



Policy: Formal Complaints

Writer: Principal

Purpose

To provide a clear procedure for handling a formal complaint.

Guidelines

- A formal complaint is a written complaint addressed to the Principal (by title or by name) or the Board of Trustees.
- Formal Complaints which relate to the performance or behaviour of a staff member will be investigated by the Principal or delegated authority as appropriate.
- Formal Complaints which relate to the performance or behaviour of students will be investigated in the first instance by the Deputy Principal. Such complaints will fall within the school's discipline system.
- Where the formal complaint concerns a staff member, two outcomes are possible:
 - a) Where the matter is not serious and the facts are clear, resolution may be achieved in consultation with the complainant without further action.
 - b) Where the matter is serious or the facts unclear, the Principal or delegated authority must investigate further. The Board Chairman is to be notified of the investigation at this stage. If the complaint under investigation relates to any matter covered by policies relating to sexual harassment, abuse, or the sexual misconduct of a staff member, then the procedures in the respective policy shall be followed.
- Where matters of competence, conduct, discipline or performance are discovered the provisions of sections 3.3 to 3.5 of the CEC must be followed for teaching staff or the relevant provisions of individual contracts or collective contracts for other staff.
- Any complaint about the Principal will be dealt with by the Board of Trustees.
- Any complaint that is a Sensitive Claim of Abuse will be dealt with according to MoE advice.
- Complainants must be notified in writing of the outcomes of each investigation while protecting the rights of those complained against.

Signed: Andrew Fox, Presiding Member _ Date: 29/8/22

Reviewed: May 2006

Re-adopted: March 2018

Revised and adopted August 2022

Sensitive Claims of Abuse in State Schools

'Sensitive claims' are claims made **by or on behalf of a former student** who believes they were abused (physically, sexually, psychologically), mistreated or neglected at a New Zealand state school, and that this experience has harmed them in some way.

The Ministry of Education will only respond to claims about residential special schools and primary schools if the claim relates to events occurring before 1989, and to claims about state schools that have closed.

All other claims need to be responded to by the school's Board.

The following is a suggested outline for Boards to use in order to work through a process in responding to a sensitive claim:

1. Acknowledge receipt of the claim and outline for the complainant the steps that will be undertaken by the Board in reviewing and responding to their claim ("the Claim") and the likely timeframe.
2. Request from the complainant any relevant records that they hold in relation to the Claim.
3. Review school records to identify and collate relevant information that relates to the Claim.
4. Contact the Ministry of Education to determine whether they hold any relevant records in relation to the Claim.
5. Create a Board subcommittee to undertake the process of reviewing and responding to the Claim. Unless the Principal is conflicted he/ she should generally be included in the subcommittee.
6. Consider whether the Board subcommittee needs to make a mandatory report to the Teaching Council, if the Claim relates to a registered teacher and the mandatory reporting obligations have been triggered.
7. Consider whether the Board subcommittee needs to refer the complainant to the Police, or whether the Board needs to contact the Police directly, if the Claim is about criminal conduct.
8. Compile a list of all of the documents that have been obtained from the complainant, school records, and Ministry of Education ("the Documents").
9. Provide a copy of the Documents to the complainant (with redactions if necessary), and provide an opportunity for the complainant to submit further relevant information.
10. Board subcommittee to review the Documents and assess the Claim, and determine whether the Claim can be upheld or dismissed based on the information available, or whether further information needs to be obtained and an expert assessor is required.
11. An expert assessor is likely to be required where the Board subcommittee considers that interviewing of the complainant or witnesses is necessary.
12. If the Complaint is upheld, determine whether redress is necessary, such as an apology to the complainant.
13. Advise the complainant of the Board subcommittee decision.