

Complaints Policy

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Appendix 1 - St Margaret's College Contract
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See Student and Staff Handbooks

1. Rationale

- To ensure best practice and physical and mental well being of staff and students
- To ensure no illegal practice occurs
- To ensure formal complaints are received and dealt with fairly, promptly and effectively to a point of resolution
- To provide a pathway by which parents, students and staff can be heard and resolution reached

2. Definition

A formal complaint is one judged by the complainant to be of a serious nature, requiring a process of investigation, resolution and reporting back to the complainant. It must be made verbally or in writing and cannot be anonymous.

3. Complaints Relating to Employee or Volunteer Practice or Conduct

3.1 Policy

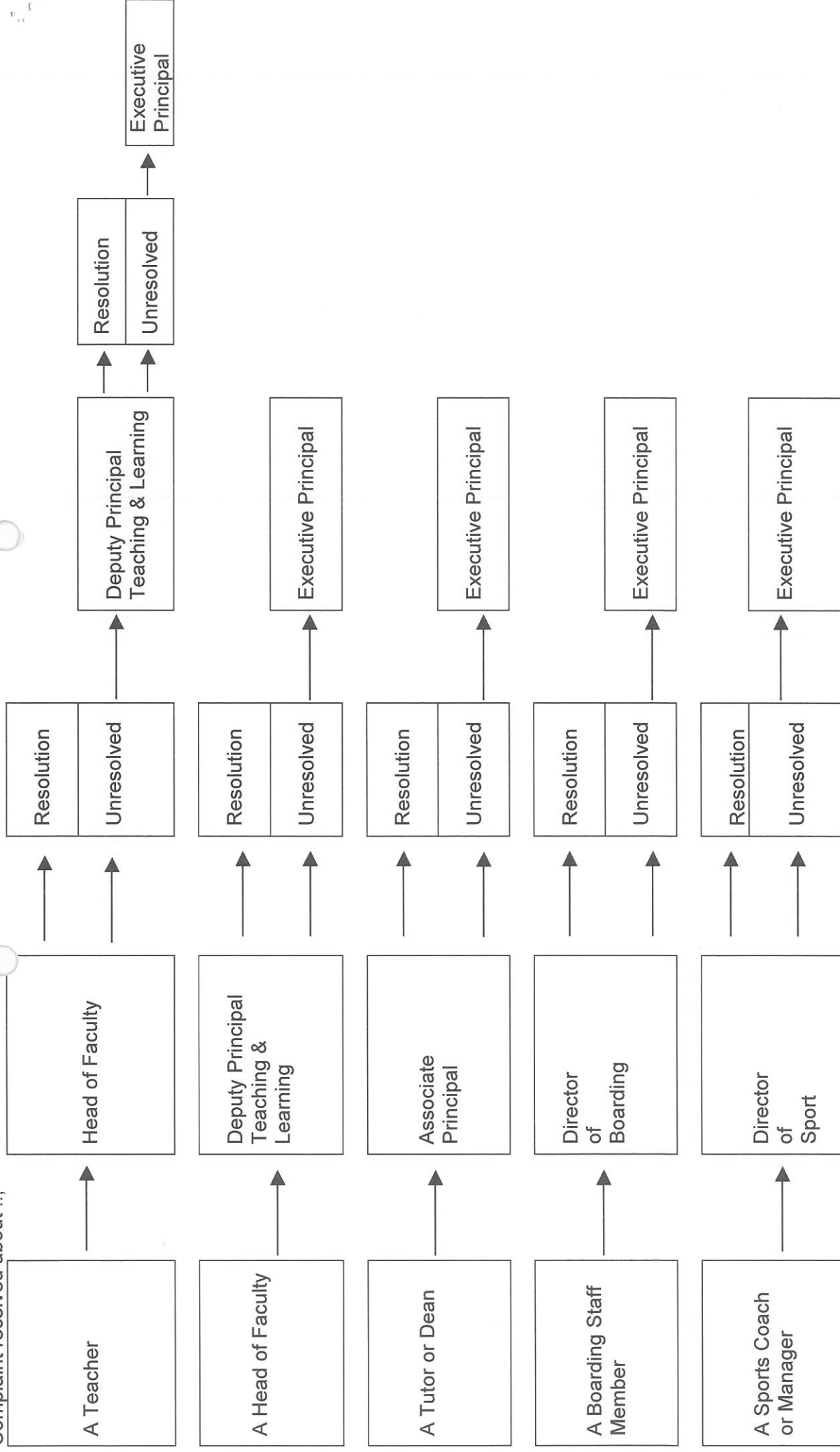
- Formal complaints will be received, investigated and responded to in a timely manner with the aim of satisfactory resolution for all parties
- Resolution procedure will respect the rights of those involved

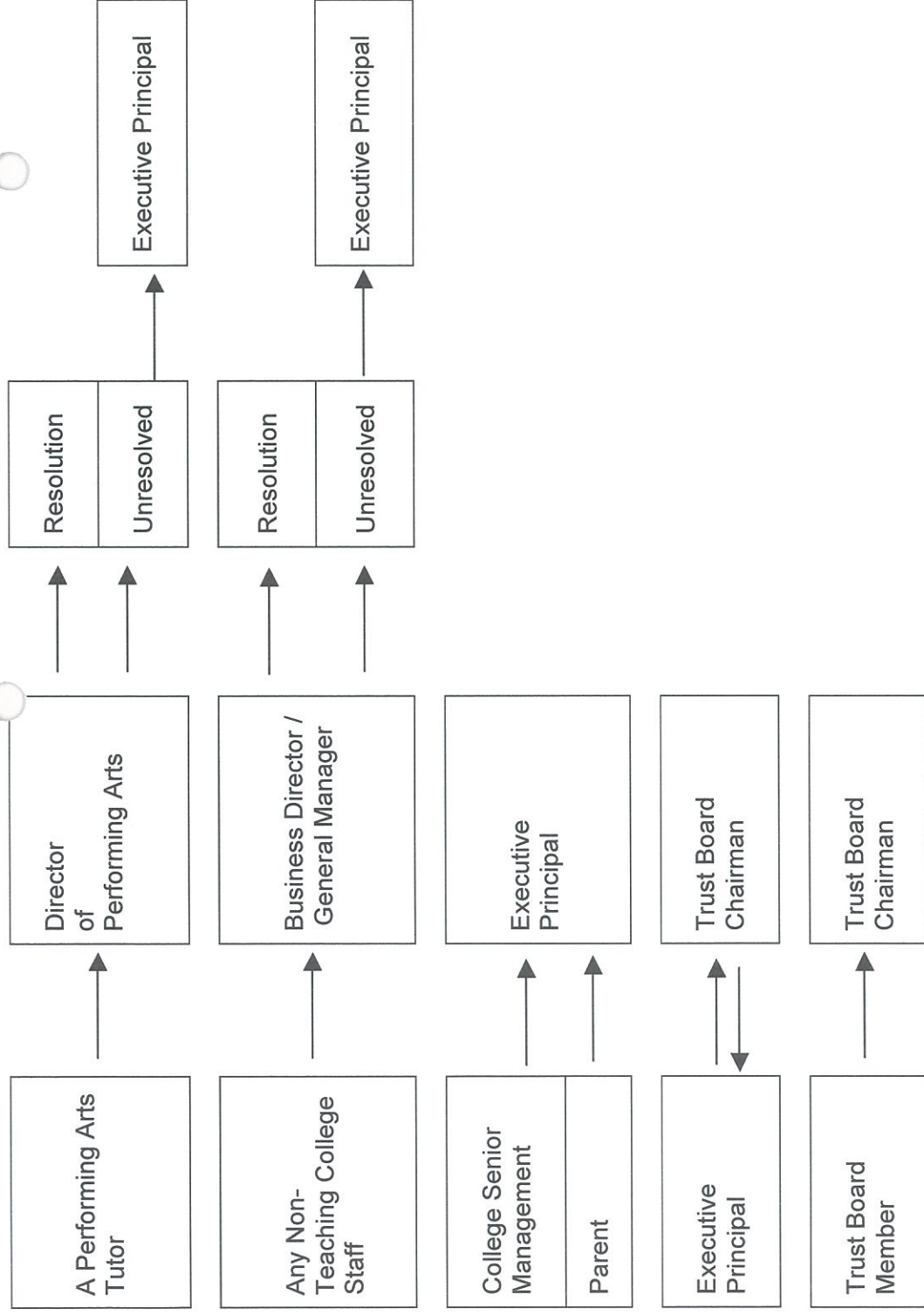
3.2 Procedure

This diagram summarises the personnel and steps involved in receiving and acting upon a complaint.

3.2.1. Personnel and Pathways – A Summary

Complaint received about ...





3.3 Process of Formal Complaints Resolution

3.3.1 Making and receiving a formal complaint

The complainant may make a written or verbal complaint. If verbal, the person receiving the complaint should take notes and then seek confirmation from the complainant that they are an accurate summary. The complaint will not be acted upon if it is made anonymously.

3.3.2 Deciding upon a course of action

- Within the category of “formal complaints” complaints vary in complexity, seriousness and validity. For this reason some reflection upon the best course of action, involving discussion with the relevant parties, when appropriate, will be helpful.
- Depending upon the nature of the complaint, the first steps will involve seeking verification of the issues and/or the employee’s response, so that it’s validity can be ascertained.
- The complexity and seriousness of allegations in this category of complaint will vary, so that in the first instance a judgment about its gravity will be made and subsequent action will depend upon this.
- Action or intent which risks serious breach of the safety and welfare of others in the school community should be brought to the urgent attention of the Executive Principal or Leadership Team.

3.3.3. Response by staff member handling complaint

3.3.3(1) May involve some or all of the following steps, depending upon the nature of the complaint

- Elicit further relevant information to ascertain the validity of the complaint
- Discuss issues raised with employee
- Observe employee practice
- For aspects of the complaint which are valid develop an action plan in consultation with the employee
- Monitor effectiveness of action plan. Take further remedial action, if required.
- Seeking counsel from colleagues
- Performance review and management
- Disciplinary action

3.3.3(ii) Will always involve :

- Informing, in writing :
 - the complainant of the steps taken to resolve the issue
 - the Executive Principal of the complaint and the action taken
 - the staff member about whom the complaint was made
- Respecting the confidentiality of the complainant if requested
- Maintaining a written record of the complaint, the action taken and the outcome
- In cases of disciplinary action the employer will adhere to the St Margaret’s College Collective Agreement – Clause 11 - Appendix A

4. Formal Complaints about College Facilities, Services and Commercial Practices

4.1 Rationale

To ensure excellent provision of services, facilities and commercial practices.

4.2 Policy

- The complaint will be dealt with in a timely manner by the Manager responsible
- The complainant will be informed of the outcome
- The Executive Principal and the Business Director will be informed

4.3 Procedure

- Complaints will be made in writing.
- An investigation of the complaint will be undertaken.
- At the conclusion of the investigation the complainant and any relevant staff member shall receive a written response outlining and explaining:
 - the need to retain the status quo
 - any proposed or implemented changes which address the issue and improve future practice.

5. Formal Complaints about the Conduct of Students within or outside the School

5.1 Rationale

To ensure students' behaviour does not bring harm to others and does not bring the school into disrepute.

5.2 Policy

- The complaint will be dealt with in a timely manner by the Associate Principal or relevant Dean of Year Level.
- The complainant will be informed of the outcome of the complaint

5.3 Procedure

Complaints will be made in writing, describing the issue and addressed to the Associate Principal, who will inform the Executive Principal and the relevant Dean of the complaint.

5.3.1. Response

May involve some or all of the following steps, depending upon the nature of the complaint:

- Elicit further information from those involved in the issue described including, as necessary, students, parents, school employees, members of the public.
- Seeking counsel from colleagues
- Using student handbook guidelines and College rules (see Student handbook)
- Discuss issues raised, as appropriate, with the students involved and/or their parents and form a plan of action
- For aspects of the complaint which are valid develop a response designed to
 - reduce, or prevent negative consequences
 - reduce or prevent a repetition of the issue
 - restore positive relationships
- Monitoring the effectiveness of the response

Will always involve:

- Informing, in writing :
 - the complainant, student and student's parents of the steps taken to respond to and resolve the issue
- Respecting the confidentiality of the complainant, if requested
- Maintaining a written record of the complaint, the action taken and the outcome.

Complaints Policy

Approved by:

Executive Principal's Signature: _____

Compliance Committee Chair: _____

Date Approved: _____

Date of Next Review: 2019

11. TERMINATION OF EMPLOYMENT, DISCIPLINARY PROCEDURES and REDUNDANCY**11.1 Termination and Dismissal**

The Employee's employment may be terminated -

- (a) By the Employee giving the Employer two (2) months notice.
- (b) By summary dismissal (Clauses 11.2 and 11.3).
- (c) Pursuant to disciplinary procedures (Clause 11.4).
- (d) Pursuant to the redundancy provision (Clause 11.5).

11.2 The Employer may dismiss the Employee summarily if the Employee:-

- (a) Shall be in breach of their employment obligations as referred to in Clause 1.2, or
 - (b) Shall be guilty of gross incompetence, grave misconduct, willful neglect, serious omission or misrepresentation, or
 - (c) Shall be found to have obtained employment by misrepresentation of qualifications or experience;
- provided that the Employer shall not summarily dismiss any Employee without an investigation and as soon as it is practicable shall give the Employee the reasons in writing why such summary dismissal is being considered and also the opportunity to make representations in writing, or in person, or through any other person acting on behalf of the Employee. The Employer shall have the power to suspend the Employee from service on full pay pending the investigation. The Employer shall not suspend the Employee without first giving the Employee the opportunity to make representations on the matter. The Employer shall also ensure that the Employee is aware of their right to be represented before the suspension takes effect.

11.3 Where the Employer has determined to terminate the Employee's employment by summary dismissal it may:

- (a) Terminate the Employee's employment accordingly, or
- (b) Allow the Employee to elect to resign before a specified date, in which case the Employer shall have the power to extend any suspension until the specified date, or allow the Employee to resume working, as the case may be, or
- (c) Transfer the Employee to another position in the College, or
- (d) Censure the Employee.

11.4 Disciplinary Procedures

If the Employer is concerned as to the conduct or performance of the Employee, the Employer shall:

- (a) In the case of concern as to the Employee's performance and competence:

Step 1

The Employer shall make an assessment of the evidence provided to determine if there is a case for concern.

Step 2

The Employee concerned shall be advised as early as possible about specific concerns. Questions of competence should be handled in a manner which seeks to

protect the mana and dignity of the Employee concerned. The Employee shall be advised that they may seek whanau, family, professional and/or union support in relation to such matters and that they may be represented at any stage. An appropriate assistance and personal guidance programme to assist that Employee shall be put in place.

Step 3

If after further reassessment competence is not achieved in a reasonable time the Employer shall advise the Employee in writing of the specific concerns and the suggested steps to be taken to remedy those concerns. The Employee shall be advised that they may seek whanau, family, professional or union support in relation to such matters and that they may be represented at any stage of the process.

Step 4

The Employee shall be given a reasonable opportunity, normally 10 school weeks, to remedy the matter(s) of concern that have been identified. It is recognised that there may be circumstances where a timeframe of less or more than 10 school weeks shall be reasonable. The Employee is to be advised of the actual timeframe for the necessary improvement to be achieved and of the monitoring or guidance that shall be provided.

Step 5

If after final reassessment the Employer is then satisfied that the concerns as to the Employee's performance remain unremedied then the Employer may immediately terminate the Employee's employment by giving the Employee one months salary in lieu.

- (b) In the case where the Employer has concerns as to alleged misconduct of an Employee:

Step 1

Where misconduct appears to have occurred, the Employer shall determine whether disciplinary procedures should be initiated. Where the Employer considers it appropriate it shall make initial enquiries to establish whether the disciplinary procedures should be initiated. In some cases, where the facts are clear and acknowledged, resolution may be achieved informally by discussion between parties without the need for initiating the disciplinary procedures. Questions of conduct or discipline should be handled in a manner which as far as possible protects the mana and dignity of the Employee concerned. The Employee shall be advised that they may seek whanau, family, professional or union support in relation to such matters and that they may be represented at any stage of the process.

Step 2

The Employee shall forthwith be advised in writing of the alleged misconduct and invited to respond. The Employee shall be advised that they may seek whanau, family, professional or union support in relation to such matters and that they may be represented at any stage of the process.

Step 3

The Employer shall take all steps to fully investigate the misconduct. The Employee shall be advised of all evidence and be given the right to attend any hearing and make written or oral representation.

Step 4

The Employer shall have the discretion to suspend or transfer the Employee at any time during any investigation of misconduct should it be deemed in the interest or welfare of any student.

Step 5

The Employer shall commit its final assessment in writing and this shall be provided to the Employee.

Step 6

The Employee shall have the right to reply by representation to the Employer within three working days of receiving the final assessment.

Step 7

In the event that the Employer's findings indicate misconduct then the Employer may take such disciplinary action as is appropriate in the circumstances. This may include summary dismissal if the Employer finds that the misconduct is of a nature referred to in clause 11.2 of this agreement.

Appendix 2 NZ TEACHERS COUNCIL CODE OF ETHICS

Code of Ethics for Registered Teachers

Teachers registered to practice in New Zealand are committed to the attainment of the highest standards of professional service in the promotion of learning by those they teach, mindful of the learner's ability, cultural background, gender, age or stage of development.

This complex professional task is undertaken in collaboration with colleagues, learners, parents/guardians and family/whānau, as well as with members of the wider community.

The professional interactions of teachers are governed by four fundamental principles:

Autonomy to treat people with rights that are to be honoured and defended,

- **Justice** to share power and prevent the abuse of power,
- **Responsible care** to do good and minimise harm to others,
- **Truth** to be honest with others and self.

Application of the Code of Ethics shall take account of the requirements of the law as well as the obligation of teachers to honour the Treaty of Waitangi by paying particular attention to the rights and aspirations of Māori as tangata whenua.

1. Commitment to Learners

The primary professional obligation of registered teachers is to those they teach. Teachers nurture the capacities of all learners to think and act with developing independence, and strive to encourage an informed appreciation of the fundamental values of a democratic society.

Teachers will strive to:

- a) develop and maintain professional relationships with learners based upon the best interests of those learners,
- b) base their professional practice on continuous professional learning, the best knowledge available about curriculum content and pedagogy, together with their knowledge about those they teach,
- c) present subject matter from an informed and balanced viewpoint,
- d) encourage learners to think critically about significant social issues,
- e) cater for the varied learning needs of diverse learners,
- f) promote the physical, emotional, social, intellectual and spiritual wellbeing of learners,
- g) protect the confidentiality of information about learners obtained in the course of professional service, consistent with legal requirements.

2. Commitment to Parents/Guardians and Family/Whānau

Teachers recognise that they work in collaboration with the parents/guardians and family/whānau of learners, encouraging their active involvement in the education of their children. They acknowledge the rights of caregivers to consultation on the welfare and progress of their children and respect lawful parental authority, although professional decisions must always be weighted towards what is judged to be the best interests of learners.

In relation to parents/guardians, and the family/whānau of learners, teachers will strive to:

- a) involve them in decision-making about the care and education of their children,
- b) establish open, honest and respectful relationships,
- c) respect their privacy,
- d) respect their rights to information about their children, unless that is judged to be not in

the best interests of the children.

3. Commitment to society

Teachers are vested by the public with trust and responsibility, together with an expectation that they will help prepare students for life in society in the broadest sense.

In fulfillment of their obligations to society, teachers will strive to:

- a) actively support policies and programmes which promote equality of opportunity for all,
- b) work collegially to develop schools and centres which model democratic ideals,
- c) teach and model those positive values which are widely accepted in society and encourage learners to apply them and critically appreciate their significance.

4. Commitment to the profession

In the belief that the quality of the services of the teaching profession influences the nation and its citizens, teachers shall exert every effort to maintain and raise professional standards, to promote a climate that encourages the exercise of professional judgement, and to achieve conditions which attract persons worthy of trust to careers in education.

In fulfillment of their obligations to the teaching profession, teachers will strive to:

- a) advance the interests of the teaching profession through responsible ethical practice,
- b) regard themselves as learners and engage in continuing professional development,
- c) be truthful when making statements about their qualifications and competencies,
- d) contribute to the development and promotion of sound educational policy,
- e) contribute to the development of an open and reflective professional culture,
- f) treat colleagues and associates with respect, working with them co-operatively and collegially to promote students' learning,
- g) assist newcomers to the profession,
- h) respect confidential information on colleagues unless disclosure is required by the law or serves a compelling professional purpose,
- i) speak out if the behaviour of a colleague is seriously in breach of this Code