



CONCERNS AND COMPLAINTS POLICY DRAFT

OUTCOME STATEMENT

The Wesley College Board of Trustees commits to attend to all complaints, concerns and incidents promptly, respectfully 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, whaanau 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.

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 posted on the school website and available at the administration block for easy access to whaanau
- Ensure that the complainant has previously followed the school's concerns and complaints procedure before escalating to board level

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 NZSTA and or Teaching Council | Matatū Aotearoa to ensure due process is followed.

The board shall advise its insurance agent of any complaint escalated to the board. Once the dispute Resolution Scheme comes into effect, in the event that a serious dispute is not able to be resolved, the board shall advise the parent of their right to apply to the Chief Referee for the dispute to be resolved by a dispute resolution panel.

MONITORING

The principal shall maintain a register of complaints and resolutions and report to the board at least quarterly per annum outlining numbers of complaints, resolution success figures and any areas of concern for board deliberation.

COMPLAINTS PROCEDURES

Procedure for Complaints against a Staff Member

Initial Steps

1.1 When complaints are received, the complaint must be handled with care and sensitivity - and promptly.

1.2 Confidentiality

The Privacy Act requires that matters such as complaints must be processed confidentially. All those involved including staff, whānau etc need to be confident that any discussion will follow a fair and open process which ensures that natural justice prevails.

1.3 Low key resolution

Most complaints will be resolved by discussion between the Principal, the complainant and all concerned without needing to take the matter any further. Resolving complaints in this manner should be tried in the first instance.

1.4 Representation Staff members have the right to be represented or supported by their union, a colleague, or a friend, at any time throughout the process. Whānau and/ or the complainant may bring a support person.

2 Action on complaint

2.1 The Principal has the main responsibility for deciding what course of action to take to resolve complaints.

The following principles apply:

- all complaints should be acknowledged as soon as practical
- all complaints are to be in writing to the Principal, with the exception of a formal complaint against the Principal.
- the Principal may receive personally presented verbal complaints
- the Principal should ask for the complaint to be put in writing
- written complaints should be signed by the complainant
- unsigned or anonymous complaints should be disregarded
- the complainant and staff member should be advised of the outcome of the complaint
- parents, community, and staff need to be aware of the school policy on complaints and have access to the complaints policy.
- formal complaints regarding the Principal, must be in writing to the Presiding Member of the Board.

3 Employment agreement provisions and the State Sector Act

3.1 The provisions of employment agreements must be followed at all times.

3.2 Where a complaint is about a teacher's performance, competency processes in the collective agreement should be followed.

4 Documenting complaints

4.1 During the process, all actions must be documented. The documentation must be sighted and signed by all parties to give confidence that procedures are being followed in a fair manner. All documentation needs to remain secure during the process.

4.2 Agreement may be reached whereby all documentation is either:

- given to the teacher at the end of the process or
- destroyed at the end of the process.

4.3 Agreement should be reached on when written or oral warnings are to be removed from personal files.

4.4 Where it is necessary for a Principal to report to the Board, this will be done In Committee (public excluded)

4.5 Mandatory reporting requires the Principal to report serious misconduct to the Teaching Council | Matatū Aotearoa. See Appendix for link to the Teaching Council Rules 2016

5 Board Action

5.1 The Board will respond to a complaint referred to it by the Principal, by writing to the staff member detailing:

- The specifics of the complaint
- The date by which the staff member is to respond
- The entitlement to support/representation

5.2 The complaint and the staff member's response will be referred to the Board's personnel sub-committee to consider and action.

5.2.1 Action by the personnel sub-committee may include convening a meeting with the staff member.

6 Suspension/Dismissal

6.1 When alleged conduct is deemed sufficiently serious the Board may decide to suspend the staff member if the Principal and Board have been unable to resolve the issue without a formal investigation by the Board, or if the safety of any of the parties involved is at risk.

6.2 The Principal cannot activate a suspension without informing and reporting to the Board. The Board makes the formal decision.

6.3 Suspension may act as a safeguard for all parties and create a space where a formal investigation can be conducted with fair process.

7 Finishing the Process

7.1 All parties need to acknowledge that there is an end point to the process.

7.2 It may be appropriate for the parties to have the continued support of NZPPTA counsellors to assist them in the healing process. Often there will be hurt feelings and anxiety that need to be acknowledged and assuaged so that the best interests of the school are upheld.

7.3 Appropriate reporting to the Teaching Council | Matatū Aotearoa or the police will be made if deemed necessary.

Procedure for Sexual Harassment

1. A formal complaint should be made to the Principal.
2. If the complaint relates to the Principal, the complaint should be made to the Chairperson of the Board of Trustees.
3. The complaint should detail what happened, what the complainant wants to happen, when and where it happened and the names of any witnesses. This should be detailed enough to enable the respondent to be informed of the conduct and to be able to respond to the complaint.
4. Complaints will be investigated as quickly as possible by the Principal or in the case of a complaint against the Principal by the Board of Trustees Chairperson.
5. Complaints are dealt with impartially, without bias and in a timely and sensitive manner.
6. Information about a complaint is only provided to those people who need to know in order for the complaint to be actioned properly.

7. The respondent is formally advised that a complaint has been made and informed of the specific allegations and of the potential outcome of the investigation. They are given the opportunity to formally reply within a specified timeframe.
8. The Principal or the Board of Trustees Chairperson will decide what outcomes are appropriate as result of the report.
9. The complainant is interviewed and the allegations are formally documented. The complainant may be accompanied by a support person. An accurate account of the incident(s) will be obtained from the complainant and the complainant will sign a record of their account.
10. A formal meeting is arranged with the respondent to allow a response to the allegations. The respondent will be encouraged to have an appropriate support person in attendance. The respondent's formal response will be documented by the investigator and the respondent will sign a record of their account.
11. Consideration will be given to whether it is necessary, and appropriate, to obtain statements from any witnesses and other relevant information. That information will be provided to the complainant and respondent who will be given the opportunity to comment on that information.
12. Those involved are informed about the process for resolving complaints.
13. Consideration may be given as to whether the respondent needs to be removed from the environment (or restrictions considered), should the on-going safety and security of the complainant, the respondent and/or other staff be at risk.
14. Those involved are protected against any victimisation or reprisals and students and staff are assured that no action will be taken against them if they speak up.
15. There is a review process to ensure the resolution is working satisfactorily and to confirm that no victimisation has resulted from the complaint.
16. Issues are resolved at the most appropriate level of intervention, subject to the rights of the complainant.

Outcome of Process

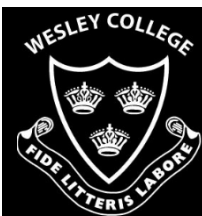
Where allegations are admitted or substantiated, the outcomes for the respondent may range from an apology, counselling, and training to warnings and dismissal. Disciplinary action will match the seriousness of the breach. Factors taken into account in determining the level of seriousness include the nature of the conduct and whether or not the person breaching the policy was in a position of trust or authority in relation to the complainant.

The outcomes for the complainant may include remedies under the Human Rights Act 1993, for example crediting of any leave taken. Outcomes may also include interventions such as supportive counselling, a change in the work environment, or participation in mediation.

Where allegations are not substantiated it may still be appropriate to undertake some action, for example, refresher training or communications training. This should not to single out or punish the respondent if there has been no finding.

Legislative compliance:

- Education and Training Act 2020
- Ombudsman Act 1975
- Official Information Act 1982
- Privacy Act 2020
- NZ Bill of Rights Act 2022
- Teaching Council Rules 2016
- Relevant employment agreements
- Relevant professional code and standards
- Complaints Register
- Complaints Procedure flowchart



CONCERNS AND COMPLAINTS FLOWCHART

Advice for students, staff, parents, whānau and community

