

## **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.

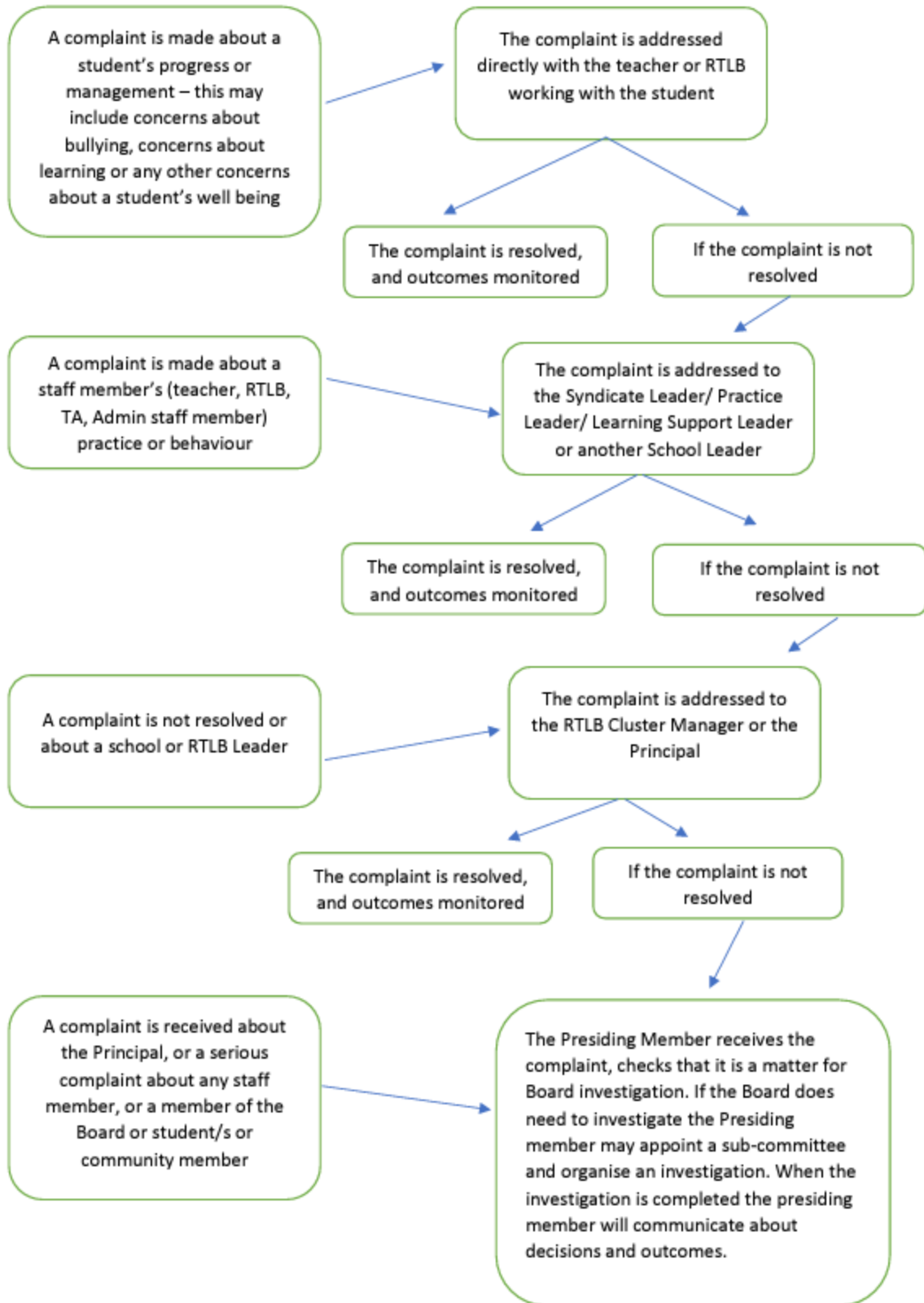
If it has been identified that something has 'gone wrong', the conclusions will include action that can be taken to resolve the complaint. This may include internal action such as changes to policies, procedures or practices. If nothing wrong is identified, the reasons why our schools actions are considered 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.
12. *If a complainant is not satisfied with the process undertaken or the outcome of a complaint they are able to take that complaint to the Ministry of Education.*