



# 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 Board Chair, 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 Board Chair;

**NZSTA** refers to the New Zealand School 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 Board Chair, 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 Board Chair, if applicable) will determine an appropriate response.

1.4 The Principal (delegate, or Board Chair, 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, 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 Board Chair 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 Board Chair directly, who will convene a Board Complaints Committee to investigate the matter.

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 Board Chair, 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 NZSTA. A written submission to the Board of Trustees (through the Board Chair, in committee) may be made at any stage, as deemed appropriate.

2.8 Where an issue of competency relates to the Principal, the Board Chair, 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 NZSTA.

2.9 If the complaint involves allegations of serious misconduct, the Board Chair will be informed immediately and employment advice sought without delay from NZSTA. Next steps will be determined, and may or may not include suspension with 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 Board Chair have reason to believe that serious misconduct has occurred, this must be reported to the Education Council without delay, as per Education Council mandatory reporting requirements, and further advice sought from NZSTA.

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 Board Chair 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: Murray Streets

Chairperson

Date: June 2021

### **Policy review details**

Version / date: June 2021

Review cycle: Triennial

Date for next review: June 2024