# Policy No. OP2

# Policy Name: Personnel

# Procedures for: Complaints

# Date adopted: 5 March 2018

Purpose

* To ensure complaints are managed properly using fair and consistent practice.

Procedures

* Complaints will vary from minor to major, and may escalate rapidly from one to the other if they are not managed in a manner that is both timely and appropriate.
* While formal procedures are available as a last resort, every effort should be made by all concerned to resolve the matter informally.
* When making a complaint all parties should work towards a resolution. In most cases a constructive discussion will resolve any issue.
* Complaints about students should be made to the student’s class teacher
* Complaints about staff should be made to the staff member to discuss and resolve as soon as practicable
* Complaints about the Principal should be made to the Principal to discuss and resolve as soon as practicable
* Complaints about a board member should be made to the board member to discuss and resolve as soon as practicable

Informal Complaints

* Complaints in the first instance should be made to the person involved. If there is no resolution, then the Principal will listen and address with the person involved.
* Written complaints will follow the same process and a copy will be kept on file.

Formal Complaints

If an informal meeting does not resolve your concern or complaint, you can make a formal complaint.

In the interests of fairness, any formal complaint or serious allegation must be made in writing and resolved in a timely fashion. All parties should respect confidentiality.

Follow this process:

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| **Responsibility** | **Action** |
| Complainant | 1. Put your concerns in writing, either as a signed letter or an email. Give as many details as possible, including details of efforts that have been made to resolve the issue. Include names and contact phone numbers.  2. Send the letter marked Confidential to the school principal or, if the complaint is about the principal, to the chairperson of the board of trustees. The contact details are available from the school office. |
| Principal  (If complaint is about the principal) | 3. Acknowledge receipt of the complaint in writing or by email to the complainant. Give a copy of the complaint to the staff member concerned.  Inform the chairperson of the board of trustees. |
| Board Chair  (If complaint is about the Principal) | 4. Acknowledge receipt of the complaint in writing or by email to the complainant. Give a copy of the complaint to the principal. |

Investigating a Complaint

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| **Responsibility** | **Action** |
| Principal and chairperson of the board of trustees | 1. After hearing from the party complained of, and assessing whether an investigation is appropriate, and resolving the issue of suspending any staff member:  Determine the scope of the investigation, and involvement of the board in an investigating committee.  Appoint an investigating committee if the complaint or the potential outcome of the investigation warrants it and delegate the committee responsibility to make decisions (by a board resolution), or whether you want the decision to come back to the full board.  Consider, depending on the seriousness of the issue, whether an independent or specialist investigator should be appointed to make preliminary fact findings for the board's consideration.  Note that the board cannot delegate decision-making responsibility to non-board members. It is wise to provide the investigator with clear Terms of Reference including that you are not looking for any recommendations on what you have to do next; just fact finding including, on the balance of probabilities, the investigator's view of disputed factual issues. Be aware that if the complaint involves a child, permission to interview the child must be obtained and it is often wise to appoint an investigator with some expertise in interviewing children.  Consider carefully if any investigator has a potential conflict of interest or potential for bias. Consider whether your staff or student representative is conflicted and can be legitimately excluded, and whether the principal has a particular interest in the complaint.  2. Inform the school's insurance company of the complaint and steps taken to resolve it. This is a strict insurance policy requirement to maintain cover.  3. Inform the staff member involved that an investigation is planned, and the scope of the investigation. Include, if applicable, the identity of any independent investigator.  4. Always advise the staff member in writing to seek union or legal advice and representation at an early stage. |
| Staff member concerned | 5. Provide a written and/or oral response to the complaint. |
| Principal/ Investigating committee | 6. Complete and take comprehensive notes on relevant inquiries and interviews. Note that taping such meetings is permitted, provided you advise the other party of your intention to do so. Be aware that all written material is usually accessible to all parties and normally should be disclosed (seek legal advice if unsure, or contact the Privacy Commission or Ombudsman’s Office).  7. Make detailed reports of all discussions, interviews, questions and answers. Disclose the report to the other party.  8. Consider the staff member's written response at a formal meeting, and determine the outcome of the investigation on the balance of probability. This meeting must be a formally constituted meeting (which must be set up in writing with the staff member being afforded an opportunity to be represented. Do seek STA or legal advice in preparing this letter, and in running the meeting.)  9. Inform the staff member in writing of a preliminary outcome, and how you reached this outcome, and invite the staff member and representative and any support person/s to a board meeting. |
| At the Board Meeting (with public, and anyone with a conflict, excluded (e.g., the board's staff or student rep.) | |
| Investigating committee  (if they have not delegated decision making authority) | 10. Brief the board in committee on the scope and outcome of the investigation and preliminary findings.  Invite the staff member or a representative to respond to the findings at the board meeting. Ask any relevant questions but confine them to issues already identified. Appoint a good note taker. |
| Staff member concerned and representative(s) | 11. Withdraw from the meeting. |
| Board of trustees | 12. Make your decision based on factual matters, recording how you arrived at the decision, and any proposed penalty flowing from your findings. Inform the staff member of the decision. You may choose to adjourn and do this in writing depending upon the seriousness of the situation. |
| Staff member concerned and representative(s) | 13. Make a final submission on the proposed penalty. You can choose to adjourn and do this in writing, or present to the board at this meeting. |
| Board of trustees | 14. Adjourn to consider the submission and then reconvene to confirm an outcome.  If it is a disciplinary sanction (including dismissal) confirm it in writing after legal advice and prior consultation with the insurance company.  You may adjourn to seek further advice or to further investigate any matter raised during the meeting.  15. Report back to the complainant(s), reassuring them as far as possible of the steps undertaken by the board to resolve their concern, and facilitate any further steps which may be required to provide satisfactory closure.  Ensure ongoing support for the complainant during and after the investigation. If the complainant is not satisfied, the board chair should advise the complainant of further avenues, e.g., Human Rights Commission, Ombudsman, Ministry of Education, ERO, Privacy Commissioner.  16. File in a register of complaints and concerns about in and out of school behaviour and keep for 'in-committee'.  17. Determine whether a report needs to be made to the Education Council, in compliance with the mandatory reporting requirements. |