

**3.3 SCHOOL POLICY - Complaints and Concerns Policy*****Rationale***

As concerns and 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

1. To enable concerns to be addressed quietly and efficiently so they don't escalate to complaints.
2. To ensure complaints are dealt with respectfully and with due consideration of all parties' rights.
3. To ensure the principles of natural justice are followed. Freedom from bias on the part of the person making the decision/judgement and transparency and fair process
4. To ensure complaints are dealt with consistently in accordance with procedures established by the BOT and management.
5. To put in place appropriate corrective action, and/or disciplinary action, as required.

A Concern is:

- An issue that may be resolved informally and directly between the parties involved. Concerns are not expected to have disciplinary, legal or industrial consequences.
- Where a concern is unable to be resolved through informal discussion between the parties involved, and through the application of each aspect of the concerns procedure (appendix 1) to principal level, or the concern re-occurs, the issue should be referred to the BOT via the Chair and the relevant procedure shall be followed.

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 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.

All complaints will be referred to the BOT Chair The BOT Chair shall follow the complaints procedure (Appendix 1&2) and, if of a serious nature (Appendix 3).. In the case of a complaint against the Principal the complainant will be referred to the BOT Chair who shall follow the relevant procedure.

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

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

Guidelines

- The School/Board of Trustees will make a genuine effort to resolve all concerns and complaints.
 - The principles of natural justice are applied (Appendix 4)
- Anyone with a concern is encouraged to discuss the matter directly with the person involved as soon as possible to prevent issues escalating.
- Concerns and complaints will be dealt with by the school using the process set out in the Concerns and Complaints Procedure (Appendix 1)
- If a concern is not resolved by working through this aspect of the Concerns and Complaints Procedure, a formal complaint may be made. This must be done in writing to the BOT Chair of the Board of Trustees. The process which will be followed by the BOT Chair is set out in the Complaints Procedure Appendix 2 or 3. It is helpful for the complaint to include as many details as possible, including details of efforts made to resolve the issue.
- For any complaint, when the BOT Chair receives the complaint, they will contact the person, acknowledging the receipt of the complaint as soon as practical.
- Any complaint will be treated in confidence, however, any person included in a complaint must be informed of the details of the complaint and be given an opportunity to address the complaint.
- In all cases the Board will act as a good employer. The Board's actions shall be to resolve the complaint as quickly as possible, and 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 advisors if necessary.

Initial Steps for Concerns and Complaints

1. The Complainant will follow the Concerns and Complaints procedure as set out in Appendix 1.
2. A person hearing of a concern or complaint, will in the first instance direct the complainant to the Concerns and Complaints procedure. This will determine the process pathway.
3. The Complainant will decide the relevant pathway to follow.
4. A Complaints File will be kept by the Principal.

Date:

Signed

Board Chair:

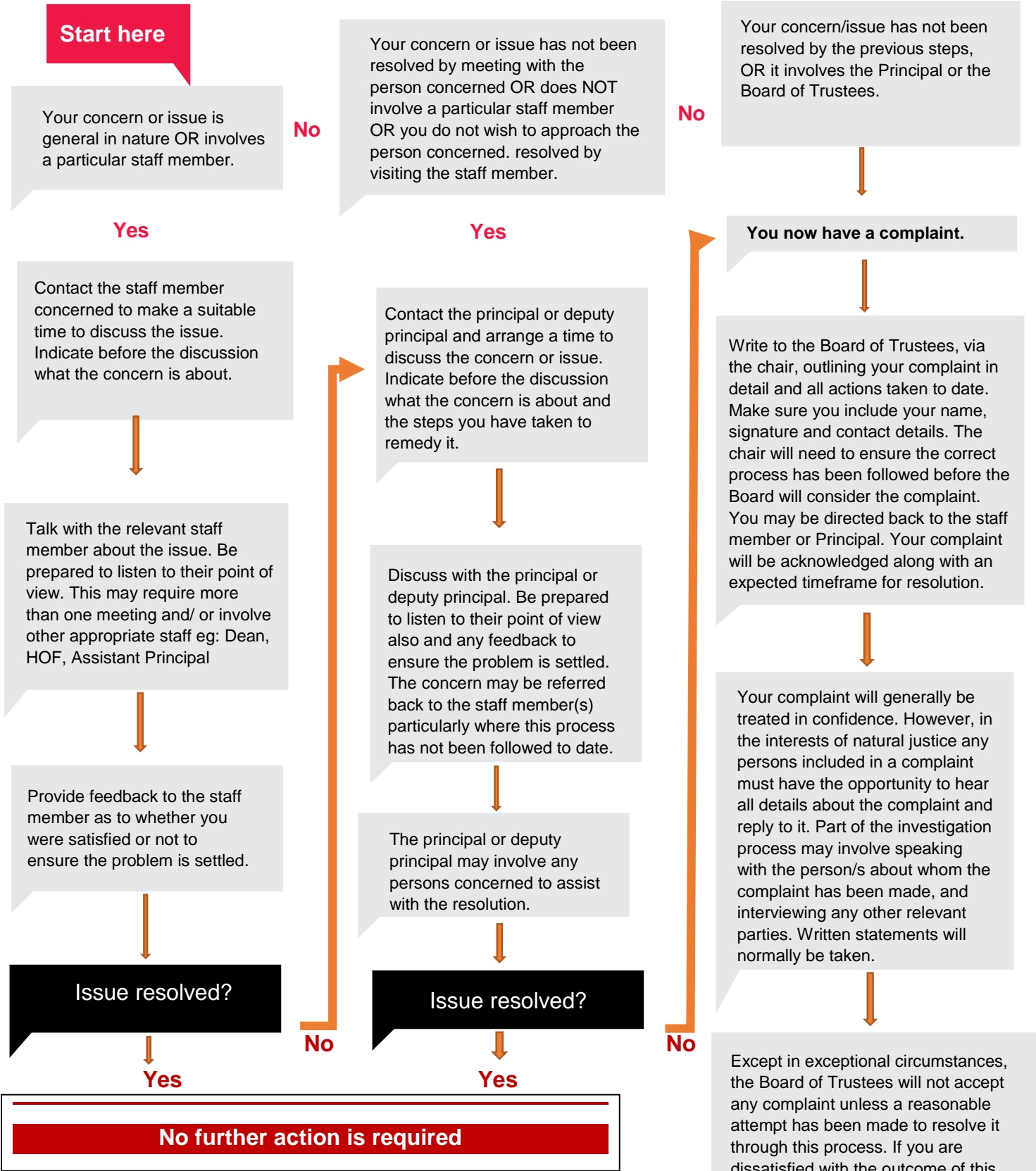
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Concerns and Complaints Procedure

(Appendix 1)



Parents may complain to the Ministry of Education if they are not satisfied with this complaints process. In this situation, the school will liaise with NZSTA. Complaints about the Board of Trustees (not individual trustees) may be directed to the Office of the Ombudsman.

Except in exceptional circumstances, the Board of Trustees will not accept any complaint unless a reasonable attempt has been made to resolve it through this process. If you are dissatisfied with the outcome of this complaint, you may write to the Board for a review. Once the Board has considered and resolved the complaint, the board will endeavour to convene a follow-up contact within 28 days.

Garin College Board of Trustees Procedure when receiving a Complaint

[Appendix 2]

Letter of complaint is acknowledged by the Chairperson and the complainant advised of the next steps in the Board process. The letter becomes part of the correspondence that will be dealt with at the next Board meeting while the public is excluded (in committee). If the complaints procedure (for concerns) has not been followed, the Board will normally return any letter of complaint to the writer and ask that they follow the procedure first.

Issues of a serious nature, eg. 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.



Letter of complaint is tabled at Board meeting (in committee) and referred to relevant parties for reporting back to the Board. The Board decides the appropriate response pathway or directs it back to the concerns and complaints procedure. They decide whether to deal with the matter as a whole or appoint a committee to investigate and make recommendations to the Board.



At the meeting of the Board/Committee the reports are received and the parties may be invited to speak to their complaint or answer questions. The Board/Committee considers the evidence and/or information and comes to a decision or recommendation.



Depending on the delegated powers of the Committee either they, or the Board as a whole, come to a resolution as to how the Board will respond and/or what action will be taken.



The Board's response is communicated to the parties involved. This may be managed either publicly or confidentially depending on the case



Any of the parties involved may request the Board to reconsider – however normally for such a reconsideration to take place **new information** that would have been relevant to the Board's deliberations must be produced.

Guidelines for Board of Trustees in dealing with Serious Complaints

[Appendix 3]

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 of Trustees 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. Subject to agreement between the parties, resolution or dismissal of the complaint will not occur before all the information is at hand.
4. Conflict of interest will be determined on a number of issues, including the relationship to anyone involved in the complaint.
5. 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 advisor in such cases. The Board will need to consider the relevant staff disciplinary policies, employment agreements and expert advice from the NZSTA advisor.
6. In the case of complaints against staff, the Board's insurance company should be informed of possible future actions.
7. The Board recognises that not all complainants will be satisfied with the result 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.
8. 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.
9. Trustees need to be clear in their mind of the difference between a complaint they have as a parent (ie. 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).
10. Trustees need to be clear in their actions when a parent, community member or student makes an approach to them directly about a concern and/or complaint. The Trustee must advise the complainant of the correct procedures to follow and direct them to these procedures.

The board, the principal and delegated staff need to follow a fair process when making decisions that impact on the rights, obligations and interests of staff, students and, at times, parents. This involves applying the principles of natural justice.

The key principle of natural justice is the person's right to a fair and impartial determination of their issue.

This means:

- None of the decision-makers has a financial or any other kind of conflict of interest, such as a relational conflict of interest.
- Decision makers keep an open mind until they have heard from everyone, looked at all relevant information, and not taken account of irrelevant information. The person's "right to a fair and impartial determination" also means all of the following:
 - the person needs to know what the allegation or complaint is, and who is making it
 - the person needs a chance to respond fully to any allegations. For instance, this includes being given a chance:
 - to ask questions about any allegations
 - to respond to an adverse finding about the matter, before a final decision is made
 - the person has a right to both legal representation and to have an advocate or support person
 - the person has a right to reasons for the decision e.g. the board's notification to a complainant that it has "considered your complaint and has decided to dismiss it" does not amount to a reason
- A right to complain, ask for a review or appeal