

Hauraki School Policy Document

Complaints

Rationale:

A fair and transparent process for handling complaints can help the parties involved to achieve a good resolution and ensure the school provides a safe, accepting learning and working environment.

Purpose:

To ensure that procedures are in place when there is a complaint so that all complaints are dealt with fairly and professionally.

Guidelines:

1. A complaint is a written statement formally identified as a complaint or dissatisfaction that is made to staff, the principal or a trustee, by any person from within or outside the school, in respect of the school or any of its employees. This formal complaints procedure aims to:

a) Protect the rights of the complainant by:

- I. the school acting promptly to resolve the grievance.
- II. ensuring that the complainant is not further harassed for having laid a complaint (see guideline below)

b) Protect the rights of the complaint recipient by:

I. ensuring that in dealing with complaints, the set procedure is followed (see Appendix I), and that decisions are made on the basis of sound, properly evaluated evidence.

II. respecting the two main principles of natural justice:

- (i) that the people conducting the investigation and making any subsequent decisions be free of any actual or apparent bias toward either party; and
 - (ii) (ii) that both the complainant and respondent be told in specific terms, the nature of anything said against them during the investigation and be given reasonable opportunity to respond.
2. At the outset when a complaint is received about a school employee, a discussion may be held between the complainant and the employee concerned, as many complaints can be resolved quickly and amicably through discussion between the employee and complainant. The Principal is to be informed as soon as possible of the complaint and any resolution.
 3. Upon receipt of a complaint as defined in guideline 1 above, the principal will contact the complainant to acknowledge receipt within five working days.
 4. The school is to keep a complaints log describing the complaint and how it was handled. The log can be useful in identifying problems which may at first appear to be isolated incidents but become ongoing or recurrent problems. The log will then provide valuable information on areas in which the school can improve its delivery of the National Education Goals.
 5. The Board of Trustees must be informed of the complaint if it is ongoing and/or unresolved

6. In following the Complaints Procedure (attached), due consideration will be given to the Employee's Employment Contract with respect to the following legislation:

Education Act 1989

The Bill of Rights 1990 (Section 27)

The Employment Relation Act 2000 (Personal Grievances)

The Human Rights Act 1993 (Section 66)

The Privacy Act 1993 (Principals 1,3,4,5, and 6)

The Health and Safety At Work, 2015

The Protected Disclosures Act 2000 (see guideline 8 below)

7. Matters relating to any dismissed complaints will immediately be removed from the personnel file of the individual employee involved. All complaints will be removed from an employee's records after one year at principals discretion, unless they are of such a serious nature that the principal or the Board decides otherwise. Where a complaint leads to disciplinary action being taken, a record of that action will be included in the employee's personnel file in accordance with school policy.

8. In dealing with any complaint made by a school employee against any other employee, management or the Board, the following guidelines protecting the complainant and enforcing confidentiality shall be adhered to:

The Protected Disclosures Act 2000 facilitates the disclosure and investigation of serious wrongdoing in an organisation and protects employees who disclose the information. Serious wrongdoing includes any of the following types:

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

The wrongdoing can have occurred before the introduction of this Act.

Protections

The legislation protects and employee who discloses any of the above concerns about the organisation or which they work, provide the disclosure is:

- Made by an employee of the organisation (The Act includes former employees, secondees and independent contractors) in accordance with the correct procedures;
- About alleged 'serious wrongdoing' b or in the organisation; and
- On reasonable grounds that serious wrongdoing is being or has been committed (certainly is not required, but the belief must be reasonably founded).

The Act provides three main protections in respect of disclosures properly made under this legislation;

- Through personal grievance procedures for unjustified dismissal or unjustified disadvantage;
- Through a general immunity from civil and criminal proceedings which would otherwise prevent an employee making a disclosure; and
- The person receiving the disclosure must use their best endeavors to keep confidential the identity of the disclosing party.

The Act provides these protections in order to encourage disclosures and enable the alleged wrongdoing to be investigated. The protections do not apply where the person makes an allegation knowing it to be false or otherwise acts in bad faith. The employee must make the disclosure for the purpose of having an investigation commence into the serious wrongdoing, and the employee must want their disclosure to be protected.

Signed: 

Date: 13 FEB 17

Chairperson Board of Trustees

Review Date: 13 FEB 20



Hauraki School Complaints Procedure

