

EPSOM GIRLS GRAMMAR SCHOOL BOARD OF TRUSTEES

POLICY: COMPLAINTS

Purpose: To respond to complaints in a fair, timely and consistent manner.

Objectives:

1. To provide a process for all school personnel to deal with complaints that may arise whether in relation to students, teaching and non-teaching staff, leadership, or in relation to school policies and systems
2. To ensure that all people in the school community know the correct procedure to be taken for both making and resolving a complaint.
3. To resolve complaints speedily at the lowest appropriate level within the school's structure.

Policy Review

This policy was prepared/reviewed and presented to the Board of Trustees for endorsement on 27th September, 2011 by the Personnel Committee, and will be reviewed in accordance with the Board's programme of self-review.

Signed _____

Date _____

Procedures:

The procedures differ depending on

- the seriousness of the complaint; or
- the nature of the complaint; or
- the people involved

There are two broad categories of complaint

- Category 1 (minor complaints); and
- Category 2 (serious complaints)

A INITIAL STEPS – COMMON TO BOTH CATEGORIES OF COMPLAINT

1. The Complainant will follow the process set out in Appendix 1
2. The person receiving the complaint (“Recipient”) must first determine whether the complaint is **Minor** or **Serious**. This will determine the process pathway for the complaint.
3. The person receiving the complaint will then determine whether the complaint involves individuals (staff, pupils or employees of the school) or school policies or systems to ensure the correct pathway is followed.
4. The complainant will be advised of the complaint category and told of the process pathway. Category 1 - Minor Complaints follow Stage 1 Category 2 - Serious complaints follow Appendix 2, Stage 2.
5. A Complaints File (of all serious complaints) will be kept by the Principal.
6. A register of complaints which reach SLT level will be kept for analysis and reported on annually to the BOT.

B CATEGORY 1 – MINOR COMPLAINTS:

Category 1 complaints are not expected to have disciplinary, legal or industrial consequences.

1. Minor complaints may be verbal or written.
2. The complainant or recipient of a complaint should address the matter at the lowest possible level using the policy of “one up” ie referring the complaint to the person who is either in charge of the policy or system (if the complaint involves a policy or system) or the manager of the individual about whom the complaint is made. This will generally be one or more people from the following list depending on the nature of the complaint:
 - a. The Dean
 - b. The Director of Sport or Arts and Culture
 - c. The Learning Area Director or Head of Department
 - d. The Deputy Principal
 - e. The Principal
 - f. The Chairperson of the Board of Trustees (BOT) (where the complaint involves the Principal or a member of the Board
 - g. The Deputy Chairperson (where the complaint involves the BOT Chairperson)
3. The person to whom the complaint is addressed will consider the complaint and endeavour to resolve it using the procedure set out in Appendix 2 – Stage 1
4. **If the complainant considers that the complaint has not been resolved, the following process is to be observed:**

He/she may submit their unresolved complaint to the Principal or BOT Chairperson (where the complaint involves the Principal or a Board member) or the BOT Deputy Chairperson (where the complaint involves the BOT Chairperson) (“the Recipient”). This referral of the complaint must be in writing and signed and should give specific details of the subject of the complaint, the efforts made to resolve it, a contact name and phone number and should be posted or delivered to the Recipient.

5. The Recipient will consider the complaint and endeavour to resolve it using the procedure set out in Appendix 4. The BOT will be advised of the referral of the complaint.
6. The Recipient will discuss the complaint with the complainant who may have a support person present at the interview.
7. The Recipient will discuss the complaint with the person who is the subject of the complaint, give them a copy of the complaint and invite them to respond within a reasonable timeframe and advise them of their right to representation and / or support.
8. The Recipient will investigate the complaint as he / she considers appropriate will decide what the outcome of the investigation will be and advise the complainant, the person who is the subject of the complaint and the Board of Trustees of the outcome.
9. All complaints will be treated in confidence.

C CATEGORY 2 – SERIOUS COMPLAINTS

Category 2 complaints will generally involve individuals rather than systems and policy and are serious. It is anticipated that they could have disciplinary, legal or industrial consequences.

Serious complaints could include allegations of misconduct:

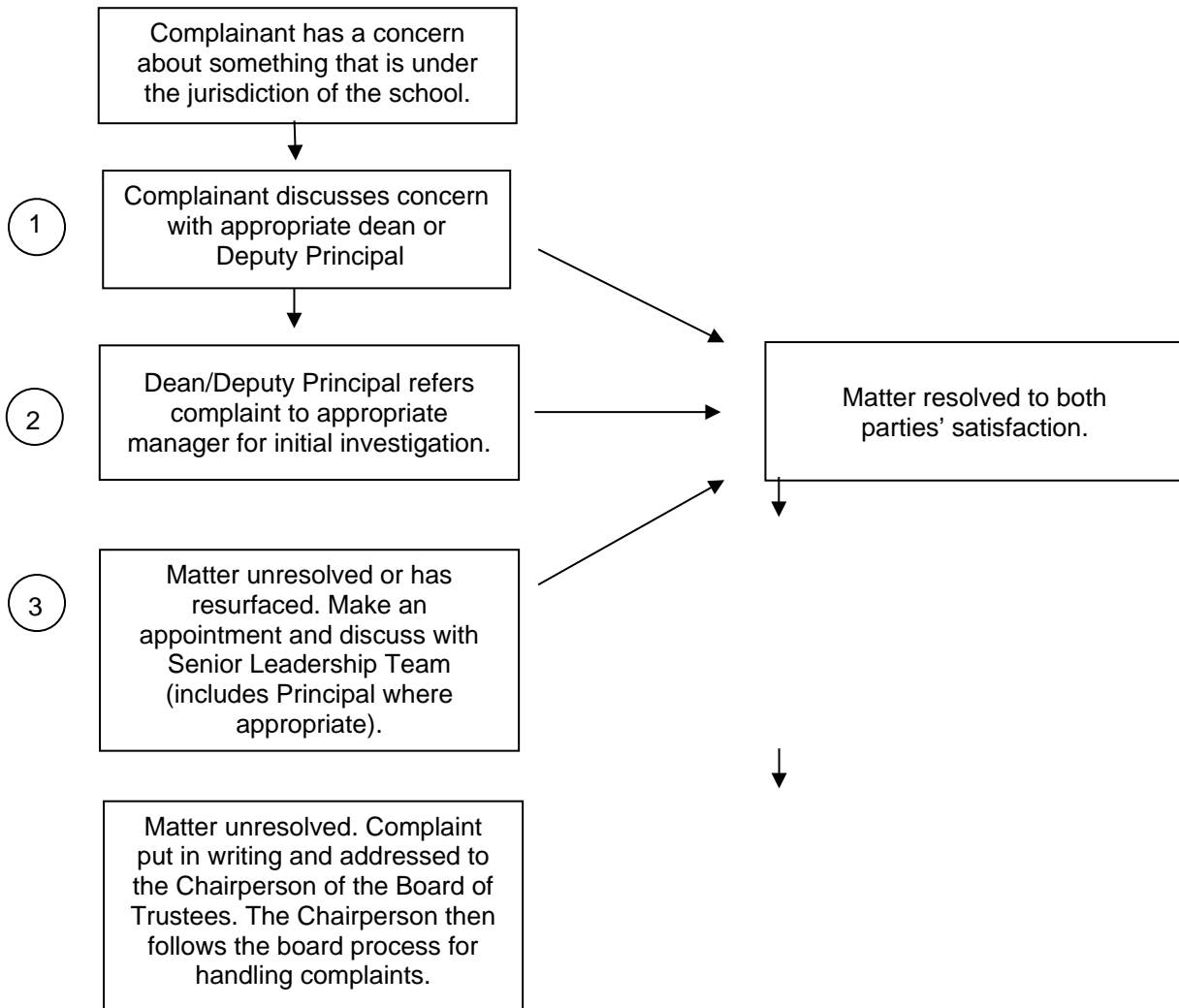
- a. Gross, serious or sustained poor performance
- b. Absenteeism (which includes being late for work) without good reason or approved leave
- c. Dishonesty including theft of School property, fraud or other forms of dishonesty including misuse of School funds
- d. Assault or fighting
- e. Refusal or failure to carry out reasonable instructions or directions
- f. Possession of or being under the influence of or consuming non- prescription drugs or alcohol during the course of duties
- g. Intentionally providing false information or misrepresenting the School or the BOT
- h. Undermining Board Policy or otherwise seriously damaging the integrity of the BOT or the reputation of the School.
- i. Any form of verbal abuse, bullying, intimidation, abuse or harassment including racial or sexual abuse or harassment.
- j. Engaging in illegal activity (whether at school or otherwise)
- k. Wilful damage to or unauthorised possession of property or equipment belonging to the School or those associated with the school.(ie staff, students etc)
- l. Breaches of confidentiality
- m. Breach of the internet policy, misuse of the school computer system or other equipment for unauthorised purposes
- n. Any other conduct which deeply impairs the relationship of trust and confidence.

CATEGORY 2 COMPLAINTS PROCESS

1. These complaints proceed straight to Stage 2 of Appendix 2. They must be detailed, in writing and signed.
2. The Principal will immediately inform the Board of Trustees when a serious complaint is received.
3. The BOT will follow the procedure in Appendix 3 and the Guidelines in Appendix 4,
4. Where the complaint is against an employee (including the Principal)
 - 4.1 The Recipient will follow the provisions of the relevant Collective agreement relating to complaints and discipline. This includes:
 - a. Advising the employee of the specific details of the complaint (provide a copy)
 - b. Giving the employee a reasonable opportunity to respond
 - c. Advising them of their right to representation and / or support

- 4.2 After considering the provisions of the relevant collective agreement and the serious nature of the complaint, the employee may be suspended pending the outcome of an employment investigation. A suspension:
 - a. will not occur until the employee has been given a reasonable opportunity to make representations to the Board or its delegated representative/s about the alleged misconduct and the appropriateness of suspension. The Board will take any submissions into account before making its decision on suspension.
 - b. decision (if an employee other than the Principal is the subject of the complaint) is delegated to the Principal and the Chairperson (or in his/her absence the deputy chairperson) provided industrial relations advice is received from NZSTA or a person approved by the Board's insurer. If the Principal is the subject of the complaint the authority to decide whether or not suspension is appropriate is given to the Chairperson and Deputy Chairperson (or the Personnel Committee).
5. Where the complaint is against a Board member
 - 5.1 The Board has no power of discipline over any elected or co-opted trustee under any Act
 - 5.2 The Board may appoint an independent person to review the complaint.
 - 5.3 The independent person does not have the power to make a decision but is required to make recommendations to the Board which will then make a decision.
6. Where the complaint is against a student
 - 6.1 Any decision on the action to be taken shall be made in accordance with the policies on student discipline and suspension.
7. Where the complaint is from an international student, the process is outlined in Appendix 3. This process is publicised to the students on enrolment and in the Orientation Booklet.
8. General
 - 8.1 All complaints will be dealt with in accordance with the relevant employment agreement / legislation, policies of the school and code of practice.
 - 8.2 A full copy of the Board's complaints policy and procedures will be provided to the complainant and the subject of the complaint. It will also be readily available to the school community.
 - 8.3 All investigations will be carried out in a procedurally fair manner. Explanations and information gathered will be given full consideration free of pre-determination or bias.
 - 8.4 When an investigation is being carried out the person who is the subject of the complaint is required to answer questions and provide explanations either personally or through a representative. Where explanations or facts known to that person have not been offered, they cannot be used in later proceedings as evidence of a lack of substance to the complaint or justification for the decision taken.
 - 8.5 All complaints and details of any conditions of employment that may arise from a resolution of the complaint will be treated in confidence by all parties except where there is a legal requirement to report.
 - 8.6 Where complaints are formally investigated, minutes of all meetings will be taken. Agreements and decisions made will be recorded in writing. These documents will be held by the Principal, Board or on the employees file as deemed appropriate.

**EPSOM GIRLS GRAMMAR SCHOOL
COMPLAINTS PROCEDURE FOR STUDENTS/PARENTS/CAREGIVERS
MAKING A COMPLAINT**

**Notes**

1. While minor issues may be able to be discussed in a quick informal chat with a staff member, the preferred option is to arrange a time to discuss the matter in order that both parties give the matter proper attention.
2. If the complaints procedure has not been followed the board will normally return any letter of complaint to the writer and ask that they follow the procedure first.
3. All parties to a complaint may bring a support person to any meeting where the issue is to be discussed.

Detailed Procedure (internal) for Dealing with Complaints

Dean or Deputy Principal receives a written or verbal complaint

Dean or DP asks if this is a

1. **Category 1 complaint** – may be written or verbal but are not expected to have disciplinary legal or industrial consequences.
2. **Category 2 complaint** – it may have disciplinary legal/industrial consequences. These must be referred immediately to the Principal.

**Stage 1
Category 1
Options for Referral**

DEAN/DIRECTOR STUDENT SUPPORT	HOD/LAD	DIRECTOR OF SPORT/ DIRECTOR OF ARTS AND CULTURE	QUALIFICATIONS MANAGER	S.L.T.	PRINCIPAL
<ul style="list-style-type: none"> Tells staff member or student and her caregivers of complaint/presents staff member or student and her caregivers with written record of complaint. Complaint discussed with staff member or student and her caregivers who is given opportunity to respond and offered support through student support services Options considered and implemented Consultation and follow up Response given to complainant Report of outcomes written 					

No Resolution

**DEPUTY PRINCIPAL: HEALTH & SAFETY
CURRICULUM
PERSONNEL
PASTORAL CARE
OPERATIONS**

Resolution: End

<ul style="list-style-type: none"> Tells staff member or student and her caregivers of complaint/presents staff member or student and her caregivers with written record of complaint. Complaint discussed with staff member or student and her caregivers who is given opportunity to respond. Options considered and implemented Documentation i.e. written statement of the nature of the complaint, outcomes and when the discussion took place Both parties have a copy Consultation and follow up Response given to complainant Report of outcomes written
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No Resolution

Resolution: End

PRINCIPAL

- Tells staff member or student and her caregivers of complaint/presents staff member or student and her caregivers with written record of complaint
- Complaint discussed with staff member or student and her caregivers who is given opportunity to respond.
- Options considered and implemented
- Documentation i.e. written statement of the nature of the complaint, outcomes and when the discussion took place
- Subject of complaint has a copy and Principal has a copy
- Copy may go to file
- Subject of complaint would be informed if this were the case
- Consultation and follow up
- Response given to complainant
- Report of outcomes given

**Stage 2
Category 2**

PRINCIPAL

The Principal follows the Complaints Procedures

Epsom Girls Grammar School Complaints Procedure for Board of Trustees Receiving a Complaint

Letter of complaint is acknowledged by the chairperson and the complainant advised of the next steps in the board process. The letter becomes part of the correspondence that will be dealt with at the next board meeting while the public is excluded.



Letter is tabled at board meeting (with the public excluded) and referred to relevant parties for reporting back to the board. The board decides whether to deal with the matter as a whole or appoint a committee to investigate and recommend to the board.



At the meeting of the board/committee the reports are received and the parties may be invited to speak to their complaint or answer questions. The board/committee considers the evidence and/or information and comes to a decision or recommendation.



Depending on the delegated powers of the committee either they or the board as a whole come to a resolution as to how the board will respond and/or what action will be taken.



The board's response is communicated to the parties to the complaint. This may be managed either publicly or confidentially depending on the case.



Any of the parties may request the board to reconsider their decision - however normally for such a reconsideration to take place new information that would have been relevant to the board's deliberations must be produced.

**EPSOM GIRLS GRAMMAR
GUIDELINES FOR BOARD OF TRUSTEES IN DEALING WITH COMPLAINTS**

1. Issues of a serious matter, eg allegations of physical abuse, may require a special meeting of the board to be called.
2. All letters addressed to the chairperson of the board are for the **whole board**. The chairperson cannot decide independently as to what action will be taken unless delegated authority to do so by the board.
3. Subject to agreement between the parties resolution or dismissal of the complaint will not occur before all the information is to hand.
4. Conflict of interest will be determined on a number of issues, including whether the complaint involves the actions of any trustee.
5. 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.
6. The board recognises that not all complainants will be satisfied with the outcome of a complaint. After **one** reconsideration, if the board is confident of its decision, it will 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.
7. 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.
8. Trustees need to be clear in their mind of the difference between a complaint they have as a parent [ie regarding their own child] and a complaint they have as a trustee [eg obstruction of staff preventing them carrying out board work]. 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].