



CONCERNS AND COMPLAINTS

As concerns or complaints may arise, it is the Board of Trustees (the Board) responsibility to ensure that these are handled in a fair, consistent and equitable way, mindful of natural justice principles, and in accordance with the relevant employment agreements, legislation and codes of conduct.

PURPOSE

1. To enable concerns to be addressed quickly and efficiently to ensure they don't escalate to complaints
2. To ensure complaints are dealt with respectfully and with due consideration of all parties' rights
3. To ensure complaints are dealt with consistently in accordance with procedures established by the Board and management
4. To put in place appropriate corrective, and/or disciplinary action, as required.

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.

A Complaint is:

Any written statement about a College practice or policy that in the opinion of the complainant is deemed to be of a serious nature that disadvantages them or the College community.

Any written statement of a serious nature that indicates a member of the College community has acted illegally, unprofessionally, or in any manner which is harmful or offensive.

A Complainant can be:

Anyone.

GUIDELINES

In all cases the Board will act as a good employer and ambassador of the College. The Board's role is to ensure the concern/complaint is resolved as quickly as possible at the lowest level possible.

In dealing with any concern or complaint the College will act in accordance with the relevant conditions of the current employment agreement(s) as well as all relevant legislation pertaining to the nature of the concern/complaint on the advice of the Board's legal advisers if necessary.

Initial Steps: Common to both Concerns or Complaints:

1. All parties will follow the process set out in Appendix 1
2. To ensure the correct process is followed, the person who received the complaint (the Recipient), must first determine whether the issue is a concern or a complaint
3. To ensure the correct pathway is followed the Recipient will then determine whether it involves individuals (staff, pupils or employees of the school) or school policies or systems
4. The complainant will be advised of the process pathway
5. A complaints file will be kept by the Principal.

CONCERNS

Follow Appendix 1

Where a concern is unable to be resolved through informal discussion, or the concern reoccurs, the issue should be referred to the Board and Appendix 2 and Appendix 3 followed.

COMPLAINTS

All complaints will be referred to the Principal. The Principal will follow the complaints procedures and if of a serious nature, (following advice from external professional advisors), inform the Board Chairperson immediately. Appendix 2 and Appendix 3 will be followed.

In the case of a complaint against the Principal the complainant will be referred to the Board Chairperson who will follow Appendix 2 and Appendix 3.

Signed on behalf of the Lynfield College Board of Trustees:

Chairperson Date

THREE YEARLY REVIEW CYCLE | REVIEWED MARCH 2022 | NEXT REVIEW MARCH 2025

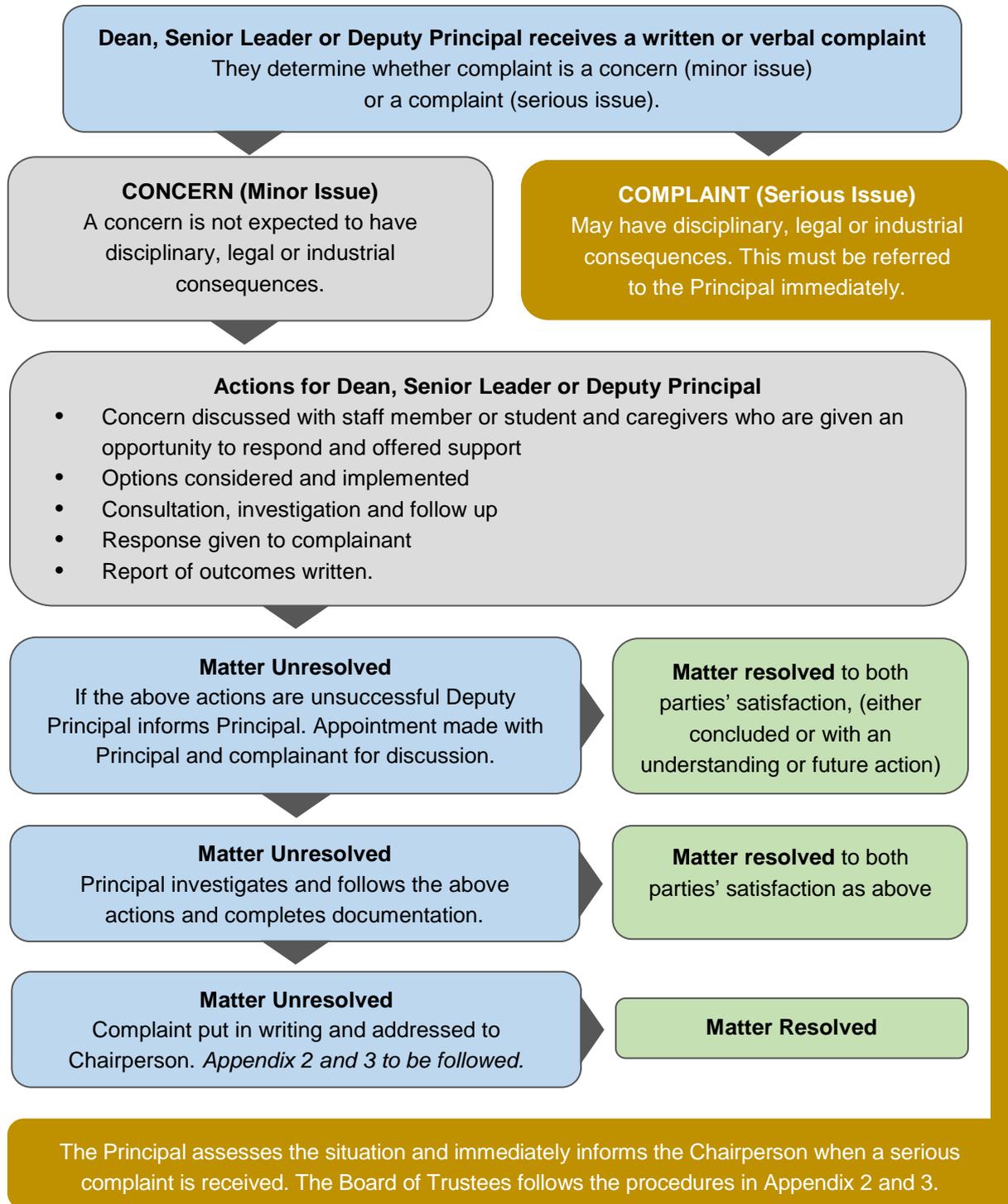
REFERENCES

- [*Secondary Principals' Collective Agreement*](#)
- [*Secondary Teachers Collective Agreement*](#)
- [*Support Staff in Schools' Collective Agreement*](#)
- [*School Caretakers' and Cleaners' Collective Agreement*](#)
- [*Secondary and Area School Groundstaff Collective Agreement*](#)
- [*The Employment Relations Act 2000*](#)



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APPENDIX 1: COMPLAINTS PROCEDURES



NOTES

1. While minor issues may be able to be discussed in an informal chat with a staff member, the preferred option is to arrange a time to discuss the issue so that both parties give the matter proper attention.
2. If the complaints procedures have not been followed the Board will normally return any letter of complaint to the writer and ask that they follow the procedure first.
3. All parties to a complaint may bring a support person to any meeting where the issue is to be discussed.



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APPENDIX 2: BOARD OF TRUSTEES RESPONSE

LETTER OF COMPLAINT RECEIVED BY BOARD OF TRUSTEES

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. Should there be too great a time lapse before the next meeting for the complaint to be heard, a special meeting of the Board of Trustees can be called.

Note: If the complaints procedure (for concerns) has not been followed the board will normally return any letter of complaint to the writer and request that they follow that procedure first.

Letter is tabled at board meeting (with the public excluded) and referred to relevant parties for reporting back to the board. The board decides the appropriate response pathway or directs it back to Appendix 1. They decide whether to deal with the matter as a whole or appoint a committee to investigate and make recommendations to the board.

At the meeting of the board the reports are received. The parties may be invited to speak to their complaint and/or answer questions. The board then 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 managed either publicly or confidentially depending on the nature of the case.

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



APPENDIX 3: GENERAL INFORMATION

1. Issues of a serious nature, e.g. allegations of physical abuse, gross, serious or sustained poor performance, dishonesty, verbal abuse, harassment, undermining board policy, etc. may require a special meeting of the Board of Trustees (the Board), to be called
2. All letters addressed to the Chairperson of the Board of Trustees are for the whole Board. The Chairperson cannot decide independently as to what action will be taken unless delegated authority to do so by the Board
3. Subject to agreement between the parties, resolution or dismissal of the complaint will not occur before all the information is at hand
4. Conflict of interest will be determined on a number of issues, including the relationship to anyone involved in the complaint
5. The Board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and processes to ensure the principles of natural justice are met. 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 professional advice from the NZSTA Adviser
6. In the case of complaints against staff the Board's insurance and legal advisors should be informed and kept up to date of progress and outcomes should possible future actions become necessary
7. The Board recognises that not all complainants may be satisfied with the outcome of a complaint. After the first reconsideration, if the Board is confident of its decision, it can refuse to enter into further discussion/correspondence. In making such a decision the NZSTA Advisor can assist by providing an objective assessment of a board's processes in dealing with the complaint
8. 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 a previous issue
9. Members of the Board must be clear in their mind of the difference between a complaint they have as a parent, i.e. regarding their own child, and a complaint they have as a Trustee, e.g. 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)
10. Trustees need to be clear in their actions when a parent, community member or student makes an approach to them directly about a concern and/or complaint. The Trustee must advise the complainant of the correct procedures to follow and direct them to these procedures.