



### ***NAG 3 - Ellerslie School Procedure for Concerns and Complaints***

The response to complaints must be fair and consistent and in accordance with the codes of conduct included in the charter, the relevant Employment Contracts and the legal obligations to be a good employer.

#### **Guidelines for Complaints**

1. Staff, students and families are encouraged to communicate concerns as early as possible to allow for swift action to rectify any problems.
2. Where possible, concerns and complaints will be dealt with through a direct approach to the relevant parties. Staff members are required to follow the identified channels of communication - Team Leader/Deputy Principal/Principal. If the complaint is one of serious misconduct then the procedure below is to be followed.
3. Receipt of a complaint will be acknowledged promptly.
4. Where a complaint is made against a staff member, that staff member will be given the opportunity to respond to the complaint.
5. Complaints can be made in written form or in person.
6. If, after a direct approach to the parties involved, the problem is unresolved either party may escalate matter to the appropriate team leader.
7. If the problem is unresolved a member of the Leadership Team will conduct an investigation into the complaint. The Deputy Principal/Principal will keep documentation of processes followed.
8. If the complaint can be resolved at that point the Principal will take appropriate action (if any) as required. The Principal may report to the Board Chairperson on the resolution of the complaint and actions taken.
9. If the problem remains unresolved after contact with the Principal, a formal written complaint is made to the Board Chairperson.
10. In cases of a complaint against the Principal which remains unresolved after a direct approach, a formal written complaint may be made to the Board Chairperson. Any complaint against the Principal should be directed to the Board Chairperson in the first instance. There is a difference between complaint against the Principal and a complaint that the Principal has not been able to resolve. For the avoidance of doubt, this requirement relates to the former.
11. Where a complaint concerns the Principal, the Board Chair and one other BOT member must be made aware of the complaint. The Board Chairperson shall investigate the complaint.
12. If the circumstances and nature of the complaint are deemed to be serious the Board may establish a Complaints Investigating Committee. The Investigating Committee shall be made up of the Board Chairperson, the Principal and a minimum of one other Board member. The complaints investigating committee may seek professional guidance as required.
13. If any member of the Investigating Committee is the complainant, the subject of the complaint personally or has a conflict of interest then the Board shall appoint a substitute member from amongst the Board to take the place of such person.
14. The Complaints Investigating Committee shall inform the person who is the subject of the complaint about the precise nature and source of the complaint in writing. The committee will call for a response in writing, receive and consider it.



15. In dealing with all complaints the Principal and Board will act in accordance with conditions of the relevant and current employment contract(s).
16. Where a complaint concerns a staff member the Board may choose to obtain legal advice and consult with the insurer before taking any disciplinary action whatsoever, Complaints involving criminal offences are to be referred to the Police.
17. As soon as practicable the complainant shall be informed by the Principal or Board Chairperson of the outcome of the investigation and the disciplinary action to be taken (if any).
18. If after the complaint has been addressed by the Principal and the complainant is still not satisfied with the outcome, the complainant is to be advised of their right to contact the MOE (contact details shall be provided).

#### **Guidelines for Complaints made by the Principal – to Board of Trustees**

1. If after a direct approach to the parties involved – this may include a staff member(s), parent(s)/guardian(s), Board of Trustees member(s) the problem is unresolved contact with the Board Chairperson shall be made.
2. Complaints can be made in written form or in person to the the Board Chairperson.
3. The Board Chairperson will keep documentation of processes followed.
4. If the complaint can be resolved at that point, the Board Chairperson will take appropriate action (if any) as required. The Board Chairperson may report to the Board of Trustees on the resolution of the complaint and actions taken.
5. Where a complaint concerns the Board Chairperson the Board Chairperson and one other Trustee must be made aware of the complaint. The Trustee will complete the investigation and report back to the Board on the complaint and actions.
6. If the circumstances and nature of the complaint are deemed to be serious the Board may establish an Investigating Committee made up of the Board Chairperson, the Principal and a minimum of one other Board member. The Investigating Committee may seek professional guidance as required.
7. If any member of the Investigating Committee is the complainant, subject of the complaint personally or has a conflict of interest then the Board shall appoint a substitute member from amongst the board to take the place of such person.
8. The Complaints Investigating Committee shall inform the person who is the subject of the complaint about the precise nature and source of the complaint in writing. The committee will call for a response in writing, receive and consider it.
9. In dealing with all complaints the Principal and Board will act in accordance with conditions of the relevant and current employment contract(s).
10. Where a complaint concerns a staff member the board may choose to obtain legal advice and consult with the insurer before taking any disciplinary action whatsoever complaints that may involve a criminal offence are to be referred to the Police
11. The complainant is informed by the Principal or Board Chairperson as per the outcome.
12. If after the complaint has been addressed by the Principal and the complainant is still not satisfied with the outcome, the complainant is to be advised of their right to contact the MOE (contact details shall be provided).

#### **Complaints Against a Board member**

1. In the case of a complaint against a Board member which remains unresolved after a direct approach (unless the complaint is of serious misconduct in which case the complaint should immediately be passed on to the Board Chairperson), a formal written complaint will be made to the Board Chairperson. Any complaint against Board member should be directed to the Board Chairperson in the first instance.
2. Where a complaint concerns a Board member, the Board Chairperson and one other Board member must be made aware of the complaint.

3. The Board Chairperson may establish an Investigating Committee made up of the Board Chairperson, and a minimum of two other Board members. The complaints investigating committee may seek professional guidance as required.
4. If any member of the Investigating Committee is the complainant, subject of the complaint personally or has a conflict of interest then the Board shall appoint a substitute member from amongst the Board to take the place of such person.
5. The Investigating Committee shall inform the person who is the subject of the complaint about the precise nature and source of the complaint in writing. The committee will call for a response in writing, receive and consider it.
6. Where a complaint concerns a staff member the board may choose to obtain legal advice and consult with the insurer before taking any disciplinary action whatsoever complaints that may involve a criminal offence are to be referred to the Police.
7. The complainant shall be informed by the Board Chairperson of the outcome. The BOT shall be informed of the outcome and appropriate action taken.

### **Complaints Against the Board Chairperson**

1. In the case of a complaint against the Board Chairperson which remains unresolved after a direct approach (unless the complaint is of serious misconduct in which case the complaint should immediately be passed on to a delegated member of the Board), a formal written complaint will be made to the Board.
2. The Board may establish an Investigating Committee made up of a minimum of the Principal and three other Board members. The complaints investigating committee may seek professional guidance as required.
4. If any member of the Investigating Committee is the complainant, subject of the complaint personally or has a conflict of interest then the Board shall appoint a substitute member from amongst the Board to take the place of such person.
5. The Investigating Committee shall inform the Board Chairperson about the precise nature and source of the complaint in writing. The committee will call for a response in writing, receive and consider it.
6. Where a complaint concerns a staff member the board may choose to obtain legal advice and consult with the insurer before taking any disciplinary action whatsoever complaints that may involve a criminal offence are to be referred to the Police.
7. The complainant shall be informed by the Board Chairperson of the outcome. The Board of Trustees shall be informed of the outcome and appropriate action taken.

### **Complaints of Serious Misconduct**

Anyone making a complaint of serious misconduct (written or verbal) shall present their complaint/concern to the Principal. If verbal, the Principal will record the complaint and ask the person making the complaint to sign and date it.

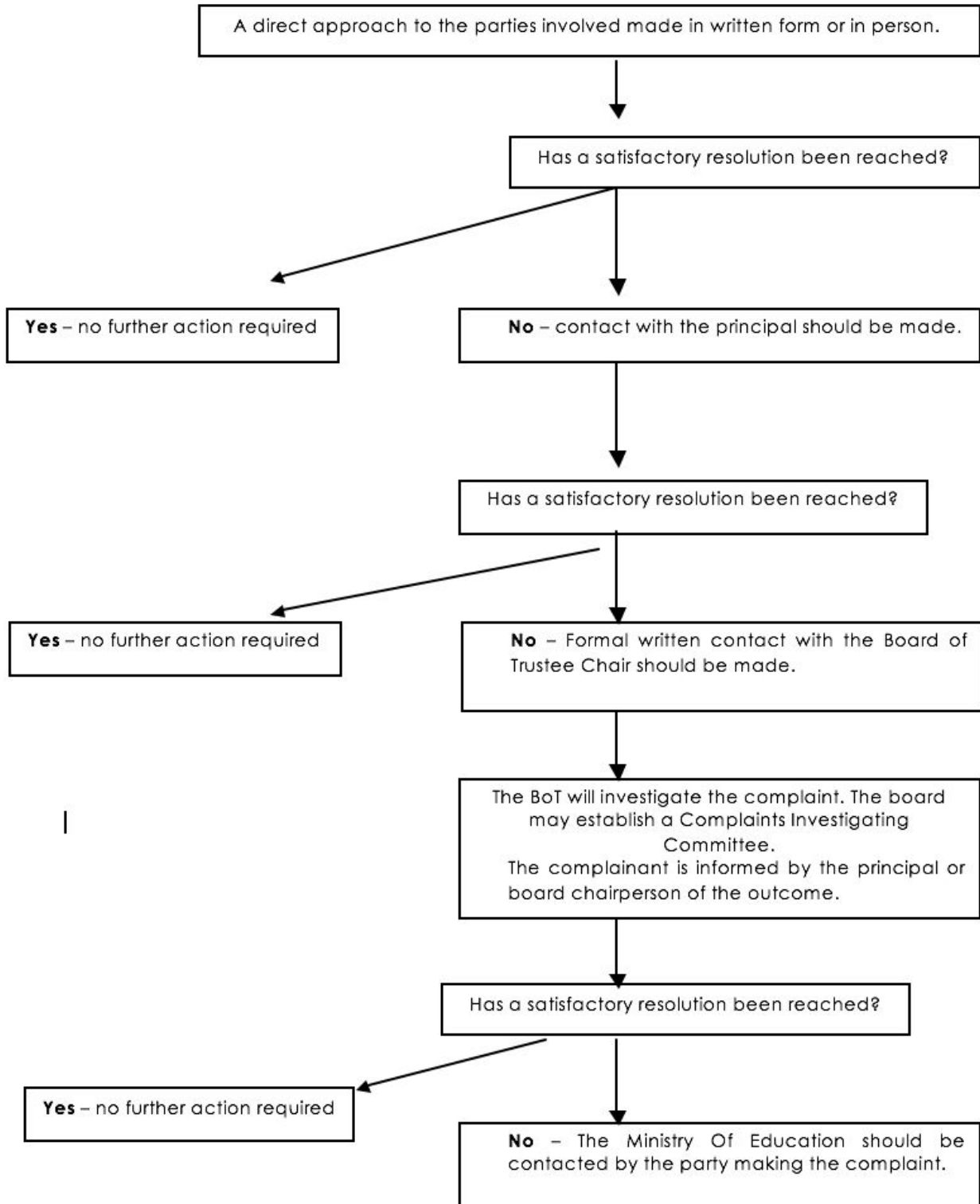
- A. Serious Misconduct complaints might include:
- B. alleged physical, sexual or verbal abuse,
- C. failure to carry out lawful instructions,
- D. failure to comply with the school's, policies or procedures,
- E. misappropriation of school money, resources or property,
- F. any other action or lack of action not included above which is considered 'serious' by the Principal or Board in light of the circumstances at the time.

If it appears that a criminal offence may have taken place, the Principal will contact the Board of Trustees Chairperson and contact with the Police will be made.

1. The role of the Principal as the professional leader of the school is recognised. The Principal (or designated representative) will keep documentation of processes followed in the case of a complaint of misconduct or serious misconduct.
2. The Board may establish an Investigating Committee made up of the Board Chairperson, the Principal and a minimum of one other Board member. The Investigating Committee may seek professional guidance as required.

3. If any member of the committee is the complainant, subject of the complaint personally or has a conflict of interest then the Board shall appoint a substitute member from amongst the Board to take the place of such person.
4. The Investigating Committee shall inform the person who is the subject of the complaint about the precise nature and source of the complaint in writing. The committee will call for a response in writing, receive and consider it.
5. In dealing with all complaints the Principal and Board will act in accordance with conditions of the relevant and current employment contract(s).
6. Where a complaint concerns a staff member the board may choose to obtain legal advice and consult with the insurer before taking any disciplinary action whatsoever.
7. The complainant shall be informed by the Principal or Board Chairperson of the outcome. In a situation where disciplinary action is deemed necessary after investigation, the school's Disciplinary Procedures will be followed.
8. Where the complaint of serious misconduct is made against the Principal the complainant should make the complaint to the Board Chairperson.

## Concerns and Complaints – Flow Chart



Signed

(Chairperson)

Date