**CONCERNS AND COMPLAINTS POLICY****OUTCOME STATEMENT**

The Wesley College School Board commits to attend to all complaints promptly, respectfully and professionally and seek to bring effective resolution to all parties concerned. For this policy, a concern is the initial event or issue that has not been resolved enough for all parties involved. Once the concerned party has sought resolution through following the concerns process this then becomes a formal complaint. Concerns and complaints may include, but are not limited to verbal, physical, sexual altercations, dissatisfaction about unacceptable behaviour. This policy and the procedures will address all concerns and complaints.

**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 presiding member.

***Expectations and limitations***

In complying with the policy, the principal will ensure to:

- Implement and maintain robust procedures to meet the policy requirements
- Ensure that this policy is accessible to students, staff, whaanau and school community on the school website and available in the main administration block, staff room, library, student common rooms and as an appendix in all induction and enrolments information
- Refer the complainant to the school's concerns and complaints flowchart
- Ensure that the complainant has previously followed the school's concerns procedure before escalating to a complaint
- Once a complaint has been received the principal will ensure:
  - all complaints are acknowledged within 7 working days
  - complaints against the principal will be written to the presiding member
  - the principal may receive personally presented verbal complaints and these need to be put into writing, but all complaints are to be in writing
  - written complaints should be signed by the complainant or from a complainants personal email
  - anonymous complaints may be disregarded, however, may prompt a review of school's policy and procedures
  - the complainant and staff member must be advised of the outcome of the complaint
  - ensure that all documentation is securely stored and locked away
- Ensure that all meetings are recorded, dated and signed by all those in attendance
- Report to the board regularly about the progress of current complaints

In complying with the policy, in regard to complaints against the principal, the presiding member will ensure to:

- Consider the best action in response to the complaint, this may include the principal's employment agreement
- Consider if the seriousness of the complaint warrants initiating a competency process and seek the support and advice in the first instance from NZSTA and or Teaching Council | Matatū Aotearoa to ensure due process is followed

In complying with the policy, the presiding member in consultation with the board will ensure to:

- Inform, if necessary, its insurance agent of any complaint being dealt with by the principal, or the presiding member
- Advise the complainant that the complaint has not be able to be resolved and the board shall advise the complaint of their right to apply to the Ombudsman.

### **Monitoring**

The principal shall maintain a register of complaints and report to the board, at every board meeting, of the progress of all complaints received.

### **PROCEDURE FOR COMPLAINTS**

These procedures are the school's guidance to all concerns and complaints.

The Privacy Act 2020 requires that matters such as complaints must be processed confidentially. All those involved including staff, whaanau, students need to be confident that any discussion will follow a fair and open process which ensures that natural justice prevails.

If a concern about a staff member escalates to a complaint, staff have the right to be represented or supported by their union, a colleague, or a friend, at any time throughout the process. The complainant may bring a support person/s.

Initial concerns should be raised with the classroom teacher or staff member before taking the matter any further. Resolving concerns in this manner should be tried in the first instance.

If the concern has escalated to a complaint, the principal has the main responsibility for ensuring that the complaints procedures are followed. When complaints are received, the complaint must be handled with care and sensitivity - and promptly.

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

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

### **Documenting complaints**

After a concern has become a complaint, this should be added to the complaints register, and all meetings, actions and next steps in the process must be documented. The initial documentation of the complaint should include what happened, where it occurred and when, and the names of all those involved including witnesses.

This should be detailed enough to enable the principal or presiding member to be informed of the conduct and to be able to respond to the complaint. Further clarification must be sought if there is confusion when reading the written complaint.

After agreement has been reached, documentation will be filed away in a secure and confidential way.

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

The board will follow In Committee procedures when the principal reports on all complaints.

Making a mandatory report is a legal obligation for employers. Mandatory reporting requires the principal and the presiding member to report serious misconduct to the Teaching Council | Matatū Aotearoa. See Appendix for link to the Teaching Council Rules 2016

The employer (or former employer) must make a mandatory report about a teacher in the following situations:

- Reason to believe teacher has engaged in serious misconduct – see the examples of types of serious misconduct that need to be reported
- Any dismissal of a teacher for any reason
- A teacher resigning 12 months or less after a conduct or competence issue raised – if a teacher resigned or their contract ends, and the school or centre told the teacher it was unhappy with or was going to investigate the teacher's conduct or competence within less than 12 months before the teacher's resignation.
- Complaints about teachers who recently left – if the school or centre receives a complaint about the conduct or competence of their former teacher, less than 12 months since after the teacher's employment ended
- Competence – if, after taking steps to address the problem, the school or centre believes the teacher hasn't reached the required competence level

Notification of a complaint to the other party involved includes the specifics of the complaint, the date the person in question is to respond by and identify the right to include support or representation.

### **SUSPENSION/DISMISSAL**

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.

The principal cannot activate a suspension without informing and reporting to the board. The board makes the formal decision.

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

Suspensions, stand downs and exclusions will follow the MoE guidelines.

### **Finishing the Process**

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

It may be appropriate for the parties to have the continued support of NZPPTA or EAPS 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.

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

### **Legislative compliance:**

Education and Training Act 2020

Ombudsman Act 1975

Official Information Act 1982

Privacy Act 2020

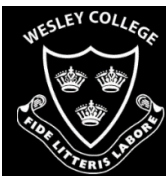
NZ Bill of Rights Act 2022

Teaching Council Rules 2016

Relevant employment agreements

Relevant professional code and standards

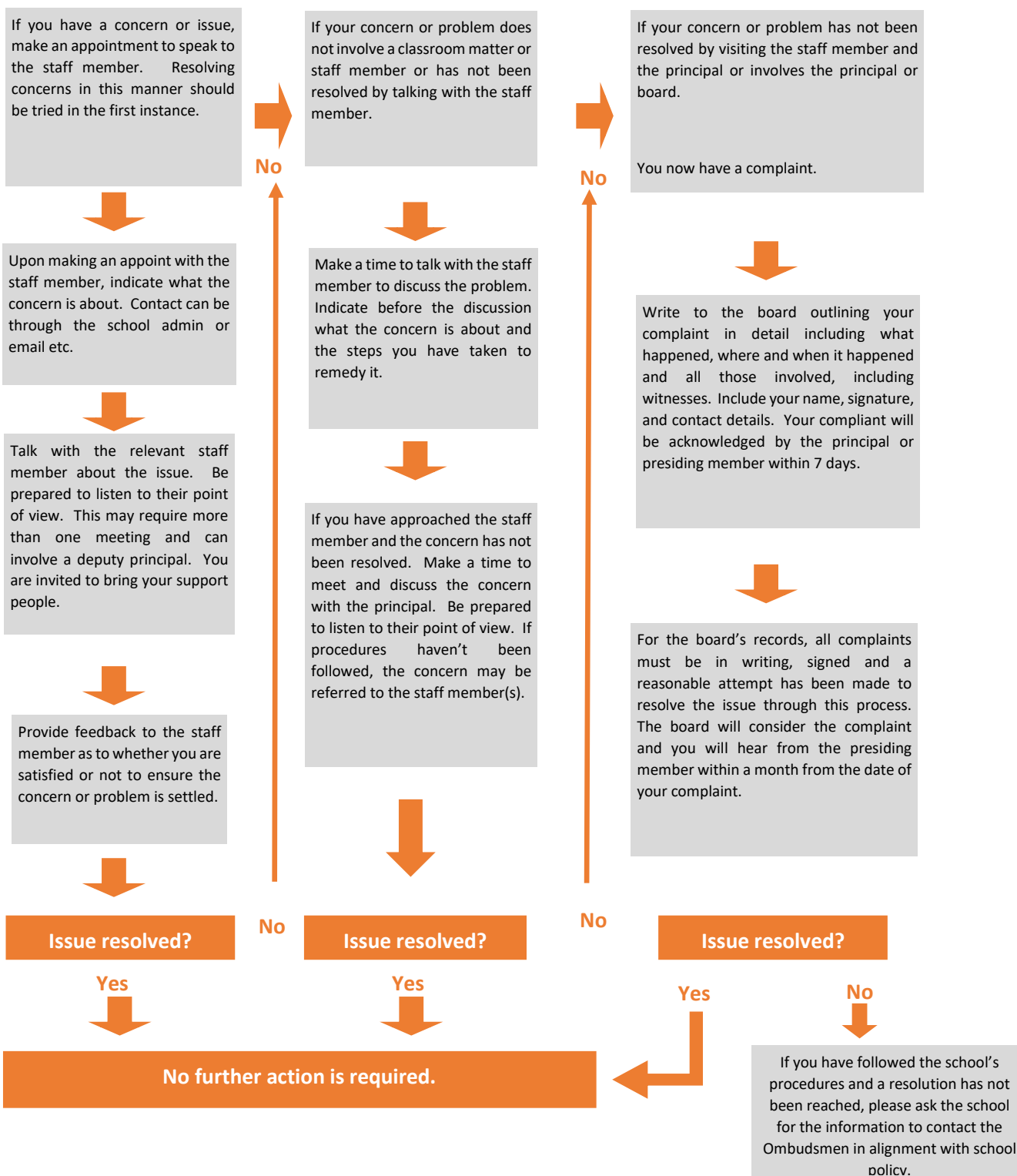
[SuspensionGoodPracticeWEB.pdf \(education.govt.nz\)](#)



# CONCERNS AND COMPLAINTS FLOWCHART

Advice for students, staff, parents, whaanau and community

## Starting



# HEALTH CLINIC COMMUNICATION & COMPLAINTS PROCEDURE

## OUTCOME STATEMENT

All students, whaanau/caregivers understand that they have the right to communicate their concerns or to lodge a complaint about the services provided by the Wesley College Health Clinic under Right 10, of the Code of Health and Disability Service Consumers Rights. This policy will:

- Provide all students, parents/caregivers, and the wider community with a clear procedure for communication or lodging a complaint about the Health Clinic.
- Provide the Board with a clear process to follow.

## SCOPING

Students, parents/caregivers, and the wider community have the right to make a complaint about the Health Clinic in any form appropriate.

## EXPECTATIONS AND LIMITATIONS

Wesley College must facilitate the fair, simple, speedy, and efficient resolution of complaints.


## PROCEDURE

1. Students, parents/caregivers, and the wider community may make a complaint to:
  - a) The individual or individuals who provided the health service
  - b) The Senior Nurse in charge of the Health Clinic authorised to receive complaints
  - c) The Principal
  - d) An independent advocate provided under the Health and Disability Commissioner Act 1994
  - e) The Health and Disability Commissioner.
2. Wesley College must inform the complainant about progress of the complaint at intervals of not more than 1 month.
3. Wesley College must comply with all the other relevant rights in this code when dealing with complaints.
4. Wesley College must have a complaints procedure that ensures that-
  - a) the complaint is acknowledged in writing within 7 working days of receipt, unless it has been resolved to the satisfaction of the complainant within that period; and
  - b) the complainant is informed of any relevant internal and external complaints procedures, including the availability of:
    - i. independent advocates provided under the Health and Disability Commissioner Act 1994
    - ii. the Health and Disability Commissioner
  - c) that the complaint and the actions of Wesley College regarding the complaint are documented
  - d) that the complainant receives all information held by the provider that is or maybe relevant to the complaint.
5. Within 10 working days of giving written acknowledgement of a complaint, Wesley College must,-
  - a) decide whether the Wesley College -
    - i. accepts that the complaint is justified; or
    - ii. does not accept that the complaint is justified; or
  - b) if it decides that more time is needed to investigate the complaint, —
    - i. determine how much additional time is needed; and
    - ii. if that additional time is more than 20 working days, inform the consumer of that determination and of the reasons for it.
6. As soon as practicable after a provider decides whether or not it accepts that a complaint

is justified, the provider must inform the consumer of

- a) the reasons for the decision; and
- b) any actions the provider proposes to take; and
- c) any appeal procedure the provider has in place.

The Wesley College School Board approved this policy May 2024.  
This policy will be reviewed on / before the May meeting 2027.

  
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**PRESIDING MEMBER**

23 May 2024  
**DATE**