

**3.3 SCHOOL POLICY - Complaints and Concerns Policy*****Rationale***

As concerns and complaints may arise, it is the Board of Trustees' (BOT) responsibility to ensure that these are handled in a fair, consistent and equitable way, mindful of natural justice principles, and in accordance with the relevant Employment Agreements, Legislation and Codes of Conduct.

Purpose

1. To enable concerns to be addressed quietly and efficiently so they don't escalate to complaints.
2. To ensure complaints are dealt with respectfully and with due consideration of all parties' rights.
3. To ensure complaints are dealt with consistently in accordance with procedures established by the BOT and management.
4. To put in place appropriate corrective action, and/or disciplinary action, as required.

A Concern is:

- A minor issue that may be resolved informally and directly between the parties involved. Concerns are not expected to have disciplinary, legal or industrial consequences.
- Where a concern is unable to be resolved through informal discussion, or the concern re-occurs, the issue should be referred to the BOT and the relevant procedure shall be followed.

A Complaint is:

- Any verbal or written statement about a school practice or policy that, in the opinion of the complainant, is deemed to be of a serious nature that disadvantages them or the school community.
- Any verbal or written statement of a serious nature that indicates a member of the school community has acted illegally, unprofessionally, or in any manner which is harmful to another member of the school community.

All complaints will be referred to the Principal. The Principal shall follow the complaints procedure and, if of a serious nature, inform the BOT Chairperson immediately. In the case of a complaint against the Principal the complainant will be referred to the BOT Chairperson who shall follow the relevant procedure.

A complainant can be - A parent/caregiver/whanau member, staff member, student or member of the community.

A complaint can be about - A staff member, parent, BOT representative, student, or a school practice or policy.

Guidelines

- The School/Board of Trustees will make a genuine effort to resolve all concerns and complaints.
- Anyone with a concern is encouraged to discuss the matter directly with the person involved as soon as possible, to prevent issues escalating.
- Concerns will be dealt with by the school using the process set out in the Procedure for Concerns (Appendix 2)
- If the concern is not resolved through the process, a formal complaint may be made. This must be done in writing to either the Principal or the Chairperson of the Board of Trustees. The process set out in the Formal Complaints Procedure (Appendix 3) will be followed once a complaint has been received. It is helpful for the complaint to include as many details as possible, including details of efforts to resolve the issue.
- For any complaint, when the Principal or Chairperson receives the complaint, they will contact the person, acknowledging the receipt of the complaint as soon as practical.
- Depending on the nature of the complaint, the matter may be referred to the Board of Trustees for consideration and action.
- Any complaint will be treated in confidence, however, any person included in a complaint must be informed of the details of the complaint and be given an opportunity to address the complaint.
- In all cases the Board will act as a good employer. The Board's actions shall be to resolve the concern/complaint as quickly as possible at the lowest level possible.
- In dealing with any concern or complaint, the school will act in accordance with the relevant conditions of the current employment agreement(s) as well as all relevant legislation pertaining to the nature of the concern/complaint on the advice of the Board's legal advisors if necessary.

Initial Steps – Common to Both Categories

1. The Complainant will follow the process set out in the relevant procedure (Appendix 1)
2. The person receiving the complaint (Recipient) must first determine whether the complaint is a concern (minor) or a complaint (serious). This will determine the process pathway for the complaint.
3. The Complainant will be advised of the complaint category and told of the process pathway.
4. A Complaints File (of all serious complaints) will be kept by the Principal.

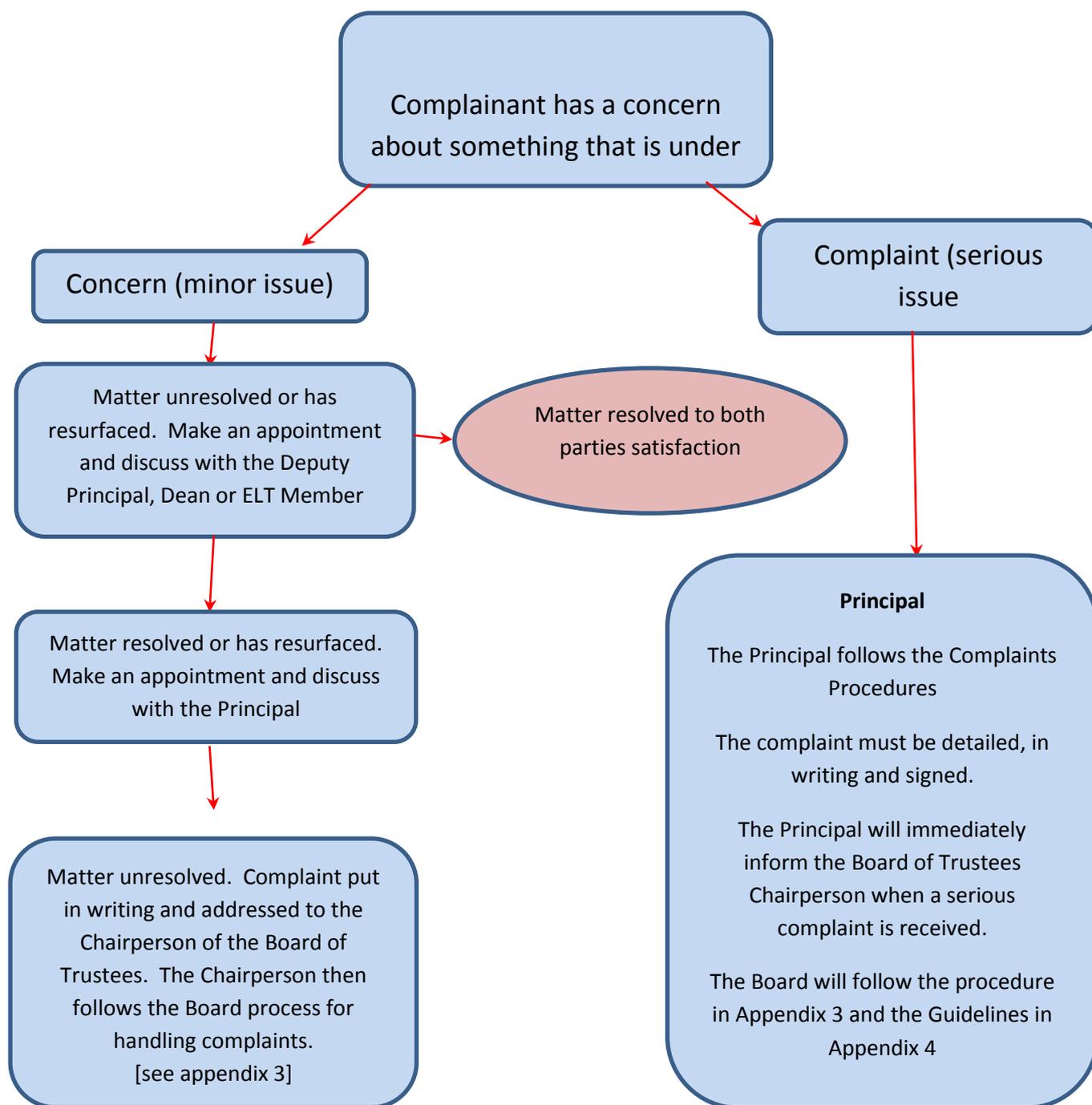
The following procedures will be developed for this policy:

Date:

Signed
Board Chair:

Review schedule Triennial

COMPLAINTS PROCEDURE [Appendix 1]



Notes

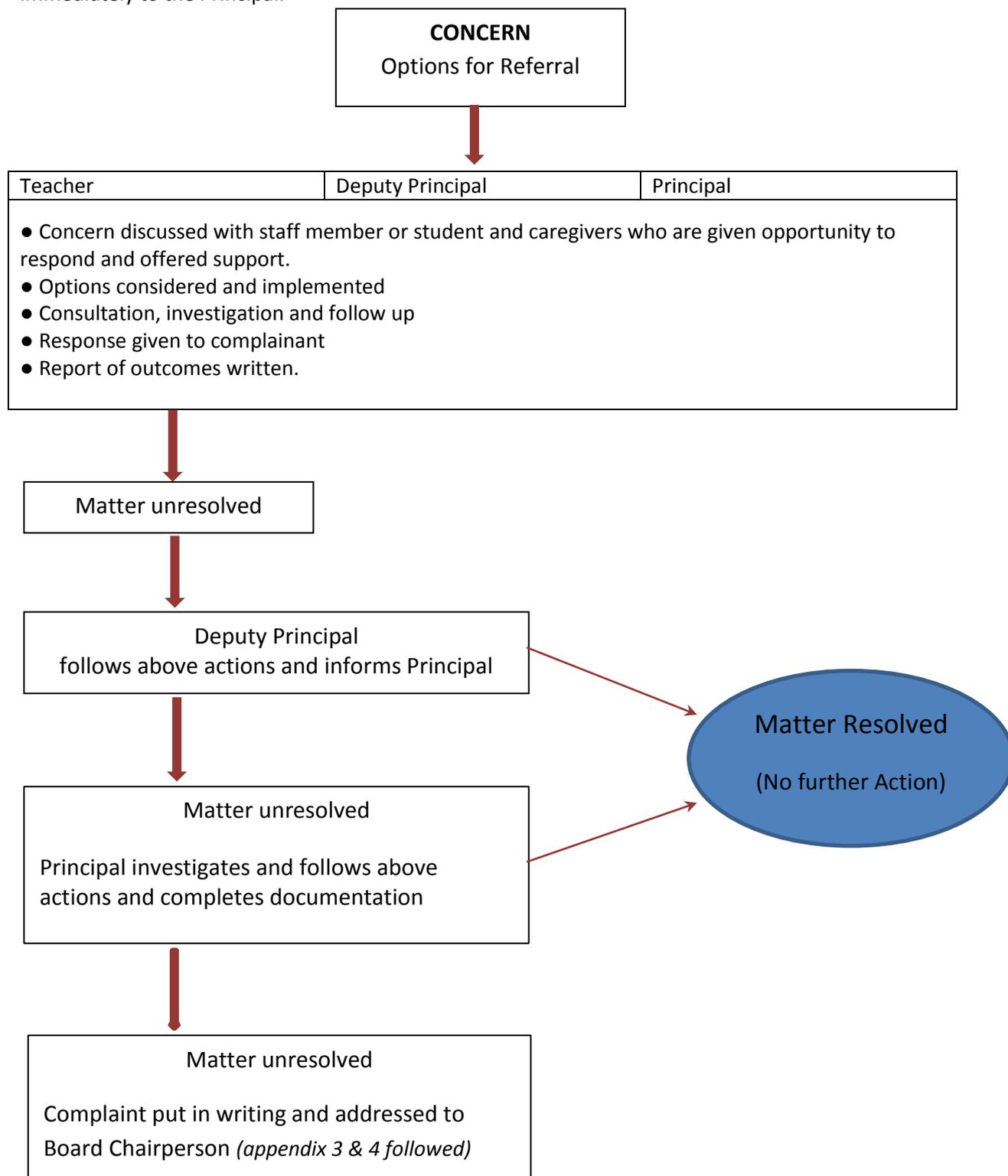
1. While minor issues may be able to be discussed in a quick informal chat with a staff member, the preferred option is to arrange a time to discuss the matter in order that both parties give the matter proper attention.
2. If the complaints procedure has not been followed the Board will normally return any letter of complaint to the writer and ask that they follow the procedure first.
3. All parties to a complaint may bring a support person to any meeting where the issue is to be discussed. Complainant has a concern about something that is under the jurisdiction of the school.

CONCERNS PROCEDURE [Appendix 2]

Teacher or Deputy Principal receives a written or verbal complaint

Teacher or DP asks if this is a:

1. **Concern** – may be written or verbal, but is not expected to have disciplinary, legal or industrial consequences.
2. **Complaint** – may have disciplinary, legal or industrial consequences. These must be referred immediately to the Principal.



GARIN COLLEGE POLICY PROCEDURE FOR RECEIVING A COMPLAINT

[Appendix 3]

Letter of complaint is acknowledged by the Chairperson and the complainant advised of the next steps in the Board process. The letter becomes part of the correspondence that will be dealt with at the *next Board meeting while the public is excluded*. If the complaints procedure (for concerns) has not been followed, the Board will normally return any letter of complaint to the writer and ask that they follow the procedure first. Issues of a serious nature, eg. allegations of physical abuse, gross, serious or sustained poor performance, dishonesty, verbal abuse, harassment, undermining Board policy etc, may require a special meeting of the Board to be called.



Letter of complaint is tabled at Board meeting (with public excluded) and referred to relevant parties for reporting back to the Board. The Board decides the appropriate response pathway or directs it back to Appendix 1. They decide whether to deal with the matter as a whole or appoint a committee to investigate and recommend to the Board.



At the meeting of the Board/Committee the reports are received and the parties may be invited to speak to their complaint or answer questions. The Board/committee considers the evidence and/or information and comes to a decision or recommendation.



Depending on the delegated powers of the committee either they or the Board as a whole come to a resolution as to how the Board will respond and/or what action will be taken.



The Board's response is communicated to the parties to the complaint. This may be managed either publicly or confidentially depending on the case



Any of the parties may request the Board to reconsider – however normally for such a reconsideration to take place **new information** that would have been relevant to the Board's deliberations must be produced.

Guidelines for Board of Trustees In dealing with Serious Complaints

[Appendix 4]

1. Issues of a serious nature, e.g. allegations of physical abuse, gross, serious or sustained poor performance, dishonesty, verbal abuse, harassment, undermining Board policy, etc may require a special meeting of the Board of Trustees to be called.
2. All letters addressed to the Chairperson of the Board are for the whole Board. The Chairperson cannot decide independently as to what action will be taken unless delegated authority to do so by the Board.
3. Subject to agreement between the parties, resolution or dismissal of the complaint will not occur before all the information is at hand.
4. Conflict of interest will be determined on a number of issues, including the relationship to anyone involved in the complaint.
5. The Board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and processes to ensure the principles of natural justice are met. It is advisable to contact the regional NZSTA personnel/industrial advisor in such cases. The Board will need to consider the relevant staff disciplinary policies, employment agreements and expert advice from the NZSTA advisor.
6. In the case of complaints against staff, the Board's insurance company should be informed of possible future actions.
7. The Board recognises that not all complainants will be satisfied of a complaint. After one reconsideration, if the Board is confident of its decision, it will refuse to enter into further discussion/correspondence. In making such a decision the NZSTA helpdesk can assist by giving an objective assessment of a Board's processes in dealing with the complaint.
8. A complaint regarding lack of compliance in relation to an agreed complaint resolution will be treated as a serious matter and actioned with urgency as a new complaint rather than as a reconsideration of the previous issue.
9. Trustees need to be clear in their mind of the difference between a complaint they have as a parent (ie. regarding their own child) and a complaint they have as a Trustee (e.g obstruction of staff preventing them carrying out Board work). In the first instance they are required to follow the normal procedures and are excluded from decision making due to conflict of interest. The latter case is dealt with as an agenda item for the whole Board (possibly with the public excluded).
10. Trustees need to be clear in their actions when a parent, community member or student makes an approach to them directly about a concern and/or complaint. The Trustee must advise the complainant of the correct procedures to follow and direct them to these procedures.

FORMAL COMPLAINTS PROCEDURE

In some cases, such as if your concern cannot be resolved, you may wish to make a formal complaint.

1. Write down your complaint giving details of the issue, including details of efforts that have been made to resolve the matter. Include your name and contact phone number.
2. Address your written complaint to the Principal, or to the Chairperson of the Board of Trustees if the complaint is about the Principal. Ask for assistance at the school office if you are unsure how to go about delivering your complaint.
3. When a complaint is received, the Principal (or the Chairperson of the Board of Trustees) will discuss the matter with you before deciding what further action should be taken. You may have a support person with you when you discuss the complaint, if you wish.
4. The complaint will be investigated by talking to the person about whom the complaint has been made and interviewing anybody else who may have had a part to play in the incident. Written statements will normally be taken.
5. The Principal will decide what steps will be taken as a result of the investigation and will ensure that a record of the process is kept.
6. You will be informed of the outcome of the investigation.
7. Depending on the nature of the complaint, the matter may be referred to the Board of Trustees for consideration and action.
8. Your complaint will generally be treated in confidence. However, in the interests of natural justice any persons included in a complaint must have the opportunity to hear all details about the complaint and reply to it. They may be accompanied by a support person during discussion of the complaint if they wish.
9. If you are dissatisfied with the outcome of the complaint you may write to the Board of Trustees for a review of the complaint. A review should be completed by the Board within 28 days of the referral.
10. Parents may complain to the Ministry of Education if they are not satisfied with this complaints process. In this situation, the school will liaise with the New Zealand School Trustees Association.
11. Complaints about the Board of Trustees (not individual trustees) may be directed to the Office of the Ombudsman.