



CONCERNS & COMPLAINTS POLICY

If another believer sins against you go privately and point out the events. If the other person listens and confesses it you have won that person back. But if you are unsuccessful take one or two others with you and go back again so that everything you say may be confirmed by two or three witnesses.

Matthew 18:15-16

Purpose

God clearly identifies in Scripture that where there are problems between people, there is an appropriate format by which problems are to be solved. The school wishes to acknowledge that there are times when conflict will occur, and it wishes to deal with conflict in an appropriate manner. The following procedures are the appropriate means of addressing issues and complaints that arise in the school.

- To provide clear guidelines in the way that concerns and complaints should be addressed.
- To ensure that all concerns and complaints are given a fair and appropriate hearing.
- To ensure that all grievances are resolved in accordance with school policy and procedures and according to God's word.

Consideration prior to making a complaint:

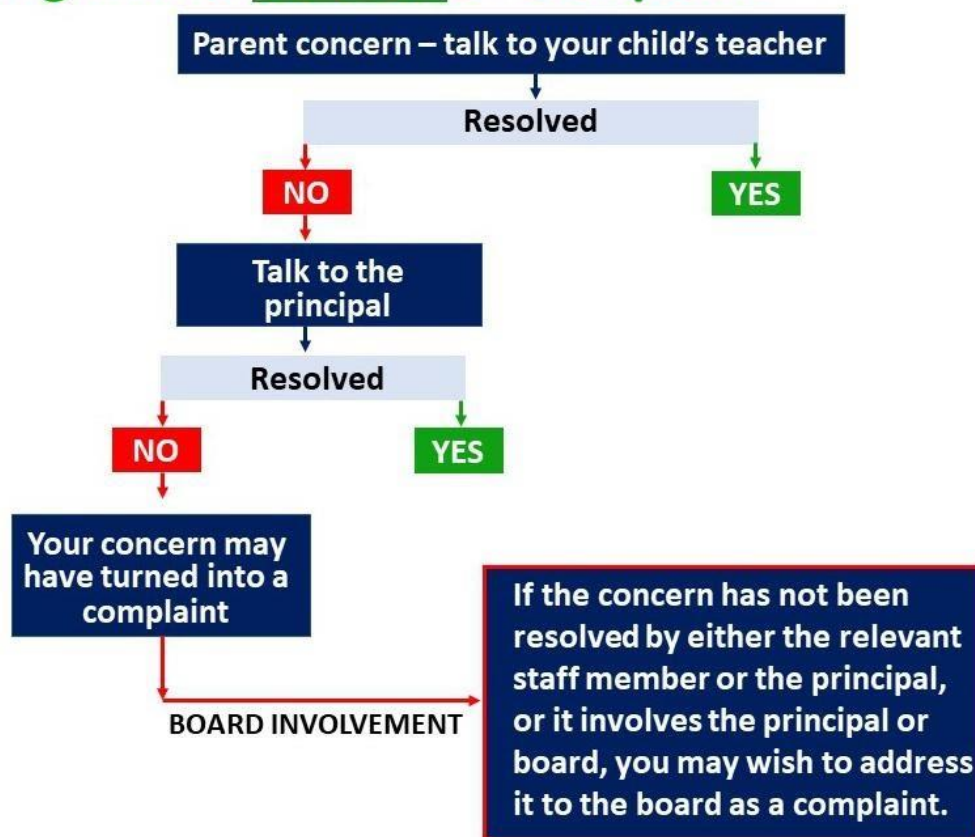
Is the issue a concern or a complaint?

A concern is: an issue that may be resolved informally directly between the parties involved. Concerns are not expected to have disciplinary, legal or industrial consequences. An unresolved or repeated concern may become a complaint.

A complaint is: An issue of a serious nature and may involve the consideration of disciplinary, legal or employment consequences. It may involve the principal, staff or board member or a member of the school's community. An unresolved or repeated concern may become a complaint.

The following chart will assist in determining whether your issue is a concern or a complaint.

Dealing with a concern or complaint



Procedures

If the concern is regarding an individual within the school community, it is recommended that the persons discuss their concerns with each other as scripture encourages (see above).

If the concern is relating to a school matter, the flow chart above will determine the best initial course of action.

Concerns

- Rotorua Seventh-day Adventist School will endeavour to resolve all queries or concerns at the lowest level, without minimizing the matter at hand; an informal meeting should be the first initiative. If necessary, a formal meeting may be arranged with a mediator present.
- Concerns regarding student behaviour must be directed through the appropriate channels. Under no circumstances should a parent / caregiver attempt to confront students directly.
- It is expected that a person holding a query or concern will bring the matter directly to the attention of the person the matter concerns; a parent with a concern will approach the staff member concerned, while a teacher with a concern about another staff member will directly approach the staff member concerned. Likewise, it is expected that a teacher will directly and appropriately approach a parent should a concern exist.

- Parents are encouraged to discuss queries / concerns they may have regarding their child's education directly with the class teacher concerned; they are also encouraged to make an appointment to ensure a mutually acceptable time.
- Staff members are encouraged, and if required supported, to follow up all queries or concerns with the person who has approached them, to discuss perceived developments. These contacts may need to continue for whatever time is deemed appropriate by either or both parties, both for an evaluation of developments and to work towards satisfaction of all parties. Should the staff member or parent so wish, the matter may be referred to the principal.
- The principal, as day-to-day manager and professional leader of the school has the responsibility for managing queries and concerns as required; the Board does not get involved with such matters. The Board, in its governance role, is removed from the 'concerns' level, instead, without sharing a personal view, referring queries and concerns, via the person hold the concerning, through to the principal.
- Where the concern is found to have some basis, the staff member will receive professional support, to effect change, and if necessary, other steps may be taken.
- Should the principal see the query or concern as something providing a risk to the school or school's community, the principal may escalate the query or concern to a complaint, thereby placing it in the area of governance. In such circumstances, the principal becomes the complainant and must follow Board policy and school procedures accordingly.
- It is expected that the principal is made aware of matters of query or concern on the day these arise. It may be the principal engages in a supportive manner to bring such matters to a satisfactory conclusion.
- Should a member of the board be involved in dealing with a query or concern, appropriate documentation will be completed and held on file.
- Should a person with a query or concern feel the matter has not been appropriately addressed, they may approach the principal, for further consideration / action.
- A query or concern held by a person, may, at any time through the process, be escalated to a complaint.

Complaints

- Complaints are received only in the written form. All letters of complaint received by the board chairperson and/or principal are for the whole board. No trustee, including the board chairperson or principal can decide independently as to what action will be taken; the board decides and may delegate authority to one or more persons to take specific actions.
- Acknowledgement of the complaint will be made by the Board, by letter, at the earliest possible time.
- Conflict of interest may be determined on a number of issues, basis, including whether there may be a 'perceived conflict of interest'.
- Only complaints by an individual will be accepted by the Board; no consideration will be given to 'group' complaints.
- Subject to agreement between the parties concerned, resolution or dismissal of the complaint will not occur before all the information is to hand, and the Board has completed its deliberations.
- In the event that any circumstance is realised which may result in a personal grievance claim, the Board's Professional Indemnity insurer (NZI contactable through Marsh 04 819 2443) is to be notified immediately. This must occur before any of the following are undertaken: competency reviews, redundancies, redeployment, disciplinary actions, dismissals, appointment of legal assistance or representation, or other steps that could result in a personal grievance. Similarly, it must occur immediately on receipt of any complaint as to discrimination, harassment, or any

other matter likely to lead to a personal grievance. New Zealand School Trustees Association will also be contacted for advice and guidance.

- Should the nature of the alleged conduct be deemed sufficiently serious, the Board may decide to either suspend, (with or without pay), or transfer temporarily to other duties, having due regard to the provisions set out in the relevant Employment Agreement. In the case of instant dismissal, legal advice must be sought prior to the action.
- Should the complaint be about an employee, the employee shall have the right to representation at any stage, and shall be advised of such at the beginning of any investigation. All written documentation relating to the complaint will be made to the employee concerned and their appointed advocate. The same information will also be available to any advocate which the Board of Trustees wishes to appoint on their own behalf.
- The Board may wish to appoint an independent investigator to investigate and report on the outcomes of the investigation. The Board must make clear the delegated authorities and parameters, (including time period), for the investigation and establish a set fee for the contract; Terms of Reference.
- All outcomes of discussions, decisions and actions relating to the concern or complaint are to be recorded accurately.
- All documentation is to remain confidential to the parties involved, and the provisions of the Official Information Act 1982 and the Privacy Act 1993 will be adhered to. Concerns Forms are held on the Principal's Administration file for the current year. All documents pertaining to a complaint are held on the Board's 'confidential file'.
- The relevant Employment Agreement will guide the Board in dealing with matters of employment.
- Should the Employee become aggrieved by any action of the Board, taken under these provisions, then personal grievance provisions, as per the relevant Employment Agreement, are available to the Employee.
- The Board's response to a complaint will be communicated to the complainant and other persons / parties who have a direct interest. The complainant may request the Board to reconsider its decision if new information is available.
- The Board recognises that not all complainants will be satisfied with the outcome of a complaint. After reconsideration, if the Board is confident of its decision, it will refuse to enter into further discussion, including correspondence. In making such a decision the NZSTA Helpdesk can assist by giving an objective assessment of a Board's processes in dealing with the complaint.
- Mandatory reporting obligations will be complied with.

Complaints Procedure

The procedure to be followed in the event of a complaint being made is summarised in the following stages:

Stage 1: Informal Action

- Parents discuss any concerns they have with the class teacher in the first instance.
- If the teacher is unable to deal immediately with the matter, clear notes are made, including complainant's name, phone number and date, and the teacher investigates the complaint. The teacher may also consult the principal at this stage.
- As soon as the matter has been investigated the parent is contacted and notified of the resolution and the action to follow
- The teacher ensures that the parent is clear what action or monitoring of the situation has been agreed including notification by letter or email.
- If no satisfactory solution has been found, parents may be asked if they wish their concern to be considered further.

Stage 2: Referral to the Principal

- The Principal acknowledges the concern or complaint, in writing, within 3 working days
- A meeting is arranged with the complainant to clarify and supplement any information given.
- The Principal investigates further, interviewing witnesses as appropriate. If the complaint centres on a pupil, the pupil would normally be interviewed with a parent/caregiver present or, if this is not possible, with a member of staff who is not directly involved.
- The Principal keeps written records of meetings, telephone conversations and other documentation.
- Once all relevant facts have been established, the Principal responds in writing.
- If the complainant is not satisfied, they are advised to write to the Board of Trustees
- If the complaint is against the Principal, the Stage 2 procedures are carried out by the Board Chair/Presiding Member. See note * below. If there is a conflict of interest the Board will elect a Board member to carry out the complaint investigation process.

Stage 3: Review by the Governing Body – complaints procedure

- The Board Chair/ Presiding Member acknowledges receipt of the written complaint as soon as is possible, informing the complainant that the complaint is to be heard by a Complaints Panel of three members of the School Board within 20 working days of the complaint being acknowledged.
- Conflicts of interest must be declared, and conflicted board members must not participate in any discussion/decision making around the matter
- The school's insurer (NZI through Marsh ph 04 819 2443) should be advised of any complaint as soon as possible.
- The Board Chair should advise the Proprietor of any matters that involve property or are of a nature sufficiently serious to warrant the Proprietor being informed.
- The Board Chair arranges to convene a Complaint Panel elected from members of the Board of Trustees. The members should have no conflicts of interest in relation to the complaint and they should elect a Chair for the Complaints Panel. All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible.
- The Chair of the Complaint Panel will write and inform all concerned (ie the complainant and the Panel members) of the date, time and place of the proposed meeting at least 5 working days in advance of the intended meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a support person and the right to submit further written evidence. It is the responsibility of the Chair of the Complaint Panel to ensure that a record of the meeting is kept.
- Following the meeting, the Complaints Panel investigates further, interviewing witnesses as appropriate and carefully establishing the relevant facts. Any persons who have had a complaint against them should be informed that a complaint has been made against them and should be given the opportunity to inform the Complaints Panel of their view of the situation. The Complaints Panel keeps written records of meetings, telephone conversations and other documentation.
- After the meeting, the Complaints Panel will consider the evidence and a written decision will be sent to the complainant within 15 working days. If information relating to the complaint is likely to take longer than 15 working days, the complainant will be notified of the expected timeframe for a decision to be made.
- The Board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and processes to ensure that the principles of natural justice are met. * The Board should contact the NZSTA Employment Advisory and Support Centre in such cases. The board will need to consider relevant staff disciplinary policies, employment agreements and advice from the NZSTA Employment Adviser. If the complaint involves the Principal, the provisions of the

Principals' Collective Employment take precedence over the Complaints Panel process noted above. In this situation, NZSTA will advise regarding appropriate processes.

- Note: a complaint regarding disregard or lack of compliance in relation to a complaint resolution should be treated as a serious matter and dealt with urgently, as a new complaint rather than as a reconsideration of the previous issue.

When dealing with any complaint, both management and board will act in accordance with policy and procedures, completing a thorough investigation and dealing with each case fairly and on its merits. Trustees must exercise caution particularly around confidentiality, process and natural justice.

In dealing with complaints it is noted that the Board has a 'close off point' where, once they are satisfied that they have done all that could reasonably be expected, they enter into no further discussion on the matter with the complainant or other parties. The New Zealand School Trustees Association (NZSTA) notes that whilst such an approach needs to be used with caution, there are occasions when the complainant is not satisfied with the outcome and a considerable amount of time is taken up responding to repeated restating and debating of the matter. NZSTA Advisers may be consulted in matters of complaint and at what point this occurs

FORMULATED BY: Rotorua Seventh-day Adventist School Board of Trustees

APPROVED: Board Chair, Victoria Finch _____

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2 May 2018

10 August 2014

November 2012

<https://www.nzsta.org.nz/assets/Governance-support-resources/Dealing-with-complaints.pdf>