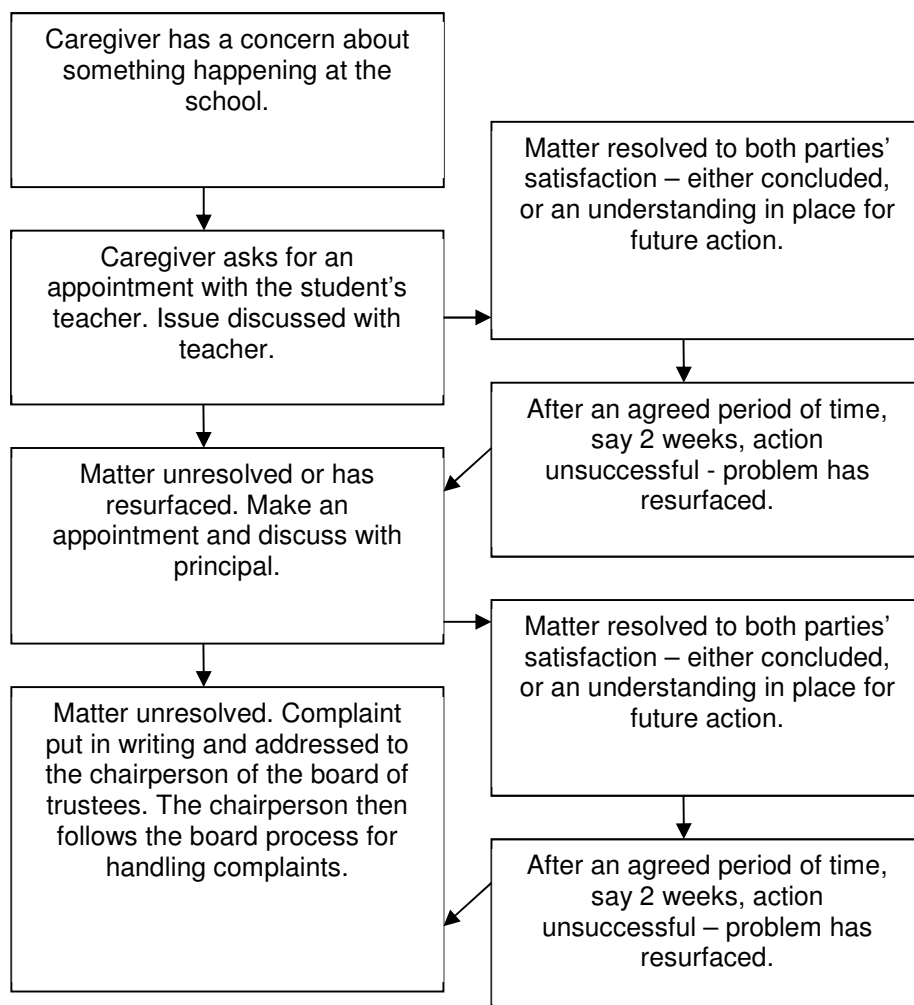


Koromatua School Concerns and Complaints Process

Stage One: School Community Process



1. While minor issues may be able to be discussed in a quick informal chat with a staff member, normally in order for both parties to give the matter full attention, arranging a time to discuss the matter is the preferred option.
2. If the complaints procedure has not been followed, the board will normally return any letter of complaint to the writer and ask that they follow the procedure first.
3. The board needs to formally receive a complaint in order to act on it. If a complaint is serious enough for the board to deal with, it is serious enough to be put in writing. If you have concerns about expressing the matter clearly in writing, please discuss the matter in confidence with the board chair (or another delegated board member) to enable them to assist you with this.
4. All parties to a complaint may bring a support person to any meeting where the issue is to be discussed.

Stage Two: Board Process

Letter of complaint is acknowledged by the chairperson and the complainant advised of the next steps in the board process. The letter becomes part of the correspondence that will be dealt with at the next board meeting while the public is excluded.



Letter is tabled at board meeting (with the public excluded) and referred to relevant parties for reporting back to the board. The board decides whether to deal with the matter as a whole or appoint a committee to investigate and recommend to the board.



At the meeting of the board or committee, the reports are received and the parties may be invited to speak to their complaint or answer questions. The board/committee considers the evidence and/or information and comes to a decision or recommendation.



Depending on the delegated powers of the committee either they or the board as a whole come to a resolution as to how the board will respond and/or what action will be taken.



The board's response is communicated to the parties to the complaint. This may be either publicly or confidentially depending on the case.



Any of the parties may request the board to reconsider their decision – however normally for such a reconsideration to take place new information that would have been relevant to the board's deliberations must be produced.



– shaded area denotes “public excluded” meetings

5. Issues of a serious matter, such as allegations of physical abuse, may require a special meeting of the board.
6. All letters addressed to the chair of the board are for the *whole board*. The chair cannot decide independently what action will be taken unless the board has delegated them authority to do so.
7. Resolution or dismissal of the complaint must not be discussed before all the information is to hand.
8. Conflict of interest will be determined on a number of issues, including whether the complaint involves the actions of any trustee.
9. The board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and the principles of natural justice. It is advisable to contact the regional NZSTA personnel/industrial adviser in such cases. The board will need to consider the relevant staff disciplinary policies, employment agreements, and expert advice from the NZSTA adviser.
10. The board recognises that not all complainants will be satisfied with the outcome of a complaint. After *one* reconsideration, the board, if it is confident of its decision, will refuse to enter into further discussion or correspondence. The NZSTA helpdesk can help with such a decision by giving an objective assessment of a board's processes in dealing with the complaint.
11. A complaint regarding lack of compliance in relation to an agreed complaint resolution will be treated as a serious matter and actioned with urgency as a new complaint rather than as a reconsideration of the previous issue.
12. Trustees need to be clear in their mind of the difference between a complaint they have as a parent (that is, regarding their own child) and a complaint they have as a trustee (for example, obstruction of staff preventing them carrying out board work). In the first instance they are required to follow the normal procedures and are excluded from decision making due to conflict of interest. The latter case is dealt with as an agenda item for the whole board (possibly with the public excluded).

(Source: <http://www.nzsta.org.nz/board-as-governors/conflict-and-complaints/>)

Note 1: Mediation or Investigation

In certain situations where a complaint has been made, it may be appropriate to attempt mediation before embarking on an investigation. The benefit of this approach is that it avoids the polarisation and litigiousness of the parties that naturally occurs during an investigation. Resolution at this level also has these benefits:

- it is expeditious while investigations can be prolonged
- it is less costly (the cost of an investigation can be high considering the number of people it may involve and the amount of time it may require)
- it can avoid the problem escalating further, involving more people and causing disruption.

In certain situations, it may be better to investigate a complaint in order to determine its validity. Situations where an investigation is appropriate include:

- issues related to students
- where the disagreement arises from facts that the parties cannot agree on
- where a clear identification of the issue is necessary before any dispute resolution process is used
- where the parties' relationship has broken down to such an extent that mediation is not feasible.

Occasionally complaints come through the Human Rights Commission (HRC). The HRC mediators are trained to help parties identify the best way forward in complaints involving human rights. An early discussion with an HRC mediator may assist a board of trustees to determine if there is any opportunity for resolving a dispute at the lowest level, or if an investigation by the board of trustees is the best option in the circumstances.

(Source: <http://www.nzsta.org.nz/board-as-governors/conflict-and-complaints/>)

Note 2: Anonymous or Informal Complaints

Except in the rarest of cases a complaint is not to be dealt with unless the author is prepared to make it formally (and preferably put it in writing) and put their name to it. The board must act at all times as a good employer. The board is immediately put at risk of legal action if it acts on unattributed or informal information.

Anonymous Letters

In the case of the board receiving an anonymous letter a copy or details of the allegation is to be given to the staff member concerned. At the earliest opportunity the board will assure the staff member that it will not act on nor investigate issues raised anonymously. (The one exception is in circumstances where there are some prima facie facts that cause major concerns. An anonymous complaint letter is not to be used as an excuse to go looking for a problem.)

Although the board has the right to decide to share the contents of an anonymous letter with all trustees the board chair will generally restrict the letter to as few people as possible. In most cases the contents of an anonymous letter need only be sighted by the trustees who receive it.

Non-Written Complaints

Complaints that are not placed in writing or are made via an intermediary are as uncertain and dangerous as an anonymous letter and are to be handled in a similar manner. Community members who wish to make a verbal complaint are to be "stopped in their tracks" by any trustee they approach. They are to be referred to the board's Complaints Process and asked to follow it. Issues raised "informally" with a trustee invariably contain adverse comments about staff and a trustee may put the board at risk if they discuss the issue. In most instances minor matters should be raised with the principal rather than individual trustees.

Letters of Comment and/or Complaint

The chairperson has an invaluable role in receiving letters to the board. While the chair cannot decide whether an issue goes to the board or not they do have the responsibility to differentiate between comments and complaints. Complaints are to be handled in public excluded business and staff must be given a chance to comment on any allegations made against them.

(Source: Based on guidelines presented in STANews, Issue 163, May 2006, p.5)