

# MICHAEL PARK SCHOOL PROCEDURE

## Appendix 2: FORMAL COMPLAINTS

### Guidelines

1. A copy of the school's complaints policy and procedures will be available in the office.
2. The school will address all concerns and low-level complaints and make genuine effort to resolve them.
3. If after such a process a situation remains unresolved students / parents / caregivers / whānau / staff or members of the public may choose to lodge a formal complaint in writing.
4. In cases of a staff complaint about a parent, which remains unresolved in the first instance, a formal complaint may be made to the Board Chairperson.
5. Complaints will be acknowledged within 7 days.
6. Formal complaints should be addressed as such to the Principal or, in the case of a complaint about the Principal, to the Chairperson of the Board of Trustees
7. The Board of Trustees will not typically get involved with complaints but may do so where the matter is serious or where, after following standard procedure, the matter remains unresolved. In such cases a properly constituted sub-committee of the Board should undertake further investigation of the complaint and may initiate any actions it deems appropriate.

### Procedure

If any member of the school community or public wishes to make a formal complaint, the procedure as set out below should be followed:

1. The formal complaint should be provided in writing with details that include the full nature of the complaint, efforts made to resolve the matter and the complainant's name and contact phone number and what solution is sought to resolve the matter.
2. The formal complaint should be addressed as such to the Principal, or in the case of a complaint about the Principal, to the Chairperson of the Board of Trustees.
3. When the complaint is received, the Principal or Board Chair may discuss the matter with the complainant to seek clarification before deciding what action should be taken. The complainant may have a support person during this process if desired.
4. The complaint will be investigated, by the Principal or Board Chair ensuring that the following is covered:
  - Establish **what** has happened so far, and **who** has been involved
  - Clarify the nature of the complaint and what remains unresolved
  - Review relevant documentation
  - Meet with / contact the complainant if further information is necessary
  - Clarify what the complainant feels would put things right

- Interview staff involved with an open mind (allow them to be accompanied if they wish) and be prepared to persist with questioning
  - Keep notes of the interview
5. In the interests of natural justice, any persons included in a complaint must have the opportunity to hear all details about it and have the opportunity to present their point of view. They may have a support person during any discussion of the complaint if they wish.
  6. A student or staff member subject to a complaint or called on as part of an investigation will respond to the complaint directly to the Principal or Board Chair and shall not discuss the matter with the complainant until they are given permission to do this.
  7. Processes will be guided by good employer requirements as well as obligations under the relevant employment contracts.
  8. If the complaint has foundation, the Principal or Board Chair will take legal advice, notify the insurer as appropriate, and apply the appropriate industrial or mediation procedures, depending upon the circumstances. Where appropriate, the situation may be resolved by mediation.
  9. Where a complaint has potential ramifications beyond the immediate school community, the CEO of SEANZ will be informed.
  10. Depending on the nature of the complaint the matter may be referred to the Board of Trustees for consideration and action.
  11. **Resolving Complaints:** An effective investigation will identify areas of agreement between parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. At each stage the Principal or Board will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
    - An apology
    - An explanation
    - An admission that the situation could have been handled differently or better
    - An assurance that the event complained of will not recur
    - An explanation of the steps that have been taken to ensure that it will not happen again
    - An undertaking to review school policies in light of the complaint
  12. An admission that the school could have handled the situation better is not the same as an admission of negligence
  13. Complainants will be informed of the outcome of the investigation.
  14. If a complainant is dissatisfied with the outcome of the complaint they may write to the Board of Trustees for a review of the process. This should be completed within 28 days.
  15. The Principal will inform the Board Chairperson of complaints that are unable to be resolved or have potential disciplinary consideration. If the Chairperson and Principal are unable to resolve

the matter the Board will be informed. In such situations the Board will determine if any further action will be taken to resolve the matter.

16. In cases where a complaint is unresolved no further action may be taken or the Principal or complainant may refer the matter to the Board of Trustees. In such situations the Board of Trustees will decide if it wishes to investigate the matter further. Where a decision is made to take further action (e.g. where the complaint pertains to serious negligence or wrongdoing) a properly constituted sub-committee of the Board will be established to undertake an investigation and may initiate any actions it deems appropriate. The Board may:
  - Dismiss or uphold the complaint in whole or in part
  - Decide on the appropriate action to be taken to resolve the complaint
  - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not reoccur
17. Complaints received by the Board will be tabled and discussed in the public-excluded section of the Board meeting.
18. Board members with personal knowledge or a conflict of interest should exclude themselves from participating in the complaints procedures. Advice will be sought on conflict of interest necessary.
19. **Vexatious Complaints:** If properly followed, this complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tried to reopen the same issue, the chair of the Board is able to inform them in writing that the procedure has been exhausted and that the matter is now closed as far as the school is concerned. The complainant may then take the issue to the Ministry of Education. NOTE: It is common practice for the Ministry to direct all complaints back to the school in the first instance. The Ministry upholds the school's ability to self-govern and follow their own policies and procedures for managing complaints.