

# Complaints

To ensure the school responds appropriately to complaints the following procedures are to be followed:

## General Guidelines

- A complaint shall be defined as a request for investigation into an issue involving a member or members of the learning community of our school. This learning community includes staff, students, parents, Trustees and the community.
- In general the Principal, as professional leader and chief executive officer of the Board of Trustees, has the major responsibility in decision making an action to be taken when dealing with complaints. The exception to this is if the complaint is against the Principal when the Chairperson of the Board of Trustees will usually guide the process.
- The laws of natural justice will apply to any investigation of a complaint.
- Every person who has a complaint being made against them has the right to be informed at the earliest possible stage that the complaint is being made, who is making it and the details.

[Note: This may exclude information that comes to the notice of the school under Protected Disclosure.

- These guidelines are notwithstanding the provisions relating to complaints, discipline and competency contained in the current Collective Agreements and any other codes of conduct or employment contracts which are in force in the school and which will be adhered to at all times. Should a complaint against a teacher or other staff member escalate to this level, the preferred option is for it to be resolved by discussion between the Principal and the staff member involved without the need to take it any further. In the case of the complaint being against the Principal, the Board as the employer shall endeavour to resolve it in the same manner. If the complaint is passed on to the Teachers' Council, it will be covered by their complaints procedure.

## Guidelines for receiving and responding to complaints

- The first point of contact for any issue relating to the classroom will be the teacher of that room. It is desirable that it be resolved informally at this stage. If this is not possible, the Principal must be informed immediately and further attempts made to resolve it informally. (This applies even if the complaint is being laid against the Principal, who may refer the matter to the Chairperson of the Board of Trustees.)

- The Principal will make the call whether or not the complaint needs to become formalised, and in most situations will guide the response procedures and make recommendations based on his / her professional judgement.
- If either party is not satisfied with the judgements made by the Principal, they have the right to ask for the Chairperson to become involved.

**A formalised complaint will follow this procedure:**

1. The complaint must be put in writing, and signed by the complainant. This letter will be given to the Principal who will give it to the person against whom the complaint is being made. (If the complaint is against the Principal, the Chairperson of the Board will receive the letter.)
2. All written complaints will be acknowledged in writing as being received by the Principal or the Chairperson of the Board of Trustees within 48 hours. The Board of Trustees will get a copy of this letter of acknowledgement. This does not presuppose that the Board needs to know all of the details or act at this stage.
3. A preliminary step in the resolution of complaints is discussion of the complaint with the complainant and the person at whom the complaint is directed, separately if appropriate, and may involve an independent facilitator. At this, or any other stage of the process, either or both parties have the right to ask for support people to be present.
4. The complainant will be listened to and acknowledgement will be made of his or her feelings on the matter.
5. The problem will then be defined by the Principal [or Board Chairperson] who will record a concise statement of the details as they are presented.
6. Each party will be given the opportunity to respond to the statement of details and to reply to any inaccuracies recorded by the Principal or Board Chairperson.
7. Responsibilities for actions to resolve the complaint will be established and agreed to by the parties. This discussion will generally be led and facilitated by the Principal and will involve reflection on possible courses of action. These may include remedy or redress strategies to prevent repetition of the situation and constructive alternative actions if the situation reoccurs.
8. A record will be kept of any agreement reached and signed copies will be provided to the complainant, the person being complained against and a copy retained by the Principal.

9. The Principal will keep the Board of Trustees informed as appropriate.
10. If following this process an agreement still cannot be reached, the Principal will decide on an action that is consistent with school policies and relevant employment contracts and may choose to bring in an independent conciliator or refer the matter to the Board of Trustees. The Board will need to investigate the complaint, taking advice if necessary and determine the appropriate action.
11. If the complaint is against a staff member and involves alleged misconduct, incompetency or any other contingency that may call into question his or her employment status and/or professional reputation, the Board must comply with notification provisions under its liability insurance cover; follow disciplinary policies, acknowledge the principles of natural justice and follow the procedures outlined in the relevant employment contract.
12. It is understood that the staff member concerned has the right to contact the relevant union and insist on gaining support or advocacy before proceeding. If necessary, outside agencies such as School Trustees Association, NZEI or the Education Council may need to be involved to resolve the dispute at this stage.
13. The Privacy Officer will keep documentation secure under the Privacy Act, and if it emerges there are no grounds for a complaint against a staff member, no documentation relating to the complaint will be held on the employee's file.
14. Any members of the staff may request to view their personal files kept by the Principal or Board of Trustees. If an employee disagrees with any information held regarding complaints he or she can request an amendment be made or attach their own written version of the incident.
15. If the complaint is made by a staff member during his or her appraisal, and it is not able to be resolved satisfactorily with the appraiser, the staff member has the right to submit his or her concern in writing to the Chairperson of the Board of Trustees who will, following consultation with all parties, facilitate a discussion aimed at finding a resolution. If this fails, the Chairperson may recommend a change of appraiser.