



## Concerns and complaints policy

At Pukekohe North School, the wellbeing and safety of all is paramount. [NELP Priority 1] This policy specifically regards concerns and complaints. All complaints, concerns and incidents are attended to promptly, respectfully and professionally and seek to bring effective resolution to all parties concerned.

### Introduction

1. The board acknowledges its role as a good employer. The board will act in accordance with the relevant legislation, conditions of current employment agreement and codes of conduct to resolve all concerns and complaints and if necessary, on the advice of the board's legal advisers. [NAG 3]
2. The board ensures a positive safe environment for all. The board acknowledges that in the event of a concern or complaint concerning the principal, responsibility lies with the board. [NAG 5]
3. The board delegates to the principal full responsibility of managing all systems and processes for effective adequate operations.
4. The principal will implement and maintain robust procedures to meet the policy requirements and ensure all concerns and complaints are handled respectfully, in a fair, consistent and equitable way, mindful of natural justice principles, in confidence, and in a timely manner.

### Definition

#### A concern is:

- an issue that may be resolved informally directly between the parties involved. Concerns are not expected to have disciplinary, legal or industrial consequences, however, may become a complaint if not resolved.

#### 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 has perceived disadvantages for them, their whānau or children 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.

#### A complainant can be:

- whānau, parent, caregiver, kaimahi/staff member, ākonga/student, member of the community.

#### A complaint can be about:

- a kaimahi/staff member, school trustee, ākonga/student, or a school practice or policy.

**Kaimahi/staff** includes all staff working for the school. This includes teaching staff, support staff, administrative staff, maintenance staff and managers. Kaimahi/staff is mainly used and unless specific groups are identified kaimahi/staff includes all staff working at the school.

### Procedures

- The concerns and complaints policy and procedures and the concerns and complaints flowchart will be available for ākonga/students, whānau, parents, caregivers and community on the school website and in the administration office.
- Every effort should be made by all concerned to resolve the concern quickly, through discussion, to prevent escalation.
- When ākonga/students, whānau, parents, caregivers or community don't feel comfortable discussing the concern with the kaimahi/staff member involved, they are directed to the principal.



- Concerns will be dealt with by the principal or senior leadership team using the process set out in the procedures for concerns and complaints. The senior leadership team includes school managers and team leaders.
- If the concern is not resolved through this process, a formal complaint may be made. This must be done, in writing, to either the principal or the presiding trustee of the board of trustees. The process set out in the concerns and complaints flowchart will be followed once a complaint has been received. It is helpful for the complaint to include as many details as possible, including details of efforts to resolve the issue.
- Formal complaints against any kaimahi/staff member will be dealt with using the Complaints procedure against teaching and support staff and The Standards for Teaching.
- The principal will manage the lines of communication throughout the complaints process for all involved.
- Complaints will be handled by the appropriate person or persons. This is a 'one up' system. The complaint will be handled by the person at the organisational level above the person involved in the complaint.
- The board will be notified, in writing, of all formal complaints. Conflicts of interest for the board will also be declared.
- All complaints will be added to the complaints register and all complaints will be monitored and followed up to ensure closure for all involved. This is the responsibility of the principal.
- All complaints 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.
- If a complainant is not satisfied with the outcome, they may appeal to the board of trustees, or take the complaint to the Ministry of Education or the Office of the Ombudsman.

## Guidelines

### Complaints Procedure against teaching and support staff

While formal procedures are available as a last resort, every attempt should be made to resolve all concerns before they become complaints.

All complaints about kaiako/teachers and or the principal shall be dealt with as set out in the relevant *Standards for the Teaching Profession* | *Ngā Paerewa mō te Umanga Whakaakoranga*.

All complaints against a kaimahi/teacher shall be referred, in the first instance, to the principal. The principal will include the appropriate senior leadership member. The senior leadership team includes team leaders and school management. Each direct team leader will deal with the members in their team.

All complaints against the principal shall be referred in the first instance to the presiding member of the board of trustees.

All records and copies of the complaint will be shared with all involved in the process. The principal is responsible for keeping detailed notes throughout this complaints process. Accurate record keeping ensures safety of all involved.

Communication will be consistent, informative, and regular to all parties involved in the complaint.

Where the board considers a resolution is reasonable and effective, the complainant and the kaimahi/staff member, principal should be informed, in writing, by the board that no further action is intended.

In the case of allegations which have disciplinary implications, the board will convene a committee to investigate and report only on the substance of the complaint.

The board as the employer is obligated to report any serious misconduct to the Teaching Council | Te Matatū o Aotearoa.

The committee may offer recommendations to the board.



The kaimahi/staff member or principal should be invited to respond to the report.

All discussions about all complaints will be discussed 'in committee' and in committee minutes will be taken at all hui in the concerns and complaints process.

In discussion at a board meeting of the kaimahi/staff member's, or principal's response, the kaimahi/staff member or principal may make a statement, answer questions, but not be present during the discussion on action on the complaint.

The kaimahi/staff member or principal may be represented at all meetings with the board, or delegated committee of the board by a professional or union advocate of his/her choice.

If the complainant is not satisfied, the presiding member should advise the complainant of further avenues, e.g. Human Rights Commission, Ombudsman, etc.

All business concerning the complaint and action resulting from it will be held "in committee" and recorded as such.

Any member of the board who is personally involved in the complaint shall take no part in the discussion about it but may submit a statement on the matter.

All conflicts of interest will be declared.

Anyone with any personal involvement in the complaint shall not be a member of any committee of inquiry.

## **Classroom Issues**

If you have a concern about a classroom matter you should firstly discuss the matter with the kaiako/teacher.

If a resolution cannot be reached take your complaint to the team leader of the kaiako/teacher involved. The team leader will support the complaints process as part of the senior leadership team.

If the response provided by the school does not fully address your concerns, you may wish to take the matter further by making a formal complaint (see Formal Complaints Procedure)

## **Other Concerns**

If you have a concern about a matter which you do not feel able to discuss with the kaimahi/staff member directly or which does not involve a particular kaimahi/staff member, you may contact the principal.

In all cases, if a concern is not resolved, a formal complaint may be laid.

## **Procedures for a Formal Complaint**

In some cases, such as when your concern cannot be resolved, you may wish to make a formal complaint.

- Write down your complaint giving details of the issue, including details of efforts that have been made to resolve the matter. Include your name and contact phone number.
- Address your written complaint to the principal or to the presiding member of the board of trustees. Your letter of complaint can be handed directly to the principal or passed to the office administrators for delivery to the principal or the presiding trustee.
- Complaints will be acknowledged immediately by the principal upon receipt or, if that is not possible, within 24 hours, giving assurance to the complainant that the issue will be investigated.
- When a complaint is received, the principal and the presiding member of the board of trustees or if the complaint is about the principal, the presiding member and another trustee, will discuss the matter with you before deciding what further action should be taken. You may have a support person with you when you discuss the complaint, if you wish. This meeting will be documented.
- The principal will also check the process used to meet the procedures in this policy and of the concern to date.
- Your complaint will generally be treated in confidence. However, in the interests of natural justice any persons included in a complaint must have the opportunity to hear all details about the complaint and reply to it. A copy of the complaint will be given to the person about whom the complaint has been made, together with a copy of the school's concerns and complaints policy and procedure and concern and complaints flowchart.



- The complaint will be investigated by talking to the person about whom the complaint has been made, who may be accompanied by a support person if they wish and interviewing anybody else who may have had a part to play in the incident. Written statements will be taken.
- The principal or board of trustees will decide what steps will be taken as a result of the investigation and will ensure that a record of the process is kept.
- You will be informed of the outcome of the investigation within 21 days of the initial meeting with the presiding member and the principal.
- In dealing with complaints, employers must act in accordance with conditions of relevant employment agreements and current legislation.
- If you are dissatisfied with the outcome of the complaint you may write to the board of trustees for a review of the complaint. A review should be completed by the board within 28 days of the referral.
- 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 the New Zealand School Trustees Association.
- Complaints about the board of trustees (not individual trustees) may be directed to the Office of the Ombudsman.

## Review

The principal shall maintain a register of complaints and resolutions and report to the board, in writing, monthly outlining numbers of complaints, resolution success figures and any areas of concern for board deliberation. The concerns and complaints policy and procedures will be added to the policy review schedule along with the concerns and complaints flowchart, the board complaints checklist, the principal checklist and the complaints register.

### **Additional Pukekohe North School supporting documentation**

Concerns and complaints flowchart

Board complaints checklist

Principal complaints checklist

Complaints register

Board meetings – in committee meeting procedures

### **Resources**

[NZSTA — Dealing with complaints effectively](#)

[Our Code, Our Standards | Ngā Tikanga Matatika, Ngā Paerewa](#)

[National Administration Guidelines \[NAGs\]](#)

[National Education Learning Priorities \[NELPs\]](#)

[Pukekohe North School website](#)

[Good complaints handling by school boards of trustees | Ombudsman New Zealand](#)

### **Legislative compliance**

[Education and Training Act 2020](#)

[State Sector Act 2020](#)

Relevant employment agreements and law



# Pukekohe North School

Princes Street, Pukekohe. Phone 0-9-238-8552

Approved by the Board on (date) 14<sup>th</sup> December 2021

Signature of

Board Chair

Name (print) Dr Shane Edwards – Commissioner Date: 14/12/2021

Next review date: December 2024



## Board complaints checklist

Once a letter of complaint has been received, the board’s presiding member (chair) should ensure the following process is followed:

	Notes/date completed
1. Presiding member ensures the process has been followed as outlined in the concerns and complaints procedure or is a genuine complaint against the principal or board.	
2. Presiding member verifies with the principal that any staff (or others) identified in the complaint are aware of the situation and that there has been discussion and attempts to reconcile.	
3. If the complaint or action is employment related or has potential industrial relations implications, presiding member contacts NZSTA employment advisory and support centre. For all other complaints, contact NZSTA governance advisory and support centre.	<a href="mailto:eradvice@nzsta.org.nz">eradvice@nzsta.org.nz</a> <a href="mailto:govadvice@nzsta.org.nz">govadvice@nzsta.org.nz</a>
4. Presiding member alerts the school’s insurance broker.	
5. Presiding member acknowledges the letter of complaint within 24 hours and advises the board process, or redirects the complainant to principal, syndicate leader or staff member as appropriate. Presiding member reports to the board without names or detail at the next meeting.	
6. Once confirmed as a legitimate complaint to the board, presiding member forwards it confidentially to all board members for consideration. Any member who has a conflict of interest should declare and take no further part in the process around this matter.	
7. Board requests principal to present full written report to the board outlining all actions taken, advice received, meetings held, and justified decisions made.	
8. Board determines if the principal’s report fully satisfies it of full and fair process. If so, the board supports the principal and advises the complainant.	
9. If not satisfied, the board meets and discusses in public excluded business, determines whether or not to formally meet the complainant and delegates responsibility to members of the board as deemed appropriate.	
10. Board delegates meet with the complainant and discuss the complaint more fully - clarifying, investigating and verifying. Support persons should be confirmed as welcome to attend this meeting.	
11. Board delegates report back to full board and recommend actions/decisions.	
12. Board considers recommendations, records and formally minutes decisions.	
13. Board advises complainant in writing of its provisional decisions and factors considered in reaching them, within 21 days of initial hui with the principal and presiding trustee, unless otherwise agreed by all parties. Complainant is given opportunity to comment before the board’s final decision is reached and given.	



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14. Board advises complainant of their right to apply for dispute resolution if they are dissatisfied with the outcome.	
15. Board will convene a follow-up meeting within 1 month of step 9 with the complainant, kaimahi/staff member involved to check.	



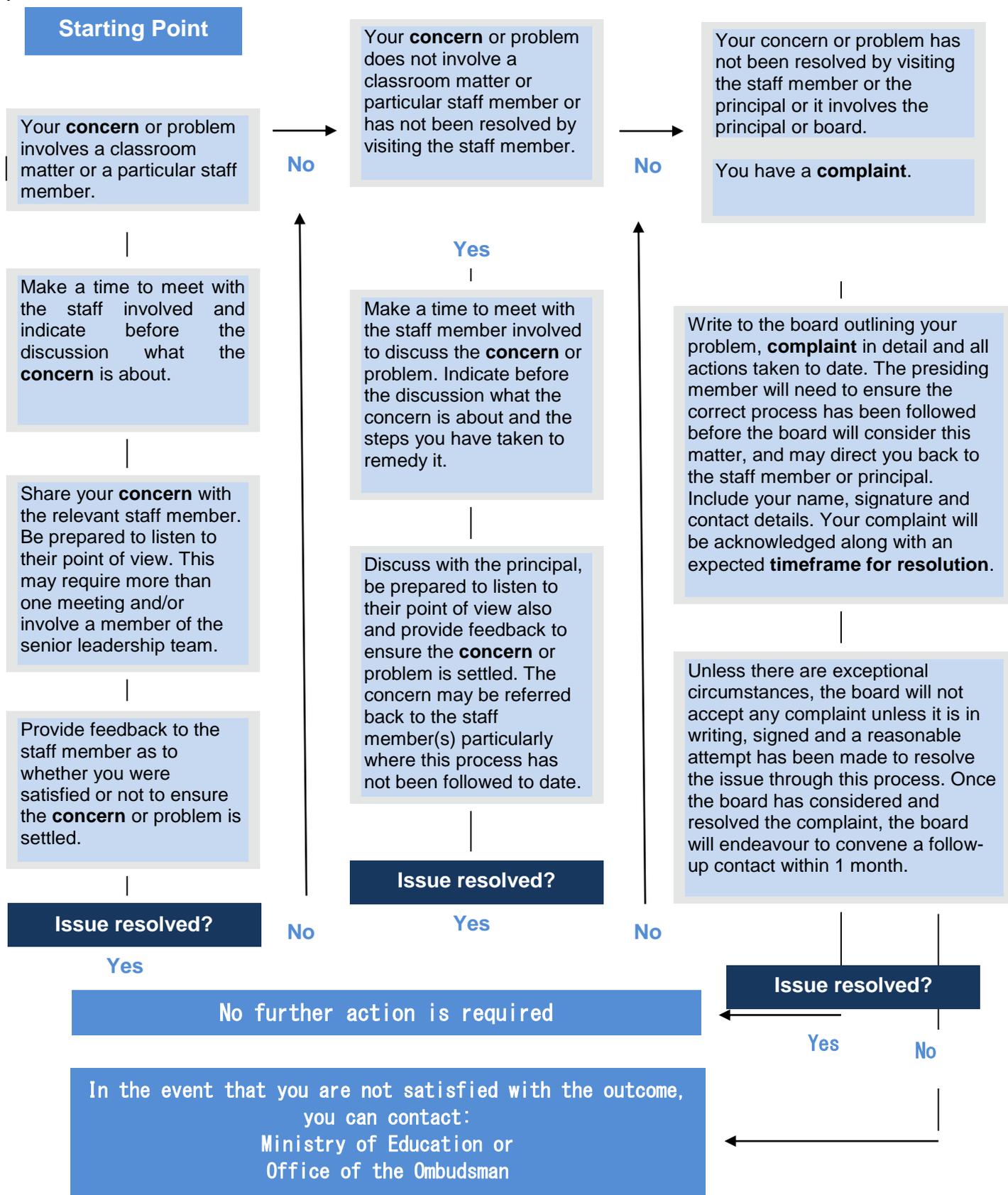
## Principal complaints checklist

Once a letter of complaint has been received, the principal will ensure the following process is followed:

	Notes/date completed Attach all meeting notes
16. Principal to refer to the Concerns and Complaints Policy and the procedures for a formal complaint.	
17. Principal is to acknowledge by text, phone call or face to face conversation the receipt of the complaint and assure the complainant of the process within 24 hours. Document this discussion.	
18. Principal to provide the complainant with a copy of the Concerns and complaints policy and the Concerns and complaints flowchart.	
19. Principal to check the procedures for formal complaint have been followed.	
20. Principal will make time to discuss the complaint face to face with the complainant and the presiding trustee. Inform the complainant that they may bring support persons.	
21. Principal will supply a copy of the written complaint, a copy of the concerns and complaints policy and the concerns and complaints flowchart to staff members involved. Arrange a time to meet with the staff members involved and any support peoples.	
22. Principal to investigate the complaint with a view to resolution. Meet with the complainant. Inform the complainant and support peoples about the process. Document this conversation. Listen to the complaint.	
23. Principal to investigate the complaint with a view to resolve the complaint. Meet with any staff members involved. Inform the complainant and support peoples about the process. Document this conversation. Listen to their account.	
24. Principal to research any relevant legislation, employment agreements or regulations to ensure you are meeting requirements for being a good employer. Contact MoE or NZSTA if necessary. Document this discussion.	
25. Principal to meet with the board to discuss the complaint and possible resolution. Document this discussion.	
26. Principal to hold final meeting with the complainant within 21 days of the step 5 to discuss possible resolution. Advise the complainant of further options if the resolution is not acceptable to them. Document this discussion.	
27. Principal will present a full written report to the board outlining all actions taken, advice received, meetings held, justified decisions made and the time taken for this complaint. Present this report to the board using in committee board processes.	

## Concerns and complaints flowchart

Flowchart for ākonga/students, kaimahi/staff, whānau, parents, caregivers and community – to be used with the procedures.





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## Complaints Register

Date received	Complainant Name	Contact details		Received by	Receipt of notification within 24 hours	Notify people involved	Meet with complainant		Meet with kaimahi/staff		Notify Teaching Council if required	Resolution reached	Reported to board	Review of process by board
		Email	Phone				Initial	Final	Initial	Final				