

# Concerns/Complaints Procedure Policy

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Maungaraki School takes concerns and complaints very seriously. The aim in dealing with concerns is for early intervention, constructive dialogue, a clear and fair process and, where possible, a solution satisfactory to all parties. This helps deal with issues at the appropriate level before they escalate.

This policy aims to:

- provide parents, caregivers, staff and others with procedures for raising concerns/complaints
- ensure that school staff, management and subsequently the Board have appropriate opportunity to address concerns
- provide staff and the Board of Maungaraki School guidance for responding to concerns or complaints.

Anyone who raises a concern or complaint with the School will either be referred to this policy on the School's website or provided with a copy of this policy.

This policy contains several important principles which collectively outline the process for raising informal concerns or formal complaints.

## Principle 1: Try to resolve the matter informally first

In most circumstances, concerns can be dealt with informally by raising your concern with the other party. While a formal complaint can be made at any stage, a genuine attempt to resolve it informally should be made first, unless it is a very serious matter.

- If you have a **complaint about one of our students**, contact the student's class teacher to discuss the matter in the first instance.
- If you have a **complaint about a staff member**, contact the person involved and discuss the matter. We ask that parents make this direct approach as soon as possible. Be prepared to make a time to discuss your complaint if the staff member is unable to talk with you straight away. Be open to listening to the other side of the story to avoid communication breakdowns.
- If the matter is a **general issue**, discuss it with the person concerned, a member of the management team or the Principal.

## Principle 2: Raise it at the appropriate level

It is essential that concerns and complaints are raised at the appropriate level first, within the School. If you are not satisfied with the result then it should be raised to the next level.

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The escalation levels are as follows:

1. Classroom teacher
2. Team Leaders
3. Senior leadership team (Principal or Deputy Principal)
4. Board (Formal complaints only)
5. Ministry of Education (Formal complaints only)

### Classroom teacher

If your concern is in relation to a child, teaching within the classroom, or an incident within the classroom, please raise it with the classroom teacher first.

If your concern or complaint is in relation to the classroom teacher or other staff member, you should try to resolve it with the staff member first (where appropriate).

### Team leaders

If you are not satisfied with the resolution from discussing your concern with the classroom teacher, or your concern is in relation to a classroom teacher and you are unable to raise it directly with them or it would be inappropriate to do so, please raise it with the Team Leader for that syndicate.

### Senior leadership team (Principal or Deputy Principal)

If you are not satisfied with the resolution from discussing it with the team leader, your concern or complaint is in relation to a general staff member, or your concern or complaint is in relation to the team leader and you have been unable to resolve it directly with them, please raise it with a member of the Senior Leadership Team (Principal or Deputy Principal).

You may choose to raise it with the Principal or member of the Senior Leadership Team as an informal concern, or with the Principal as a formal complaint. Formal complaints to the leadership team should be made to the Principal in writing and will be resolved in a manner they see fit.

### Board (Formal complaints only)

The Board can only consider formal complaints (not informal concerns), and only after the school leadership has had the opportunity to address the concern or complaint first, unless it is in relation to the Principal. If you have a concern or complaint and have not raised it with the school leadership first, the Board will likely refer it back to the Principal.

If you are not satisfied with the resolution from raising it with the senior leadership team, or your concern or complaint is in relation to the Principal and you have been unable to resolve it directly with them, you can choose to make a formal complaint to the Board (see the end of this policy for the process of making a formal complaint to the Board).

While the Board can only consider formal complaints, you may want to discuss your concern with the Chair of the Board first to ensure that you are following the correct process. Note that individual board members, including the Chairperson, are not able to

advocate on behalf of individual parents or caregivers to the school leadership - this Concerns/Complaints Policy is the correct way to raise concerns with the school.

### Concern about a member of the Board

If your concern or complaint is in relation to the conduct of, or a concern with, a member of the Board, you should consider raising it informally with the Chairperson of the Board first. If your concern is in relation to the conduct of the Chairperson, you should consider raising it informally with the Deputy Chairperson first.

If you are not satisfied with the resolution from discussing it with the Chairperson (or Deputy Chairperson), you can make a formal complaint to the Board and it will then be considered formally (see the end of this policy for the process).

### Ministry of Education (Formal complaints only)

The Ministry of Education will generally only get involved in concerns or complaints once the School has had the opportunity to address it first, via this policy, unless it is a very serious matter. If you have a concern or complaint and haven't raised it formally with the School or Board, the Ministry of Education will often refer you back to the School.

If you are not satisfied with the resolution of your formal complaint to the Board, or your concern or complaint is in relation to the conduct of the Board as a whole and you have been unable to resolve it directly, you can choose to make a formal complaint to the Ministry of Education. Please see the Ministry's website for more information on the process of making a formal complaint ([www.education.govt.nz](http://www.education.govt.nz)).

*Note that the Ministry of Education is listed as the final escalation point for concerns or formal complaints. This does not prevent a parent contacting the Ministry for advice on any situation at any stage.*

### **General principles: Dealing with concerns appropriately**

The following principles of natural justice apply to concerns and complaints made at every stage in the process. If you feel that these principles have not been followed by the School or Board when dealing with your concern or complaint, you should raise this at the next level of the process.

### Natural Justice

If a complaint or concern is in relation to an individual, it is important that they are informed of the concern or complaint in a timely manner and have the opportunity to respond.

- Informal concerns raised will always be discussed with the individual concerned to give them an opportunity to put across their perspective.
- As a matter of principle, the text of formal complaints will always be shared with the party being complained of, and they will have the opportunity to respond as part of the resolution process.

It is important to understand that in the case of a formal complaint, the person being complained about has the right to know the details of the complaint, including who has made it. This is a key principle of natural justice.

#### Treating concerns seriously and respectfully

It can be stressful for parents, caregivers, staff or others to raise concerns or complaints. All concerns and complaints should be treated seriously, and those raising the concerns or complaints should be treated respectfully by staff and Board.

#### Privacy maintained

Concerns and complaints should be treated confidentially and with discretion while still respecting the principles of natural justice (including the right of someone being accused to be aware of the accusations against them).

The person working to resolve the concern or complaint may, however, discuss it with others for guidance. This may be with other staff within the school, the Board Chairperson (in relation to concerns or complaints the leadership team are dealing with) or external agencies. Where this occurs, those providing guidance must treat the matter in confidence.

The Board will only consider formal complaints during a “public excluded” portion of a board meeting.

In the case of serious incidents in relation to children, all reasonable steps must be taken to protect the privacy of the child.

#### Non-arbitrary resolution of formal complaints

Formal complaints should be dealt with in a formal manner and following a fair and reasonable process. Resolution of similar concerns and complaints in the past should be considered to ensure a consistent outcome.

#### Timely resolution

Anyone raising a concern or complaint has the right to timely resolution. This must be balanced with the importance of ensuring all information is available and the matter has been considered carefully.

A concern or complaint not being addressed in a timely manner is reasonable grounds for a formal complaint, however consideration should be given to the ability to respond and seriousness of the issue.

Complaints to the Board will be considered at the next Board Meeting, unless the next meeting is less than two weeks from when the complaint is received.

The Board Chairperson may call an extraordinary meeting of the Board to consider a complaint if it is a very serious matter, or a matter which must be resolved urgently.

## **Process for Formal complaints to the Board**

Formal complaints to the Board must be made in writing to the Chairperson.

The process for formal complaints to the Board is:

1. The complaint is received in writing by the Chairperson of the Board. This can either be sent to the School, dropped into the school office, or emailed directly to the Chairperson (details on the school website) and must be clearly labelled as a formal complaint to the Board.
2. Within 3 working days of the Chairperson receiving it: The Chairperson will acknowledge receipt of the complaint and notify the full Board and management of the school that a complaint has been received.
3. Within 10 working days: The Chairperson will notify any individual being complained of, including supplying a copy of the complaint.
4. The Chairperson will advise the School's insurer of the formal complaint.
5. The Chairperson may discuss the complaint with the school leadership, and with the person making the complaint if necessary, and will produce a short background report for the Board to consider.
6. The person being complained of (if applicable) may provide commentary in writing, to be included in the report to the Board.
7. The complaint will be considered at the next Board Meeting, unless the next meeting is less than 2 weeks from when the complaint is received.
8. The person making the complaint, and the person being complained of (if applicable) will have the opportunity to briefly address the Board when the complaint is being considered.
9. The Board may resolve the complaint in any appropriate manner, provided it complies with this policy as well as any other school policy, and any other legal or regulatory requirements.
10. Once a determination has been made, there is no appeals process within the School or Board. If the person making the complaint is not satisfied with the outcome, they may make a complaint to the Ministry of Education or Chief Ombudsman.
11. The complaint may only be reconsidered if significant new information has been presented that, in the opinion of the Board Chairperson, may have materially affected the outcome, or the Board has been instructed to reconsider the complaint by the Ministry of Education or Chief Ombudsman.

### Other matters in relation to complaints to the Board

- If the Board receives a complaint about the Principal, the Board will first consider whether it may be dealt with in an informal manner (as per the Principal's employment agreement provisions).

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- The Board Chairperson may call an extraordinary meeting of the Board to consider a complaint if it is a very serious matter, or a matter which must be resolved urgently.
- The Board may choose to delegate the consideration of the complaint to a subcommittee of not less than 3 members of the Board. In this case, all responsibilities of the Board in this policy shall become responsibilities of this subcommittee.
- The Board or Board Chairperson may delegate responsibility for dealing with the complaint to any other Board member. In this case, all parties to the complaint must be notified and all responsibilities of the Board Chairperson in this policy become the responsibilities of the delegate.
- Where necessary the Board will form a Discipline Committee, if the complaint is considered serious enough to initiate a disciplinary or competency process. The Committee can seek advice from NZSTA and/or the School's lawyer to ensure due process is followed.
- No member of the Board who has a conflict of interest in the complaint (for example, is a party to the complaint or is one of the parties being complained of) may participate in the consideration of the complaint or decision of its outcome.

### Resources:

- [Employment Relations Act 2000](#)
- [Education and Training Act 2020](#)
- Ministry of Education: [Dealing with Complaints](#)

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