

COMPLAINTS

Reason for procedure:

A clear, fair procedure to resolve complaints will help to maintain good relations within the school community.

Objectives

- ✦ To identify the nature of a complaint
- ✦ To provide procedures for the resolution of complaints
- ✦ To ensure that all people in the school community know the correct procedure to be taken for the type of complaint being made
- ✦ To encourage resolution of less serious complaints speedily by discussion at the lowest level within the school's structure
- ✦ To ensure a complaint will be dealt with quickly and fairly and with minimal disruption to working relationships
- ✦ To ensure that people get a fair hearing in accordance with any applicable Collective Agreement and people's careers are not unnecessarily damaged

Guidelines

A. Nature of the complaint Complaints involving serious matters include among other things:

- ✦ Gross negligence or incompetence
- ✦ Theft of Board property
- ✦ Fraud or other forms of dishonesty including misuse of Board funds
- ✦ Assault or fighting
- ✦ Refusing to obey lawful instructions
- ✦ Possession of, being under the influence of, or consuming non-prescription drugs or alcohol during the course of duties
- ✦ Intentionally providing false information
- ✦ Undermining Board policy or otherwise seriously damaging the integrity of the Board
- ✦ Conduct of an indecent or sexual nature, sexual abuse or sexual harassment
- ✦ Conduct of a criminal nature
- ✦ Bullying or intimidation
- ✦ Any other conduct that deeply impairs the relationship of trust and confidence

B. Procedures for less serious complaints

- ✦ The complainant should first endeavour to speak to the person whose actions or conduct has given rise to the complaint.
- ✦ If the complaint is not resolved, or if the complainant feels unable to speak to the person, or where it would be inappropriate to do so, or if the matter does not involve a particular person, then the complainant should speak to either: the class teacher, College Leader, the Head of a Learning Area, the Principal, or the Board Chairperson (where the complaint involves the Principal).
- ✦ If the complainant considers that the complaint has not been resolved, then he/she may submit a written complaint to the Principal or to the Board Chairperson (where the complaint involves the Principal).
- ✦ The written complaint must be signed and should give specific details of the incident; the efforts made to resolve it, a contact name and phone number and it should be posted or delivered to the Principal or Chairperson.
- ✦ The Principal or Chairperson may seek legal or industrial advice from an approved source and notify the Board's insurer if that is considered appropriate.
- ✦ The Principal or Board Chairperson will discuss the complaint with the complainant who may have a support person present at the interview.

- ✚ The Principal or Chairperson will discuss the complaint with the person who is the subject of the complaint, give them a copy of the complaint and invite them to respond within a reasonable timeframe and advise them of their right to representation and support.
- ✚ The Principal or Chairperson shall investigate the complaint as he/she considers appropriate.
- ✚ The Principal or Chairperson will decide what the outcome of the investigation will be and advise the complainant.
- ✚ All complaints will be treated in confidence.

C. Procedures for serious complaints

- ✚ Serious complaints may be made to either the Principal or the Chairperson.
- ✚ The complaint must be fully detailed, in writing, and signed.
- ✚ The Principal will immediately inform the Board of Trustees when a serious complaint is received at management level.
- ✚ The complaint will be tabled in the public-excluded section at a meeting of the full Board of Trustees.
- ✚ All complaints will be acknowledged.
- ✚ The Board will determine an appropriate course of action to be undertaken according to its own policy and procedures.

D. General

- ✚ All complaints will be dealt with in accordance with the relevant Collective Agreements
- ✚ All investigations will be carried out in a procedurally fair manner. Explanations and information gathered will be given full consideration free of predetermination or bias.
- ✚ When an investigation is being carried out the person who is the subject of the complaint is required to answer questions and provide explanations either personally or through a representative. Where explanations or facts known to that person have not been offered, they cannot be used in later proceedings as evidence of a lack of substance to the complaint or justification for the decision taken.
- ✚ All complaints and details of any conditions of employment that may arise from a resolution of the complaint will be treated in confidence by all parties except where there is a legal requirement to report.
- ✚ Where complaints are formally investigated, minutes of all meetings will be taken. Agreements and decisions made will be recorded in writing. These documents will be held by the Principal, Board or on the employee's file as deemed appropriate.

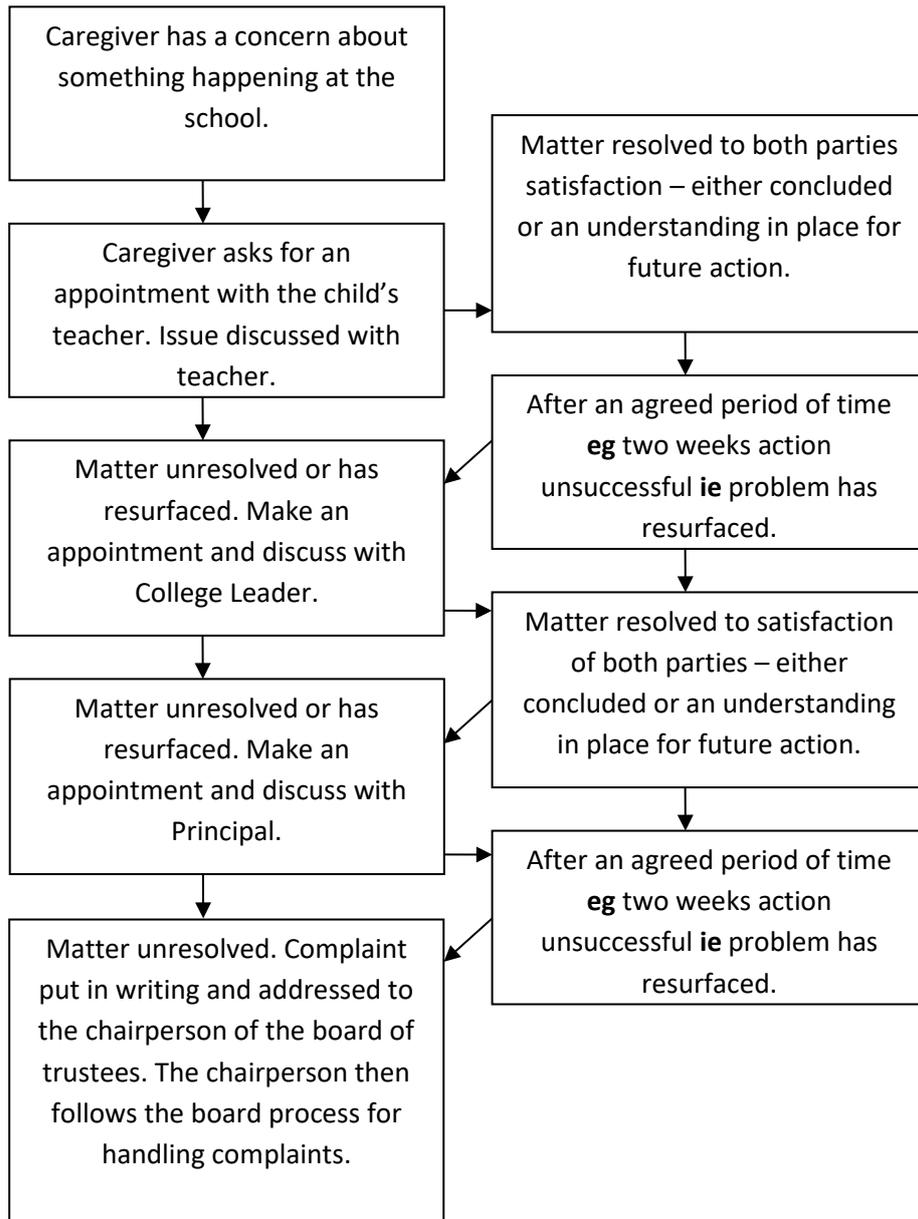
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Stage One: School Community Process

Notes:

1. While minor issues may be able to be discussed in a quick informal chat with a staff member, normally in order for both parties to give the matter full attention, arranging a time to discuss the matter is the preferred option.
2. If the complaints procedure has not been followed the board will normally return any letter of complaint to the writer and ask that they follow the procedure first.
3. The board needs to formally receive a complaint in order to act on it. If a complaint is serious enough for the board to deal with, it is serious enough to be put in writing. If you have concerns about expressing the matter clearly in writing please discuss the matter in confidence with the board chair [or another delegated board member] to enable them to assist you with this.
4. All parties to a complaint may bring a support person to any meeting where the issue is to be discussed.

Complaints Procedure for Excellere College



Stage Two: Board Process

Guidelines:

1. Issues of a serious matter, **eg** allegations of physical abuse, may require a special meeting of the board 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.
3. Resolution or dismissal of the complaint must not be discussed before all the information is to hand.
4. Conflict of interest will be determined on a number of issues, including whether the complaint involves the actions of any trustee.
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 adviser in such cases. The board will need to consider the relevant staff disciplinary policies, employment contracts, and expert advice from the NZSTA adviser.
6. The board recognises that not all complainants will be satisfied with the outcome 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.
7. 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.
8. 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 [**eg** 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].

Excellere College

Board of Trustees Complaints Procedure

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.



Letter is tabled at board meeting (with the public excluded) and referred to relevant parties for reporting back to the board. The board decides whether to deal with the matter as a whole or appoint a committee to investigate and recommend 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 to the complaint. This may be either publicly or confidentially depending on the case.



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



- shaded area denotes "public excluded meetings"