through the Director.

The Director will refer the matter to the Head of Division: Staff and School Development.

- (i) the Head of Division: Staff and School Development will:
  - register the dispute.
  - acknowledge to each party to the dispute the dispute has been referred.
  - appoint a Senior Education Officer to liaise with the parties.
- (ii) the Senior Education Officer will
  - develop a dispute resolution process acceptable to both parties.
  - coordinate and, where appropriate, participate in the process.
  - notify the Head of Division: Staff and School Development of the outcome of the process.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Sections 2.0 and 3.0.

#### 1.2 When a dispute arises within the school community involving

- parents/guardians and the school Principal, or,
- school staff member/s and the school Principal,

the matter will be discussed initially between the parties involved with a view to resolving the dispute.

If, within seven (7) days, the parties involved are unable to reach a mutually acceptable outcome, any party may refer the matter to the CEO, through the Director.

The Director will refer the matter to the Head of Division: Staff and School Development.

- (i) the Head of Division: Staff and School Development will:
  - register the dispute.
  - acknowledge to each party to the dispute the dispute has been referred.
  - appoint a Senior Education Officer to liaise with the parties.
- (ii) the Senior Education Officer will
  - develop a dispute resolution process acceptable to both parties.
  - coordinate and, where appropriate, participate in the process.
  - notify the Head of Division: Staff and School Development of the outcome of the process.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Sections 2.0 and 3.0.



# ASSUMPTION COLLEGE WARWICK

6 Locke Street (PO Box 347) Warwick QLD 4370

Phone: (07) 4660 4000 Fax: (07) 4660 4099

[acwarwick@twb.catholic.edu.au](mailto:acwarwick@twb.catholic.edu.au) [www.acwarwick.catholic.edu.au](http://www.acwarwick.catholic.edu.au)

## 1.3 When a dispute arises involving

- parents/guardians and a member of the CEO, or,
- school staff member/s and a member of the CEO,

the Director of CEO will appoint an appropriate senior member of staff to discuss the matter with the Parent/Guardian or school staff member.

If the parties are unable to reach a mutually acceptable agreement, the Director will arrange for a conciliation meeting to take place.

The conciliation meeting must take place within 30 days of the Director being told an agreement cannot be reached. Parties at the conciliation meeting will include:

- (i) the CEO staff member concerned
- (ii) the parent/guardian; or school staff member, and,
- (iii) a facilitator appointed by the Director

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Sections 4.0 and 5.0.

## 1.4 When a dispute arises involving the Principal of a school and a member of the CEO

The Director of the CEO will appoint an appropriate senior member of staff to discuss the matter with the staff member or the Principal.

If the parties are unable to reach a mutually acceptable agreement, the Director will arrange for a conciliation meeting to take place.

The conciliation meeting must take place within 30 days of the Director being told an agreement cannot be reached. Parties at the conciliation meeting will include:

- (i) the senior member of staff concerned
- (ii) the School Principal, and,
- (iii) a facilitator appointed by the Director

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Sections 2.0 and 3.0.

## 1.5 When a dispute arises involving a staff member (including Principals) and the Director of the CEO

The parties will attempt to reach a mutually acceptable agreement using established industrial procedures. If the parties are unable to reach a mutually acceptable agreement then the matter can be referred to the Bishop who may arrange a conciliation meeting to reach a mutually acceptable agreement.

The conciliation meeting must take place within 30 days of the parties to the dispute recognising they are unable to reach an agreement. Parties at the conciliation meeting will include:

- (i) the staff member or Principal concerned
- (ii) the Director of the CEO, and,
- (iii) a facilitator appointed by the Bishop.

All parties must approve the choice of facilitator.

If the dispute is unresolved it may proceed to mediation or adjudication as outlined in Sections 2.0 and 3.0 taking note that where the responsibility relates to the Director in Section 2.0 and 3.0 that this be replaced with the Bishop.



# ASSUMPTION COLLEGE WARWICK

6 Locke Street (PO Box 347) Warwick QLD 4370

Phone: (07) 4660 4000 Fax: (07) 4660 4099

[acwarwick@twb.catholic.edu.au](mailto:acwarwick@twb.catholic.edu.au) [www.acwarwick.catholic.edu.au](http://www.acwarwick.catholic.edu.au)

## 2.0 Mediation

2.1 The Head of Division: Staff and School Development will convene the mediation forum, and will appoint a Mediator to oversee the mediation process based on training and experience of that person. If necessary, more than one Mediator may be appointed.

2.2 The following people are normally disqualified from serving as mediator/s.

- anyone involved with one or other of the parties so as to have a particular interest in the outcome of the dispute; and/or,
- anyone who can be shown to be biased towards or against one of the parties in dispute.

2.3 Prior to the meeting the senior staff member of the CEO and the parties to the dispute will document the complaint/s and will provide the mediator/s with a summary of the issue/s to be resolved.

2.4 Parties involved should answer questions and suggestions put to them by mediator/s in order to achieve a resolution of the dispute.

### 2.5 Meetings

Meetings between the parties in dispute and the mediator/s shall take place in private.

### 2.6 Confidentiality

All communications made in the process of mediation shall be treated as confidential by all who share them.

### 2.7 Minutes

The Mediator will be responsible for minutes of the meeting to be taken and filed at the Catholic Education Office. Copies will be provided to each party to the dispute.

2.8 If resolution is reached, the mediator/s will draft a summary of the agreement, and shall submit it for the approval of the participants. The participants and the mediator/s shall sign a copy of the summary that shall be forwarded to the Director of the CEO.

## 3.0 Adjudication

3.1 It is preferable that the parties themselves propose the solution to their dispute. If they are unable to do so following mediation, the Director of CEO will be notified.

3.2 The Director will then confirm with the parties to the dispute that adjudication will take place. The mediator/s will be responsible for adjudication and will decide if it is necessary to obtain any further

3.3 The decision of the adjudication process will be forwarded to the Director.

3.4 The Director, upon advice of the adjudicator/s, will inform parties in writing of the decision/s reached.

3.5 Should any party remain aggrieved by the outcomes of the adjudication process, recourse to the Diocesan Appeals Tribunal is available.



# ASSUMPTION COLLEGE WARWICK

6 Locke Street (PO Box 347) Warwick QLD 4370

Phone: (07) 4660 4000 Fax: (07) 4660 4099

acwarwick@twb.catholic.edu.au www.acwarwick.catholic.edu.au

## 4.0 Cost of Mediation and Adjudication

It is expected that costs associated with mediation and adjudication will not disadvantage any party. However, parties to a dispute should be aware that costs may be incurred, and may be apportioned among the parties involved in the mediation and/or adjudication process.

## 5.0 Appeals Tribunal

5.1 All parties have the right to appeal to the Diocesan Appeals Tribunal.

5.2 The Diocesan Appeals Tribunal will review processes used in the determination of any outcome arising from mediation or adjudication.

### Definitions

**Adjudication:** The act of making an order, judgement or decree (in relation to an issue where parties are in dispute).

**Conciliation:** A procedure for the resolution of a dispute. The process through which a neutral third party attempts to persuade parties to a dispute to settle their differences.

**Catholic Education Office (CEO):** The Educational executive arm of the Bishop. It operates under the authority of its Director.

**Director:** The person whom the Bishop has delegated the leadership, management and administration of Catholic Education in the Diocese.

**Mediator:** One who mediates between parties at variance or in dispute.

**Mediation:** Bringing about an agreement between parties: to effect an agreement or reconciliation.

**School staff:** For the purpose of this document school staff will include; teachers, teacher's aides, administration staff, support staff and ground staff.

Notes: As at January 2007, the following apply:

- The Director of the Toowoomba Catholic Education Office is Mr John Borserio.
- The Head of Division; Staff and School Development is Mrs Margaret Hendriks.
- The Senior Education Officer for Assumption College is Mr Peter Lynam.

Draft : February, 2007