

# Rangiora High School Board of Trustees



## Complaints Policy

### Rationale

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The Rangiora High School Board of Trustees aims to provide a safe physical and emotional environment for all students and staff. The School recognises that in any large organisation involving a number of people differences, complaints and allegations are inevitable.

It is, therefore, important that the concerns of students, staff, parents/whānau and members of the School community are communicated to the appropriate personnel and dealt with as soon as is practicable in a spirit of fairness and natural justice.

### Purpose

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To make a genuine effort to ensure that all complaints are investigated sensitively, equitably and appropriately at the earliest opportunity and in a manner which respects all parties concerned.

### Guidelines

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1. In the first instance complaints should be directed to the School. Anyone with a concern is encouraged to discuss the matter directly with the person in a reasonable and appropriate manner, to prevent issues escalating.
2. The School will make a genuine effort to resolve concerns and complaints, verbal and written.
3. Rangiora High School's Strategic Leadership Team and Board of Trustees are not obliged to investigate anonymous or non-specific complaints (i.e. that do not include sufficient factual information to be properly investigated).
4. All complaints are to be dealt with in a timely manner.
5. The process will ensure that complaints can be heard, and independently reviewed.
6. Participants are encouraged to resolve complaints in a respectful, transparent and pragmatic way through restorative practice.
7. The rules of natural justice are to apply in dealing with any complaint.
8. Complaints will be treated as confidential and will only involve those parties needed to establish facts, resolve issues and/or establish solutions.
9. Every person and every complainant has the right to be listened to and respected as an individual. Any person involved in these procedures has the guaranteed right of reply to the complaint, and must be given the opportunity to exercise this right.
10. Every person and complainant has the right to have another person of their choice present at any discussions.

11. In all cases, the Board, in dealing with complaints, will act as a good employer.
  - a) Complaints about staff will be investigated by the Principal (or her delegated representative) and resolved in accordance with the relevant conditions of the current employment contract(s).
  - b) Where appropriate, outside mediation may be sought from organisations such as NZSTA, PPTA, NZEI... or arranging for an independent arbitrator if necessary.
12. The School provides clearly documented procedures for dealing with complaints to the School community through prospectus, newsletters and the website. All reception staff are made aware of these complaint procedures.
  - a) If the parent or caregiver wishes to speak about the student's wellbeing, attendance or progress, they should contact their daughter or son's House Dean.
  - b) If the parent or caregiver wishes to speak about the student's curriculum, assessment or learning / teaching issue they should contact the Head of Faculty.
  - c) Any complaint about a teacher's behaviour in the school or community should be directed to the Principal.
  - d) Any complaint about student behaviour within or out of school wearing school uniform should be directed to the House Dean.
  - e) Any complaint regarding serious misconduct of students at school e.g. drugs is to be directed to a member of the strategic leadership team.
  - f) Any complaint regarding a voluntary contributor to a school programme is to be directed to the Principal.
13. Students are to be encouraged to follow the above referral principles in making complaints.
  - a) It is acknowledged that the student should have some choice which allows for race, cultural and personal preferences and should be free therefore to address a complaint in the first instance to any staff member such as the Guidance Counsellor or other staff member they feel comfortable with.
  - b) There are designated trained persons in particular, the Guidance Counsellor, deans and Strategic Leadership Team to whom a student may go to discuss any complaint knowing that this person will support him / her and preserve his / her confidence. Students are made aware through notices and assemblies about the support people in the School.
14. If the issue is referred to a Guidance Counsellor:
  - a) Students are to be clearly advised that by requesting the incident remains confidential between the student and the Counsellor, the issue cannot then be passed on by the Counsellor to the Strategic Leadership Team for investigation and possible disciplinary action as this could result in the breaking of the confidentiality agreement.
  - b) It must also be made clear to students that if the incident is dealt with under confidentiality by the Counsellor, at the student's request, and is resolved to the student's satisfaction then the matter ends there. Should the student subsequently bring up the concern with other parties at School, e.g. deans, Strategic Leadership Team or to agencies outside of School, then the School shall initiate an investigation regardless of the student's earlier decision that the matter was finished and needed no formal investigation.
  - c) Students may be asked to sign a statement to this effect if they choose confidentiality.
  - d) Should the alleged complaint be of such a serious nature that others may be at risk from the perpetrator; the Counsellor may choose to breach the confidentiality agreement, invoking the principle of the "Greater Good for the Greatest Number". The guideline for this is whether the alleged complaint could lead to criminal charges.
15. If a student, parent or caregiver is unhappy about the outcome of the discussion with the Dean or Head of Faculty, they should contact the Deputy Principal responsible for Student Engagement or the Deputy Principal responsible for Dynamic Curriculum.

16. If contact with the Deputy Principal has not resolved the matter to the satisfaction of the parties concerned, then the matter should be raised with the Principal. Contact with the Principal should be through the Principal's PA.
17. All complaints that may be of a serious matter are directed to the Principal. The Principal handles complaints in an appropriate manner and this may include:
  - a) Meeting with the complainant in an interview situation.
  - b) Informing the Board of Trustees Chairperson of the complaint and any action taken.
  - c) Convening a meeting of the Board of Trustees discipline sub committee
  - d) Informing outside agencies (New Zealand Teachers' Council, Ministry of Education, Police ....) if necessary.
18. Complaints regarding the Principal or individual Board of Trustees should be addressed to the Board of Trustees' Chairperson.
19. Complaints about the Board of Trustees (not individual trustees) may be directed to the Office of the Ombudsman.
20. Parents may complain to the Ministry of Education if they are not satisfied with the School's complaints procedure. In this situation, the School will liaise with the New Zealand School Trustees' Association.
21. Concerns and complaints will be dealt with by the School using the above procedures unless culturally specific circumstances require a different process.

## **Procedures**

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### **Expectations for dealing with Staff disputes or Internal Complaints**

1. Should a disagreement or complaint be raised about a current staff member or the Strategic Lead Team of a low level which requires resolution (including teachers, support staff or any other employee), open communication is encouraged.
2. In the first instance the matter should be raised with your Head of Faculty or Line Supervisor to resolve the matter. Should the matter not be satisfactorily resolved then the matter may be referred to the Principal or finally the Chairperson of the board of trustees.

### **Verbal Complaints**

1. If a verbal complaint can be resolved by talking it through then no further action is required and no record need be kept. Complainants are to be advised however that, if they are not satisfied with the outcome of this process, they are entitled to submit a written complaint to the Principal. They are to be also advised of their right to take a complaint to an independent body.
2. If it is considered that a verbal complaint is of a serious nature, or a continuation of previous concerns, then the complainant should be advised to put it in writing. The complaint will then be dealt with in accordance with the guidelines below on written complaints.

### **Written Complaints – General Principles**

1. All written complaints are to be directed to the Principal who shall determine how they are dealt with. When making a formal complaint in writing the following information should be included:
  - a) The details of the issue, including the details of issues that have been made to resolve the matter.
  - b) The name and contact phone details of the person making the complaint.

2. Any complaint received by the Board of Trustees, not previously dealt with by the leadership of the School, will be directed to the Principal and dealt with in accordance with this policy
3. Any person against whom a written complaint is laid, has the right to be advised of the full details of the complaint, and of the identity of the person who has laid it, unless the nature of the complaint precludes disclosure in terms of the Protected Disclosure Policy.
4. Any complaint in writing shall be replied to in writing.
5. If the complainant is not satisfied with the outcome of a written complaint then they may write to the Board of Trustees asking for a review of the complaint. A review should be completed by the Board of Trustees within 28 days of the request.

### **Written Complaints against Students**

1. These are to be dealt with by the Dean or Deputy Principal in charge of the House as appropriate in accordance with the above general procedures.
2. If the complaint is upheld, appropriate action is to be taken in terms of the Student Management systems. Written complaints and their response are to be filed with the students records.

### **Written Complaints against Staff**

1. A complaint requiring formal investigation is to be made in writing and include specific reference to incidents and any evidence available.
2. An informal email may be deemed by the Principal or Strategic Leadership Team to be informal and of insufficient substance to warrant follow up as a complaint. In this case the complainant will be informed that there will be no follow up. The email will not be considered to be a complaint on file.
3. The precise nature of the complaint must be made known to the staff member. The staff member should reply in writing, and in particular identify relevant contextual factors. The person complained against should also be advised of their right to union representation, before any investigation takes place.
4. Written complaints are to be dealt with by a Deputy Principal, who shall attempt to identify the true cause of the problem leading to the complaint. They will pass it on to the Principal if they are unable to resolve it.
5. If the complaint is upheld or the staff member accepts that the complaint is valid
  - c) and the complaint is relatively minor, a plan for remedying the problem will be agreed upon and then put into effect.
  - d) and there are external factors which caused the problem, then an evaluation of the School's systems and structures should be carried out by the Strategic Leadership team
  - e) and the complaint is serious, then the matter must be referred to the Board of Trustees for its consideration. "Serious" is defined as involving matters of teacher competence, conduct and discipline as defined in the Secondary Teachers' Collective Agreement, the Education Act, and other legal statutes.
6. If any written complaint is not upheld, this will be communicated in writing to the complainant by the Principal. All written records relating to the case will be noted with the outcome, and will be held in the School in a confidential file, held by the Principal, not on the teacher's personal file. This material will not be used for future teacher assessment.
7. All written records relating to complaints, which are upheld, will be kept on the teacher's personal file.

8. Where there are repeated upheld complaints about a staff member, the matter should be referred to the Board of Trustees for consideration.
  - a) If the repeated complaints become an issue of teacher competency, then the Principal shall advise the teacher in writing that competency proceedings are to begin.
  - b) The teacher should be advised of their rights according to the Secondary Teachers' Collective Agreement before any formal meeting regarding competency occurs. Procedures laid down in the collective agreement will be followed.
9. A complaint file is maintained by the Principal in written format.

### **Written Complaint against a Voluntary Contributor**

1. Where a complaint is laid against a voluntary contributor to a School programme e.g. a parent coach, the complainant will be advised that the normal complaint procedure does not apply.
2. The Principal shall deal with the complaint, in the first instance, by talking to the complainant, and if necessary following that up with a meeting with the volunteer. It needs to be borne in mind that volunteers help the School for no remuneration and every effort must be made to resolve the complaint and retain their goodwill.

### **Complaints against staff regarding child abuse allegations**

1. If the allegation is considered serious, the Chairperson of the Board of Trustees is to be informed as soon as possible. The Principal and Board Chair will then determine if the Board should become involved and determine what other parties should be consulted.
2. Legal advice is to be obtained and the School's insurer advised.
3. The Principal shall determine who in the first instance should deal with the complaint but should preferably have separate parties dealing with the reporting procedure in respect of the child and the procedure in dealing with the employee.
4. If the Principal and Chairperson determine that there is sufficient evidence to support the allegation of abuse then the NZ Police are to be informed. The Board is to be advised prior to this occurring.
5. In dealing with the Child
  - a) The safety of the child or young person is to be the first consideration
  - b) Properly qualified and trained staff are to be utilised and the child is to be encouraged to have a parent, friend or support with them at any interview dealing with the complaint.
  - c) Proper and full records are kept of any comments made by the student for future evidence, as may be necessary.
  - d) Under no circumstances should the child or young person raising the concern or making the allegation be exposed to unnecessary risk. This may require the Board to contemplate removal of the employee from the School environment.
6. In dealing with the employee
  - a) The decision to follow up on an allegation of suspected abuse is to be made in conjunction with the Chairperson of the Board of Trustees and the NZ Police
  - b) The Principal and/or the Chairperson of the Board of Trustees will have a dual responsibility in respect of both the child or young person and the employee.
  - c) The consultation, with Police or Board of Trustees' Chairperson, as noted above, should determine the extent of the assistance the School can give to the investigation.
  - d) Consider the timeframe to be followed, with regard to the possible conflict between what steps the Board may take as an employer and possible police intervention

- e) Consider the employer role of the Board in conjunction with any procedures outlined in relevant employee contracts.
  - f) When it has been determined the Board should pursue the matter as an employer, the board should advise the person of the allegation and seek a response.
  - g) The employee complained against should be advised of their right to seek support/advice from:
    - i) NZEI, PPTA counsellor or field officer, or other appropriate union/representative
    - ii) Other relevant teachers' organizations or unions if applicable.
7. The Board is to take care to ensure actions taken by the School do not undermine or frustrate any investigations being conducted by any external agency. The Board is to maintain a close liaison with agencies such as the Police and New Zealand Teachers' Council to achieve this.

### **Complaints dealing with harassment relating to staff**

1. Anyone with an inquiry or a complaint about harassment may approach or will be referred to:
- a) Guidance Counsellor or
  - b) A member of the Strategic Lead Team.
  - c) The Principal
  - d) Outside agencies as appropriate.

There is choice available for students wishing to make a complaint and students should be encouraged to have a parent, friend or support person at any interview dealing with the complaint.

2. If there is no informal resolution and in consultation with the complainant, the person contacted above will notify:
- a) In the case of a PPTA member, the appropriate PPTA official who, if the complainant wishes, will invoke the union's procedures, or;
  - b) The Guidance Counsellor who will seek informal resolution of the complaint in consultation with the complainant or if the complainant wishes, receive a formal written complaint.
3. If a formal written complaint is received the Guidance Counsellor, in consultation with the Complainant will refer the complaint to the Principal, who, where appropriate, will consult the Board of Trustees' Chairperson. Legal guidance will be sought by the Principal through such avenues as NZSTA, NZTC and the Human Rights Commission. The Schools insurers are to be advised.
4. If, as a result of a student complaint, a teacher is warned or disciplined, great care is to be taken to ensure that the student who made the complaint is not under the control of the teacher complained about and is not victimised by that teacher or other members of the School community for making the complaint. The complainant should be advised that in the event of any victimisation she/he can turn to a designated support person for assistance.
5. The parties making a complaint shall be advised at all stages that they have a right to outside agencies who have powers to investigate complaints.

### **Media Publicity and Subsequent Public Interest**

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General or specific complaints or criticism regarding the School which may be covered by the media are only to be responded to by either the Chair of the Board of Trustees or the Principal

### **Related Policies and Guidelines**

EEO

Health and Safety

## Documentation

Staff Manual

School Caretakers' and Cleaners' (including Canteen Workers) Collective Agreements

Secondary and Area School Groundstaff Collective Agreement

Secondary Principals' Collective Agreement

Secondary Teachers' Collective Agreement

Support Staff in Schools' Collective Agreement

Education Act 1989

Human Rights Act 1993

NZSTA Guidelines

MoE Guidelines

<b>Date of Review</b>	2017
<b>Date of Next Review</b>	2020
<b>Signed by the Board Chair</b>	