

5.05

Concerns and Complaints Policy and Procedure

Outcome Statement

All concerns and complaints are attended to promptly, respectfully, fairly and professionally and seek to bring effective resolution to all parties concerned.

Scoping

In order to maintain a safe and comfortable environment for all students, staff and visitors, an accessible procedure for handling complaints and grievances will be implemented and maintained to provide an open and fair way of resolving issues and will comply with all relevant legislation and any other statutory, regulatory, administrative and contractual requirements.

Delegations

The board delegates to the principal full responsibility of ensuring processes are in place and operating effectively and adequately. In the event of a complaint or grievance concerning the principal, responsibility lies with the board.

Expectations and limitations

In complying with the policy, the principal shall not fail to:

- implement and maintain robust procedures to meet the policy requirements,
- ensure that the process for complaints or grievances is clearly communicated, and
- report to the board as monitoring requires.

When receiving a complaint, the board must ensure that the complainant has previously followed the school's concerns and complaints procedure and that the complaint has been escalated to board level correctly.

Should the board receive a complaint regarding the principal or determine that any policy violation may have occurred, the board in the first instance will consider whether this may be dealt with in an informal manner (as per the employment agreement provisions that apply to the principal).

Where the board considers the degree and seriousness of the concern or any violation sufficient to warrant initiating a disciplinary or competency process, the board shall seek the support and advice in the first instance from an NZSTA adviser to ensure due process is followed.

Conclusion

Concerns and Complaints will be handled in a fair and orderly manner.

Procedures/supporting documentation

Procedures are to cover the following areas:

- concerns and complaints from parents, whānau and students,
- concerns and complaints from staff, and the
- Teachers' Code of Professional Responsibility.

Refer to the 'Procedures Flowcharts for Complaints' [Appendix 1 - 4]

Monitoring

The principal (and Board Chair, in the case of any concerns and /or complaints against the principal) shall maintain a register of complaints and resolutions detailing circumstances, actions taken and outcomes achieved, and report to the board as part of the principal's report to the Board outlining numbers of complaints, outcomes and any areas of concern for deliberation.

Legislative Compliance

Relevant statutory, regulatory, administrative and contractual requirements include, but are not limited to:

- Human Rights Act 1993,
- Bill of Rights ACT 1990,
- Public Service Act,
- Privacy Act 2020,
- Protected Disclosures Act,
- Education and Training Act 2020, Sections 216-236 i,
- Health and Safety at Work Act 2015,
- Children's' Act 2014,
- Buildings Act 2004,
- Education Act 1989,
- Local Government Official Information and Meetings Act 1987, part 7
- Official Information Act 1982,
- Employment Relations Act 2000,
- Relevant Collective Employment Agreements or individual contracts for staff, and the
- National Administrative Guidelines for Schools.

Review

This policy will be reviewed in accordance with the Board's regular policy review process.

Ratified by Ruapehu College Board of Trustees

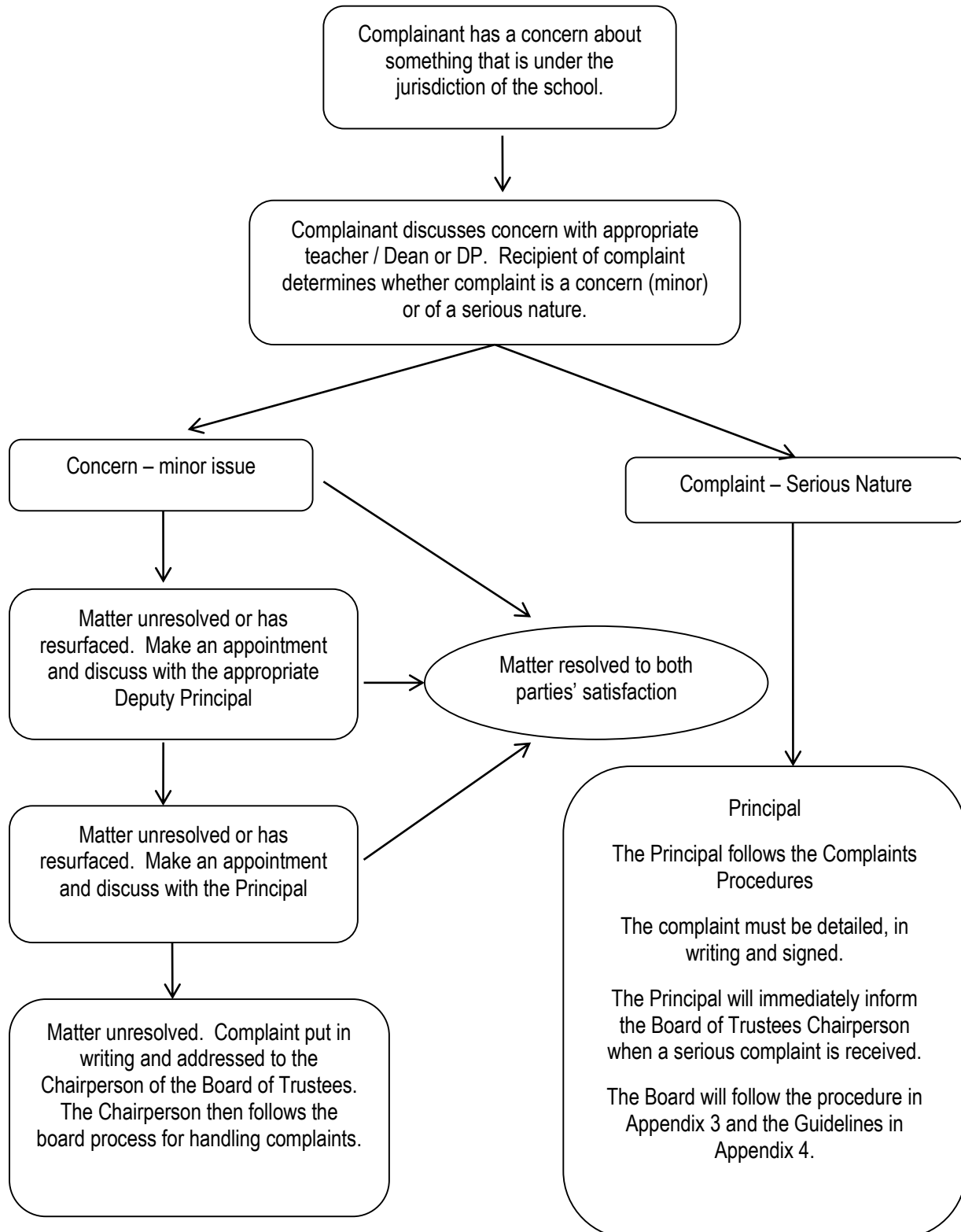
Chairperson: Elijah Pue



Signed: _____ Date: 29.10.20

Date for policy review: October, 2023

**Ruapehu College
Complaints Procedure for
Students/Parents/Caregivers/Staff
Making a Complaint**



Notes

1. While minor issues may be able to be discussed in a quick informal chat with a staff member, the preferred option is to arrange a time to discuss the matter in order that both parties give the matter proper attention.\
2. If the communication is regarding a subject, the first point of all is the subject teacher or HOD. For general wellbeing or progress, contact should be with the Dean.
3. 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.
4. All parties to a complaint may bring a support person to any meeting where the issue is to be discussed.
5. The college will maintain a complaints register.

Ruapehu College Detailed Procedure (Internal) for Dealing with Complaints

Teacher or Deputy Principal receives a written or verbal complaint

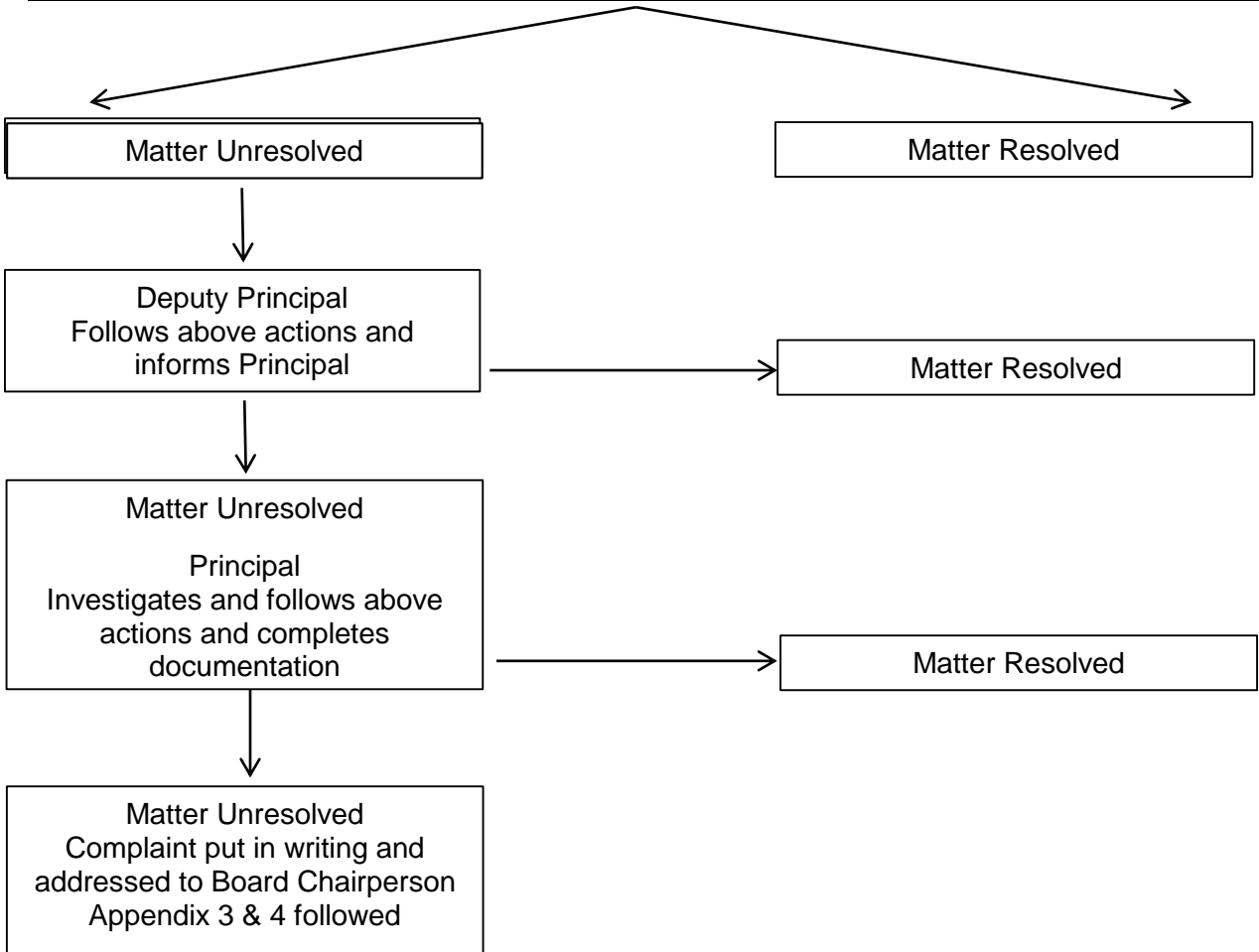
Teacher or DP asks if this is a:

1. Concern – may be written or verbal but are not expected to have disciplinary, legal or industrial consequences.
2. Complaint – may have disciplinary, legal, industrial consequences. These must be referred immediately to the Principal.

Concern
Options for Referral



Teacher	Deputy Principal	Principal
<ul style="list-style-type: none"> Concern discussed with staff member or student and caregivers who is given opportunity to respond and offered support. Options considered and implemented Consultation, investigation and follow up Response given to complainant Report of outcomes written 		



Ruapehu College Complaints Procedure for Board of Trustees Receiving a Complaint

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.
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.



Letter is tabled at board meeting (with the public excluded) and referred to relevant parties for reporting back to the board. The Board decides the appropriate response pathway or directs it back to Appendix 1. They decide 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 managed 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.

Ruapehu College Guidelines for Board of Trustees In Dealing with Serious Complaints

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 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 adviser in such cases. The board will need to consider the relevant staff disciplinary policies, employment agreements and expert advice from the NZSTA adviser.
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 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.
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 (i.e. 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 &/or complaint. The trustee must advise the complainant of the correct procedures to follow and direct them to these procedures.