



## MORRINSVILLE COLLEGE BOARD OF TRUSTEES COMPLAINTS POLICY

### Rationale:

1. The school should have a fair and supportive environment where students, parents/caregivers or staff members can register any complaint and feel confident that these will be handled in a fair and professional manner.
2. Complaints may be from:
  - A student about a student or staff member
  - A staff member about a student or staff member
  - A parent or a member of the public about a student or staff member, including the Principal.
3. Complaints dealt with under this policy are most likely to concern relationships between students or staff.

### Objectives:

1. To resolve complaints in a fair and professional manner - this should be done co-operatively and speedily.
2. To protect the rights of complainants by:
  - a. Acting promptly to resolve the dispute or complaint
  - b. Ensuring that they are not harassed for having laid a complaint.
3. To protect the rights of staff by:
  - a. Ensuring the complaints are fairly investigated and decisions are made on the basis of properly evaluated evidence
  - b. Ensuring the process complies with the procedure set out below and relevant contractual provisions.
4. To protect the rights of students by:
  - a. Ensuring that complaints are fairly investigated and decisions are made on the basis of properly evaluated evidence
  - b. Ensuring that a process is in place so that the student does not suffer adversely as a result of making the complaint.

### Procedures Where There Are Complaints Against Students:

1. All complaints (which should preferably be made in writing) must outline clearly the details of the complaint being made and the names of person(s) involved.
2. The Principal (or such other staff member as may be appropriate) shall investigate the complaint to determine whether or not it has substance. If there is no foundation to the complaint or it is capable of being remedied informally with the agreement of the parties concerned, then this shall conclude the enquiry and the outcome shall be advised to those concerned.
3. In most cases, where appropriate, a written record shall be kept of the complaint and its resolution.
4. If the complaint is not capable of being resolved informally, then the Principal shall give consideration to an appropriate response in accordance with the stand-down, suspension, exclusion and expulsion rules and provisions under the Education Act 1989.

### Procedures Where There Are Complaints Against Staff:

1. Complaints should preferably be in writing, clearly setting out the details of the complaint and identifying the person(s) involved. It is acknowledged in some cases a written complaint may not be practicable. This will not prevent these procedures being implemented.
2. If a complaint is made to a Board member, a Staff member or any other member of the school community, it should be referred to the Principal immediately. The only exception will be if the complaint is against the Principal, in which case it should be referred to the Board Chair.
3. If a complaint is received about a staff member's conduct, then the Principal shall carry out an initial enquiry in the first instance, unless the complaint is about or concerned with the Principal, in which case the Presiding Member of the Board of Trustees and one other Board member shall carry out the initial enquiry. The purpose of this initial enquiry is to determine whether there is any foundation to the complaint, whether it can be resolved informally or if it should be the subject of a formal disciplinary investigation.

4. If the Principal believes that there is a case to answer he will advise the Board Chair about the case confidentially and together they will make a decision about what the next action should be. This could include for instance a formal investigation or a report to the Teaching Council.  
They will also decide whether to advise other Board members and how much to tell them, remembering that Board members may be required to consider the results of an investigation and determine an outcome, which could include suspension or dismissal.
5. An investigation into a staff complaint shall comply with the requirements of procedural fairness and the relevant terms of the applicable employment agreement. The investigation process shall be determined by the investigator on a case by case basis, but shall include the following minimum requirements:
  - a. The staff member shall be fully advised of the complaint and be given the opportunity to make an initial response
  - b. If a formal disciplinary investigation is commenced, the staff member shall be advised of this decision and of his or her right to representation during the investigation. The identity of the person(s) who will be carrying out the formal investigation on behalf of the Board of Trustees shall be notified to the staff member.
  - c. The disciplinary investigation may involve interviewing those persons considered relevant to the enquiry. The staff member shall be kept advised of the scope of the enquiry and provided with documentation and other information obtained during the process
  - d. The staff member shall be given the opportunity throughout the process to give responses and ensure his or her views are considered
  - e. At the completion of the formal investigation a report setting out the tentative findings and recommendations of the Board shall be made available to the staff member who will be given further opportunity to respond to the findings and recommendation.
6. The complaints procedure will be carried out in accordance with the principles of procedural fairness and relevant provisions contained in the staff member's employment agreement. It is also acknowledged that the investigation process may be varied to meet individual circumstances and that in some cases the following may apply:
  - a. The Principal or Board of Trustees may suspend a staff member at any time following receipt of a complaint provided the reason for suspension is in accordance with the relevant provisions of the Secondary Teachers' Collective Agreement (or other agreement is applicable). The Principal is authorised by the Board of Trustees to suspend on its behalf in appropriate circumstances
  - b. The Board may delegate all or part of an investigation to a suitably qualified person outside of the school where the Board considers such external assistance appropriate.
7. During an investigation and upon its completion, the applicable reporting requirements to the Teaching Council shall be met, in particular if:
  - a. A teacher is dismissed for misconduct or failure to reach the required level of competence
  - b. A teacher resigns within twelve months of an investigation being completed with respect to the teacher's conduct or competence
  - c. A complaint is received within twelve months after a teacher ceases employment in the school
  - d. There is reasonable belief that a teacher may have engaged in serious misconduct or has not reached the required level of competence despite the school undertaking competency procedures
  - e. Any criminal conviction or an offence punishable by imprisonment for three months or more has been reported by a teacher to the Board within seven days of conviction, as must occur.

The teacher shall be provided with copies of any notices sent to the Teaching Council in accordance with the Education Act 1989.



N Te Ahu  
BOARD PRESIDING MEMBER