

# Health and Safety

## Requirements and Oversight at Papatoetoe Intermediate School.

### Book 1

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## Papatoetoe Intermediate School Board Policies relating to Health and Safety

### 1. Health and Safety Policy

The legislative framework for health and safety is Health and Safety at Work Act 2015.

The Papatoetoe Intermediate School Board is committed to providing and maintaining a safe and healthy workplace and to providing the information, training and supervision needed to achieve this to ensure the health and safety of all students, staff and other people in the workplace. Our Board is responsible for ensuring health and safety procedures are developed and implemented, however, employees need to be aware of their responsibilities and comply with the Board's health and safety policy and school procedures.

The Board will, as far as is reasonably practicable; comply with the provisions of legislation dealing with health and safety in the workplace, by:

- providing a safe physical and emotional learning environment
- ensuring a health and safety strategy/plan is in place and engagement and consultation with workers and the school community on the strategy occurs
- ensure there are procedures in place regarding the sale, supply and consumption of alcohol and that these are aligned with the protection of students, staff and visitors to the school procedures, and comply with the Sale and Supply of Alcohol Act 2012  
<http://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html>
- providing adequate facilities, including ensuring access and ensuring property and equipment is safe to use and students and workers are not exposed to hazards
- ensuring there is an effective method in place for identifying, assessing and controlling hazards. This includes recording and investigating injuries, and reporting serious harm incidents
- having a commitment to a culture of continuous improvement

The Principal, as The Board appointed Health and Safety Officer, has responsibility for implementing this policy and therefore must:

- exercise due diligence in accordance with the provisions of the health and safety legislation, and in particular the six due diligence obligations
- take all reasonable steps to protect students, staff and visitors to the school from unsafe or unhealthy conditions or practices
- ensure that the staff code of conduct is implemented effectively
- ensure there is zero tolerance to unacceptable behaviour, such as bullying, and that there are effective processes in place
- provide a smoke free environment
- ensure a risk analysis management system (RAMS) is in place and carried out
- seek approval for overnight stays/camps/visits attesting first to their compliance with above
- consult with the community every two years regarding the health programme being delivered to students

- provide information and training opportunities to employees
- advise the board chair of any emergency situations as soon as possible
- ensure all employees and other workers at the school will take reasonable care to:
  - cooperate with school health and safety procedures
  - comply with the health and safety legislation, duties of workers
  - ensure their own safety at work
  - promote and contribute to a safety conscious culture at the school.

Review schedule: Triennially

## **1. Child Protection Policy**

The legislative framework for the Child Protection Policy is the Vulnerable Children’s Act 2014 and the Children, Young Person and Their Families Act .

This policy outlines our Board’s commitment to child protection and recognises the important role and responsibility of all our staff in the protection of children. It includes the Board’s expectations when child abuse is reported or suspected by any staff member including support staff, teachers or RTLB.

All staff members (including contractors and volunteers) are expected to be familiar with this policy, its associated procedures and protocols and abide by them.

The School Board has an obligation to ensure the wellbeing of children in our care so they thrive, belong and achieve. We are committed to the prevention of child abuse and neglect and to the protection of all children. The safety and wellbeing of the child is our top priority. Advice will be sought through appropriate agencies in all cases of suspected or alleged abuse.

In line with section 15 of the Children, Young Person and Their Families Act, any person in our school/kura who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually) ill-treated, abused, neglected, or deprived must follow school procedures and may also report the matter to a social worker or the local police.

Although ultimate accountability sits with the Board, the Board delegates responsibility to the Principal to ensure that all child safety procedures are implemented and available to all staff, contractors, volunteers and parents. Therefore, the principal must:

1. Develop appropriate procedures to meet child safety requirements as required and appropriate to the school
2. Comply with relevant legislative requirements and responsibilities
3. Make this policy available on the school’s internet site or available on request
4. Ensure that every contract, or funding arrangement, that the school enters into requires the adoption of child protection policies where required
5. Ensure the interests and protection of the child are paramount in all circumstances

6. Recognise the rights of family/whanau to participate in the decision-making about their children
7. Ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect, deal with disclosures by children and allegations against staff members and are able to take appropriate action in response
8. Support all staff to work in accordance with this policy, to work with partner agencies and organisations to ensure child protection policies are understood and implemented
9. Promote a culture where staff feel confident they can constructively challenge poor practice or raise issues of concern without fear of reprisal
10. Consult, discuss and share relevant information, in line with our commitment to confidentiality and information sharing protocols, in a timely way regarding any concerns about an individual child with the board or designated person
11. Seek advice as necessary from NZSTA advisors on employment matters and other relevant agencies where child safety issues arise
12. Make available professional development, resources and/or advice to ensure all staff can carry out their roles in terms of this policy
13. Ensure that this policy forms part of the initial staff induction programme for each staff member
14. Have in place a procedure that appropriately supports the acceptance of claims and investigations into historic abuse

**Review schedule:** Review schedule: Triennially

**Related documentation and information**

- Further information including frequently asked questions (FAQ's) are available on the NZSTA website [www.nzsta.org.nz](http://www.nzsta.org.nz)
- Ministry of Education website [www.education.govt.nz](http://www.education.govt.nz)
- Vulnerable Children Act 2014
- Further information and sample child protection templates are available in the Children's Action Plan guideline Safer Organisations, Safer Children:  
<http://www.childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Safer-Organisations-safer-children.pdf>

**1. Legal Responsibilities Policy**

School procedures will meet the legislative statutes and regulations as set down in the appropriate Acts, Ministry of Education circulars and the Education Gazette.

*Review schedule: Triennially*

**Legal responsibilities includes:**

- Enrolment Policy and Procedures
- Complaints Procedures
  - Making a Sensitive or Historic Claim Procedure
- International Students Policies and Procedures

- Care of Animals and their Rights Policies and Procedures
- Overseas Travel Policies and Procedures

## **How the Board Health and Safety Policy is maintained and managed**

*The board will, as far as is reasonably practicable,<sup>1</sup> comply with the provisions of legislation dealing with health and safety in the workplace, by:*

### **1. Providing a safe physical and emotional learning environment by ensuring that all related procedures are maintained and adhered to:**

- See Health and Safety and Emergency Procedures Handbooks including:
  - Emergency Drills and Procedures
  - Complaints Procedures
    - Making a Sensitive or Historic Claim Procedure
  - Staff Induction Procedures
  - Student Induction Procedures
  - Pandemic Procedures
  - Traumatic and Crisis Management Procedures
  - Hazards and Risk Management Procedures
  - Serious Injuries Procedures
  - Education Outside of the Classroom and Risk Identification and Management (RAM's) Procedures
  - Police Vetting Procedures (Personnel Handbook)

### **See also**

- 'STAR Way' Handbook (Behaviour management procedures)
- Personnel Handbook – Personnel management
- Learning Support and Guidance Handbook – Student support
- Induction Handbook
- RTLB Operations Handbook
- Transition Handbook

The Principal regularly reports to the Board, in relation to Health and Safety, on:

- Health management – adherence to policy and procedure, as required
- Hazards and Risk management – each term (and as required)
- Student behaviour and attendance – each term
- Personnel management – monthly
- Learning Support and Guidance – each term

### **2. Ensuring a health and safety strategy/plan is in place and engagement and consultation with workers and the school community on the strategy occurs through:**

- Regular review processes are reported to the BOT by the Principal

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<sup>1</sup> **Reasonably practicable** means what is or was reasonably able to be done at a particular time to ensure health and safety, taking into account and weighing up all relevant matters.

- The Wellbeing Survey – Term 2
- The Inclusion Survey – Bi annually, Term 3 (starting in 2017)
- Health and Safety Team meeting minutes – three times a year (Terms 1, 2, 3)
- Property Meeting minutes - termly
- Principals Reports – monthly
- Community Hui feedback – when discussions are about aspects of Health and Safety up to twice a year

**3. Providing adequate facilities, including ensuring access and ensuring property and equipment is safe to use and students and workers are not exposed to hazards by:**

- Hazard Reporting processes (see Principal Reports including Property and Health and Safety minutes)
  - All identified Hazards are reported to the Caretaker, Executive Officer and Watershed (Property Management and Consulting firm)
  - Any identified Hazard that is assessed as ‘high risk’ has an immediate plan of action to minimise the risk and possibility of harm
  - Identified hazards are reported on to the BOT regarding risk and management
- Regular area audit and compliance reporting (see Health and Safety Handbook Section 2)

**4. Ensuring there is an effective method in place for identifying, assessing and controlling hazards. This includes recording and investigating injuries, and reporting serious harm incidents:**

- Principal reporting as outlined above re: Serious injuries, Hazards
- ACC and Accident reporting

**5. Having a commitment to a culture of continuous improvement:**

- **The BoT has an on-going commitment to training in the requirements under the Health and Safety Policy areas:**
  - Vulnerable Children’s Act
  - Health and Safety at Work Act
  - Health and Safety requirements regarding Education Outside of The Classroom
  - Police Vetting Requirements
- **The Principal reports to the Board on a regular basis regarding;**
  - Self-review processes – each term
  - Community Hui feedback – twice a year
  - Data provided re student behaviour – monthly
  - Compliance under the above legislation and requirements

## How the Principal oversees and implements these policies

*The Principal, as the Board appointed Health and Safety Officer has responsibility for implementing this policy and therefore must:*

- 1. Exercise due diligence in accordance with the provisions of the health and safety legislation, and in particular the six due diligence obligations<sup>2</sup>**
  - Implementing the behavioural expectations through the 'STAR Way' (see STAR Way Handbook)
  - On-going review of behavioural data and ensuring analysis that leads to identification of times, incidents and areas of concern and addressing those as a staff
  - Working with students to identify and address concerns through use of Student Leaders meetings, class meetings, Wellbeing Surveys
  - Addressing identified concerns with students (at Assemblies, in Syndicates and in classes, specifically and via curriculum delivery)
  - Discussing EEO and Health and Safety matters at every meeting and for concerns identified through meeting minutes from meetings to be addressed through the Senior Leadership Team
  - Regularly discusses any health and safety matters relating to RTLB with the Cluster Manager
  - Regular Health and Safety meetings that do not include the Principal but do include the appointed Health and Safety school representatives and representatives of each teaching Syndicate, RTLB and students
  - *Also see Complaints Procedure, Harassment and Bullying Procedure and Protected Disclosures Procedures*
  
- 2. Take all reasonable steps to protect students, staff and visitors to the school from unsafe or unhealthy conditions or practices**
  - *Also see the Health and Safety Handbook Section 2*
  - Undertaking regular Health and Safety 'area audits' over the course of each year
  - Working with our Property Manager (*Currently 'Watershed'*) to ensure weekly checks of school property are undertaken with the Caretaker and Principal or their delegated leader
  - Ensuring that work of the school cleaners meets contractual requirements
  - Regular and on-going (specifically relevant) professional development for the Caretaker, Teachers, other staff members and students on:
    - Health and Safety requirements at induction and in an on-going way

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<sup>2</sup> know about work health and safety matters and keep up-to-date, gain an understanding of the operations of the organisation and the hazards and risks generally associated with those operations, ensure the PCBU has appropriate resources and processes to eliminate or minimise those risks, ensure the PCBU has appropriate processes for receiving information about incidents, hazards and risks, and for responding to that information, ensure there are processes for complying with any duty, and that these are implemented, verify that these resources and processes are in place and being used.

- Emergency Procedures
  - Education Outside of the Classroom (EOTC) requirements
  - Health and Safety Officers and Representatives training
  - Pandemic and Infectious disease management procedures
- 3. Ensure that the staff code of conduct is implemented effectively**
- Also see *Personnel Handbook and the RTLB Operations Handbook*
  - Induction Procedures
  - Code of Conduct adherence and maintenance
  - Code of Conduct reviews and staff ‘refreshers’ on a regular basis
- 4. That there are effective processes in place**
- Also see *Health and Safety reporting procedures, meeting agenda etc., (Health and Safety Handbook Section 2)*
  - Also see *Complaints Procedure – Personnel Handbook*
    - *Making a Sensitive or Historic Claims Procedure - Personnel Handbook*
- 5. Provide a smoke free environment**
- The Principal with all staff ensure that the school and all school-related activities support the expectations of a ‘smoke free environment’
  - Also see *staff members Induction Processes – Personnel Handbook*
  - Also see *Parent Information for trips and EOTC – Health and Safety Handbook Section 3, Risk Management and Education Outside of the Classroom (EOTC)*
- 6. Ensure a risk analysis management system (RAMS) is in place and carried out**
- Also see *Risk Analysis and Management procedures and documentation – Health and Safety Handbook Section 3*
- 7. Seek approval for overnight stays/camps/visits attesting first to their compliance with above**
- Also see *Risk Analysis and Management procedures and documentation - – Health and Safety Handbook Section 3*
  - Including EOTC requirements for planning and preparation
  - Including EOTC requirements for student and parent induction during EOTC events
- 8. Consult with the community every two years regarding the health programme being delivered to students**
- Community consultation in even years:**
- Personal Growth and Development: Mental Health support



- Keeping Ourselves Safe/ Standing up for myself
- Cybersafety and anti-bullying

**Community consultation in odd years:**

- Pubertal Change
- Effects of harmful substances/ Life Education programmes
- Relationships with others; Dealing with change /Restorative Practices

**9. Provide information and training opportunities to employees on a regular basis**

**a. Health Curriculum**

- Health Promoting Schools support for Health Curriculum Leader/s
- Life Education and/or other support Agencies for all staff re specific programmes
- Curriculum specific staff and team meetings

**b. Health and Safety and Emergency Procedures**

- Reminders at staff meetings as required
- Regular updates at staff meeting as required
- Emergency Procedures training at the start of every year, during induction and regular termly practices

**c. Risk / Hazard Identification and Management**

- Regular whole staff reminders and PD as required

**d. First Aid training** for all staff over a two year rotation

**e. Student safety and referral PD for staff including**

- Identification and referral of abuse and neglect
- Vulnerable Children's Act Requirements
- Non-violent Crisis Intervention
- Restraint and Seclusion
- Restorative Practices
- Cybersafety and our schools expectations re online safety for students, teachers/staff etc., as the need arises

**10. Advise the Presiding Board member of any emergency situations as soon as possible**

- *See Crisis Intervention and Management Procedures*

**11. Ensure all employees and other workers at the school will take reasonable care to:**

- cooperate with school health and safety procedures
- comply with the health and safety legislation, duties of workers
- ensure their own safety at work
- promote and contribute to a safety conscious culture at the school.

**12. All staff, students and visitors are responsible for reporting and minimising risks and hazards**

- See Hazard Reporting and Section 2 of the Health and Safety Handbook

**13. The Principal with the Financial Manager, Caretaker and Property Manager (currently Watershed) are responsible for working with students, staff and visitors to take all reasonable steps to minimise and reduce risk and possibilities for harm**

- All meeting agenda have a requirement to check for risks regarding Health and Safety including EEO risks
- All identified risks are analysed by senior leaders for seriousness and reasonable steps are taken to understand and minimise the risks
- Student leader and class meetings also have Health and Safety reporting and all reasonable steps are taken to address the risks
- Serious risks identified by students, staff and to the school by visitors and members of the community are reported to the BOT and all reasonable steps are taken to address the concerns

**Child Protection Procedures for school and RTLB staff members**

*Although ultimate accountability sits with the Board, the Board delegates responsibility to the Principal to ensure that all child safety procedures are implemented and available to all staff, contractors, volunteers and parents.*

**Therefore, the Principal must:**

**1. Develop appropriate procedures to meet child safety requirements as required and appropriate to the school**

- See the 'Child Protection Handbook'
- See also the Learning Support and Guidance Handbook and The RTLB Operations Handbook
- See Reporting and Referral processes
  - to Pastoral Care, Senior Leaders, RTLB and Social Workers etc.,
  - By staff, teachers, students and whanau

**2. Comply with relevant legislative requirements and responsibilities**

- See Sections 2 and 3 Health and Safety Handbook
- See Personnel Handbook
- See Learning Support and Guidance Handbook
- See Emergency Procedures Handbook
- See Curriculum Handbook –re Health esp.,
- See Vulnerable Children's Act
- See Workplace Health and Safety Act

- See Police Vetting Procedures
  - See EOTC Procedures
  - See Code of Conduct
  - See Protected Disclosures
  - See Health and Safety Procedures for visitors and contractors
3. **Make this policy available on the school's internet site or available on request**
    - See school website
    - See Admin requests for information
  4. **Ensure that every contract, or funding arrangement, that the school enters into requires the adoption of child protection policies where required**
    - See sample contracts available
  5. **Ensure the interests and protection of the child are paramount in all circumstances**
    - See Reporting abuse, risk or possible harm procedures
  6. **Recognise the rights of family/whanau to participate in the decision-making about their children**
    - See referral procedures to Pastoral Care/ Social Worker/ RTLB/ MOE/ Outside Agencies including Oranga Tamariki etc. in Learning Support and Guidance Handbook
  7. **Ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect, deal with disclosures by children and allegations against staff members and are able to take appropriate action in response**
    - See Pages 6, 9 and 10 of this Handbook regarding training for staff
      - re child protection, Vulnerable Children's Act and health and safety provided on induction and every two years (even years) and as required
  8. **Support all staff to work in accordance with this policy, to work with partner agencies and organisations to ensure child protection policies are understood and implemented**
    - See Learning Support and Guidance Handbook and RTLB Operations Handbook
    - See Referral procedures
    - See Sharing information protocol and procedures
    - See Skodel reporting requirements
  9. **Promote a culture where staff feel confident they can constructively challenge poor practice or raise issues of concern without fear of reprisal**
    - See Complaints procedures.
    - All staff members belong to structured teams (Admin, Support and Syndicate Team meetings) that meet weekly to discuss concerns
    - Teams are encouraged to discuss and problem solve concerns
    - The leaders of those teams refer more serious, widespread concerns to senior leaders
    - Senior Leaders will always respond to concerns raised and may
      - Decide if the concern is immediate and provide serious or immediate risk and if so make a short term immediate decision
      - Consult with those raising the concern
      - Consult wider – with other teams, students and/or the community

- Make a decision if action required
  - Work with staff/ students to implement the decision
  - Decisions to refer or raise concerns are sometimes made by small groups; 1 or two staff members. The staff member/s raising the concern and the relevant senior leader and/or social worker, may work independently or with the Principal to identify and address concerns.
  - Concerns may be informed 'officially' in writing.
- 10. Consult, discuss and share relevant information, in line with our commitment to confidentiality and information sharing protocols, in a timely way regarding any concerns about an individual child with the board or designated person**
- *See Referral procedures - Learning Support and Guidance Handbook*
  - *See Privacy and Information Sharing Handbook*
  - *See RTLB Operational Handbook re Seeking permissions and sharing information*
- 11. Seek advice as necessary from NZSTA advisors, or seek legal advice, on employment matters and other relevant agencies where child safety issues arise**
- 12. Make available professional development, resources and/or advice to ensure all staff can carry out their roles in terms of this policy**
- Professional development for staff regarding Child Protection Policy and Procedures will be undertaken once a year, ideally during Term 1
  - *See Pages 6, 9 and 10 of this Handbook regarding training for staff*
- 13. Ensure that this policy forms part of the initial staff induction programme for each staff member**
- *See Induction Procedures and Checklist*

## Other Board Policies

### 10. Legal Responsibilities Policy (Relating to Health and Safety)

School procedures will meet the legislative statutes and regulations as set down in the appropriate Acts, Ministry of Education circulars and the Education Gazette.

Review schedule: Triennially

#### Legal Responsibilities Policies and Procedures include:

- **10.1 Protected Disclosures Procedure**
  - **Complaints Procedure**
  - **Making a Sensitive of Historic Claim Procedure**
- **10.3 International Students Policy**
- **10.4 Animal Protection Policy**
- **10.5 Overseas Travel Policy**

## **10.1 Protected Disclosures Procedures**

### **Operational Procedure 2.4 Protected Disclosures** (see also Health and Safety Handbook)

#### **Rationale**

*The Papatoetoe Intermediate School Board of Trustees ensures procedures are in place to meet the requirements of the Protected Disclosures Act 2000. Please Note: The Act does not apply to parents or Board members unless they are staff members of the school. It is for the protection of employees. For the purposes of this Act the School Board is the employer. As a public sector organisation, Boards are required to have an internal procedure for staff, contractors, or former employees to make protected disclosures within the school.*

**The purpose of this procedure is to provide information and guidance for Papatoetoe Intermediate School employees who wish to report serious wrongdoing within the school or within RTLB Cluster 10 Manawanui**

#### ***Definition of Serious Wrongdoing***

The Protected Disclosure Act defines a serious wrongdoing as being any of the following:

- An unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- An act of omission or course of conduct that constitutes a serious risk to public health, or public safety, or the environment; or
- An act or omission or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to fair trial; or
- An act, omission, or course of conduct that constitutes an offence; or
- An act, omission, or course of conduct that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

#### ***Conditions for Disclosure***

Before making a disclosure the employee should be sure the following conditions are met:

- The information is about serious wrongdoing in or by the school/cluster; and
- The employee believes on reasonable grounds the information to be true or is likely to be true; and
- The employee wishes the wrongdoing to be investigated; and
- The employee wishes the disclosure to be protected.

### ***Who can make a Protected Disclosure?***

You are able to make a disclosure under the provisions of this Act if you meet any of the following categories:

- A staff member (either temporary or permanent) of Papatoetoe Intermediate or RTLB Cluster 10
- A contractor supplying services to the school/cluster
- A former staff member (either temporary or permanent)

### ***Protection of Employees making Disclosures***

An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:

- May bring a personal grievance in respect of retaliatory action from their employers
- May access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers
- Are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure
- Are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure
- Will, subject to Clause 5 of the Procedure, have their disclosure treated with the utmost confidentiality

This protection depends on a person making the disclosure in accordance with these internal procedures and will not be available to employees making allegations they know to be false or where they have acted in bad faith.

### **Protected Disclosures Act Procedures**

To make a protected disclosure an employee should:

1. Put the disclosure in writing, stating the nature of the wrongdoing and the names of the people involved.
2. State that they wish the disclosure to be protected.
  - By making the disclosure protected, the person will be immune from civil, criminal, or disciplinary proceedings being taken because of making the disclosure.
  - The disclosure officer will use their best endeavours to protect the identity unless identifying it is essential for the investigation, to prevent serious risk to public health, or is under the principles of natural justice.
  - Protection only applies to serious wrongdoing (see the definition above) and anyone who makes a disclosure they know is false, or in bad faith, is not protected by the Act.

3. Sign and date the letter. Include your return address details and send it to the disclosure officer.
4. Unless it is inappropriate, **the Principal is the school's disclosure officer.**
5. If the person thinks the principal is involved, or associates with someone who is involved in the wrongdoing, contact the Presiding Board Member or an appropriate outside authority e.g. Secretary for Education, Ombudsman

### **Managing a Protected Disclosure**

- The Principal will acknowledge receipt of the disclosure in writing and report it to the Presiding Board Member who will refer the matter to the Board. If the disclosure relates to the Board Chair, the Principal refers it to the Deputy Presiding Member.
- The Board/ Principal will consider the disclosure and determine the scope and management of any investigation, including the process to be followed and who will be involved.
  - All steps must be taken to ensure that the identity of the person making the disclosure remains confidential.
- If, for reasons of natural justice, it is deemed impossible to investigate a disclosure and maintain confidentiality, the Principal will communicate this directly to the complainant and discuss the reasons for this decision.
- The Principal has a duty of care to the employee who has made the disclosure and will maintain close contact with them throughout the process to ensure that any support necessary is put in place, and to keep them generally informed of progress in the investigation.
- The Board/ Principal will consider seeking legal advice, and may refer any complainant to the Office of the Ombudsman, which has a statutory role in providing advice and information to employees making a disclosure.
- Within 20 working days the Principal reports to the employee concerned on the progress of their disclosure.
  - This includes any actions taken and/or recommended, and whether or not the disclosure is deemed a serious wrongdoing.

## **Complaints Procedures (as part of the Personnel Handbook) Operational Procedure No. 2.2**

*Papatoetoe Intermediate School, including Manawanui RTLB Cluster 10, is open to feedback and committed to seeking appropriate resolution of concerns or complaints and addressing policy and process inadequacies highlighted by them.*

### **Introduction**

- The Papatoetoe Intermediate School Board believes effective complaint handling is fundamental to the ongoing success of our school and Manawanui RTLB Cluster 10
- People have a right to make comments or raise concerns and expect them to be heard. In addition, providing an effective complaints process supports the identification of improvements that can be made.
- The complaint process is a confidential process and should always seek to preserve the 'mana' of everyone involved; the complainant, the person against whom the complaint is laid, along with the person charged with addressing concerns.

### **Papatoetoe Intermediate School seeks to ensure that our complaints process are:**

- Fair
- Accessible
- Responsive; and
- Efficient

### **Definitions**

1. **A concern** is a matter that a person believes is important and needs to be addressed but may be investigated and resolved in an informal way (e.g. through discussions, restorative processes, as a generalised discussion or instruction etc.)
2. **A complaint** is a matter that affects the ongoing wellbeing and safety of a person or persons or organisation. A complaint needs to be investigated and addressed either directly with an individual or with a group of people and may use informal or formal processes for resolution.
3. **A serious complaint** is a matter that identifies a serious risk to people, persons or the organisation and may result in disciplinary action or be referred to the police or a higher authority.
4. **Bullying is**
  - a. deliberate - harming another person intentionally
  - b. involves a misuse of power in a relationship
  - c. usually not a one-off - it is repeated, or has the potential to be repeated over time



d. involves behaviour that can cause harm - it is not a 'normal' part of life

**Complaints or concerns may include:**

- Bullying or Harassment
- Disclosures and Protected disclosures (see Operational Procedure 2.4 )
- Inappropriate behaviour by staff, students, Board members, other members of the school community
- Ineffective practices used by staff
- Instances that cause offence, are considered demeaning, racist or considered discriminating

**In the first instance**, the Principal or appropriate school leaders will strive to address concerns or complaints informally. Through face to face meetings with facilitated and fair discussion in order to seek resolution and shared understandings. Our school uses a 'restorative approach'.

**Matters dealing with student achievement or student management should primarily be dealt with by the teacher or RTLB concerned**

The person who is dealing with the concern or complaint may seek support and advice. We encourage those about whom a complaint is made to also seek support and advice. We remind staff members that counselling is available.

**If a matter is unresolved or not adequately investigated, addressed or resolved** it should be referred to the Syndicate Leader, Practice Leader, Cluster Manager or Principal.

If a formal complaint is received by the Principal they will follow the same formal processes as outlined below, for the Board.

**Complaints may be referred to the Board** if a complaint is received from or about Board members, the Principal, leaders, RTLB, teachers, staff, students or members of the community.

On receipt of a complaint to the Board the Presiding Member will

- a) Acknowledge receipt of the complaint
- b) Seek clarification and ensure this is a matter to be dealt with by the Board. If the matter is considered to not be a Board matter it will be referred back to the Principal.
- c) The Presiding Member may convene a sub committee of the Board, if this is deemed necessary
- d) The Presiding Member may seek legal advice
- e) They will ensure an investigation is undertaken which meets fair and reasonable process and allows for adequate input from all parties involved
- f) Provide a written summary of the outcome/s of the investigation to all parties involved

**Serious complaints may be referred directly to the Board or may be referred to the Principal who will inform the Board.** These may include complaints about alleged misconduct and employee discipline, or from or about board members or the Principal.

The Presiding Member will

- a) Acknowledge receipt of the complaint
- b) The Presiding Member may convene a sub committee of the Board
- c) The Presiding Member may seek legal advice
- d) They will ensure an investigation is undertaken which meets fair and reasonable process and allows for adequate input from all parties involved
- e) Provide a written summary of the outcome/s of the investigation to all parties involved

**Assessing a complaint**

**When assessing a complaint the following will be included**

- what the complaint is about
- how serious or urgent the complaint is
- whether the complaint may indicate a systemic problem
- what risks the complaint raises and what kind of resolution the complainant is seeking

After considering these matters

- a decision can be made as to whether the complaint can be resolved quickly and informally
- whether no action should be taken and an explanation given to the complainant
- or whether an investigation into the matter is needed

**Investigating a complaint**

**Any investigation that is undertaken must be fair. To ensure fair process, the investigators/s will**

- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest. At any stage in the complaints process a staff or Board member may pass the complaint to an 'independent investigator' if they believe there is a 'conflict of interest' or 'perceived' conflict of interest
- consider all information and evidence carefully
- keep the complaint confidential, with the complaint considered in private and information only discussed internally as necessary to properly review the matter of concern
- act without undue delay

The complainant will be given a fair chance to present their position, and be advised of the findings in order to

- check investigator/s have the correct facts
- identify any major issues that may be of concern to the person and which they may seek to challenge later if they are not addressed

The person/ people about whom a complaint is laid is also entitled to

- understand the complaint
- seek support
- a fair chance to present their position at each stage of the complaints process (initially, within the investigation, at the summary stage and on hearing the outcomes)
- be advised of the complaint process and expected timeframes
- provide their evidence and check investigators have the correct facts
- and be advised of the findings
- understand any possible outcomes resulting from the investigation

Once all relevant information and evidence has been gathered, the matters of concern will be assessed, and conclusions reached. Depending on the nature of the concerns that have been raised, and the proposed outcome of the complaint, the conclusions may be brief or may need to be more detailed.

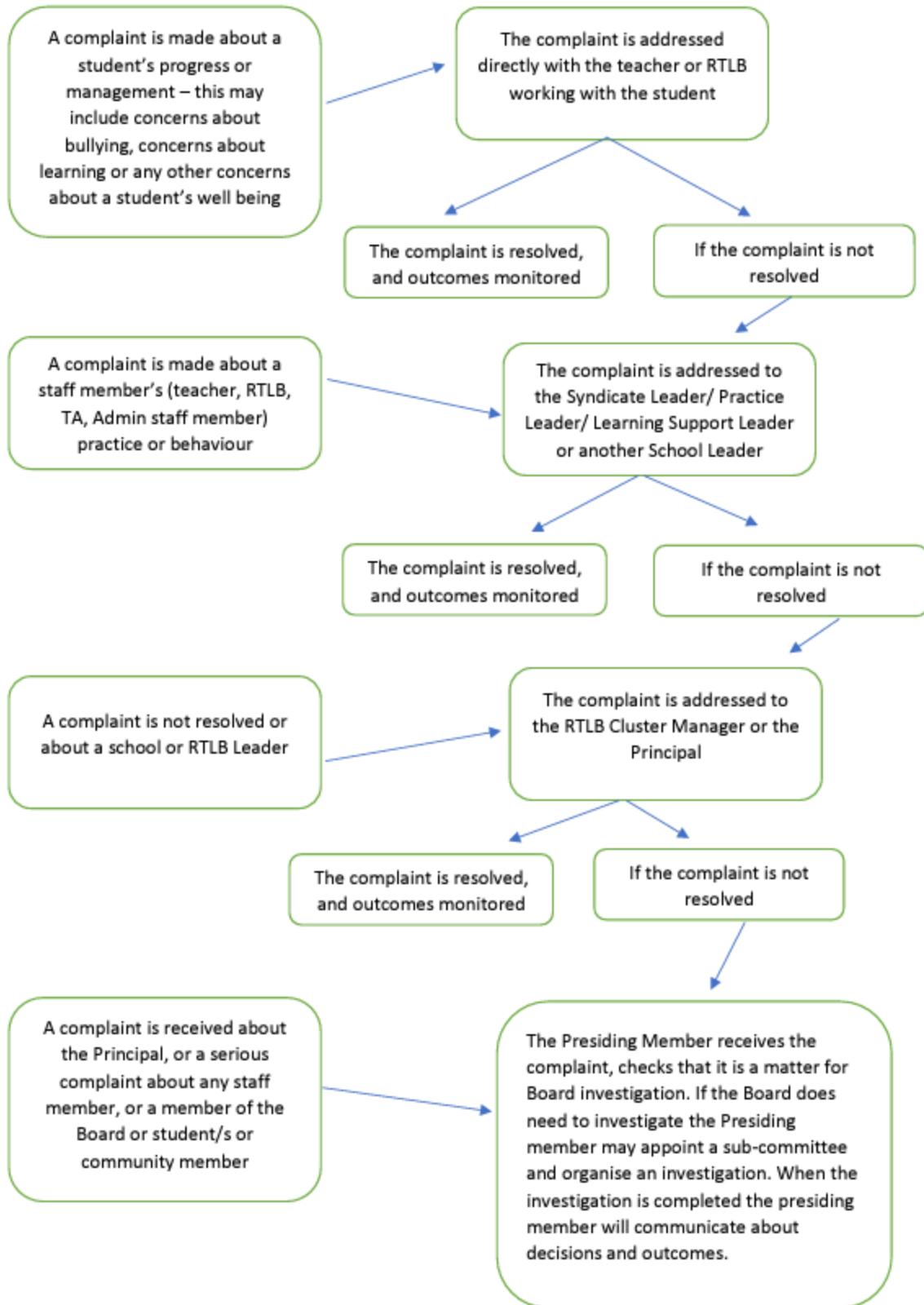
If it has been identified that something has 'gone wrong', the conclusions will include action that can be taken to resolve the complaint. This may include internal action such as changes to policies, procedures or practices. If nothing wrong is identified, the reasons why our schools actions are considered fair and reasonable will be set out.

**Once the investigation is complete, the complainant and the person/people about whom the complaint is made will be advised of**

- the outcome of the complaint investigation
- the reasons for any decisions that have been made
- or whether a review of the matter is needed

***These Procedures are reviewed annually and readily available on our school and RTLB websites, or on request from the Principal's PA or Board Secretary.***

### Complaints Procedures Diagram



## **Record Keeping**

1. **Any person receiving a complaint or concern will keep a written record**, of the complaint, the discussions had, the agreed understandings and outcome
2. **Full notes should be taken**, checked and signed at the following times:
  - a. When the complaint is received
  - b. For all formal interviews, discussions and actions.
3. **A timeline should be kept** of all matters pertaining to the complaint process
  - a. A timeline should be provided to the complainant and to the other people involved (people being interviewed and the people/persons the complaint is about)
4. **A summary of the complaint and the investigation, outcomes and actions taken** should be provided to all people involved and retained in the 'complaints file'
  - a. Any ongoing matters pertaining to a particular complaint should be added to that file.
  - b. All such records should be kept in a separate and confidential file until the matter is completed
5. **If an informal intervention or mediation has resolved an issue** a record of the agreement reached should be kept in a confidential file by the Principal [or Presiding Member] so that the agreement can be monitored. No details of the complaint or agreement are to be entered onto the personal files of either party.
6. **If a formal complaint is made, investigated and unsubstantiated**, nothing will be noted on any personnel files but will be added to the 'complaints summary' for that person and the school and may be used only for monitoring purposes
7. **If a formal complaint is made, investigated and substantiated**, then the personnel file will contain a summary of the nature of the complaint, the outcome and the penalty if any disciplinary action is taken. The time period for which this is to remain on the file will be stated in the papers.
8. **A full record of information obtained during an investigation and the disciplinary interview will be kept in a separate, confidential file by the Principal.**
9. **If the complaint is 'serious' then it must be, by law, referred to the Teaching Council and/or Police**
10. **Personnel files - Before the placement of the summary into a personnel file** consideration must be taken of the seriousness of the behaviour and the relevant employment contract. People must be notified if anything is to be added to their personnel file and they must have access to all information kept
  - a. No record of the complaint will be placed on the complainant's personal file unless it is with the complainant's permission and necessary to explain a work performance problem.

- b. If a complaint is found not to be proven or cannot be resolved, all records should be kept but in a separate, confidential file by the Principal. The complainant or the person complained about may take the matter further and the school may need to show that the complaint was handled appropriately.

11. **A summary of incidents of complaints made and complaints received should be kept** for each person. In this way the school can monitor incidences, school culture and how effectively its complaints procedures are operating.

## **Making a Sensitive or Historic Claim Procedure**

Papatoetoe Intermediate School is committed to the safety and wellbeing of all staff and students - both present and past. If you feel you have been unjustly treated while attending Papatoetoe Intermediate School please talk with us. Our school is committed to providing information, supporting claimants and helping to investigate claims.

### **To make a claim**

- Contact our school office directly and ask to speak with the Principal or Deputy Principal.
- Alternatively you can email the Board.
  - You can do this by email, or phone.
  - Contact details are on our school website or available from the school office.

### Alternatively you can

- Contact the Ministry of Education

[Ministry of Education Redress Process: Sensitive Claims Lodgement Form](#)

- Or the Police and make a complaint

<https://www.govt.nz/browse/law-crime-and-justice/crimes-and-emergencies/report-a-crime-thats-not-an-emergency>

### **When a claim is received we will**

- Record the complaint and your contact details, we will email you confirming the details you have provided
- We will check dates, student enrolment and personnel employment information
- We will contact the MOE and the Police and, with your permission pass, on the information and ask they undertake a full investigation
- We will keep in touch and ensure the investigation is progressing

### **10.3 Policy for International Fee Paying Students**

*Papatoetoe Intermediate School provides a New Zealand educational experience for international students that is in full compliance with The Code of Practice for the Pastoral Care of International Students.*

*Our school provides individually tailored programmes for our International Students which takes into consideration their levels of proficiency in English and academic attainment and progress.*

**This policy will ensure:**

1. Provisions of the NZQA Code of Practice are adhered to and students receive a high level of Pastoral Care with focus on both academic progress and well being.
2. Enrolment procedures for international students are transparent and clear to both provider and client.
3. The enrolment of international fee-paying students into the school is well managed.
4. International students have the same rights to educational opportunities as any other student at Papatoetoe Intermediate School .

**Papatoetoe Intermediate School will provide appropriate programmes to meet the individual, learning, and social needs of the international fee-paying students by:**

- a. Ensuring a school leader oversees all academic and pastoral care for each international student.
- b. Providing an orientation and Peer Support programme
- c. Providing effective pastoral guidance and support.
- d. Providing appropriate Language Learning Programmes if this is required.
- e. Ensuring a high standard of teaching and learning support.
- f. Providing opportunities to gain a knowledge and appreciation of life and culture in New Zealand.

**The School Board will ensure that:**

- a) Fees for international fee-paying students are reviewed annually and are set at a level as to ensure that they are not subsidised by the taxpayers of New Zealand, or by parents of the non-fee-paying students.
- b) Fee-paying students directly benefit from the revenue generated by their enrollment.
- c) No fee-paying student occupies a place in preference to an eligible domestic student, in accordance with the Education Amendment Act 1989.
- d) A transparent and fair policy regarding the refund of international student fees.
- e) Papatoetoe Intermediate School annually reviews information provided to prospective international students, parents, and designated caregivers to ensure its accuracy and relevance.

Papatoetoe Intermediate School will conform at all times with the NZQA Pastoral Care of International Students Code of Practice.

**Requirements for enrolment - see *International Student Handbook and Enrolment forms and requirements***

1. Only students living with their parents or designated caregivers, will be enrolled in the school as international fee-paying students.
2. Prior to enrolment, documentation must be produced to show that the fee-paying student enrolling has a current Student Visa/Permit (NZ Immigration Service requirements) or a Visitors Permit for up to 3 months study in one year before the student is enrolled in the school as a fee-paying International student.
3. Medical and Travel insurance is compulsory and documentation must be produced to this effect before the enrolment process can be concluded.
4. The parents/guardians of the student must pay the required amount prior to starting at our school
5. While Papatoetoe Intermediate School rarely enters into a formal contractual arrangement with recruitment agents or agencies, it nevertheless expects and requires all recruitment agents or agencies who introduce international students to Papatoetoe Intermediate School to comply with the Code.
6. Papatoetoe Intermediate School will complete the required checks on agents to ensure the safety of students.
7. If an agent or an agency is found to have acted in contravention of the provisions outlined in the Code, Papatoetoe Intermediate School will no longer accept students introduced by that agent or agencies.
8. At no time shall the number of International fee-paying students exceed 10 % of the total roll of the school.
9. Once enrolled, International students have the same rights, responsibilities, and privileges as domestic students.
10. If an enrollment application is found to be inaccurate in any way, the contract may, at the sole discretion of the Principal and/or School Board be terminated.

**Staffing to support pastoral care requirements:**

- a) International Student Leader
- b) International Student Administration Officer

**RESPONSIBILITIES**

**The School Board is responsible for:**

- a) Reviewing and ensuring compliance with the NZQA Code of Compliance for International Students.
- b) Incorporating an International strategy in the school Strategic Plan.



- c) Annually reviewing and setting fees for the International fee-paying students.
- d) Approving budgets and resources for International Student Programmes.

**The Principal is responsible to the School Board for:**

- a) The review and implementation of the International Student Policy and NZQA Code of Practice for International Students.
- b) Annual review of procedures and practices associated with the provision and support for International Students.
- c) Reporting to the School Board of Trustees on the progress and well being of International Students.

**EVALUATION AND REVIEW:**

1. The International Student provision will be evaluated annually. The review will include:
  - a) Feedback from the staff, students, parents and caregivers involved in the programme
  - b) NZQA Code of Compliance Review
  - c) An evaluation of the operating and marketing budgets, expenditure

The remainder of The International Student Handbook outlines the procedures associated with each of the ten outcomes within the Pastoral Care of International Students Code of Practice.

**Definitions** *As determined by the Pastoral Care of International Students Code of Practice, 2019.*

**agent** means a person, body, or organisation acting on behalf of a signatory, and includes a subcontracted agent.

**a designated caregiver** means a relative or close family friend designated in writing by a parent or legal guardian of an international student under 18 years as the caregiver and accommodation provider for that student.

**Homestay** means accommodation provided to an international student in the residence of a family or household in which no more than 4 international students are accommodated.

**a legal guardian**, in relation to an international student, means a person who, by court or testamentary appointment, is responsible for the student's well-being and financial support, and provides for the care of the student in the student's home country.

**parent**, in relation to an international student, means the father or mother of the student who is responsible for the student's well-being and financial support.

**residential caregiver** refers to accommodation types such as a homestay carer or licensed hostel manager but also includes designated caregivers; therefore, rules and expectations for residential caregivers also apply to designated caregivers.

### 10.3 Animal Protection Policy

#### Rationale

*In any activity involving animals, the care and welfare of the animals will be a priority. An animal is defined as any living creature.*

#### Guidelines

1. At all times appropriate protection, nutrition, space and environmental conditions will be provided.
2. Specific staff members will be assigned the responsibility for the care and welfare of animals at our school
3. An acceptable level of cleanliness and hygiene will be maintained at all times. Any signs of distress or illness will be attended to.
4. Pupils will be advised as to acceptable methods in handling animals.
5. Students may opt out of interacting with animals.
6. Arrangements will be made to ensure all animals are suitably cared for when school is closed (including school holidays and weekends).
7. The school acknowledges the role and right of inspectors appointed under the Animal Welfare Act 1999 to visit the school.
8. No animals are used for teaching purposes. Our school is fundamentally opposed to the use of animals for experiments and teaching.

### 10.4 Overseas Travel Policy

**Rationale:** *Papatoetoe Intermediate School does, on occasion, support staff and/or students to undertake overseas travel. Our school agrees that these experiences can provide very beneficial, life-changing learning experiences, for both students and staff members.*

1. Papatoetoe Intermediate School does not financially support student tours. All related costs for student tours overseas must be fully paid by the students and staff members attending and may be supplemented by Board-approved fundraising.
2. All costs must be paid prior to the tour leaving.
3. Staff members may be expected to pay the same amount as students if they attend student tours.
4. Student tours are only held during school holidays.
5. Staff members are given leave to attend the trip and may be approved up to 3 days additional paid leave to recover, if the tour returns close to term time starting. This is at the discretion of the Principal.
6. The Board, from time to time, does approve for staff members to travel overseas to attend a conference or to undertake other professional development opportunities.
7. Any staff member undertaking overseas travel to participate in such activities must have sought Board approval through the Principal, in writing, prior to applying to attend in the

activity. Only the Board has the discretion to approve leave for staff undertaking these approved activities.

8. All costs related to the overseas event must be included in the annual budget specifically for the people and activities being undertaken.
9. In these instances, the Board is not required to but may agree to pay full or partial costs of the conference, accommodation and breakfast, and airfares but will not pay or reimburse any other costs. Staff members may also be provided with minimum travel insurance relating to sickness and air travel organised by the school. In the event of the Board paying for costs the school Visa card will be used and all 'benefits' (air points etc.) will belong to the school.
10. Management of all money for tours is managed only through the school office.