



## COMPLAINTS POLICY

### POLICY STATEMENT

All concerns and complaints are dealt with fairly, effectively and promptly, in the interests of all parties concerned and in line with the principles of natural justice and the College's Values and Beliefs.

Staff members who wish to report incidents of serious wrongdoing within the College, and who wish to be protected should follow the Ashburton College Protected Disclosures Policy.

### PROCEDURES FOR COMPLAINTS

These procedures cover the way the College treats any concern or complaint. There may be culturally specific circumstances that require the process to be adapted accordingly.

At all times attempts will be made to resolve complaints informally by the complainant, where appropriate, communicating initially with the person whose actions have given rise to the complaint. If the complainant is not satisfied then the complaint should be made to a senior staff member.

Complaints will be treated in confidence. However, in the interests of natural justice, the person (or persons) the complaint is about must have the opportunity to hear all details of the complaint and to formulate a reply.

### PRINCIPAL'S DUTIES ON RECEIPT OF A COMPLAINT

The Principal will, depending on the seriousness of the complaint, deal with a complaint by:

- following procedures outlined in Employment Agreements for members of staff
- ensuring the issue is heard (by the Principal or delegate) to the satisfaction of all parties or the Principal is able to adjudicate on the complaint:

**Or** – by:

- referring the complaint to the Board of Trustees, providing a written report with all relevant information affecting the complaint \*
- noting the complaint in the complaints register
- informing the College's Insurer of the complaint and the steps taken to resolve it

\* Where parents/caregivers are dissatisfied with the Principal's actions or decisions concerning any complaint they should place their concerns in writing to the Board of Trustees Chairperson. The Board Chairperson cannot decide independently as to what action will be taken and **must** refer all complaints to the whole Board.

### EXAMPLES OF SERIOUS COMPLAINTS:

- By College staff against parents/caregivers/students
- By parents/caregivers against teachers or other staff regarding treatment of children
- Alleging any criminal conduct or unlawful contact
- Alleging sexual harassment/physical abuse
- Against the Principal
- Against a Board Member of the Board

## **BOARD'S DUTIES ON RECEIPT OF A COMPLAINT**

Any complaint received by the Chairperson shall, in the first instance, be referred to the Principal and then must be dealt with in the Public Excluded session by the whole Board and will be:

- considered on the information present in writing.
- either concluded with no further action, referred back to the Principal with or without recommendations, a course of action determined – eg: an independent investigation (following the Procedures for the Complaints Committee) or referred to a Complaints Committee.
- based on the principles of natural justice which require that all parties have the opportunity to present their views in writing and/or orally.
- answered by the Board by writing to the complainant with appropriate information as to how the complaint was resolved or what action is to be taken next.
- referred back to the Principal for further information or mediation as appropriate.

The Board will seek advice from NZSTA or Legal Counsel on any process/actions in dealing with complaints.

The Board recognises that not all complainants will be satisfied with the outcome of a complaint. If a complainant is not satisfied with the Board's decision then the Chairperson should advise the complainant of other avenues – eg: Ombudsman.

## **COMPLAINTS COMMITTEE**

Should it be necessary to establish a Complaints Committee, the Board has the authority to include personnel from outside the Board who have appropriate expertise. The Committee will consist of no fewer than three people. The Committee's Terms of Reference and scope for the investigation will be determined by the Board of Trustees.

The Complaints Committee will have the responsibility of deciding whether a complaint has been established. No one with a personal interest or pre-determined view will become a member of the Complaints Committee or take part in any Board deliberations.

### **The Complaints Committee will:**

- consider all the relevant information.
- assess whether the seriousness of the matter requires an independent investigation
- be aware that if the complainant involves a child, permission to interview the child must be obtained and, so, an investigator with appropriate skills should be engaged
- entitle and advise in writing any party to have a supporter, lay advocate, union or legal representation. The Board will not be liable for any expenses incurred by the other parties.

### **After a hearing, and consideration of reports and interviews, the Complaints Committee may:**

1. Find the complaint not established.
2. Find the complaint established and make recommendations on a course of action to the Board of Trustees.
  - Should the Board of Trustees uphold a complaint against a staff member, any penalty imposed by the Board will be appropriate to the level of the offence. It will carefully consider all mitigating and aggravating circumstances.

## **COMPLAINTS AGAINST THE TEACHER OR SUPPORT STAFF**

In addition to the preceding procedures the Board shall have regard to the following principles when addressing complaints (either serious or otherwise) against staff:

- All complaints against staff shall be dealt with in accordance with the relevant Employment Agreement.
- All complaints against staff are to be referred in the first instance to the Principal
- NZSTA or Legal Counsel must be sought.

- Copies of the letter of complaint will be given to the staff member for a written response.
- The staff member should be advised that they can seek representation from a professional and/or union representative.
- In the case of allegations that may have disciplinary implications, the Board should convene the Complaints Committee to investigate and report on the substance of the complaint. This committee could hear submissions from the staff member's designated support person as well as from the staff member.

### **COMPLAINTS AGAINST THE BOARD**

Complaints against the Board, alleging misconduct and/or dereliction of duty will be referred to a panel (appointed by an Independent Advisor) comprising three or more people and may include:

1. A Principal of a local school
2. A STA representative
3. Any other suitable person

It is recognised that the Board has no power of discipline over individual Board Members under any Act of Parliament.

### **COMPLAINTS AGAINST THE PRINCIPAL**

Complaints against the Principal shall be in writing and referred to the Board chairperson who will inform the Board and, where agreed with the Board, initiate mediation or the complaint will be referred to a Complaints Committee.

All complaints against the Principal will be dealt with in accordance with the relevant Employment Agreement and the Procedures for Complaints against staff members.

### **COMPLAINTS AGAINST STUDENTS**

Complaints against or about students will be dealt with under the Student Behaviour Management Procedures.

### **ADMINISTRATION**

- All complaints are recorded in the Complaints Register.
- Insurance company advised where appropriate.
- All letters of complaint responded to within three days.
- Where possible, all complainants are advised of process and timeline.
- Regular updates are given if the process is longer than one month.
- A formal closure letter will be sent when the complaints process has been concluded.
- Any employee who has material placed on the personnel file as a result of a complaint will be advised.
- Complaints material will be filed and held confidentially to prevent unauthorised access to this data.

Signed:



Date: 20 June 2017

Review Date: June/July 2020