

300.1 COMPLAINTS AND APPEALS POLICY

Pacific School of Innovation and Inquiry

Revised: September 2019

Policy Statement

The Learningstorm Education Society expects all students and staff of the Pacific School of Innovation and Inquiry and members of the Learningstorm Education Society to be treated with respect and courtesy.

Decisions made by staff and the Board of Directors of the Learningstorm Education Society that affect the rights of a student, parent/caregiver or staff shall be made by following procedures that are both fair and seen to be fair.

When disagreements lead to complaints or appeals of decisions, these shall be addressed using procedures that are both fair and seen to be fair.

Policy Rationale

Procedural fairness promotes integrity and consistency in decision-making, which in turn helps to avoid misunderstandings and disputes. Procedural fairness can help members of the Society resolve disagreements internally and reduces the likelihood of recourse to the court system or a statutory tribunal such as the Human Rights Commission.

At the Pacific School of Innovation and Inquiry we value respect for one other. This allows students, staff and society members to feel safe, to develop a sense of belonging, to forge friendships with peers and to maintain respectful relationships. With this sense of community, teaching and learning thrive.

Scope

All complaints and appeals of decisions made by staff are to be resolved internally, if possible, by following this policy.

The complainant or appellant may be a student, parent/caregiver, or staff.

This policy covers disciplinary, educational, and administrative decisions that have a significant effect on the educational program of a student.

Policy and Procedures

I. Purpose

Fair procedures reassure students, parents/caregivers and staff that they and their interests will be treated with respect and dignity.

II. Awareness

Procedures for raising and addressing complaints and appeals shall be well communicated to students, parents/caregivers and staff.

III. Principles of Procedural Fairness

When staff are making a decision that may affect the rights of a member of the society, the expectation of procedural fairness is more likely to be met by adhering to the following principles:

- a. Inform the person whose rights may be affected that a decision on a matter is being considered.
- b. Provide an opportunity for the person to make an oral or written submission on the matter.
- c. Provide an opportunity for the person to present witnesses.
- d. Provide an opportunity for the person to respond to all other information submitted that might influence the decision, before the decision is made.
- e. Act in a manner that is unbiased, fair, and open-minded. This may include taking steps to ensure that the potential for bias is avoided and seen to be avoided.
- f. After the decision is made, inform the person about the reasons for the decision.
- g. Assure the person that there will be no retribution for pursuing a review or appeal.

IV. Procedures for Bringing Forward and Addressing Complaints and Appeals

A complainant is encouraged to begin by talking to the decision-maker about why they disagree with the decision. A discussion may help to clarify the reasons for, and lead to acceptance of, the decision.

If initial discussion does not lead to acceptance or satisfactory adjustment of the decision, the next step would be to appeal for a review of the decision at the next higher stage. To ensure a lack of bias in a review, a complainant/appellant may request, or staff may suggest, that an appeal be brought to a higher stage.

Stage 1

The **complaint is resolved by the complainant and the staff that made the initial decision.**

For example, parents/caregivers may complain that a teacher exercised inappropriate discipline

Stage 2

A decision by the Principal leads to a complaint to the Principal, or an unresolved complaint from Stage 1 is appealed to the Principal, and **the complainant/appellant and Principal resolve the issue.**

The Principal shall document a summary of these events, including names, times and methods of communication, and retain a copy in administrative files. The Principal may choose to inform the Board.

Stage 3

A complaint or appeal from Stage 2 is not resolved, and **the complainant/appellant and Principal agree to involve other authorities to help resolve the issue.** For example, they may agree to use a mediator, panel of other educators or psychologist with relevant experience/expertise that can provide an unbiased review of the matter. The decision on how to proceed shall be documented in a formal plan.

The Principal shall document a summary of these events, including names, times and methods of communication, and retain a copy in administrative files. A copy of all written submissions to the review shall also be retained in administrative files. The Principal may choose to inform the Board.

Stage 4

A Stage 2 complaint or an appeal from Stage 2 or Stage 3 is unresolved, and the complainant/appellant appeals the matter in writing to the Board of Directors. **The Board or a subcommittee of the Board reviews the matter and makes a final internal decision.**

Board members with close out-of-school or family ties to, or adversarial relationships with the appellant shall not participate in the review. Board members who made or participated in a previous decision on the matter being appealed may provide testimony but should not participate in the decision. All parties to the matter, or their representatives, shall be in attendance for all evidence that is presented to the review.

The Board shall document a summary of these events, including names, times and methods of communication, and retain a copy in administrative files. A copy of all written submissions to the review shall also be retained in administrative files.

V. Processes and Timelines

To enable timely responses to complaints and appeals as they arise, the Principal may delegate his/her authority under this policy to another teacher for periods when the Principal is unavailable.

Time is of the essence in dealing with some complaints and appeals, since undesired effects of the decision being appealed may continue during the appeal process.

Stages 1 and 2:

Proceed in a timely manner at discretion of staff and Principal.

Stage 3:

Once the appellant and Principal agree on a Stage 3 response, a plan for the review shall be completed in 5-10 working days.

Stage 4:

The Board shall acknowledge receipt of a written appeal within 5 working days and initiate a formal review process within 30 calendar days of receiving a written appeal.

Stage 5:

The Board shall offer a written response to the appellant within 5 working days of the decision by the Board. This response shall include information about the appellant's right to appeal the Board's decision to the Ombudsperson appointed for the Pacific School of innovation and Inquiry. The appellant will also be informed that the role of the Ombudsperson is to determine if the processes used have been fair and impartial, not to substitute his/her judgment for that of the Board of Directors.

VI. Higher Appeals

If the appellant is unsatisfied with the Board's decision, they may contact the appointed Ombudsperson to review the processes used to determine whether those processes were fair and impartial. The Ombudsperson does not provide a judgement on the matter being appealed.

REFERENCES

Procedural Fairness Best Practice Guidelines for Independent Schools. Federation of Independent School Associations.
