

# Concerns and Complaints Policy

(2021 Version)



## PURPOSE:

All complaints, concerns and incidents are attended to promptly, respectfully and professionally and seek to bring effective resolution to all parties concerned.

In order to maintain a safe and comfortable environment for all students, staff and visitors, an accessible procedure for handling complaints and grievances will be implemented and maintained to provide an open and fair way of resolving issues and will comply with all relevant legislation.

## DELEGATIONS:

The board delegates to the principal full responsibility of ensuring processes are in place and operating effectively and adequately. In the event of a complaint or grievance concerning the principal, responsibility lies with the board.

## OBJECTIVES:

In complying with the policy, the principal shall not fail to:

- Implement and maintain robust procedures to meet the policy requirements
- Ensure that the process for complaints or grievances is clearly communicated and posted on the school website, in the school information booklet and published annually in a Term 1 newsletter.
- Ensure that the complainant has previously followed the school's concerns and complaints procedure before escalating to board level

The procedure for complaints follows two different processes:

**School Community Process** – the most commonly followed process dealing with most issues and concerns (Management).

**Board Process** – used infrequently; dealing with matters that have not been resolved through the School Community process or are of a serious nature (Governance).

Should the board receive a complaint regarding the principal or determine that any policy violation may have occurred, the board in the first instance will consider whether this may be dealt with in an informal manner (as per the employment agreement provisions that apply to the principal).

The requirement to approach the person concerned in the guidelines below is not appropriate where abuse is suspected or the matter falls within the Protected Disclosures Act (refer to Prevention of Abuse Policy / Protected Disclosures Policy)

Where the board considers the degree and seriousness of the concern or any violation sufficient to warrant initiating a disciplinary or competency process, the board shall seek the support and advice in the first instance from an NZSTA adviser to ensure due process is followed.

The board shall advise its insurance agent of any complaint escalated to the board.

Once the dispute Resolution Scheme comes into effect, in the event that a serious dispute is not able to be resolved, the board shall advise the parent of their right to apply to the Chief Referee for the dispute to be resolved by a dispute resolution panel.

## **POLICY REVIEW**

This policy will be reviewed by the Board in accordance with the Triennial Plan.

Presiding Member \_\_\_\_\_ Principal \_\_\_\_\_ Date / /2021

### **ASSOCIATED POLICY & PROCEDURES:**

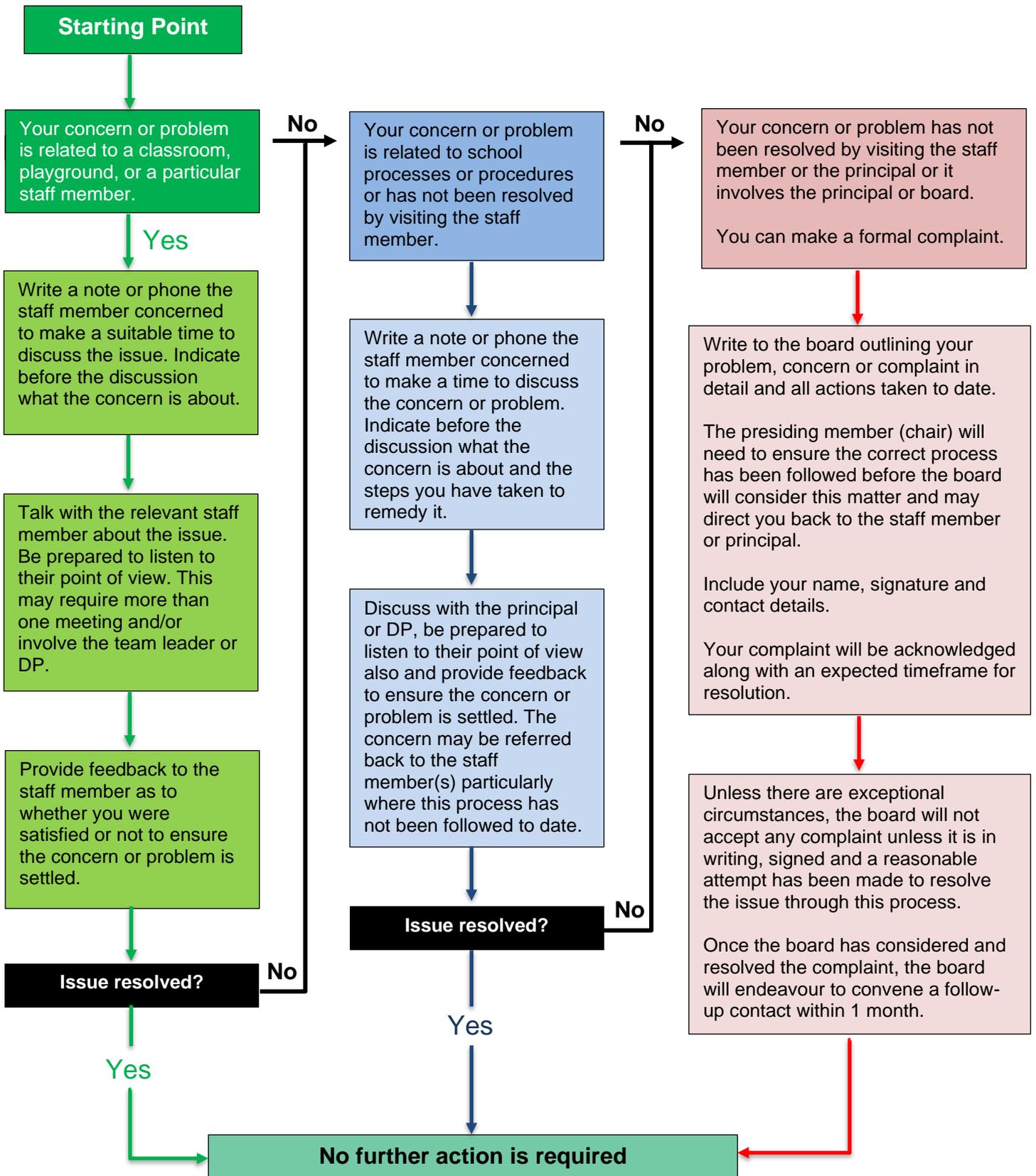
- *Guidelines for Raising Concerns*
- *Formal Complaints*
- *Board of Trustees Formal Complaint Procedure*
- *Board Process*
  
- *Prevention of Harassment and Discrimination Policy*
- *Theft and Fraud Prevention Policy*
- *Protected Disclosures Policy*
- *Prevention of Abuse Policy*

### **LEGISLATIVE COMPLIANCE**

- Education and Training Act 2020
- Employment Relations Act 2020
- Relevant employment agreements
- Relevant professional standards

# Concerns and Complaints Process

Advice for students, staff, parents, whānau and community



# Guidelines for Raising Concerns

(School community process)

Our primary goal is to create the best learning environment for the students of our school. We encourage open communication and prefer that you come to us to talk through any concerns rather than discussing them in the community.

## 1. Discuss the issue with the right person.

- If you have a concern or problem related to a classroom, playground or a particular staff member, contact the person involved to discuss the matter privately. We ask that you make this direct approach as soon as possible. Be prepared to make a time to discuss your concern if the person involved is unable to talk with you straight away. Be open to listening to the other side of the story to avoid communication breakdowns.
- If your concern or problem is related to school process or procedures, discuss it with the person involved or with a team leader, deputy principal (management team) or principal.
- If you do not wish to approach the person involved, contact a member of the management team or the principal to discuss your concern. The principal or management team member may communicate with the person involved.
- If you have a concern about one of our other students, contact the student's class teacher or the principal to discuss the matter, **you must not approach that student directly**. Teachers cannot share information on other children but we know your child well and can watch for anything you're concerned about.
- If you have a concern about another parent, caregiver, or member of the school community on a school related matter, raise this with the principal.
- If the matter concerns the principal and you have not first resolved it by discussion, or you feel uncomfortable directly approaching the principal, contact the presiding board member (chair)
- If the matter concerns a board member, contact the presiding board member, or another board member if it concerns the presiding board member.

If you approach a board member with your concerns you will be asked to follow the guidelines above, and the board member will inform the principal and presiding board member.

## 2. Work towards a resolution.

- In most cases constructive discussion will resolve your concerns.
- Staff will treat parents' concerns in a professional manner.

If you are unhappy with the outcome of your initial meeting, contact the principal, a member of the management team, or the presiding board member to discuss further resolution.

If this process does not resolve your concern, you can make a formal complaint.

# Guidelines for Formal Complaints

(Board process)

If your concerns have not been resolved, or for more serious matters, you can make a formal complaint.

Formal complaints may be about an employee of the school, a parent or caregiver, a student, or any matter within the school's responsibility.

In the interests of fairness, any formal complaint or serious allegation must be made in writing and resolved as quickly as possible given the details and the steps that need to be considered.

Parents are advised to keep a copy of any correspondence with the school regarding a serious complaint.

All parties should respect confidentiality, including avoiding the use of social media to promote a point of view.

There may be times when either party requires a support person to be present. This should be arranged in advance.

## **To make a complaint:**

Put your specific complaint(s) in writing with as many facts and details as possible, including the names of people involved and dates of events, together with any steps you have taken to resolve the matter and your preferred contact details.

The letter or email should be marked "confidential" and sent to:

- the principal, if the complaint is about a staff member, student, parent or caregiver, or other member of the school community
- the presiding member, if it is about the principal
- a board member, if it is about the chair.

Contact details for the principal, presiding board member, and board members are available at the school office.

# Board of Trustees Formal Complaints Procedure

Presiding member ensures correct process has been followed before the board will consider this matter. If not, then direct complainants back to the staff member or principal.



Letter of complaint is acknowledged by the presiding member 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.



Letter is tabled at board meeting (with the public excluded) and referred to relevant parties for reporting back to the board. The board decides 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 or 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 either publicly or confidentially depending on the case.



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



Once the board has considered and resolved the complaint, the board will endeavour to convene a follow up contact within 1 month.



Shaded boxes denote public excluded parts of meetings.

# Board Process for Formal Complaints

1. Issues of a serious matter, such as allegations of physical abuse or gross misconduct, may require a special meeting of the board.
2. For complaints concerning **harassment** refer to “Prevention of Harassment and Discrimination Policy”. For allegations of **theft or fraud** refer to “Theft and Fraud Prevention Policy”. School employees needing to make a **protected disclosure**, refer to “Protected Disclosures Policy”. Where **abuse** is suspected refer to “Prevention of Abuse Policy”.
3. All letters addressed to the chair of the board are for the whole board. The chair cannot decide independently what action will be taken unless the board has delegated them authority to do so.
4. Resolution or dismissal of the complaint must not be discussed before all the information is to hand.
5. All parties should respect confidentiality including avoiding the use of social media to promote a point of view.
6. Conflict of interest will be determined on a number of issues, including whether the complaint involves the actions of any trustee.
7. The board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and the principles of natural justice. It is advisable to contact the regional NZSTA personnel/industrial adviser in such cases. The board will need to consider the relevant staff disciplinary policies, employment agreements, and expert advice from the NZSTA adviser.
8. The board recognises that not all complainants will be satisfied with the outcome of a complaint. Any of the parties may request the board to reconsider their decision – however normally for such a reconsideration to take place new information that would have been relevant to the board’s deliberations must be produced.
9. After one reconsideration, the board, if it is confident of its decision, will refuse to enter into further discussion or correspondence. The NZSTA helpdesk can help with such a decision by giving an objective assessment of a board’s processes in dealing with the complaint.
10. 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.
11. Trustees need to be clear in their mind of the difference between a complaint they have as a parent (that is, regarding their own child) and a complaint they have as a trustee (for example, 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).