

Apprenticeships  
Are Us



# BOARD DISPUTE RESOLUTION POLICY

## INTRODUCTION

As a registered Group Training Organisation (GTO), *Apprenticeships Are Us Ltd* follows the *National Standards for Group Training Organisations*. This policy is aligned with *National Standard 3 – Effective Governance and Management*, ensuring that any disputes arising within the Board are managed and resolved through fair, transparent, and legally compliant processes. Maintaining strong governance systems is essential to the organisation's ongoing effectiveness, particularly in its role as a GTO responsible for apprentice and trainee placements.

The Board of Apprenticeships Are Us Limited (ARU) is unwavering in its commitment to upholding the highest standards of corporate governance. It is dedicated to promptly and fairly resolving any disputes or grievances that may arise. We firmly believe that a harmonious and effective functioning of the ARU Board is paramount to achieving our objectives.

This policy operates as a controlled governance document within ARU's Quality Assurance Framework and is relied upon as evidentiary support during regulatory audits, ACNC compliance reviews, and Board governance assurance activities.

## PURPOSE

This policy establishes a structured and equitable process for resolving disputes or grievances among ARU Board members that cannot be resolved amicably through respectful discussion during ARU Board meetings. In adherence to legal and governance standards, including the Corporations Act, the Australian Institute of Company Directors (AICD) guidelines, and the Australian Charities and Not-for-profits Commission (ACNC) Governance standards, this policy aims to ensure fairness and transparency in the resolution process.

This policy is designed to comply with the *ACNC Governance Standards*, which promote accountability and integrity in the management of disputes within charities. The resolution of disputes among Board members must be conducted in a manner that upholds the organisation's charitable purpose, maintains public trust, and ensures transparency and fairness in line with the ACNC's governance principles.

This policy also supports Board members in meeting their statutory and fiduciary duties under sections 180–184 of the Corporations Act 2001 (Cth) and ACNC Governance Standard 5 by providing a clear, fair, and documented mechanism for resolving disputes.

## POLICY

Disputes and grievances shall be resolved through a mediation process in accordance with legal and governance standards. Where appropriate, disputes may also be escalated in accordance with ARU's governance and risk management frameworks.

## RESPONSIBILITIES

*The Chair:* The Chair holds the primary responsibility, including:

- Ensuring that all ARU Board members are well-informed and fully aware of the provisions within this dispute resolution policy.
- Overseeing the handling of disputes with the utmost respect for the principles of natural justice and maintaining strict confidentiality as mandated by the applicable standards.
- Ensuring that any dispute with potential governance, compliance, or reputational impact is escalated to the full Board where appropriate.

*All Employees:* All employees within the organisation are responsible for ensuring that their use of electronic media aligns with the provisions outlined in this policy and adheres to legal and governance standards. This responsibility applies only to the extent that employee conduct intersects with Board processes or dispute resolution activities.

## PROCESSES

### 1. Initiation of Dispute Resolution

- Parties involved in a dispute must initiate the resolution process by formally notifying the Chair and subsequently convening a meeting to discuss the matter in dispute. The objective is to reach an amicable resolution within 14 days after the issue comes to the attention of all parties, in compliance with relevant standards and legal requirements. All steps taken in the initiation phase must be documented and retained in accordance with ARU's Records Management Policy.

### 2. Mediation Process

- If parties cannot reach a resolution through direct discussions or if a party fails to attend the initial meeting, they must proceed to a mediation stage within 10 days, as required by legal and governance standards.
- The mediator may be:
  - a) A person mutually agreed upon by the parties, as recommended by legal standards, or
  - b) In the absence of an agreement, a person appointed by the ARU Board or a suitably qualified independent mediator, in compliance with the applicable governance guidelines.
- The mediator must ensure the process is impartial and free from any perception of bias, as mandated by the Corporations Act.
- The mediator must not have a personal interest in the dispute, as per relevant governance standards. The mediator must also be suitably qualified and experienced in governance or dispute resolution matters.
- Any Board member involved in a dispute must disclose any actual, potential, or perceived conflicts of interest that may affect their ability to participate impartially in the dispute resolution process. In accordance with the *Corporations Act 2001 (Cth)* and *ACNC Governance Standards*, failure to disclose such conflicts could result in penalties and may lead to the invalidation of the mediation process. The mediator will be responsible for ensuring that all conflicts of interest are appropriately managed to maintain the

integrity of the resolution process. Failure to appropriately manage conflicts of interest may constitute a breach of director duties.

### 3. **Good Faith Mediation**

- Parties must engage in the mediation process with a sincere commitment to reaching a fair and equitable resolution, in accordance with governance guidelines. This includes refraining from conduct that is obstructive, intimidatory, or intended to undermine the mediation process.

### 4. **Mediator's Role**

- The mediator, in their role, must:
  - a) Provide every opportunity for all parties involved in the mediation process to be heard, as required by legal principles.
  - b) Consider any written statements submitted by the parties, ensuring adherence to the principles of natural justice.
  - c) Ensure that natural justice is maintained throughout the mediation process, in line with relevant governance standards.

### 5. **Mediator's Authority**

- The mediator's role is to facilitate communication and negotiation between the parties, as specified by governance standards, without determining the dispute.

### 6. **Confidentiality**

- The mediation process is conducted with the utmost confidentiality and without prejudice, in line with legal and governance requirements.
- The dispute resolution process must comply with ARU's obligations under the *Privacy Act 1988*. All information shared during the mediation process must be treated as confidential and handled in accordance with privacy laws to protect the personal and sensitive information of all parties involved. Breaches of confidentiality may lead to legal action and must be reported to the relevant authorities if required by law.
- Any material breach of confidentiality must be reported to the Chair and, where appropriate, to the ARU Board.

### 7. **Alternative Resolution**

- If mediation does not result in a satisfactory resolution, the Board may seek alternative dispute resolution mechanisms, such as arbitration or legal action. Any unresolved disputes must be reported to the ACNC if they affect ARU's ability to comply with the *ACNC Governance Standards*. Furthermore, any significant disputes that could materially affect the governance or operations of ARU must be disclosed in the organisation's annual reports to the Board and may require notification to stakeholders or regulatory authorities. Such disclosures will be made having regard to materiality thresholds and regulatory guidance.

Board members are subject to the *Corporations Act 2001 (Cth)*, which outlines their fiduciary duties, including the duty to act in good faith, with care and diligence, and to avoid conflicts of interest. The dispute resolution process must be conducted in a manner consistent with these duties. Board members are prohibited from using confidential information or participating in the resolution process in a way that benefits them personally or undermines the organisation. Any breach of these obligations may result in civil or criminal penalties under the Act.

All documentation related to disputes, including formal notifications, mediation records, and final resolutions, must be accurately maintained and securely stored. These records will be held in accordance with ARU's *Records Management Policy* and the *Corporations Act 2001 (Cth)*, which requires the retention of corporate records. Such documentation may also be required for reporting to the ACNC as part of ARU's compliance with the *ACNC Governance Standards*. Access to dispute records is restricted to authorised persons only and managed in a manner that preserves confidentiality and audit integrity.

This Dispute Resolution Policy underscores our commitment to professional corporate governance practices and ensures disputes are addressed with the highest standards of integrity and professionalism. It adheres to relevant privacy, corporate, and governance standards, safeguarding fairness, and transparency in the resolution of disputes.

## AUTHORISATION

*Authorised under the delegated authority of the ARU Board.*

Michael Wentworth



**Managing Director**

Apprenticeships Are Us Limited

## DOCUMENT CONTROL

Version	Authorised by	Authorisation Date	Sections	Amendment
1.1	M. Wentworth	27/10/2022	All	N/A
1.2	M. Wentworth	07/11/2023	All	Cover page, information update
1.3	M. Wentworth	30/10/2024	All	Cover page, information update
1.4	M. Wentworth	22/01/2026	All	Information update