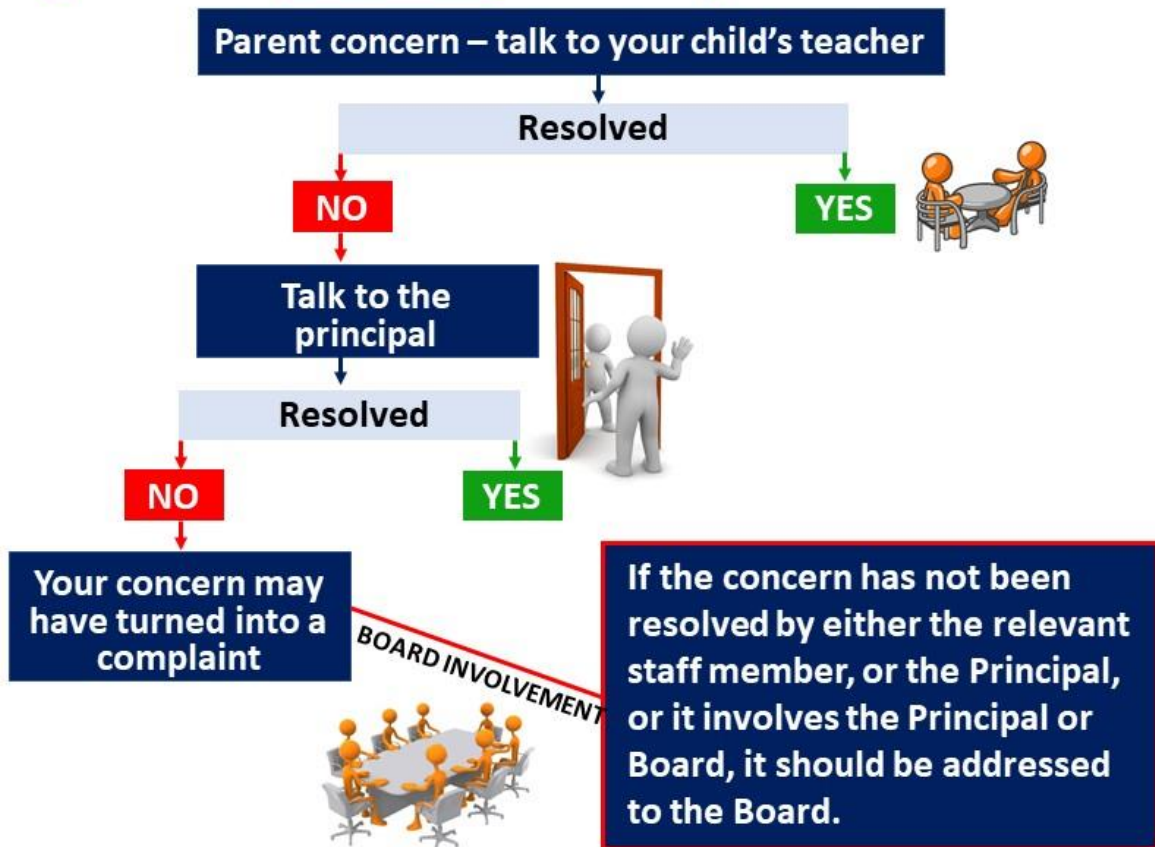


SCHOOL PROCEDURE 01: CONCERNS AND COMPLAINTS

A concern is:	A complaint is:
An issue that may be resolved informally directly between the parties involved. Concerns are not expected to have disciplinary, legal or industrial consequences.	An issue of a serious nature and may involve the consideration of disciplinary, legal or employment consequences. It may involve the principal, staff or board member or a member of the school’s community. An unresolved or repeated concern may be escalated to a complaint.

Dealing with a concern or complaint



Note, a ‘complaint’ must be made in writing and state the word ‘complaint’. Date your letter and address your letter to the Presiding Member, Whareorino School Board. Please clearly state the matter/s, date, time and location your complaint is based on.

The person/s mentioned in your letter of complaint will receive a copy of your letter; *principles of natural justice*. A parent / caregiver may have a concern or complaint about a member of staff, conversely, a member of staff, using the concerns and complaints procedures may have, and action, a concern or complaint about another member of staff, board or community member. A copy of the processes and procedures for actioning a concern or complaint, may be requested from the School Office.

COMPLAINTS: WHAREORINO SCHOOL BOARD: GUIDELINES FOR DEALING WITH A COMPLAINT

The School Board needs to **formally receive a complaint** in order to act on it; *refer to the Concerns and Complaints Policy and Procedures*.
 The Board firstly confirms that a complaint exists, that is, the complainant has followed correct procedures, complaint is of a serious nature, or is an unresolved concern. If the complaint is serious enough for the Board to deal with, it is serious enough to be put in writing.

BOARD OF TRUSTEES

PRINCIPAL

On receiving a complaint, the **Presiding Member** establishes, with full-board knowledge, a **Complaints Committee**. Board members are informed regarding the nature, but not detail of the complaint, at the time the Committee is formed. The names of the Committee and the Committee's delegated authorities, are recorded in the In-Committee minutes of the Board Meeting. The Board and Board's Complaints Committee, operate within relevant Policies, Procedures, Collective Employment Agreements and Legislative requirements.

Should the **Principal receive a letter of complaint**, he / she informs the Presiding Member within 24 hours, and forwards the letter to the Presiding Member, keeping a copy 'confidentially' on school file.

 The Principal *must not* make contact with any person, other than the Presiding Member, until delegated the authority by the Board.

The Board **Complaints Committee** meets to work through the following considerations, knowing the need to acknowledge the letter of complaint, to the complainant, within 7 days of receiving their letter.

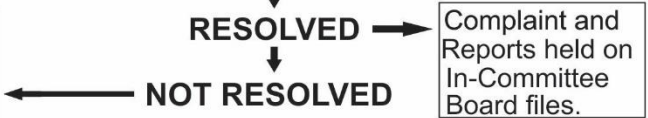
- A complaint is an issue of a serious nature and may involved the consideration of disciplinary, legal or employment consequences.
- Confirm a complaint exists; that is, it is of a serious nature or it is an unresolved concern.
- Acknowledge complaint within 7 days and advise the Board process, or if it is a concern that has not

been dealt with by the concerns procedures, redirect complainant to the Principal to deal with; attach a copy of the Complaints and Concerns Policy and Procedure.

- Complaints Committee establishes proposed action plan for dealing with the complaint; refer to considerations below, including Investigation Stage. Following acknowledgment to complainant, the next step should be to inform the School's Insurer, and also to contact NZSTA, for advice and guidance.

<p>COMPLAINTS COMMITTEE ROLES</p> <ul style="list-style-type: none"> ▪ to work within the Board's 'delegated authorities' which may include, but are not limited to: <ul style="list-style-type: none"> • direct the principal to investigate the matters raised by the complainant • if appropriate, Presiding Member to attempt mediation with complainant • on the advice from NZSTA engage an 'external investigator' with 'Terms of Reference' • determine time frames • authority to make decisions and/or bring recommendations or findings to the Board ▪ before proceeding with an investigation, the delegated person(s) should make contact with 	<p>INVESTIGATION STAGE</p> <p>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 the principles of natural justice are met. The Board should contact the NZSTA Employment Advisory and Support Centre.</p> <ul style="list-style-type: none"> ▪ Board delegate(s) report back and bring findings, recommend actions or report decisions. ▪ Board takes appropriate actions, records and formally minutes decisions. ▪ Within 21 days of receipt of complaint, unless otherwise agreed by all parties, Board advises complainant, in writing, of its decision and factors considered in reaching its decision.
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Should no 'new information' be provided, relevant to the Board's deliberations, the Board will close the investigation, informing the complainant of the Board's decision.



Nothing stated above prevents the School Board from taking additional, or alternative action, considered reasonable and appropriate to the Board. The above process may be used should a staff member have a complaint about a parent, school board, staff or board member, community member or school visitor.

COMPLAINTS:

Further to the information and guidance provided above, pages 1 and 2;

1. Complaints are received only in the written form. All letters of complaint received by the board chairperson and/or principal are for the **whole board**. No trustee, including the board chairperson or principal can decide independently as to what action will be taken; the board decides and may delegate authority to one or more persons to take specific actions.
2. Acknowledgement of the complaint will be made by the Board, by letter, at the earliest possible time.
3. Conflict of interest may be determined on a number of issues, basis, including whether there may be a 'perceived conflict of interest'.
4. Only complaints by an individual will be accepted by the Board; no consideration will be given to 'group' complaints.
5. Subject to agreement between the parties concerned, resolution or dismissal of the complaint will not occur before all the information is to hand, and the Board has completed its deliberations.
6. In the event that any circumstance is realised which may result in a personal grievance claim, the Board's Professional Indemnity insurer is to be notified immediately. This must occur before any of the following are undertaken: competency reviews, redundancies, redeployment, disciplinary actions, dismissals, appointment of legal assistance or representation, or other steps that could result in a personal grievance. Similarly it must occur immediately on receipt of any complaint as to discrimination, harassment, or any other matter likely to lead to a personal grievance. New Zealand School Trustees Association will also be contacted for advice and guidance.
7. Should the nature of the alleged conduct be deemed sufficiently serious, the Board may decide to either suspend, (with or without pay), or transfer temporarily to other duties, having due regard to the provisions set out in the relevant Employment Agreement. In the case of instant dismissal, legal advice must be sought prior to the action.
8. Should the complaint be about an employee, the employee shall have the right to representation at any stage, and shall be advised of such at the beginning of any investigation. All written documentation relating to the complaint will be made to the employee concerned and their appointed advocate. The same information will also be available to any advocate which the Board of Trustees wishes to appoint on their own behalf.
9. The Board may wish to appoint an independent investigator to investigate and report on the outcomes of the investigation. The Board must make clear the delegated authorities and parameters, (including time period), for the investigation and establish a set fee for the contract; Terms of Reference.
10. All outcomes of discussions, decisions and actions relating to the concern or complaint are to be recorded accurately.
11. **All documentation** is to remain confidential to the parties involved, and the **provisions of the Official Information Act 2020 and the Privacy Act 2020 will be adhered to**. Concerns Forms are held on the Principal's Administration file for the current year. All documents pertaining to a complaint are held on the Board's 'confidential file'.
12. The relevant Employment Agreement will guide the Board in dealing with matters of employment.
13. Should the Employee become aggrieved by any action of the Board of Trustees, taken under these provisions, then personal grievance provisions, as per the relevant Employment Agreement, are available to the Employee.
14. The Board's response to a complaint will be communicated to the complainant and other persons / parties who have a direct interest. The complainant may request the Board to reconsider its decision if new information is available.
15. The Board recognises that not all complainants will be satisfied with the outcome of a complaint. After reconsideration, if the Board is confident of its decision, it will refuse to enter into further discussion, including 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.
16. Mandatory reporting obligations will be complied with.

CONCERNS:

Further to the information and guidance provided above, pages 1 and 3:

1. Whareorino School shall endeavour to resolve all queries or concerns at the lowest level, without minimising the matter at hand; an informal meeting should be the first initiative. If necessary, a formal meeting may be arranged with a mediator present.
2. Concerns regarding student behaviour must be directed through the appropriate channels. Under no circumstances should a parent / caregiver attempt to confront students directly.
3. It is expected that a person hold a query or concern will bring the matter directly to the attention of the person the matter concerns; a parent with a concern will approach the staff member concerned, while a teacher with a concern about another staff member will directly approach the staff member concerned. Likewise, it is expected that a teacher will directly and appropriately approach a parent should a concern exist.
4. Parents are encouraged to discuss queries / concerns they may have regarding their child's education directly with the class teacher concerned; they are also encouraged to make an appointment to ensure a mutually acceptable time.
5. Staff members are encouraged, and if required supported, to follow up all queries or concerns with the person who has approached them, to discuss perceived developments. These contacts may need to continue for whatever time is deemed appropriate by either or both parties, both for an evaluation of developments and to work towards satisfaction of all parties. Should the staff member or parent so wish, the matter may be referred to the principal.
6. The principal, as day-to-day manager and professional leader of the school has the responsibility for managing queries and concerns as required; the Board does not get involved with such matters. The Board, in its governance role, is removed from the 'concerns' level, instead, without sharing a personal view, referring queries and concerns, via the person hold the concerning, through to the principal.
7. Where the concern is found to have some basis, the staff member will receive professional support, to effect change, and if necessary, other steps may be taken.
8. Should the principal see the query or concern as something providing a risk to the school or school's community, the principal may escalate the query or concern to a complaint, thereby placing it in the area of governance. In such circumstances, the principal becomes the complainant and must follow Board policy and school procedures accordingly.
9. It is expected that the principal is made aware of matters of query or concern on the day these arise. It may be the principal engages in a supportive manner to bring such matters to a satisfactory conclusion.
10. Should a member of the Principal be involved in dealing with a query or concern, a Concerns Form will be completed and held on file.
11. Should a person with a query or concern feel the matter has not been appropriately addressed, they may approach the principal, for further consideration / action.
12. A query or concern held by a person, may, at any time through the process, be escalated to a complaint; refer to pages 1 and 2 above and the following information.

CONCERN RECORD FORM

Date:	Time:
Received from:	
Address:	
Phone:	
by visit / interview	Received by:

CONCERN/S:

ACTION PROPOSED: (include views of parent/caregiver)

FOLLOW-UP: (record dates, times, venue of interview, decisions, actions)

COPY OF THIS RECORD SHEET TO:

CONCERN RESOLVED: YES / NO

Date:

Signed:

PRINCIPAL / TEACHER/ TEACHER AIDE / SECRETARY / OTHER



PRINCIPAL

Dated: February 1, 2022

