

CONCERNS AND COMPLAINTS POLICY

RATIONALE

As concerns or 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

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

A concern is:

- A minor issue that may be resolved informally directly between the parties involved. Concerns are not expected to have disciplinary, legal or industrial consequences.

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 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.

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

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

GUIDELINES

In the case of a complaint against a staff member, 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 advisers if necessary.

Initial Steps – Common to Both Categories

1. The Complainant will follow the process set out in 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 person receiving the complaint will then determine whether the complaint involves individuals (staff, pupils or employees of the school) or school policies or systems to ensure the correct pathway is followed.
4. The complainant will be advised of the complaint category and told of the process pathway.
5. A Complaints File (of all serious complaints) will be kept by the Principal.

CONCERNS

Follow Appendix 1 and Appendix 2

Where a concern is unable to be resolved through informal discussion, or the concern reoccurs, the issue should be referred to the BOT and Appendix 3 and Appendix 4 followed.

COMPLAINTS

All complaints will be referred to the Principal. The Principal will follow the complaints procedures and if of a serious nature inform the BOT Chairperson immediately. **Appendix 3 and Appendix 4 will be followed.**

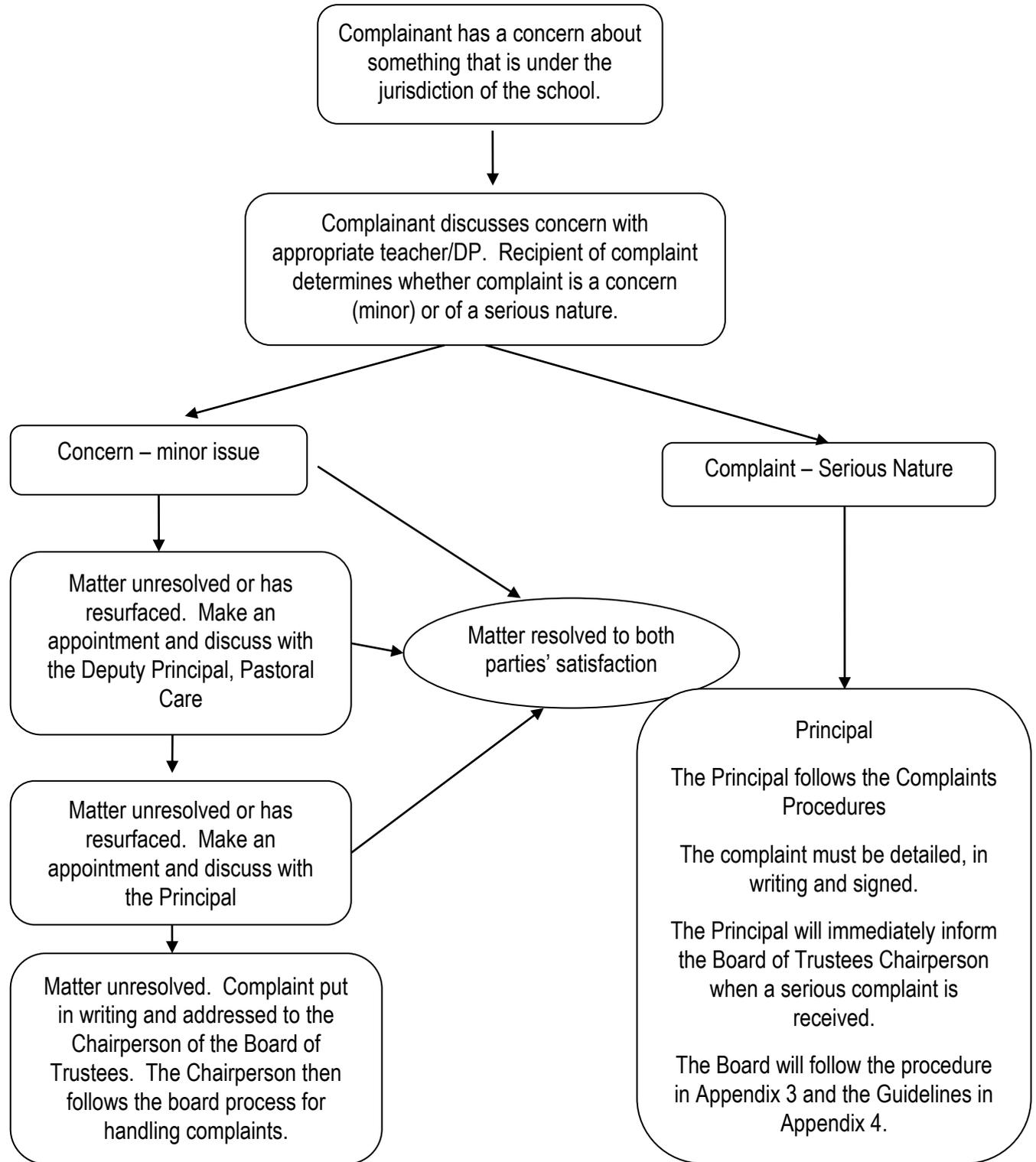
In the case of a complaint against the Principal the complainant will be referred to the BOT Chairperson who will follow **Appendix 3 and Appendix 4.**

CONCLUSION

Concerns and Complaints will be handled in a fair and orderly manner.

Appendix 1

**Otumoetai Intermediate School
Complaints Procedure for Students/Parents/Caregivers/Staff
Making a Complaint**



Notes

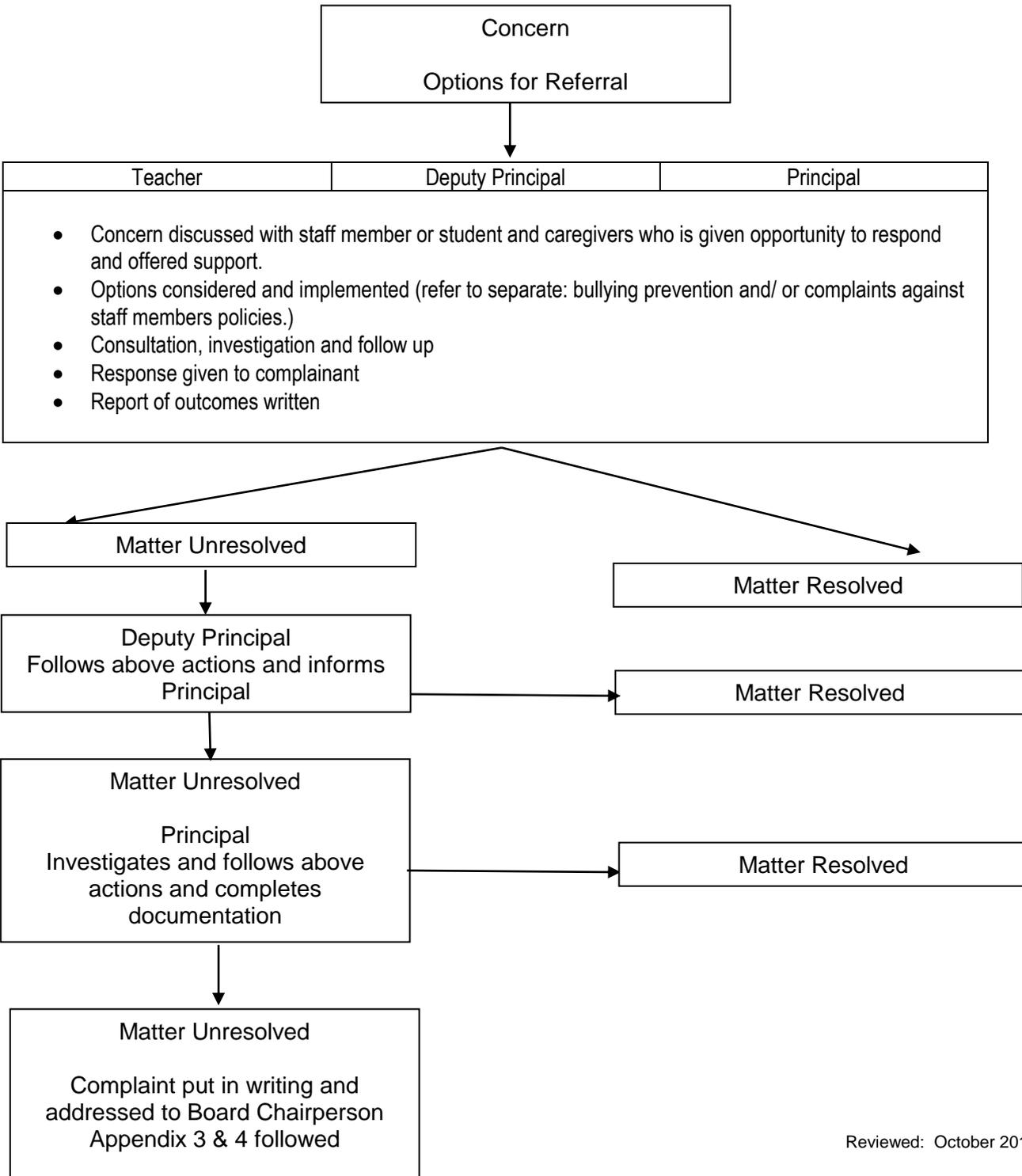
1. While minor issues may be able to be discussed in a quick informal chat with a staff member, the preferred option is to arrange a time to discuss the matter in order that both parties give the matter proper attention.
2. If the complaints procedure has not been followed the board will normally return 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

**Otumoetai Intermediate School
Detailed Procedure (Internal) for Dealing with Complaints**

Teacher or Deputy Principal receives a written or verbal complaint

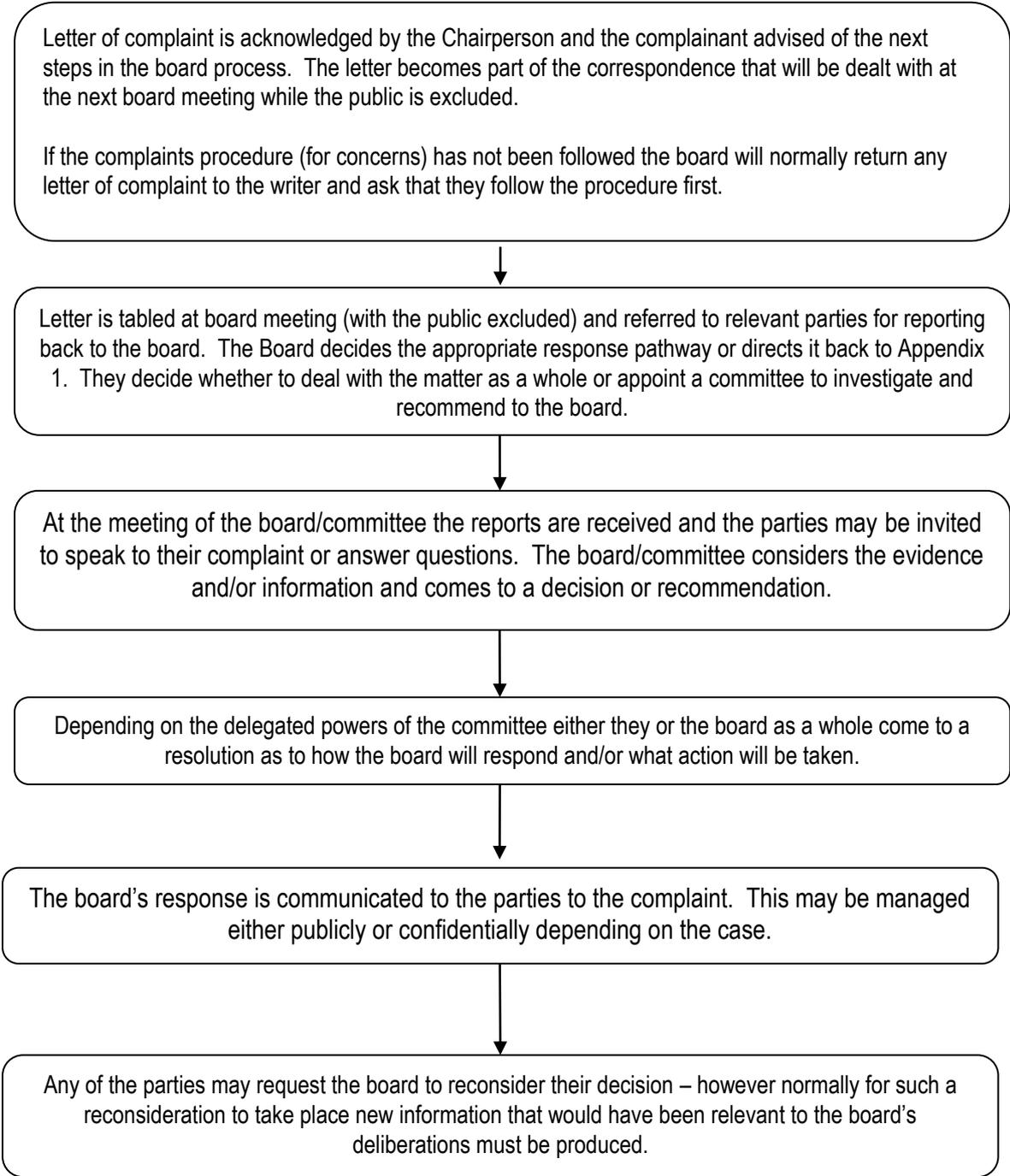
Teacher or DP asks if this is a:

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



Appendix 3

**Otumoetai Intermediate School
Complaints Procedure for Board of Trustees
Receiving a Complaint**



Appendix 4**Otumoetai Intermediate School
Guidelines for Board of Trustees
In Dealing with Serious Complaints**

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 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. The board chair may request a report from the relevant parties involved, prior to the board meeting where the complaint is to be discussed. These reports however are confidential to the board for consideration at their meeting as per appendix 3 and not for other parties to the complaint.
4. If the complaint concerns the principal, then the board assumes responsibility for all communication with the complainant until the complaint has been dealt with. If the complaint concerns a staff member, then the board or the principal assume responsibility for all communication with the complainant.
5. Subject to agreement between the parties resolution or dismissal of the complaint will not occur before all the information is at hand.
6. Conflict of interest will be determined on a number of issues, including the relationship to anyone involved in the complaint.
7. 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 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. In the case of complaints against staff the Board's insurance company should be informed of possible future actions.
9. The board recognises that not all complainants will be satisfied with the outcome 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.
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 (i.e. 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.)

12. Trustees need to be clear in their actions when a parent, community member or student makes an approach to them directly about a concern &/or complaint. The trustee must advise the complainant of the correct procedures to follow and direct them to these procedures.
13. Trustees must also make the distinction between their role as a governing body and their responsibility to ensure school policies are adhered to, versus the day to day running of the school which is the responsibility of the principal as he or she sees fit.