



# Mount Eden Normal

## PRIMARY SCHOOL

Te Whare Akoranga o Maungawhau

**POLICY**

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### *Staff Grievances, Complaints & Workplace Bullying Prevention*

#### **Rationale**

Every educational institution must be a “good employer”, as set out in good faith provisions of the State Sector Act, the Employment Relations Act, Health and Safety At Work Act and National Administration Guidelines.

Many of the obligations set out in the legislation are also contained within employment agreements. This Policy applies to any situation involving grievances and/or complaints raised by Board employees. The school must respond to complaints from staff members in a fair and consistent manner, in accordance with all relevant employment contracts and legislation, and work proactively to minimise and deal with allegations of workplace bullying.

#### **Purpose**

- To ensure consistency and fairness to all parties when dealing with complaints
- To deal with complaints in a fair and timely fashion, in line with policy and legislative requirements

- To ensure that all reasonable steps are taken to minimise and respond appropriately to allegations of workplace bullying.

## Definitions

For the purposes of this policy:

An **informal complaint** is a verbal expression or allegation of unfair and/or unreasonable treatment within the workplace, made by a member of staff to an individual in a position of authority at the school. A complaint made in writing is considered a **formal complaint**.

A **grievance** is a formal process that may be initiated by an employee in the event of unjustifiable dismissal; unjustifiable action which disadvantages the employee; discrimination; sexual harassment; racial harassment; duress over membership of a union or other employee organisation.

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**Workplace bullying** is defined as:

- unreasonable and repeated behaviour towards a person or group that can lead to physical or psychological harm
- Repeated behaviour is persistent and can include a range of actions
- Unreasonable behaviour covers actions which a reasonable person wouldn't do in similar circumstances, including victimising, humiliating, intimidating or threatening a person

*Note: A single incident is not considered bullying, but can escalate if ignored. Managing performance in line with Board policies and processes is not bullying.*

## Policy Requirements

### Bullying Prevention

*The Mt Eden Normal Primary School Board of Trustees will take all reasonable steps to minimise and respond appropriately to workplace bullying by:*

- 1.1. Actively looking for ways to create and promote a positive, respectful workplace that is pleasant, fair, rewarding and positively challenging for employees.
- 1.2. Encouraging positive leadership styles and investing in our leaders to achieve this.

1.3. Directing attention towards behaviour rather than people, and aiming to promote harmonious relationships across the organisation.

1.4. Providing workers who believe they've been bullied with a range of options to attempt to resolve the issue.

1.5. Promoting low-key solutions before formal actions where appropriate.

1.6. Aiming to repair the working relationship through restorative practices and approaches.

1.7. Make copies of this policy available to all staff.

1.8. Identifying factors that contribute to bullying, and put effective control measures in place.

1.9. Ensuring our processes and systems are fit for purpose and regularly reviewed.

*All staff agree to:*

2.1. Inform the Principal if they experience or witness any workplace bullying behaviours. In the event that the Principal is the person behaving in an allegedly bullying manner, the complaint should be directed to the Board Chair directly.

2.2. Attempt low-key solutions (eg talking to the person initially if safe to do so).

2.3. Follow the procedures set out below when making a complaint.

2.4. Offer support when seeing a person being isolated or experiencing reprisals.

2.5. Accept that perceptions of bullying may be open to interpretation and need to be negotiated.

*Senior Leadership Team Members agree to:*

3.1. Inform the Principal of complaints and/or allegations of bullying made by staff.

3.2. Intervene early to call out and deal with any unreasonable behaviour before it escalates.

3.3. Record and investigate complaints fairly.

3.4. Seek informal solutions before escalating an issue to higher levels (eg mediation or investigation) where appropriate.

3.5. Ensure that all staff are made aware of the provisions of this policy (annually).

*When dealing with any allegation of bullying, the Board will:*

4.1. Treat all matters seriously and investigate promptly and impartially.

4.2. Ensure that neither the person who complained nor the alleged instigator of bullying behaviour are victimised.

4.3. Support all parties involved, and remind them of their right to representation/support.

4.4. Find appropriate remedies, consequences and restorative actions for confirmed bullying as well as reports found to be false.

4.5. Communicate the process and its outcome.

4.6. Ensure confidentiality.

4.7. Use the principles of natural justice.

4.8. Keep good documentation.

4.9. Involve and liaise with specialist external advisors as appropriate.

*Process for Resolving Complaints*

5.1. Where a staff member cannot resolve an issue directly with the person or persons concerned, he/she is encouraged to discuss the issue with the Principal in the first instance.

5.2. Where possible, an opportunity for informal resolution should be offered, involving both (or all) parties.

5.3. All parties involved in any informal or formal discussion of a complaint should first be made aware of their rights, encouraged to seek advice and/or support, and provided with a copy of this policy.

5.4. Both the complainant and the respondent will be entitled to give their version of events.

5.5. Complaints that cannot be mutually resolved by informal, mediated discussion should be made in writing as a formal complaint to the Principal.

5.6. Related parties, including the Board Chair and Board of Trustees, should be kept informed, as deemed appropriate by the Principal, with reference to appropriate confidentiality and in accordance with Privacy Policy guidelines.

5.7. At any stage of the process, a staff member may submit a written grievance / complaint to the Board of Trustees directly, addressed to the Board Chair.

5.8. In cases of a complaint against the Principal which cannot be satisfactorily resolved, a formal written complaint must be made to the Board Chair.

5.9. The Board of Trustees undertakes to resolve any grievances / complaints lodged in a consistent, fair and timely manner.

5.11. Complainants should be informed in writing by the Principal or Board of Trustees of the outcomes of the process, and reminded of their right to seek further advice and support.

5.12. Where appropriate, outside mediation may be sought at any stage from organisations such as NZSTA, MBIE, NZEI.

5.13. In dealing with a complaint, the school will act with good faith and in accordance with the relevant conditions of the current employment contracts and legislative requirements.

5.14. In all instances, the Board of Trustees in dealing with complaints will act as a good employer.

5.15. At all times, principles of natural justice should be adhered to.

## **Related Policies & Procedures**

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Privacy Policy

Equal Opportunities Policy

Concerns & Complaints Policy

Protected Disclosures Policy

Signed: Murray Streets

Chairperson

**Policy review details:** Version/date: May 2021

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