



**AL-HIDAYAH ISLAMIC SCHOOL**

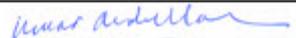
## **STAFF COMPLAINTS & DISPUTES POLICY & PROCEDURE**

**Policy No: STA 039**

**Version: 2.0 (Approved 22-12-2019)**

**Responsible Person: Principal**

**Scheduled Review Date: December 2020**

**Signed, Chair:** 

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## Introduction

Al-Hidayah Islamic School is committed to taking concerns seriously and resolving them at the earliest stage possible. Staff who wish to make a complaint are asked to follow the school's formal complaints procedure.

The primary aim of this Staff Complaints and Disputes Policy is to resolve the complaint as quickly as possible. All complaints will be dealt with in a sensitive, impartial and confidential manner.

All complaints will be handled seriously and will be recorded.

An effective complaints procedure can diffuse problems and can provide the school with helpful information. Complaints treated as constructive suggestions can be used to improve standards and may prevent cause for further complaint. Even an unjustified complaint may indicate an area that can be improved.

A dispute can be considered as a pursued unresolved complaint.

Al-Hidayah Islamic School endeavours to create a harmonious and productive educational Islamic environment in which healthy relationships are nurtured, thus avoiding complaints and disputes. This is aligned with the Islamic nature of the school where Allah (SWT) says in the Holy Quran:

“O ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well- acquainted with all that ye do”.

“O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do”. (5:8)

## Definitions

- **Complainant:** An employee who, in his or her employment capacity, makes a complaint
- **Complaint:** The expression of dissatisfaction by an employee regarding the actions or behaviour of another employee towards him or her, or which the employee perceives adversely affects him or her. It can also be an expression of dissatisfaction made to the school about its services, decisions, actions or about the complaint management process itself.
- **Confidentiality:** The requirement that matters that are part of a complaints resolution process must remain confidential at all times between the employees concerned and any other parties who have a legitimate interest in the process. Such parties may include support persons, unions or professional associations and more senior line managers
- **Procedural Fairness:** the concept of procedural fairness is derived from the principles of natural justice. A process that demonstrates procedural fairness is one in which:
  - decision makers act fairly and provide reasons for decisions;
  - the person affected is given a fair hearing;
  - all parties to a matter have an opportunity to put their case where an adverse decision or finding is made; and
  - all relevant arguments are considered, and irrelevant arguments are excluded.
- **Resolution:** an outcome of a complaint that is satisfactory to both parties
- **Unresolved complaint:** a complaint that has not been resolved to the satisfaction of the complainant.

## Disputes between staff members

- All complaints or disputes a staff member has with a fellow staff member that cannot be resolved should be brought to the Principal.
- If the complaint or dispute concerns the Principal or any member of the Principal's family then the staff member should contact the Amir of the Governing Shurah.
- If staff are not happy with the final decision of the Principal having followed the process described below the staff member should contact the Amir of the Governing Shurah.
- External Arbiter.

## Complaint about a staff member by a staff member

### Step 1

The staff member feeling wronged should arrange to meet with the other staff member at a time and place convenient to both so that the issue can be openly discussed and resolved.



### Step 2

**Not resolved:** If the staff members cannot resolve their dispute they should discuss the problem in the presence of the Principal who will endeavour to suggest a way forward. The facts of both parties will be presented and then the Principal will make a suggestion as to what each party could do.



### Step 3

**Not resolved:** Staff write to the Amir of the Governing Shurah outlining their complaint. The Amir, at his discretion, may call a meeting of all concerned and act as a mediator or he may take the issue to a Governing Shurah meeting or take some other course of action.

A decision by the Governing Shurah will be the school's final decision.



### Step 4

**Not resolved:** If the staff member is not happy with the decision of the Governing Shurah then through the Principal, a meeting with the independent arbiter can be facilitated, or seek legal advice.

## Complaint about the Principal by a member of staff

### Step 1

The Staff member is encouraged to lodge their complaint directly to the Amir of the Governing Shurah.

Written complaints should be addressed:

**"PRIVATE AND CONFIDENTIAL."**

The Amir  
PO Box 761  
Victoria Park WA 6979



### Step 2

The Amir, at his discretion, may call a meeting of all concerned and act as a mediator or he may take the issue to a Governing Shurah meeting or take some other course of action.



### Step 3

**Not resolved:** Through the Amir a meeting may be organised with the Independent arbiter and /or seek legal advice.

## **Fair process**

Fairness, which must be accorded to both the complainant and the person against whom the complaint is made, requires that:

- each party has an opportunity to be heard, in person or in writing as appropriate and to respond to the allegations and/or evidence offered by the other;
- issues or facts which are disputed are investigated;
- the investigator is free from bias or the perception of bias and, in particular, is not 'judge in his or her own cause';
- any complaint outcome is supported by the evidence, necessitating a finding on the balance of probabilities in the event of a dispute of fact;
- the complaint outcome is finalised by an adjudicator, who may also be the investigator, who is free from bias or the perception of bias; and
- the outcome is consistent with established school policy.

However, procedural fairness does not otherwise dictate the outcome of a complaint.

## **Resolution**

At Al-Hidayah Islamic School, making peace and resolving a complaint or dispute is an Islamic duty. A Muslim should be careful not to harm others and there is great reward for those who strive for peace and preserve brotherhood:

“The believers are but a single Brotherhood, so make peace and reconciliation between your two contending brothers; and fear Allah that you may receive mercy.” (Quran 49:10)

Al-Hidayah Islamic School knows that the very acknowledgement of an issue will bring relief to the staff involved. Satisfaction for a complainant may come from any of the following:

- knowing that changes have been made, and that matters will be different in future
- knowing that the school is now alert to a possible problem
- feeling that their concern has been considered seriously
- an outcome which may be different from the one they sought, but which they perceive to be well considered
- a considered letter
- an apology and seeking forgiveness if appropriate

“Be quick (speed up, rush, compete) in the race for forgiveness from the Creator of heaven and earth and for Paradise whose width is that (of the whole) of the heavens and of the earth prepared for the Pious people. Those who spend (freely), whether in prosperity, or in adversity; who restrain anger, and pardon (all) mankind; for Allah loves those who do good.” (Quran 3: 133 - 134).

## Recording

- Complaints will be acknowledged within a week. The complainant will be informed as to what is happening to their concern or complaint and, if a more detailed response is needed, by what date it will be received. The issue should be dealt with as quickly as possible.
- The Complaint Intake Form (see Appendix A) will be used to process all complaints received.
- The Principal will keep a log of staff complaints and other staff concerns because:
  - it may become the cause of legal action in the future;
  - patterns in the record may indicate a need for action;
- the Principal will report on the log to the Governing Shurah at the end of each term.
- The log should contain the following information:
  - date when the issue was raised;
  - name of staff involved;
  - brief statement of issue;
  - location of detailed file;
  - brief statement of outcome.

Confidential files on all complaints will be maintained and kept together, cross- referenced with other files as necessary. The files should contain simple but clear notes of all conversations with staff **about any source of dissatisfaction**. There should be a clear statement of what is concerning the complainants.

Should the parties be issued a report letter the following information should be included:

- the issues raised
- how the issues were considered
- the people consulted
- the action that is to be taken
- an apology, if appropriate.

### Role of the Director General

The Director General of the Department of Education is responsible for ensuring that the school observes the registration standards, including the standard about its complaints handling system. Any student, parent or community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint. Information is available on the Department of Education website. While the Director General may consider whether the school has breached the registration standards, she does not have power to intervene in a complaint or override the school's decision.

### Review

This policy will be reviewed by the school annually.

**Appendix A**

**COMPLAINT INTAKE FORM - CONFIDENTIAL**

Date: \_\_\_\_\_ Phone \_\_\_\_\_  
Email \_\_\_\_\_ Letter \_\_\_\_\_ Other \_\_\_\_\_

Person making  
complaint: \_\_\_\_\_

Contact: \_\_\_\_\_

Nature of  
matter: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person concerned in the  
matter: \_\_\_\_\_

Information received by:  
\_\_\_\_\_

Matter referred  
to: \_\_\_\_\_

Date: \_\_\_\_\_

Assessment Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Follow Up Notes : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Staff Dispute and Complaints Policy and Procedure**

**Acknowledgement**

By signing this Acknowledgement, you are agreeing to abide by this Staff Dispute and Complaints Policy and Procedure to the best of your ability and acknowledge that you understand that breaches of this Staff Dispute and Complaints Policy and Procedure will be taken seriously.

Please sign and date your Acknowledgement and return to the Administrative Officer within five (5) working days. Thank you.

I \_\_\_\_\_ have read, understood and agree to comply with the terms of this Staff Dispute and Complaints Policy and Procedure.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Principal Signature

\_\_\_\_\_  
Dated