



FORMAL COMPLAINTS PROCEDURES

RATIONALE

The Board recognises that not all complaints/concerns can be resolved in an informal manner. Where the steps outlined in the Concerns Procedures do not resolve your concern, **OR** the initial concern/complaint is of a serious nature, the following process is to be followed.

GUIDELINES FOR RAISING A FORMAL COMPLAINT

1. Put your concerns in writing, either as a signed letter or an email, with as many facts and details as possible. Include the names of people involved, dates of events where necessary, outline steps that you have taken to resolve the matter and your preferred contact details.
The letter or email should be marked “confidential” and sent to:
 - the principal if the complaint is about a staff member, student, parent of caregiver or other member of the school community.
 - the board chair, if it is about the principal or board member.
 - the deputy chair if it is about the chair.Contact details for the above are available from the school office.
2. The principal, board chair or deputy chair will acknowledge receipt of the complaint in writing or by email within a week. A copy of the complaint will be passed on to the person/s concerned. They will be given a reasonable time to respond to the complaint.
3. **If the complaint is about a staff member, student, parent or caregiver or other member of the school community, the following process will be followed:**
 - 3.1 The principal, may after considering the initial response from the person/s the complaint is about, deem the complaint serious enough to initiate an investigation. The principal shall advise the board chair of the complaint but the board will not become involved at this stage unless, after further investigation, the principal believes the complaint is serious enough for board or an outside agency intervention.
 - 3.2 In accordance with their delegated authority, the principal will conduct a full, fair and robust investigation. All parties will agree to keep all matters relating to the complaint confidential. If the complaint involves a staff member the principal, at all times, will observe the relevant collective employment provisions and advise them of their right to seek support and representation before responding to any complaints.
 - 3.3 After a full investigation the principal will respond to the complainant and the person/s complained about in writing, with a final decision. If deemed appropriate a copy may be placed in the staff members file.
 - 3.4 If the person who is the subject of the complaint or the person laying the complaint is not satisfied with the outcome of the principal’s investigation and decision, either party may appeal to the Board of Trustees in writing or by email.

Only when the complaint is deemed to be of a serious or urgent nature, is about the principal, a staff member, board chair or board member, is a protected disclosure or an appeal related to clause 3.4 above, will the complaint be escalated to the Board Level Complaints Procedures.



BOARD LEVEL COMPLAINTS PROCEDURES

GUIDELINES FOR RAISING A BOARD LEVEL COMPLAINT

These procedures are to be followed if the complaint is:

1. of a serious nature
2. is a protected disclosure
3. is an appeal related to 3.4 in the Formal Complaints Procedure

Both parties need to have genuinely tried to reach a resolution in good faith through the Concerns or Complaints Procedures, before a complaint can be considered at Board level.

1. Put your concerns in writing, either as a signed letter or an email, with as many facts and details as possible. Include the names of people involved, dates of events where necessary, outline steps that you have taken to resolve the matter and your preferred contact details. The letter or email should be marked “confidential” and sent to:
 1. the principal if the complaint is about a staff member, student, parent of caregiver or other member of the school community.
 2. the board chair, if it is about the principal or board member.
 3. the deputy chair if it is about the chair.

Contact details for the above are available from the school office.

The principal, board chair, or deputy chair will acknowledge receipt of the complaint in writing or by email within a week.

2. If your complaint is deemed to be serious enough, or if you are appealing as per clause 3.4 above, the matter will be referred to the board for consideration at an ‘in-committee’ meeting, so the board can determine what next steps, if any, are required.
Board members with a potential conflict of interest will not take part in the investigation. If the complaint is against the principal, or the principal has had significant involvement in the alleged events giving rise to the complaint, they will not take part in the investigation.
4. If the board determines that an investigation is required, the board may consider appointing the principal, a board member or board committee, or appropriate outside person to investigate the complaint and determine the facts. The board may decide, by resolution, to delegate the responsibility to make decisions as to the outcome of the complaint to that board member or the board committee. If an outside person is used, they will not be involved in the final decision making process.

After consideration the board may decide that an outside agency should investigate the complaint. The board will consult NZSTA for advice and if required notify the Ministry of Education, the Teaching Council of Aotearoa New Zealand and the school’s insurer, to ensure compliance with all our obligations as a school are met. At all times confidentiality must be maintained and all relevant collective employment provisions adhered to. The board will follow the policies and procedures of the outside agency involved.

If the complaint is regarding a staff member:

5. The board must inform the staff member of the investigation, including who will be investigating the complaint. Confirm, in writing, that the staff member is entitled to seek union or legal advice and representation. Remind them that they may bring a support person or whanau member to any meeting. Where required practical support may be offered.

- 6 Detailed, comprehensive notes of all discussions, interviews, questions and answers relevant to the complaint shall be kept. The notes should record the facts only. All notes will be disclosed to the other party.
Taping of an interview or meeting is permitted provided the other party agrees to do so and a copy is made available to them
7. The investigator will brief the board 'in-committee' on the scope and outcome of the investigation and it's findings. The board will then determine any next steps, if required, including whether any disciplinary action may be appropriate. The board may decide that no further action is necessary, and close the investigation. The board will notify the staff member **in writing** that the investigation process has concluded, with no further action required. A copy of all records relating to the complaint and investigation will be given to the complainant and the school will also keep a copy in a file that is not for public view. (in-committee)
8. If, after due consideration, the board decides that further action is required they will:
 - provide the staff member with a copy of the investigation report and explain **in writing** what the next steps are, including identifying specific concerns.
 - outline the options being considered with regard to any disciplinary action.
 - give reasons why these options may be appropriate in the circumstances.
 - invite the staff member(through their representative if applicable) to respond at a meeting or in writing to the reports findings and specific concerns. If a meeting is held notes will be taken.
 - comment on any disciplinary options being considered.
9. The staff member may choose to respond to the investigation report, specific concerns and disciplinary options being considered at a meeting or in writing. After considering the staff members response, the board will make a decision on what action, if any, will be taken. The board will record how they arrived at this decision and the reasons for any disciplinary consequences. The school will keep all relevant records relating to the investigation in a file that is not for public view. (in-committee)
10. The staff member will be informed in writing of the decision.
11. The board or principal will report back to the complainants, advising them of the steps undertaken to resolve their complaint and facilitate any further steps that may be required to ensure a satisfactory closure. At all times the board will consider confidentiality and the relevant requirements of any collective agreements.
12. Advise the complainant and the staff member concerned of their right to appeal the board's decision through the appropriate channel eg Human Rights Commission, Ombudsman, Ministry of Education, ERO, Privacy Commissioner or the staff members relevant union.

If the complaint is regarding the board chair or a board member:

All board of trustee members sign a 'Code of Ethics' committing to ethical conduct in all areas of their responsibilities and authority.

If a complaint or concern is received regarding a board member or the board chair the matter will firstly be dealt with through the Ouruhia School Concerns Procedures.

If the complaint is deemed to be of a serious nature, or cannot be resolved satisfactorily through the Concerns Procedure, the matter may be dealt with through the Formal Complaints Procedures. If the matter still remains unresolved it may be dealt with through the Board Level Complaints Procedure or referred to NZSTA for resolution.