



## Complaints Policy & Procedure

### Background

#### Aligns with NAG 5 Health and Safety

Rutherford College School Board is committed to giving practical effect to the Treaty of Waitangi in all of the school's policies and procedures.

In meeting the Board's obligation to maintain a safe and welcoming environment for staff, students and visitors the Board delegates to the Principal the responsibility for implementing an effective procedure for handling complaints or grievances. The procedure will provide an open and fair pathway toward a satisfactory resolution to issues raised and comply with relevant legislation.

### Delegations

- The board delegates to the Principal or his delegate full responsibility for ensuring processes are in place and operating effectively.
- The board delegates to the Principal or his delegate the authority to investigate all complaints and the discretion to resolve the complaint as they consider appropriate.
- In the event of a complaint or grievance concerning the Principal, the responsibility of investigating the complaint will shift to the Board Chair. The Chairperson may decide to delegate this task to a subcommittee of the Board
- Complaints against members of the Board, or the full Board shall be investigated by the Chairperson of the Board, who shall have discretion to resolve the complaint as they consider appropriate. The Chairperson may delegate this task to a subcommittee of the Board.
- Complaints against the Chairperson of the Board are to be investigated by a subcommittee of the Board.
- The Principal, Chairperson of the Board or Board may also appoint an external person to undertake investigations, or resolve complaints in appropriate circumstances.

### Policy Statements

- All complaints will be acted upon promptly and action taken will be reported back to the complainant.
- In the course of dealing with a concern/complaint, the principles of natural justice will apply at all times.
- The process for dealing with complaints is clearly communicated and the procedure is easily accessible for all parties.

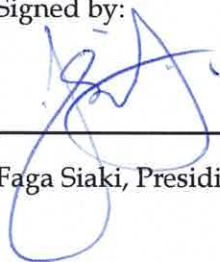
- The complainant will be communicated with throughout the investigation to ensure they understand the process the school is following.
- Where the Board or Principal considers the degree and seriousness of the concern or any violation sufficient to warrant initiating a disciplinary or competency process, the board shall seek the advice in the first instance from an NZSTA adviser or other legal advice to ensure due process is followed.
- Any party unhappy with the investigation, or resolution of a complaint by the Principal or his delegate, may complain to the Chairperson of the Board.
- Any party unhappy with the investigation, or resolution of complaint by the Chairperson, may complain to the Board. The decision of the Board shall be final.
- The Principal, or the Board, shall have the authority to suspend staff (with or without pay) during the course of an investigation, or where the health and safety of that staff member, a student, or other staff member, warrants the suspension.

### **Monitoring**

The Principal shall maintain a register of complaints and resolutions and report to the board at least quarterly per annum outlining the number of complaints, resolution, and any areas of concern for board deliberation.

Approved at the Board meeting dated 30 August 2022.

Signed by:



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Faga Siaki, Presiding Member

## Complaints Process

### General Issues or Concerns

If the issue or concern is general in nature, then a resolution may be reached informally through discussion between both parties.

1. Make contact with the person and arrange a time to discuss the matter privately.
2. Try to work toward a resolution. Be prepared to listen or hear different points of view.
3. This may require more than one meeting.
4. Agree on a resolution and confirm it in writing if necessary.

### Formal Complaints

If the issue or concern is not able to be resolved informally through meeting and discussing or you do not want to approach the person involved, the formal complaints process applies:

1. All complaints should be directed to the [Principal](#) in the first instance and made in writing, clearly outline the details of the complaint being made and the name(s) of the person(s) involved.
2. The complaint will be acknowledged, and the complainant advised an investigation is underway along with a proposed timeline for completion of the process.
3. The Principal or his delegate will investigate the complaint by discussing the matter with the complainant, any relevant employees or third parties. At all times the investigator shall carry out the investigation in accordance with appropriate legal principles. This will usually be done face to face but may also require a written response by any party if the investigator feels it is necessary.
4. A record of any interviews with students, staff or third parties will be kept.
5. The Principal or his delegate will make contact with the complainant after they have completed an investigation and advise of a proposed resolution or course of action. The complainant may be invited in to meet the Principal to discuss this if needed.
6. If it is necessary to refer the matter to the Police and/or outside agencies, this shall normally be done after consultation with parents/caregivers (for students) or staff member if it is employment related. For employment matters the process will follow the relevant collective agreement provisions, including protecting the staff member's dignity and mana, and advising them of their right to seek support and representation before responding.
7. At all times, the complainant shall be advised of their right to bring a support person(s) into this process.
8. Any outcome, including any recommended actions will be documented and communicated as appropriate and will include the identification of the individual accountable for implementation with timelines for review if necessary.
9. If all parties are satisfied with the proposed resolution, the matter will be considered closed, and the complaint will be logged in the complaints log.
10. If a resolution cannot be agreed upon, the matter can be referred to the [Board Chair](#), who will follow the same process for investigating the matter as outlined above.

### **Formal Complaints against the Principal**

1. All complaints against the Principal must be in writing and directed to the [Board Chairperson](#).
2. The Board Chair will investigate the matter. The Board Chair may delegate this investigation to a subcommittee.
3. The Board will discuss the matter with the Principal and any outcomes, including recommended actions will be conveyed to the complainant.
4. If all parties are satisfied with the proposed resolution, the matter is considered closed.
5. The Board will record the complaint and resolution in the Complaints Log.
6. If the matter cannot be resolved or either party is unhappy with the outcome, the matter can be referred to the [Board](#). The decision of the Board is final.

### **Formal Complaints against the Chair**

All complaints against the Chair or the Board must be in writing and directed to the [Board](#). The Board will review the complaint following the same process as outlined above. The decision of the Board is final.

# Rutherford College Complaints Process

Most concerns can be resolved informally by discussions with people concerned.

You have the right to include a support person in this process for either party at any time.

