

COMPLAINTS and CONCERNS POLICY 311

Introduction:

This policy reminds all involved with the school that there is a place for positive feedback to teachers and staff of Turuturu School. Please do not hesitate to speak to us regarding our school and our classroom programs.

This policy is also designed to ensure that concerns and complaints are resolved in a manner that accords fair process to all involved. It aims to achieve an outcome to concerns and complaints that is accepted by the parties involved, meets the Board's commitment to community consultation, being a good employer, self review and the needs of the students.

This policy also clarifies the difference between a complaint and a concern.

Expressing a concern is speaking to a staff member with a view that something isn't quite right, and the belief that it can be rectified.

Following the steps outlined below, if a concern has not been adequately dealt with, then a process exists to heighten the concern to a complaint. A complaint is written, dated and signed and given to the Principal of the school.

Staff that are aware of a concern must discuss the concern with the DP or AP at the first possible instance. Communicate openly and early. In these instances Senior Staff are there to assist and seek early resolutions to problems and concerns.

In turn Senior Staff communicate openly and early with the Principal regarding concerns.

STEPS TO TAKE

Step One

Any concern should be made to the person it is directed at, where appropriate, and the staff member will consider how to resolve matters with the person. The issue should be clarified out of the hearing of children. A time for an appointment is set aside to discuss the matter. The staff member or the person may request the Deputy Principal or the Assistant Principal to assist in facilitating a resolution. Any meetings should occur outside class contact time.

Step Two

If a satisfactory conclusion is not achieved the person is encouraged to refer the concern to the Principal. The Principal, or a person delegated by the Principal, will meet with the person to discuss the concern and will endeavour to mediate the matter to a successful conclusion. This may involve more than one meeting and follow up discussion.

The Principal may advise the person to submit a complaint in writing to the Board if she/he believes that it is appropriate for the Board to consider the matter.

Step Three

Should the Principal be unable to resolve the matter to the persons' satisfaction the person may then send a written complaint, to the Board of Trustees Chairperson. This is the beginning of the formal complaint process. The Chairperson shall inform the Principal of receipt of the complaint and have the complaint put on the agenda of the next Board meeting. The Chairperson may request that the complainant be more specific as to the nature of the complaint.

The Chairperson, in consultation with the Principal, will investigate to see if the matter can be resolved prior to being discussed by the Board. If the Chairperson and Principal are able to resolve the matter then the Board should be informed of the outcome.

The Board may refer written complaints back to the Principal to continue to investigate and resolve. The Principal shall report back to the Board with recommendations.

The Board may decide to investigate and determine appropriate action itself or delegate the responsibility to a special committee of the Board.

Before determining action to take, the Board should be prepared to seek advice, conduct an appropriate investigation and give matters due consideration.

If the complaint relates to alleged misconduct, the staff member concerned will be advised of the right to representation and the Board shall comply with the requirements of its disciplinary policy, the rules of natural justice and the relevant employment contract.

Such matters should be conducted in the public excluded section of the Board meeting.

Complaints against the Board should come to the Board directly and involve investigation and resolution as with any other complaint.

Step Four

The result of any Board decision in relation to a complaint should be forwarded to the relevant parties in writing. A meeting may be required to explain the Board's decision and to ensure that the parties accept that decision.

Important Guidelines to support the Steps:

1. Parents / caregivers / staff will be informed of the school procedure relating to the handling of complaints. All parties to the complaint should be involved in the resolution. The Policy will be available on the school website and a copy is available at the School Office as well.
2. The Principal's role of manager and professional leader requires that the Principal will have a key role in complaint resolution. He/she will ensure that procedures are conducted in accordance with policy.
3. The Principal will inform the Board Chairperson of concerns that are unable to be resolved and look like turning into complaints, or have potential disciplinary consideration. If the Chairperson and Principal are unable to resolve these matters the Board will be informed. The Board will determine what further action to take, which may include further investigation.
4. The requirement of employment contracts, natural justice and relevant legislation will be complied with.
5. Complainants have the right to refer the complaint to the Board of Trustees. **The Board will only receive complaints in writing, signed by the complainant.** Assistance will be given to complainants who have difficulty expressing their complaint in writing.
6. Complaints to the Board will be accepted if the complainant has followed the earlier steps of the procedure and is not satisfied with the outcome or the matter is sufficiently serious to warrant the Board's involvement as the first step.
7. The Board may refer written complaints to the Principal to resolve or investigate. The Principal shall report back to the Board with recommendations.
8. Potential disciplinary matters will be addressed in accordance with relevant disciplinary provisions.
9. Complaints against the Principal, which are not resolved through discussion between the complainant and the Principal shall be referred to the Board Chairperson in writing.
10. Complaints against the Board, individual members or Board policy/actions shall be made to the Board Chairperson in writing.
11. Board members are to regard complaints against individuals made to the Board as confidential and shall not express personal opinions on the matter.
12. Board members with personal knowledge or a conflict of interest should exclude themselves from participating in the complaints procedures.
13. Where a complaint may have a potential disciplinary consequence for an employee they should be advised of their rights to representation.

It is important that:

The problem is defined. A concise statement of the facts or circumstances of the complaint is made. Establish an agreement on the facts if possible.

The problem is owned. Establish respective responsibilities for actions to resolve the complaint. e.g. Principal's role, staff member's role, complainant's role.

Reflection is carried out on possible courses of action, including remedy and/or redress, strategies to prevent repetition of the situation and constructive alternative actions if the situation reoccurs.

Action is taken. Work for agreement between the parties. Work for acceptable remedy or redress. Evaluate action taken.

Record agreement on action and evaluation. Provide copies of agreements, where appropriate, to the complainant, staff member and Principal.

14. If agreement cannot be reached, the Principal should decide on action that is consistent with the appropriate school policy, job description and employment contract. This may include informing the Chairperson and referring the matter to the Board for resolution.
15. If the complaint is made about the Principal, the exact same process is maintained, except the Board Chairman replaces the traditional role of the Principal within each step and guideline.

16. Within the Principals Report any complaints will be identified for Board Members.

Additionally:

Trustees need to be clear in their mind of the difference between a concern they have as a parent [i.e. regarding their own child] and a concern they have as a Trustee.

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].

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.

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.

The Board recognises that not all complainants will be satisfied with the outcome of a complaint. **After one reconsideration**, (if requested to reconsider) and if the Board is confident of its decision, it may 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.

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