

1. COMPLAINTS PROCEDURES (also see Concerns & Complaints Policy in Operational Policies)

The following procedures are set out to ensure that any complaint is dealt with in a fair and effective way, and complies with all requirements of employment contracts, collective agreements and statutory legislation.

PARENTS →STAFF (Less serious)

- Contact staff member initially
- If unresolved, contact senior leader
- If unresolved, contact principal
- If not resolved, then a written letter should be sent to the board of trustees. The board will instruct the principal to deal with the issue.

PARENTS →STAFF (More serious)

- Written complaint is addressed to the principal
- The principal will deal with the issue with consideration given to the collective agreements, employment contracts, sexual harassment guidelines and other legislation.

COMPLAINTS AGAINST COMPETENCY

- The principal will deal with these according to NZSTA guidelines and advice, collective agreements and other legislation. The NZSTA is contacted in the first instance.

DISCIPLINARY COMPLAINTS

- Any complaints with disciplinary implications will be dealt with by the principal taking into consideration all relevant legislation and with NZSTA advice if necessary.
- If the principal deems this to be serious, a disputes committee will convene to investigate and make a recommendation to the board for appropriate action.
- Any complaints not involving Disciplinary, Sexual Harassment, or Competency implications - the Principal will decide whether the matter requires further action. The Principal may consult "in committee" (excluding the Board Staff Representative if they are the subject of the complaint) with the Board or The Board Chair to decide on the appropriate course of action
- If action is to be taken the Principal will:
 - Supply a copy of the letter of complaint (excluding any personal details of the complainant eg names etc where those details are considered irrelevant in order for the staff member to reply) to the staff member involved and request a written response
 - Advise the staff member of their right to be represented by a professional and or union representative
- The Principal will reply to the complainant in writing detailing how the complaint has been dealt with including the complainant's options should they not be satisfied with the outcome including making a complaint to the Board against the Principal's decision
- If the written complaint is addressed to the Board, it may refer it back to the Principal to resolve or investigate further) - any such discussion within the Board will be held "in-committee" excluding the Board Staff Representative if they are the subject of the complaint.

COMPLAINTS AGAINST THE PRINCIPAL

- Refer to the steps to be followed in the board's policy 'Disciplinary Process in Relation to the Principal Policy.

COMPLAINTS AGAINST THE BOARD

- Written complaints against the Board involving any allegation of incompetence, misconduct, or dereliction of duty are to be referred (by The Board) to a panel (appointed by an independent Justice of the Peace) comprising three or more people and may include
 - A Principal of another local school and/or
 - A New Zealand School Trustees Association representative and/or
 - Any other suitable person
- This panel will decide whether the matter requires action (and what) to be taken and will reply to the complainant in writing detailing how the complaint has been dealt with and what the alternatives are if they are not satisfied with the outcome

Establishment of a Disputes Committee

Where the options above necessitate it, the Board will establish a Disputes Committee and has the authority to include non-Board members of appropriate expertise. This committee should include a support person nominated by the staff member involved in the complaint as well as a professional or New Zealand School Trustees representative selected by the Board.

The Disputes Committee will have the responsibility of deciding whether a complaint has been established. They will ensure:

- All relevant information presented is considered
- No one with a personal interest or a predetermined view will become a member of that Disputes Committee
- Any party involved will have a right to have a supporter, lay advocate, or legal representative present - the Board will not be liable for any expenses incurred through this representation

After the hearing the Disputes Committee will either:

- Find the complaint not established and advise the Board to communicate this to the complainant in writing along with their alternatives if they are not satisfied with the outcome
- Find the complaint established and make a recommendation to the Board. The Board will ("in committee" excluding any persons holding a conflict of interest) make the final decision with regard to what action is necessary and communicate this to the complainant in writing along with their alternatives if they are not satisfied with the outcome