

# Concerns and Complaints Policy

## Outcome statement:

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

## Rationale:

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.

## Purposes:

- There is a process that ensures social justice and a sense of fairness in and around concerns and complaints for the person with the concern or complaint.
- Due processes and follow-up procedures are carried out.
- To ensure the concern is directed to the appropriate person on staff.
- To Ensure where possible concerns and complaints are managed at an appropriate level, to avoid unnecessary stress and upset.
- To ensure individuals and school staff members are not un-fairly harrassed or impeded from carrying out their professional duties and the teaching standards they are expected to uphold.
- To avoid confrontational situations with people who have a concern, or complaint.
- All award, collective and individual contract provisions are abided by.
- To uphold soundly based, appropriate action to help resolve concerns and complaints.
- Ongoing monitoring takes place when and if required.

## Guidelines:

1. Parents are encouraged to discuss any minor concerns they may have regarding their children's education directly with the class teacher concerned. (Parents are also encouraged to make an appointment at a mutually acceptable time.)
2. Staff members are strongly encouraged to follow up all minor complaints/concerns with the person making the complaint after within a reasonable passage of time to discuss perceived developments. These contacts may need to continue for whatever time is deemed appropriate by the staff member, both for an evaluation of developments and for PR reasons.
3. Should the staff member/or parent so wish or should the complaint be anything more than of a minor nature, it may be referred to the syndicate leader, Assistant Principal, Deputy Principal or Principal.
4. Anyone making a major complaint or having a serious concern are requested to give it in writing and a copy is to be given to the Principal and staff member concerned.
5. Such complaints/concerns will be investigated by the Principal, with a written report going to the complainant and to the Board. A copy of the complaint and the Principal's response will be kept on the staff member's personnel file along with the staff member's written response (staff member having been given five working days to respond in writing.)
6. Where the complaint is found to have some basis, the staff member will receive professional support, to effect change.
7. Any ensuing disciplinary action will follow the provisions of the staff members current award, individual or collective agreement. (Refer also Policy Statement "Teacher Competency"). It is important that the employee be advised of their right to request union assistance and/or union representation at any stage.
8. A Senior staff member (usually the Principal) will follow up all serious concerns with further discussion with the person making the complaint, after an appropriate passage of time, to discuss perceived developments. Confidential aspects of any action taken will not be divulged to the person making the complaint or to any other inappropriate person(s).
9. Final Action:
  - a. Principal to make a recommendation to the Board.
  - b. The Principal is to remove himself from the final decision.
  - c. This fact and a record of the Board's discussions are to be minuted.

## 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.

## Expectations and Limitations:

In complying with the policy, the Board 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
- The Principal reports to the board as follows:
  - When receiving a complaint, the Board must ensure that the complainant has previously followed the school's concerns and complaints procedure and that the complaint has been escalated to Board level correctly.
  - 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).
  - 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 School shall maintain a register of complaints and resolutions and the Principal report to the Board when required to outline numbers of complaints, resolution success figures and any areas of concern for Board deliberation.

## Procedures.

### Concerns and complaints Procedure

**Concerns:** A concern is a minor issue that can be resolved informally between the parties involved and unlikely to involve the consideration of disciplinary, legal or employment consequences.

- Concerns should in the first instance, be addressed to the relevant staff member e.g. the classroom teacher.
- If the concern does not involve a particular staff member or has not been resolved by the relevant staff member, it should be addressed to the syndicate leader or principal.
- If the concern has not been resolved by either the relevant staff member, syndicate leader or the principal, or it involves the Principal or Board, it should be addressed to the Board.

**Complaints:** A complaint is an issue of a serious nature and may involve the consideration of disciplinary, legal or employment consequences. It may involve the Principal or Board of Trustees. An unresolved, or repeated concern might be escalated to a complaint.

- Confirm a complaint exists, that is, it is of a serious nature or it is an unresolved concern
- Acknowledge complaint within 7 days and advise the board process, or if it is a concern that has not been dealt with by the concerns procedure, redirect complaint to the principal to deal with.
- Board meets and discusses "in committee", and determines how this complaint will be resolved (see flow chart). The need to act in a timely manner may require a special meeting of the Board to be called.
- Delegations need to be formally recorded. Has the committee have the authority to make decisions, bring recommendations or bring findings? Determine time frames.
- Before proceeding with any investigation the delegated person(s) should make contact with NZSTA and if appropriate the board's insurer. The Board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and processes to ensure that the principles of natural justice are met. Boards should contact the NZSTA Employment Advisory and Support Centre in such cases. The Board will need to consider relevant staff disciplinary policies, employment contracts and advice from the NZSTA Employment Adviser.
- Board delegate(s) report back to full board and bring findings, recommend actions or re-report decisions made.
- Board takes appropriate actions, records and formally minutes decisions.
- Board advises complaint, in writing, of its decisions and factors considered in reaching its decisions within 21 days of complaint receipt, unless otherwise agreed by all parties.

## Supporting Documentation:

- Principles of natural justice, state services commission (see appendix).
- [Concerns and complaints flow chart.](#) (click on link)

### Advice for the Board in dealing with concerns and complaints

- 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 delegated authority to do so by the Board.
- Any conflicts of interest must be declared and conflicted board members must not participate in any discussion/decision making around the matter.
- The Board must conduct a thorough investigation into the complaint and weigh up both sides of the issue before reaching its conclusion. Trustees must exercise caution particularly around confidentiality. process and natural justice, and must act fairly towards people who are affected by their decision. The NZSTA Governance Advisory and Support Centre can assist with this process.
- The Board should recognise that not all complainants will be satisfied with the outcome. After one reconsideration, if the Board is confident of its decision, it may refuse to enter into further discussion/correspondence. In making such a decision the NZSTA Governance Advisory and Support Centre can assist by giving objective assessment of the Board's processes in dealing with the complaint.

- When dealing with a complaint the Board will:
  - follow natural justice principles
  - Not panic
  - Get all the facts without initial opinion
  - Follow the concerns and complaints process
  - Document all activity from day 1
  - Take information seriously, check the acts to understand the parameters
  - Seek guidance from the NZSTA.

## Legislative Compliance:

Reviewed: 27 July, 14 August, 16 August, 20 August 2018	Next Review: 2019
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### Appendix:

## State Services Commission Principles of Natural Justice

Last updated: 15 July 2003

The rights of both parties to a formal complaint should be protected by the principles of natural justice. These are:

- freedom from bias on the part of the person making the decision/judgment; and
- transparency and fairness of the procedure.

Guidelines for a fair process include:

- take a complaint seriously and act on it immediately;
- maintain confidentiality;
- give the problem resolution procedure priority and respond in a timely manner;
- inform a respondent of the allegations against them;
- give a respondent the opportunity to respond to the allegation;
- do not ask irrelevant questions;
- keep both parties informed about progress of an investigation;
- ensure the parties' safety is protected during an investigation, including protection from retaliation or victimisation;
- give both parties a full opportunity to read/see and respond to all evidence collected in an investigation before a decision is made;
- consider all the evidence and weigh it carefully before deciding whether there is substance to the complaint;
- provide both parties with a copy of the decision and the reasons for the decision, and their options in terms of settlement, review, etc.;
- ensure any disciplinary action is proportionate to the level of behaviour complained of; and
- offer right of appeal or review.