



Mount Eden Normal

PRIMARY SCHOOL

Te Whare Akoranga o Maungawhau

POLICY

Concerns and Complaints

Rationale

Board of Trustees have a responsibility to provide a safe physical and emotional environment for all students and staff, and take appropriate action to investigate and respond to concerns and complaints. A clear system of forwarding, and acting upon concerns or complaints will:

- deal with concerns/complaints against the school, a specific staff member (or members) at the earliest opportunity and in a timely and confidential manner
- provide a clear process of dispute resolution
- ensure fairness to all parties.

Purpose

To ensure that concerns and complaints against staff are dealt with in a fair, impartial, timely and confidential manner, in line with:

- the Collective Agreement
- Mandatory Reporting requirements, as set out in Rule 9 of the Education Council Rules, 2016
- NZ employment and privacy legislation.

Definition

For the purposes of this Policy:

Concerns are defined as the expression of a troubling issue, potential problem or query that requires further clarification, investigation and/or resolution;

Complaints are defined as:

- concerns that cannot be satisfactorily resolved through the process outlined in section (1) below and/or;
- issues that are specifically identified in writing as formal complaints, addressed to the Principal or, if the complaint relates to the Principal, the Board Chair;

Serious Misconduct describes a breach or alleged breach of the Code of Professional Responsibility and/or the Code of Ethics for Certified Teachers (whether verbal or written), requiring mandatory reporting to the Education Council as set out in Rule 9 of the Education Council Rules;

Complainant refers to a person or persons submitting a written complaint to the Principal (and/or Presiding Member, as applicable) about a member of staff;

Board Complaints Committee refers to a Board Committee, convened to carry out an investigation (in committee) of a complaint against the Principal, or a Complaint that has not been satisfactorily resolved and subsequently referred to the Presiding Member;

Te Whakarōputanga Kaitiaki Kura o Aotearoa (formerly NZSTA) refers to the New Zealand School Board Trustees Association

Policy Requirements - Concerns

1.1 Parents/caregivers are encouraged to share concerns directly with the school, so the home and school can work in partnership to resolve any issues. The Principal and staff will actively promote early contact by parents/ caregivers of any concerns they may have and resolution at an informal level wherever possible (subject to any related legislative or Policy requirements) and appropriate. Parents/caregivers are encouraged to discuss concerns in the first instance with the staff member directly involved wherever safe and appropriate to do so.

1.2 If the concern cannot be satisfactorily resolved between the parent/caregiver and the staff member directly involved, the staff member and/or parent/caregiver may refer the matter to a Team Leader, a member of the Senior Leadership Team, or the Principal directly. The Principal should be notified of any referrals made to other staff members.

1.3 Concerns will be investigated in confidence by the Principal, delegate (or Presiding Member, if applicable), taking into account all relevant facts, the perspectives of all parties involved and the rights of both complainants and employees. The Principal (or Presiding Member, if applicable) will determine an appropriate response.

1.4 The Principal (delegate, or Presiding Member, if applicable) will make a determination on the appropriate conclusion/next steps to be taken in upholding or rejecting the complaint. The outcome will be provided in writing to all parties, explaining the reason(s) for the decision.

1.5 Subject to 1.6 (below), concerns raised by staff members or parents/caregivers directly with the Board of Trustees will be redirected to the Principal.

1.6 If the concern(s) relate to the Principal, then the staff member and/or parent/caregiver may refer the matter to the Presiding Member directly, who will determine the appropriate course of action.

1.7 If a concern cannot be satisfactorily resolved in any of the instances outlined above, the complainant should be provided with a copy of this Policy and made aware of the options available to them.

Policy Requirements - Complaints

2.1 Any complaint against a staff member should be submitted in writing to the Principal, including as much detail and supporting evidence as possible and making the nature of the complaint clear.

2.2 If the complaint relates to the Principal, then the complainant should refer the matter to the Presiding Member directly, who will convene a Board Complaints Committee to investigate the matter, with delegated authority from the Board.

2.3 Adherence to relevant sections of the Employment Agreement is essential at all times.

2.4 The staff member or the Principal (whichever is the subject of the complaint):

- (a) will be notified of the nature of the complaint;
- (b) will be given a reasonable opportunity to provide a written response; and
- (c) must be advised of the right to representation at any stage.

2.5 Complaints will be investigated in confidence by the Principal (or Board Complaints Committee, as applicable), taking into account all relevant facts, the perspectives of all parties involved and the rights of both complainants and employees.

2.6 The Principal (or Presiding Member, on behalf of the Board Complaints Committee, as applicable) will make a determination on the appropriate conclusion/next steps to be taken in upholding or rejecting the complaint. The outcome will be provided in writing to all parties, explaining the reason(s) for the decision.

2.7 Where staff competency is found to be in question, the Principal will determine the appropriate performance management steps and programmes of support to be implemented, with advice from Te Whakarōputanga Kaitiaki Kura o Aotearoa. A written submission to the Board of Trustees (through the Presiding Member, in committee) may be made at any stage, as deemed appropriate.

2.8 Where an issue of competency relates to the Principal, the Presiding Member, on behalf of the Board Complaints Committee, will make a written submission to the Board of Trustees outlining any proposed resolutions/actions, with advice and support from Te Whakarōputanga Kaitiaki Kura o Aotearoa.

2.9 If the complaint involves allegations of serious misconduct, the Board Chair will be informed immediately and employment advice sought without delay from Te Whakarōputanga Kaitiaki Kura o Aotearoa. Next steps will be determined could include suspension with or without pay, pending further investigation, or other measures as reasonably appropriate and proportional to the nature of the allegation.

2.10 If, at any stage, the Principal and/or Presiding Member have reason to believe that serious misconduct has occurred, this must be reported to the Teaching Council without delay, as per Teaching Council mandatory reporting requirements, and further advice sought from NZSBA.

2.11 Any discussions concerning the complaint and any resolution/resulting disciplinary action will be documented. All records will be discussed with the staff member involved and signed by them to confirm the discussion has taken place and that any records are fair and accurate.

2.12 All files will be kept in a secure place, and confidentiality provisions will be adhered to. Any Board discussions relating to the complaint will be held 'in committee'.

2.13 The Principal and/or Presiding Member will inform the employee of any action to be taken, and a copy of such actions placed in the employee's personal file.

2.14 If matters involving questions of conduct and/or competence cannot be resolved in an employment context, then the matter must be referred to the Education Council of Aotearoa.

2.15 At all stages of the process, and to the extent legally permissible, the complainant will be notified of the steps taken.

2.16 Principles of 'Natural Justice' must be adhered to at all times.

2.17 In the event that, following appropriate investigation, a complaint is judged to be malicious, defamatory, obsessive, persistent, harassing, prolific, and/or repetitious, the Board will determine appropriate steps to protect employees, in line with the Board's Persistent Complaints and Harassment Policy.

Related Policies

Persistent Complaints and Harassment Policy

Privacy Policy

Staff Grievances, Complaints & Workplace Bullying Prevention Policy

Protected Disclosures Policy

Signed: Virginia Brown

Presiding Member

Policy review details

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