



# LONG BAY COLLEGE

*Care, create, excel*

## COMPLAINTS POLICY

(NAG 3)

### OUTCOME STATEMENT

All complaints, concerns and incidents are attended to promptly, respectfully and professionally and seek to bring effective resolution to all parties concerned.

### SCOPING

In order to maintain a safe and comfortable environment for all students, staff and visitors, an accessible procedure for handling complaints and grievances will be implemented and maintained to provide an open and fair way of resolving issues and will comply with all relevant legislation.

### DELEGATIONS

The board delegates to the principal full responsibility of ensuring processes are in place and operating effectively and adequately. In the event of a complaint or grievance concerning the principal, responsibility lies with the board.

### EXPECTATIONS AND LIMITATIONS

In complying with the policy, the principal shall not fail to:

- Implement and maintain robust procedures to meet the policy requirements
- Ensure that the process for complaints or grievances is clearly communicated
- Report to the board as follows:
  - When receiving a complaint, the board must ensure that the complainant has previously followed the school's concerns and complaints procedure and that the complaint has been escalated to board level correctly.
  - Should the board receive a complaint regarding the principal or determine that any policy violation may have occurred, the board in the first instance will consider whether this may be dealt with in an informal manner (as per the employment agreement provisions that apply to the principal).
  - Where the board considers the degree and seriousness of the concern or any violation sufficient to warrant initiating a disciplinary or competency process, the board shall seek the support and advice in the first instance from an NZSTA adviser to ensure due process is followed.

### PROCEDURES/SUPPORTING DOCUMENTATION

Concerns and complaints procedure  
Board complaints checklist  
Procedure regarding a complaint about a student  
Procedures regarding a complaint about a staff member

## MONITORING

The principal shall maintain a register of complaints and resolutions and report to the board at least quarterly per annum outlining numbers of complaints, resolution success figures and any areas of concern for board deliberation.

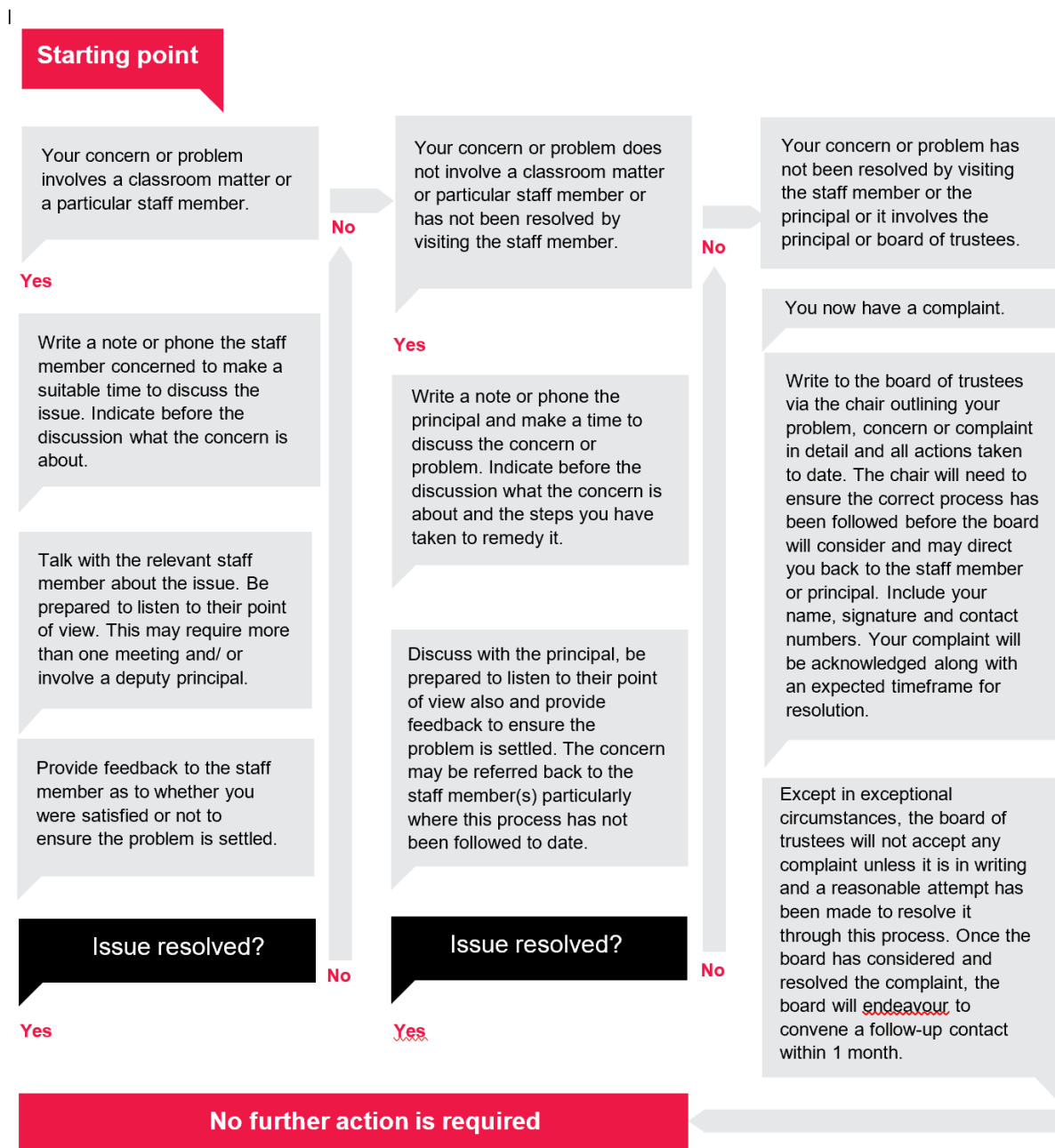
This policy is intended to be consistent with the requirements of the Privacy Act, 1993.

## LEGISLATIVE COMPLIANCE

<b>New/Reviewed</b>	<b>Tabled</b>	<b>Adopted</b>	<b>Signed</b>
New 3/12/2019	3/12/2019	4/2/2020	By Kevin de Jong, Chairperson

# Concerns and complaints processes and procedures

## Appendix 1:



## Appendix 2: Board complaints checklist

Once a letter of complaint has been received, the board chair should ensure the following process is followed:

	Notes/date completed
1. Ensure the process has been followed as outlined in the concerns and complaints procedure or is a genuine complaint against the principal or board.	
2. Verify with the principal that any staff (or others) identified in the complaint are aware of the situation and that there has been discussion and attempts to reconcile.	
3. If the complaint or action is employment related or has potential industrial relations implications, contact the NZSTA employment advisory and support centre. For all other complaints, contact the NZSTA governance advisory and support centre.	
4. Alert the school's insurance broker.	
5. Acknowledge the letter of complaint within 7 days and advise the board process, or redirect the complainant to principal, syndicate leader or staff member as appropriate. Report to the board without names or detail at the next meeting.	
6. Once confirmed as a complaint, forward it confidentially to all trustees for consideration.	
7. Board request to principal to present full written report outlining all actions taken, advice received, meetings held and justified decisions made.	
8. Board determines whether the above fully satisfies them of full and fair process. If so, the board supports the principal and advises the complainant.	
9. If not satisfied, the board meets and discusses in committee, determines whether to formally meet the complainant and delegates responsibility to trustee(s) as deemed appropriate.	
10. Board delegates meet with the complainant and discuss the complaint more fully, verifies, investigates and clarifies. Support persons should be confirmed as welcome to attend.	

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11. Board delegates report back to full board and recommend actions/decisions.	
12. Board takes appropriate actions, records and formally minutes decisions.	
13. Board advises complainant in writing of its provisional decisions and factors considered in reaching them, within 21 days of complaint receipt, unless otherwise agreed by all parties. Complainant is given opportunity to comment before the board's final decision is reached and given.	
14. Board endeavours to convene follow-up meeting within 1 month of step 9.	

## **APPENDIX 3: Procedure regarding complaints about a student**

- i All complaints must identify the person(s) involved.
- ii The Principal (or such other staff member as may be appropriate) shall investigate the complaint to determine whether or not it is of substance. If there is no foundation to the complaint or it is capable of being remedied informally with the agreement of the parties concerned, then this shall conclude the enquiry and the outcome shall be advised to those concerned and recorded.
- iii If the complaint is not capable of being resolved informally then the Principal shall give consideration to an appropriate response in accordance with the school discipline procedures, stand down, suspension, exclusion and expulsion rules and provisions under the Education Act 1989.

## **APPENDIX 4: Procedure regarding complaints about a staff member**

- i Complaints should identify the person(s) involved. It is acknowledged in some cases a written complaint may not be practicable. This will not prevent these procedures being implemented.
- ii If a complaint is received about a staff member's conduct then the Principal shall carry out an investigation in the first instance unless the complaint is about, or concerned with, the Principal, in which case the Board of Trustees shall carry out the investigation. The purpose of this initial inquiry is to determine whether there is any foundation to the complaint, whether it can be resolved informally or if it should be the subject of a formal disciplinary investigation.
- iii An investigation into a staff complaint shall comply with the requirements of procedural fairness and the relevant terms of the applicable employment agreement. The investigation process shall be determined by the investigator on a case by case basis, but shall include the following minimum requirements:
  - a. the staff member shall be fully advised of the complaint and be given the opportunity to make an initial response;
  - b. if a formal disciplinary investigation is commenced, the staff member shall be advised of this decision and of his or her right to representation during the investigation. The identity of the person(s) who will be carrying out the formal investigation on behalf of the Board of Trustees shall be notified;
  - c. the disciplinary investigation may involve interviewing those persons considered relevant to the enquiry. The staff member shall be kept advised of the scope of the enquiry and provided with all interview notes, documentation and other information obtained during the process;
  - d. the staff member shall be given the opportunity throughout the process to give responses and ensure his or her views are considered;
  - e. at the completion of the formal investigation a report setting out the tentative findings and recommendations of the Board shall be made available to the staff member who will be given further opportunity to respond to the findings and recommendation.
- iv The complaints procedure will be carried out in accordance with the principles of procedural fairness and relevant provisions contained in a teacher's employment agreement. It is also acknowledged that the investigation process may be varied to meet individual circumstances and that in some cases the following may apply:
  - a. the Principal or Board of Trustees may suspend a staff member at any time following receipt of a complaint provided the reason for suspension is in accordance with the relevant provisions of the Secondary Teachers' Collective Agreement. The Principal is authorised by the Board of Trustees to suspend on its behalf in appropriate circumstances;
  - b. the Board of Trustees may delegate all or part of an investigation to a suitably qualified person outside of the school where the Board considers such external assistance appropriate.

- v During an investigation and upon its completion the applicable reporting requirements to the Teachers' Council shall be met, in particular if:
- a. the teacher is dismissed for misconduct or failure to reach the required level of competence;
  - b. the teacher resigns within twelve months of an investigation being carried out with respect to the teacher's conduct or competence;
  - c. a complaint is received within twelve months after a teacher ceases employment;
  - d. there is reasonable belief that a teacher may have engaged in serious misconduct or has not reached the required level of competence despite the school undertaking competency procedures;
  - e. any criminal conviction of an offence punishable by imprisonment for three months or more must be reported by the teacher within seven days of conviction.
- vi The teacher shall be provided with copies of any notices sent to the Teachers' Council provided in accordance with the Education Act 1989.