



Te Aroha College Concerns and Complaints Policy

The Te Aroha College Board of Trustees is committed to having and enacting a fair and transparent process to effectively handle complaints. The policy and process enable complaints from students, employees, whanau, family, community members and other stakeholders to be able to be dealt with effectively.

The Complaints Policy should be read in conjunction with both the *'Te Aroha College Procedure for Dealing with Concerns and Complaints at School'* and the *'Te Aroha College Board of Trustees Process for Dealing with Complaints Received by BOT Chairperson'*.

The complaints processes describe how the policy is enacted and is made readily available to the school community along with the board policy.

The board distinguishes between a concern and a complaint as:

Concern: A minor issue that may be resolved informally directly between the parties involved. Both parties must be clear when there has been clear intention to meet, discuss and seek to resolve the concern. Concerns are not expected to have disciplinary, legal or industrial consequences.

Complaint: A complaint is an issue of a serious nature and may involve the consideration of disciplinary, legal or employment consequences. It may involve the principal or board of trustees. An unresolved or repeated concern might be escalated to a complaint.

The board's policy and procedures on Vulnerable Children (Vulnerable Children's Act 2016) may be enacted should the complaint indicate that it is required.

Key aspects to the board's complaints processes are:

1. Complaints must be made in writing, addressed to the Chairperson of the board, and have the complainant's name and contacts available.
2. All complaints will be received 'in-committee'.
3. The Chairperson will inform the Principal of any complaint relating to employees and the Principal will investigate the complaint. If the Principal cannot resolve the complaint, it will be referred back to the Chairperson.
4. The board will endeavour to expedite the complaints process as much as is reasonably possible. Issues which demand immediate attention (e.g. allegations of Physical abuse) may require a special meeting of the board.
5. The board and/or its committee will refrain from any discussion relating to resolution or dismissal of the complaint until all information is at hand for the committee.
6. A copy of the complaint should be given to the employee and principal as soon as possible.
7. The board will reasonably endeavour to keep the complainant informed of board process.
8. Contact with NZSTA will be made by the board if there are possible legal and or employment risks identified.

9. Principles of natural justice are inherent in the process.
10. All employment agreements and employment law are adhered to.
11. The teacher, member of staff, trustee must have opportunity to respond and be heard.
12. Any employee shall have the right to request representation at any stage and shall be advised of such at the beginning of any investigation.
13. The board will form a committee of 2 or more people to work through the complaints process and/or may elect by Board resolution to engage an independent reviewer with specialist expertise to assist at any stage of the process.
14. If there are not 2 or more trustees available due to conflict of interest or bias, then the board may seek to co-opt other people for the purpose of the committee work and duration. Co-opted members will be appointed by way of an in-committee board resolution (by email if required). A confidentiality agreement will be signed by any co-opted person prior to their joining any complaints committee.
15. The board will delegate authority to the committee to work through the complaints process and may also include the ability to make decisions on further actions on behalf of the board.
16. Conflicts of interest and bias are discussed in-committee by the board prior to the appointment of the complaints committee.
17. All documentation and knowledge will remain confidential to the parties involved, and the provisions of the Official Information Act 1982 and the Privacy Act 193 will be adhered to. The complaints committee is deemed to be in-committee at all times throughout the process of dealing with a complaint.
18. If an independent reviewer is used, then the committee and/or full board are still required to make final decisions as to how to resolve the complaint. An independent reviewer will receive clear delegations from the board outlined in a terms of reference and scope.
19. The board may hold a reconsideration process if requested and if there has been new information revealed which at the time would have been relevant to the board's deliberations.
20. The board recognises that not all complainants will be satisfied with the outcome of the complaint. Should the complaint not be resolved to the satisfaction of the complainant, then he/she may refer the matter to the Office of the Ombudsman.
21. Employees may make a protected disclosure if required and if the nature of the complaint is in line with s5 of the Protected Disclosures Act 2000.

Review schedule: Triennially

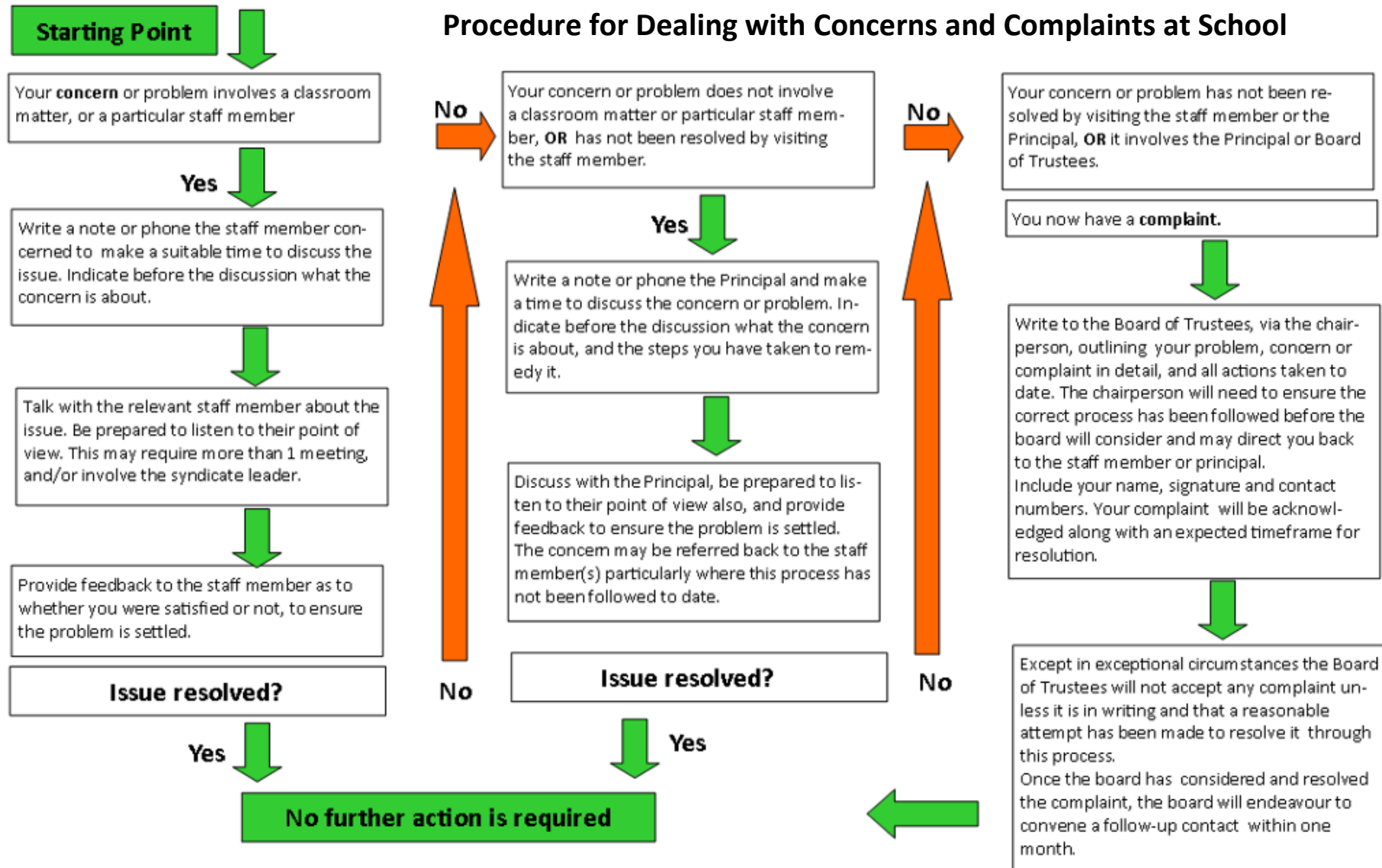
Principal: _____ **Chairperson:** _____

Date of Review: May 2018

Next Review: May 2021

Te Aroha College

Procedure for Dealing with Concerns and Complaints at School



Te Aroha College Board of Trustees Process for Dealing with Complaints Received by BOT Chairperson

Steps	Process	Timeline Guide <i>(note that the complexity of the issue and availability of committee members may mean further time is required)</i>	By Whom
1	<p>COMPLAINT PROCESS CHECKED</p> <p>COMPLAINT ACKNOWLEDGED Complaint received by BOT Chair. Chairperson checks if complaint has followed correct process in accordance with Procedure for Dealing with Concerns and Complaints. If yes - complaint is acknowledged by letter (in hard copy or by email) to complainant. Advise of expected timeframe for complaint to be investigated and decision to be advised. Attach copy of Board process for dealing with complaints. If complaint is ambiguous and more detail would be beneficial, advise the complainant that. See Model Letter If no – complainant advised to re-direct complaint to appropriate staffmember or principal as per procedure.</p> <p>PRINCIPAL ADVISED OF COMPLAINT & DETAIL A confidential copy of the complaint will be provided to the Principal, with the Board requesting that the Principal present a full written report outlining all actions taken, advice received, meetings held and justified decisions made in respect of the matter subject to the complaint. Principal may include statements from applicable member(s) of the Senior Leadership Team or staff member as appropriate. See Model Letter</p>	First 1-3 days	<p>Chairperson (*)</p> <p>(*) Note that if the complaint relates to the Chairperson, then a Trustee will be appointed to substitute the Chairperson in this capacity.</p>

<p>2</p>	<p>BOARD ADVISED OF COMPLAINT</p> <p>A confidential copy of the complaint is passed on to all members of the Board. Chairperson to decide whether to include a full copy of complaint or give a summary of the complaint (possibly excluding name(s) of complainants). This will depend on whether they may be a perceived conflict of interest (check for any known personal connections)</p>		<p>Chairperson</p>
<p>3</p>	<p>COMPLAINTS COMMITTEE ESTABLISHED</p> <p>The Board sets up a Complaints Committee comprising 2 or more people. Refer points 13-16 of policy</p> <p>Resolution to be passed (by email if required) to formalise Complaints Committee and delegate responsibility to investigate the complaint.</p> <p>E.g. "That the Board form a complaints committee comprising [names] to work through the complaints process in relation to [name of complaint];</p> <p>AND THAT the Board delegate responsibility to the complaints committee to: [select as applicable]</p> <ul style="list-style-type: none"> • Fully investigate the complaint including the appointment of an independent reviewer to assist if required [up to the value of \$] • Make a decision on further actions in relation to the complaint AND report back to the Board on the outcome of the complaint; • OR Report back to the Board on recommended further actions in relation to the complaint for a Board decision 		<p>Chairperson co-ordinate</p>
<p>4</p>	<p>INFORMATION TO INDEPENDENT ADVISORS</p> <p>Contact to be made with NZSTA advisors and the Board's insurers (currently Crombie Lockwood – MOE insurance scheme) to advise of complaint in process for their information. (refer point 8 of policy)</p>		<p>Chairperson (NZSTA contact) Insurers (via Board Secretary)</p>
<p>5</p>	<p>COMPLAINTS COMMITTEE CONSIDERS COMPLAINT</p> <p>The Complaints Committee considers the complaint and any information received from the Complainant and the Principal by the due date.</p>	<p>Days 8-18</p>	<p>Chairperson Arrange Meeting</p> <p>Complaints Committee OR</p>

	<p>The Complaints Committee may meet with the Complainant and/or the Principal to discuss more fully, verify information, investigate further, and clarify details following the due date. In arranging any such meeting, the Complaints Committee should confirm that support persons are welcome to attend any such meeting(s).</p> <p>Repeat meetings as required to gain a full and proper understanding of the matter.</p> <p>The complaints committee may elect to engage an independent reviewer with specialist expertise to assist at any part of the process (check delegated authority – may require Board resolution if not included initially)</p>		Full Board (if required)
6	<p>DECISION</p> <p>The Complaints Committee reports back to the full Board and recommends actions/ advises decision (dependent on delegated authority) ('in committee'). Depending on the timeframe and severity of the complaint, the meeting may be held via e-mail utilising the 'reply-all' function for full transparency to all Board members.</p> <p>Actions may include:</p> <ul style="list-style-type: none"> • No Action Required: "That the Board is satisfied that a full and fair investigation has been undertaken and no further action is required AND THAT the Chairperson writes to the complainant to advise them of this decision"; OR • Inconclusive – Employment Relations Matter: "That the Board has completed its investigation and has determined that their investigation is inconclusive AND THAT the Board advises NZSTA employment relations advisor accordingly AND FURTHER THAT the Chairperson writes to the complainant to advise them that their complaint is still in progress and independent advice is being sought to assist the Board in dealing with the matter"; OR • May be Justified – Policy / Process Matter: "That the Board is satisfied that a full and fair investigation has been undertaken and that it has determined that the complaint may be justified AND THAT the Board immediately review the applicable policies and processes to address the complainant's concerns AND FURTHER THAT the complainant be advised of this action. 	Days 8-18	<p>Chairperson Arrange Meeting</p> <p>Full Board attend Meeting</p>

8	<p>COMPLAINANT ACKNOWLEDGED The Complainant is advised of the outcome</p>	Days 10-21	Chairperson
9	<p>INDEPENDENT ASSISTANCE Should the Board consider the complaint may be justified and it may have potential employment relations or legal implications, the Chairperson is to contact NZSTA advisors (employment relations advisors if required) or another nominated legal adviser for advice on next steps. The Board's insurers (currently Crombie Lockwood) to be kept updated on progress of the complaint. Expert advice on employment agreement requirements will be warranted in the event of a potential employment relations breach.</p>	Days 10-21	Chairperson Insurers (via Board Secretary)
10	<p>CONFIDENTIAL STORAGE OF INFORMATION All information pertaining to the complaint and investigations will be filed together and stored in a locked cabinet at Te Aroha College in accordance with archives and privacy legislative requirements.</p>		Board Secretary

Sample Letter of Acknowledgement to Complainant

LETTER OF COMPLAINT

I write to acknowledge receipt of your letter of complaint dated [date] and also to advise that a Complaints Investigating Committee comprising myself and [insert names of trustees / independent committee members] has been established for the purpose of considering and responding to your letter.

As part of the Complaints Process, the Committee will be informing the person who is the subject of the complaint about the nature and source of the complaint and call for, receive and consider that person's response.

The timeline for this will be a 7 working day response time, effectively commencing [insert day/date].

I would also invite you to provide any additional written statements from yourself [or your colleagues/witnesses if reference is made to others in the complaint], so that your complaint can be more clearly understood. I would appreciate this information by [insert date]. Note that any additional information or statements will also be provided to the person who is subject of the complaint so that they can have the right of response.

I would like to advise you of your rights to seek independent advice at any stage of this process.

I will be in touch further in due course. Meantime if you have any enquiries please don't hesitate to contact me.

[name]

Te Aroha College Board of Trustees (Chairperson)

Sample Letter to Principal Advising of Complaint

LETTER OF COMPLAINT

I write to advise that The Te Aroha College Board of Trustees has received a letter of complaint dated [insert date] from [insert name of complainant].

A Complaints Investigating Committee comprising myself and [insert names of Committee members] has been established for the purpose of considering and responding to the complaint.

As part of the Complaints Process, I invite you to respond to the complaint by [insert date – allow 7 working days]. Your response should include a full written report outlining all actions taken, advice received, meetings held and justified decisions made in respect of the matter subject to the complaint. You may include statements from other people as applicable (such as members of the Senior Leadership Team or staff member(s) as appropriate).

I have attached the letter of complaint so that you are aware of the nature and source of the complaint.

I would like to advise you of your rights to seek independent advice at any stage of this process.

If you have any enquiries please don't hesitate to contact me. Otherwise please provide your response as invited above to me at the BOT email address.

Regards,

[insert name]

Te Aroha College Board of Trustees (Chairperson)