

Policy Name: Conflict Resolution Policy		Policy Number: 407
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Policy Statement

Conflicts are bound to arise where striving human beings interact. Thus, they are not avoidable and are not necessarily a sign of immaturity. Situations of conflict are always opportunities for inner development and growth. We should not therefore fear conflict but must see and trust that everything that comes to us has a reason and purpose designed to further our individual and social development. When a conflict is truly well resolved, the relationship is stronger and better than it was before the problem.

The process below has a good chance of success when each person involved is capable and willing to:

- 1) Put himself or herself into the shoes of the opposing person – why does he/she act this way? Why can he/she not act as I think they should?
- 2) Jointly establish the facts of the situation—what is happening?
- 3) Separate his/her emotions from the facts and deal with these emotions—I need to deal with **my** emotions.
- 4) Jointly develop a new goal, perhaps one which neither party presented originally, but which lies within the possibilities and capabilities of those concerned.

Below is the procedure to be followed when there is conflict in our school community.

- 1) Bearing the above in mind, a wholehearted, serious attempt must be made to resolve the conflict with the person(s) involved when it has been discovered and the facts are adequately known.
- 2) Failing success, a second attempt should be made.
- 3) Still failing, a person in higher authority (i.e., Faculty Chair, Board President, or Parents' Council Society Chair) should be contacted for assistance. The facts need to be stated in writing and must include attempts at resolution.
- 4) If the person in higher authority cannot resolve the conflict, or at their choice, the conflict should be forwarded to a **Conciliation Committee**, made up of three people.
- 5) If the Conciliation Committee cannot lead the parties to a resolution of their conflict, a mediator from outside the School community must be chosen to work with the issue(s). The mediator will provide to the Board, in writing, recommendations for the resolution of the conflict.
- 6) **At no time** in the process of conflict resolution is it acceptable to share the conflict situation with others who are not in a position to resolve it. To do so obviously serves no

positive purpose and is well known to be destructive. Any member of the community, whether Faculty, Board member, or parent, who is shown to be deliberately destructive to the School will be asked by the Board to withdraw.

Purpose

The purpose of this document is to provide an avenue through which employees and volunteers can resolve work-related complaints as they arise.

Policy

Lakeside School will establish mechanisms to promote fast and efficient resolution of workplace issues.

Employees and volunteers should feel comfortable discussing issues with their manager or supervisor in accordance with the procedures outlined below.

All formal avenues for the handling of grievances will be fully documented and the employee/volunteer's wishes will be taken into account in determining the appropriate steps and actions.

No employee will be intimidated or unfairly treated in any respect if they utilize this Policy to resolve an issue.

This Policy applies to permanent and part-time paid employees and to volunteer workers.

Responsibilities

It is the responsibility of the **Principal and/or Human Resources Chair** to ensure that:

- They identify, prevent and address potential problems before they become formal grievances;
- They are aware of and committed to the principles of communicating and information sharing with employees and volunteers;
- All decisions relating to employment practices are made with consideration given to the ramifications for the individual, as well as the organization in general;
- Any grievance is handled in the most appropriate manner at the earliest opportunity;
- All employees and volunteers are treated fairly and without fear of intimidation.

It is the responsibility of **Employees (including Volunteers)** to ensure that:

- They attempt to resolve any issues through their immediate supervisor and through internal processes at the earliest opportunity.

It is the responsibility of the **Human Resources Chair** to ensure that:

- The Principal, employees, and volunteers are aware of their obligations and responsibilities in relation to communication and information sharing with their employees;

- Ongoing support and guidance is provided to all employees in relation to employment and communication issues;
- The Principal, employees, and volunteers are aware of their obligations and responsibilities in relation to handling grievances;
- Any grievance that comes to the attention of the Principal, Business Administrator or Human Resources Chair is handled in the most appropriate manner at the earliest opportunity.

Procedures

Employment Practices

The Principal and Business Administrator should be aware of the possible ramifications of their actions when dealing with employee/volunteer issues. They must ensure that all employees and volunteers are treated with fairness, equality, and respect.

If there are any doubts or queries in relation to how to deal with a particular set of circumstances, the Principal or Business Administrator should contact the Human Resources Chair for advice at the earliest opportunity.

Where a grievance or dispute has been brought to the Principal or Business Administrator's attention, the guidelines below should be followed.

Grievances and Dispute Resolution

An employee or volunteer who considers that they have a dispute or grievance that they have not been able to resolve directly with any other involved party should raise the matter with their immediate supervisor as the first step towards resolution. The two parties should discuss the matter openly and work together to achieve the desired outcome.

The Principal, Business Administrator or Human Resources Chair should follow the steps outlined below:

- Make sure that the employee feels listened to and supported. You don't have to agree with what they say, but you must make sure that they know you will act on their concerns.
- If more than one person is present, establish the role of each person.
- Outline the process that is to be followed.
- Inform the parties that any information obtained in the conduct of the review is confidential.
- Listen to the complainant. Obtain a chronology of events (who, what, why, when, how etc).
- Run through the applicable policies and procedures (e.g. the organization's anti-discrimination policy) with the complainant.
- Ask the complainant what kind of outcome they are hoping for (best case scenario) and then talk them through next steps: e.g. you will discuss the matter confidentially with the Human Resources Chair to determine a way in which to deal with the issue and report back to them within a set timeframe.

- Provide the complainant with the organization's confidentiality and non-victimisation agreement. Explain that they cannot be adversely affected because they have made a complaint, and explain who to report matters to internally if they do feel that they are being adversely affected.
- Provide the complainant with plenty of time to ask questions.
- Offer the complainant assistance (*such as counselling through an Employee Assistance Program*) or a way to get home safely if they are visibly upset.
- Provide the complainant with a direct contact number that they can call if they have any concerns or queries.
- Take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation.
- If deemed necessary, provide the employee/volunteer with a written summary of the meeting and clarification of the next steps to be taken.

The Manager must ensure that the manner in which the meeting is conducted will be conducive to maintaining positive working relationships, and will provide a fair, objective and independent analysis of the situation.

All parties are to maintain complete confidentiality at all times.

If the matter is not resolved and the employee or volunteer wishes to pursue it, the issue should be discussed with a Human Resources Chair, then, if necessary, the Board Chair. Again, the matter is to be discussed openly and objectively with management to ensure it is fully understood. If the grievance/dispute is one of a confidential or serious nature involving the employee or volunteer supervisor, the complainant may discuss the issue directly with the Human Resources Chair or the Board Chair. The Board Chair reserves absolute discretion as to make a final decision as to how the grievance or dispute will be resolved.

Investigating a Grievance or Dispute

Procedural fairness and transparency can make or break a workplace investigation. Maintaining procedural fairness means that you can:

- protect the interests of the participants in the investigation;
- enhance the credibility of the investigation process;
- rely on the investigation (and your findings) when making employment decisions; and
- defend your employment decisions in a court or tribunal.

Following are some pointers to ensure that a workplace investigation is procedurally fair. The investigator should ensure that:

- the respondent is aware of all the allegations made against them in sufficient detail;
- the respondent is allowed a reasonable opportunity, including adequate time, to respond to each of the allegations;
- the investigation is carried out in a reasonable timeframe;
- all participants are given the opportunity to have a support person in the interviews pertaining to the investigation;

- all participants are required to maintain confidentiality and sign a confidentiality agreement;
- the investigator has no personal interest or bias in the matter being investigated;
- all participants are given the opportunity to respond to any contradictory evidence;
- the investigator makes reasonable and diligent inquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.

The Importance of Impartiality

It is critical to ensure that the person responsible for carrying out an investigation is impartial. The investigator must not have a vested interest in the outcome of the matter. Employees will often consider that an HR manager is not sufficiently impartial because of their involvement and role in the workplace. If such a concern is raised, it's important to consider:

- whether the use of an external investigator is necessary to ensure impartiality;
- whether any conflicts of interest need to be disclosed (e.g. if any individuals are friends outside the workplace); and
- whether the investigator has handled any previous disciplinary matters.

If there is the possibility that a person's employment will be terminated if the allegations are proven as part of an investigation, then you should seriously consider the use of an external investigator to ensure that your investigation and the process followed will stand up in any potential court proceeding.