Complaints Policy

Board of Trustees Minute reference : May 2017 Part 1 Item 5

Date first created/This version no. : February 2012/3

Review date (3 year cycle) : May 2020

Owner : CE, SLT members

Responsibility for this policy : Chief Advisor, Strategy

Background

The Board recognises its responsibilities

* under National Administration Guideline (NAG) 1, to foster student achievement
* under NAG 3, in accordance with legislation on employment and personnel matters, to be a good employer, and
* under NAG 5 to comply with any legislation currently in force or that may be developed to ensure the safety of students and employees.

Scope

This policy covers external and internal complaints about Te Kura staff, policy, systems, services and processes.

External complaints usually arise because of dissatisfaction with the service provided by Te Kura or because of disagreement with actions or decisions taken by Te Kura.

Te Kura employees have the right to complain about and seek resolution of concerns about Te Kura decisions or actions that affect them, interpersonal conflicts with other staff, or issues such as harassment and bullying.

For general information on dealing with complaints made by either a person outside Te Kura or by a Te Kura staff member refer to the *Procedures for dealing with complaints about Te Kura policy, systems, services, processes*. For complaints relating to the conduct or behaviour of a Te Kura employee, refer to the *Procedures for dealing with complaints about staff*. Processes for dealing with internal issues such as harassment and bullying are provided in the staff procedures on *Reporting Discrimination and Harassment*. For more information, refer to those documents on the intranet’s [Policy framework](http://intranet.correspondence.school.nz/policies-and-procedures/policy-framework/staff-procedures) page.

Definition

**Serious complaints** will be those which include any of the following types of wrongdoing which may affect Te Kura:

* An unlawful, corrupt, or irregular use of the funds or resources of Te Kura; or
* An act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
* An act, 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 a fair trial; or
* An act, omission, or course of conduct that constitutes an offence; or
* An act, omission, or course of conduct by Te Kura (or any employee) or the Board (or any member of the Board) that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

Policy statement

Te Kura will have procedures in place to respond to external and internal complaints received relating to employees of Te Kura and to Te Kura policy, systems, services and processes.

Principles

* All complaints will be dealt with thoroughly in an impartial and timely manner and the complainant will be treated with respect and courtesy.
* Te Kura aims to achieve resolution at the lowest level possible and will take a straightforward, practical approach to managing and resolving low-level complaints.
* Complainants and Te Kura employees with responsibility for the subject of a complaint will be kept fully informed and advised of the outcome of the complaint and the reasons for any decisions.
* Te Kura will apply the principles of natural justice at all stages of any inquiry, including maintaining the privacy of those involved, where practicable, subject to the requirements of the Privacy Act 1993.
* No party who could reasonably be perceived as having an interest in the outcome of the complaint will investigate a complaint or determine the outcome of the inquiry.
* In conducting complaints investigations Te Kura will ensure compliance with all relevant legislative/contractual provisions and employees’ employment agreements.
* Te Kura is open to learning from any complaint resolution which identifies opportunities for improving how the school operates in future.
* Complaints deemed vexatious will not be progressed.

**Vexatious complaints**

There will be occasions when, despite all stages of the applicable procedures having been followed, the complainant remains dissatisfied. In such cases Te Kura may decide to no longer respond to issues that have already been dealt with. Where this is the case, a letter signed by the Board Chair and the Chief Executive will be sent to the complainant advising that Te Kura will no longer respond to matters already considered and responded to.

However, if a vexatious complainant raises new issues which have not previously been dealt with, then Te Kura will consider and respond to those new issues.

**Anonymous complaints**

Te Kura will generally not act on anonymous complaints unless the issues raised qualify the complaint as being serious, as defined above, and sufficient information is provided to warrant further inquiry into the allegations.

Te Kura cannot determine the validity and nature of the complaint when the source of the complaint is unknown nor seek additional information when investigating the complaint. An anonymous complainant cannot be provided with reasons for any decision made about their complaint.

In the event that an anonymous complaint of a serious nature is received Te Kura will note the issues raised and will try and resolve them appropriately, which may include carrying out, to the extent possible, an effective investigation and reporting on that to the Board. However, for the reasons outlined above, issues raised in anonymous complaints may not be acted on fully. Where an anonymous complaint of a serious nature refers to a Te Kura employee, that person will be advised of the complaint against them. If they choose to respond, that response will be placed on file.

Disclosures made in accordance with the Protected Disclosures Act 2000 (the Act) may be made anonymously. The *Protected disclosures* section below contains information for staff on reporting instances of serious wrongdoing and the protection offered under the Act.

**Protected disclosures**

The terms of the Protected Disclosures Act 2000 offer protection to staff reporting instances of serious wrongdoing. To obtain that protection, staff must follow the prescribed procedure when making their report of serious wrongdoing. A Te Kura employee who wishes to make a protected disclosure should do so using the following procedure.

1. Submit the disclosure in writing, clearly stating it is being made in terms of the Protected Disclosures Act 2000.
2. Send the disclosure in writing to the CE or, if an employee believes the CE is involved in the wrongdoing or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, make the disclosure to the Chair of the Board of Trustees.
3. A disclosure should contain detailed information, including
   * the nature of the serious wrongdoing
   * the name or names of the people involved
   * surrounding facts, including details relating to the time and/or place of the wrongdoing if known or relevant.

Te Kura’s Protected Disclosures Policy, management procedures and staff procedures are designed to inform employees of their rights and obligations in relation to such disclosures and the steps they should take to report serious wrongdoing. For more information, refer to those documents on the intranet’s [Policy framework](http://intranet.correspondence.school.nz/policies-and-procedures/policy-framework/staff-procedures) page.

Supporting documentation

National Administration Guideline (NAG) 1

National Administration Guideline (NAG) 3

National Administration Guideline (NAG) 5

Privacy Act 1993

Protected Disclosures Act 2000

Human Rights Act 1993

Employment Relations Act 2000

Child Protection Policy

Personnel and being a good employer Policy

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Approved as a governance policy Date

Karen Sewell

Chair

Board of Trustees