

# **Pacific Montessori Society**

## **COMPLAINTS AND APPEALS POLICY**

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**Effective Date: June 3, 2020**

### **POLICY STATEMENT**

The Pacific Montessori Society expects all students, staff, and other members of the Pacific Montessori Society to be treated with respect and courtesy, in accordance with the *Code of Conduct*.

Decisions made by staff and the Board of Directors of the Pacific Montessori Society that affect the rights of a student, parents/caregivers or staff shall be made by following procedures that are fair and seen to be fair.

When disagreements lead to complaints or appeals of decisions, these shall be addressed using procedures that are 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 Selkirk Montessori School we value respect for each other. This allows students, staff, and society members to feel safe, to develop a sense of belonging, to forge friendships with peers and maintain respectful relationships. With this sense of community, teaching and learning thrive.

### **SCOPE**

- Complaints arise when a member of the school community is dissatisfied with an aspect of the school's services and requires action to be taken to resolve the matter.
- Appeals arise when a member of the school community is not satisfied with a decision that the school has made and is proposing an alternative outcome.

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

The complainant or appellant may be a student, parents/caregivers, or staff.

This policy covers disciplinary, educational, and administrative decisions.

## **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***

Through programs, staff shall help raise awareness of the *Code of Conduct* and how students can incorporate it in their daily behaviours.

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

### ***II. 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:

- Inform the person whose rights may be affected that a decision on a matter is being considered.
- Provide an opportunity for the person to make an oral or written submission on the matter.
- Provide an opportunity for the person to present witnesses.
- Provide an opportunity for the person to respond to all other information submitted that might influence the decision before the decision is made.
- 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.
- After the decision is made, inform the person about the reasons for the decision.
- Assure the person that there will be no retribution for pursuing a review or appeal.

### ***III. Procedures for Bringing Forward and Addressing Complaints and Appeals***

The following stages of process correspond to the stages of intervention in the following policies:

- *Child Protection Policy*
- *Discipline Policy*
- *Harassment and Bullying Prevention and Management Policy*

### ***Bringing Forward a Complaint***

A complainant is encouraged to begin by talking to the service-provider. A discussion may help to clarify the reasons for, and lead to acceptance of, the services.

If initial discussion does not lead to acceptance or satisfactory changes to the services, the next step would be to request a review of the services at the next higher stage. This request will be in writing (see Formal Notice of Complaint or Appeal, Appendix I). In Stages 2-4, complainants will have 5 business days from the origin of the complaint to submit their request to the appropriate authorities.

### ***Making an Appeal***

An appellant is encouraged to begin by talking to the decision maker. 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 request a review of the decision at the next higher stage. This request must be in writing (see Formal Notice of Complaint or Appeal, Appendix I). In Stages 2-4, appellants will have 5 business days from the time the decision was made to submit their request to the appropriate authorities.

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/appeal is resolved by the complainant/appellant and the staff that provided the service or made the initial decision.**

#### Stage 2

A service/decision by the Head of School or their delegate leads to a complaint/appeal to the Head of School, or an unresolved complaint/appeal from Stage 1 is appealed to the Head of School, and **the complainant/appellant and Head of School resolve the issue.**

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

#### Stage 3

A complaint or appeal from Stage 2 is not resolved, and **the complainant/appellant and Head of School may choose to involve a mutually agreed upon advisor to help resolve the issue.**

Any recommendations on how to proceed shall be documented and shared in a written response to both parties.

The Head of School 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 Head of School may choose to inform the Board.

#### Stage 4

A Stage 2 complaint or appeal from Stage 2 or Stage 3 is unresolved, and the complainant/appellant requests a formal review of the matter by the Board of Directors. **The Board or a subcommittee of the Board reviews the matter and advises both parties of the outcome.**

- 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. With the agreement of all parties, a mediator could also be present.

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.

#### ***IV. Process and Timelines***

To enable timely responses to complaints and appeals as they arise, the Head of School may delegate his/her authority under this policy for periods when they are 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 Head of School.

#### Stage 3:

Once the complainant/appellant and Head of School agree on a Stage 3 response, a timeline for the review will be determined by the advisor.

#### 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 complaint/appeal. Upon completion of the review, the Board outcome/decision will be shared with all parties within 5 working days.

## ***V. Higher Appeals***

Parties involved may seek resolution through the services of an Ombudsperson, as outlined in the schools' Ombudsperson Policy.

### **DEFINITIONS**

The following definitions are intended to enhance understanding of this policy. They are descriptive only and not intended to be used for any legal actions.

#### ***Staff***

Any individual who is employed by the Pacific Montessori Society, including an independent contractor who has entered into an agreement with the Society.

### **REFERENCES**

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

*Child Protection Policy*

*Code of Conduct*

*Discipline Policy*

*Harassment and Bullying Prevention and Management Policy*

*Ombudsperson Policy*