



Epsom Girls Grammar School

Te Kura Tuarua o Ngā Taitamāhine o Maungawhau

School Board Policy

COMPLAINTS

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

Objectives:

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, coaches, tutors and volunteers, leadership, School Board members or in relation to school policies and systems.

1. To ensure that all people in the school community know the correct procedure to be taken for both making and resolving a complaint.
2. To resolve complaints speedily at the lowest appropriate level within the school's structure.

PROCEDURES

The procedures differ depending on

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

See process flowchart - appendices 1-5

There are two broad categories of complaint

- Category 1 - Minor Complaints (*appendices 2, 3 & 6*)
- Category 2 - Serious Complaints (*Definition: appendix 7; Treatment: appendices 4, 5 & 8*)

A INITIAL STEPS – COMMON TO BOTH CATEGORIES OF COMPLAINT

The Complainant will follow the following process:

1. All complaints will be treated in confidence.
2. Complainant has a concern about something that is under the jurisdiction of the school.
3. Complainant discusses concern with the appropriate School leader using the “One Up” procedure. The recipient of the complaint must first determine whether the complaint is Category 1 - Minor or Category 2 - Serious.

Following steps – see Complaints Process Flowchart - *appendices 1-5*

4. School leader refers complaint to appropriate manager for initial investigation and appropriate steps taken to resolve matter
5. Matter resolved to both parties' satisfaction – no further action.
6. Matter unresolved or has resurfaced. Make an appointment and discuss with the Senior Leadership Team (includes Principal where appropriate).
7. Matter remains unresolved. Complaint put in writing and addressed to the Chairperson of the School Board. The Chairperson then follows the Board process for handling complaints.

B CATEGORY 1 – MINOR COMPLAINTS:

See appendices 2, 3 & 6 for process

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 all relevant persons 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.

C CATEGORY 2 – SERIOUS COMPLAINTS

See appendices 4 & 5 for process

See appendices 7 & 8 for Definition of Serious Complaints

D BOARD PROCESS

The Board will follow the process in Complaints Process Flowchart - *appendices 1 - 5*

1. Complaint against an employee, (including the Principal)
See appendices 4 & 5
2. Complaint is against a Board member
See appendices 4 & 5
3. Complaint is against a student
See appendices 4 & 5
4. Complaint is from an international student
See appendix 1

5. General Guidelines on Complaints
See appendix 9

Policy Review

This policy was prepared/reviewed and presented to the School Board for endorsement on 28TH September 2021 by the Personnel Committee and will be reviewed in accordance with the Board's programme of self-review.

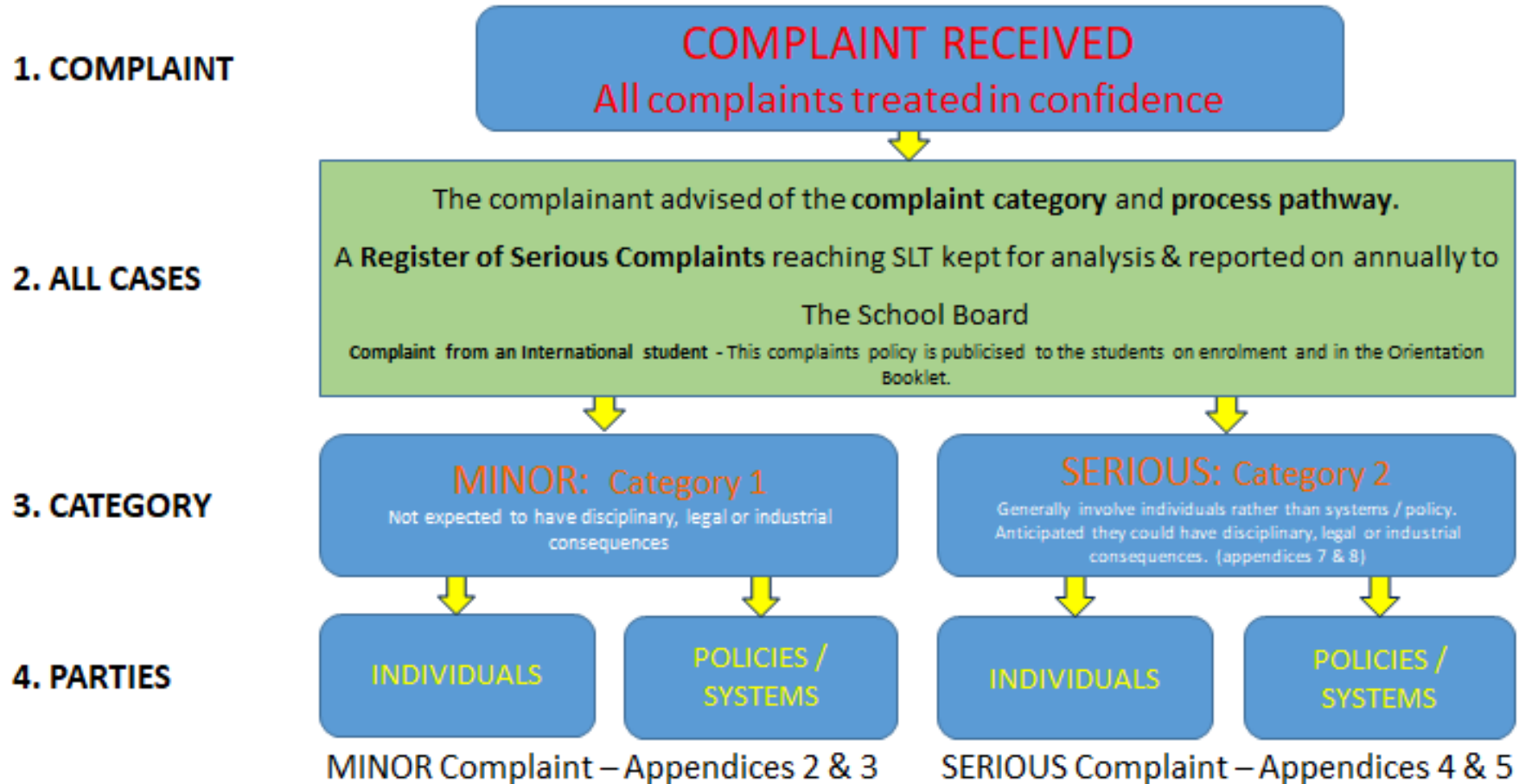
Signed:

A handwritten signature in black ink, appearing to be 'C/K' or similar, written over a horizontal line.

Date: 28th September 2021

EPSOM GIRLS GRAMMAR SCHOOL

COMPLAINTS PROCESS FLOWCHART



MINOR COMPLAINTS

4M. PARTIES

INDIVIDUALS

POLICIES /
SYSTEMS

5M. MANAGER

Recipient of complaint addresses matter using "one up" procedure to manager of individual about whom complaint is made. **MANAGER REVIEWS COMPLAINT**

Recipient of complaint addresses matter using "one up" procedure to person who is in charge of the policy or system. **MANAGER REVIEWS COMPLAINT**

6M. RESOLUTION

Matter resolved to all parties' satisfaction
FINISH

Matter resolved to all parties' satisfaction
FINISH

7M. NO RES.

Complainant not satisfied complaint resolved

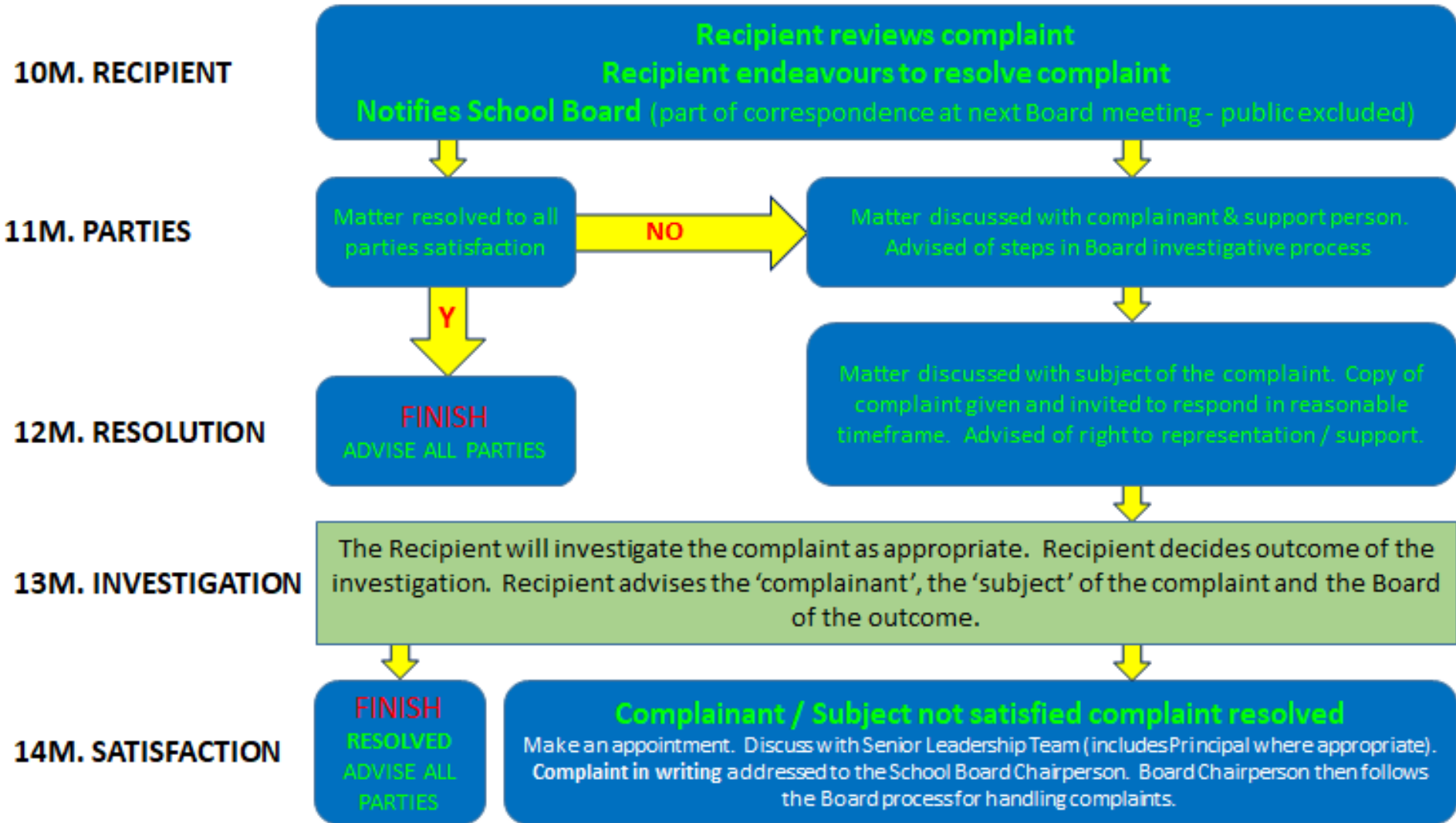
8M. PARTIES

Complaint is against Principal or Board Member
 Complainant may submit unresolved complaint to the School Board Chairperson or Principal ("Recipient") respectively

Complaint is against Board Chairperson
 Complainant may submit unresolved complaint to School Board Deputy Chairperson ("Recipient")

9M. CONTENT

This complaint referral must be delivered to the Recipient AND:
 Be in writing, contain details of the complaint subject, efforts to resolve it, contact details, signed



Appendix 1 continued...

SERIOUS COMPLAINTS

Appendix 4
SERIOUS COMPLAINTS
S denotes SERIOUS

4S. PARTIES

COMPLAINT MUST BE DETAILED IN WRITING AND SIGNED
Principal must immediately inform School Board when complaint received

5S. CHAIRPERSON OF BOARD

Letter of complaint acknowledged by the Board Chairperson and complainant advised of the next steps in the Board process. The letter becomes 'correspondence' tabled at next Board meeting (public excluded).
School Board decides whether to deal with the matter as a whole or appoint a committee to investigate and recommend to the Board.

6S. RESPONSE

Matter discussed with subject of the complaint. Copy of complaint given to subject and invited to respond in reasonable timeframe. Advised of right to representation / support.

7S. PARTIES

EMPLOYEE
(including Principal)

Board MEMBER

STUDENT

8S. POWERS

The School Board has **no power of discipline** over any elected or co-opted Board member under any Act.
The Board may appoint **independent person** to review complaint.
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.

Any decision on the action to be taken shall be made in accordance with the **MOE's discipline guidelines & procedures**

9S. PARTIES

EMPLOYEES
(including Principal)

10S. POWERS

Considering the provisions of collective agreement (relating to complaints and discipline) and nature of complaint, employee may be suspended pending outcome of employment investigation. **Suspension:**

- May not occur until the employee has reasonable opportunity to make representations to the School Board / representatives re. alleged misconduct and the appropriateness of suspension.
- If employee other than Principal is subject, decision on suspension is delegated to Principal and School Board Chairperson (Deputy Chairperson) provided industrial relations advice is received from NZSTA or a person approved by the Board's insurer.
- If Principal is the subject, authority to decide suspension is given to the Chairperson and Deputy Chairperson of the Board.

11S. DECISION

Depending on the delegated powers of the committee, they or the School Board come to a resolution as to how the Board will respond and/or what action will be taken.
Board's response communicated to the parties to the complaint. This should be managed according to the confidentiality requirements of the case.
At Board/committee meeting, reports received and parties may be invited to speak to their complaint or answer questions. Board/committee considers the evidence and/or information and comes to a **decision or recommendation.**

11S. RECONSIDER

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. The complainant may seek recourse through the complaints and disputes resolution panels (sections 216 – 236 Education and Training Act 2020)

Minor Complaints

Minor complaints are not expected to have disciplinary, legal or industrial consequences. Minor complaints may be verbal or written.

The complainant or recipient of a complaint should address the matter at the lowest possible level using the policy of “one up” - 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 School Board (where the complaint involves the Principal or a member of the School Board)
- g. The Deputy Chairperson (where the complaint involves the School Board Chairperson)

The person to whom the complaint is addressed will consider the complaint and endeavour to resolve it.

Definition of Serious Complaints

Serious complaints will generally involve individuals rather than systems and policy. 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 Board
- h) Undermining Board Policy or otherwise seriously damaging the integrity of the Board 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
- 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.

Treatment of Serious Complaints

1. Issues of a serious nature, eg allegations of physical abuse, may require a special meeting of the School 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 Board member.
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 notify complainant of their right to seek recourse through the complaint and disputes resolution panels (sections 216–236 Education and Training Act 2020). NZSTA help desk 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. Board members need to be clear in their mind of the difference between a complaint they have as a parent [ie. regarding their own child: – *thus excluded from decision making due to conflict of interest*] and a complaint they have as a Board member [ie. obstruction of staff preventing them carrying out Board work: – *matter dealt with as an agenda item for the whole Board [possibly exclude*

General Guidelines on Complaints

- A. All complaints will be dealt with in accordance with the relevant employment agreement / legislation, policies of the school and codes of practice.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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 employee's file as deemed appropriate.