St Andrew's College

Complaints Policy

Purpose Statement

To ensure that a clear process exists to enable raising and addressing complaints in alignment with the principles of natural justice.

Guiding Principles

- All members of the St Andrew's College community have the right to raise concerns and complaints about the school and have those concerns and complaints addressed.
- When responding to concerns and complaints, all legal obligations must be meet, including employment, health and safety and privacy requirements (e.g. confidentiality).
- The principles of natural justice are to be applied when responding to concerns or complaints.
- It is expected that people are treated fairly, and we seek to protect their mana and dignity in line with our inclusive school culture.
- Serious matters may need to be raised with external agencies directly (e.g. police, Oranga Tamariki).
- This policy sets out the process by which concerns, and complaints, are to be dealt with by St Andrew's College. St Andrew's College is open to feedback on this policy, and desires to work with its community in all matters.
- The process for dealing with historical complaints (including abuse) is set out separately in St Andrew's College's Historic Abuse Policy.

Definitions of Concerns and Complaints

Concerns: A concern is a matter that causes worry or disquiet that could be resolved collaboratively at the level, or close to the level, where the concern was generated. A concern can be raised verbally or in writing.

Complaints: A complaint is a serious concern that the complainant wishes to be formally investigated and resolved. Complaints may be made about students, staff, Board Members or school procedures or requirements.

A complaint must:

a. Be in writing;

b. State in detail the reason for the complaint;

c. Be based on specific and factual information, with all information provided; and

d. Identify the complainant.

Process for dealing with a concern

All members of the College community (including staff, students and students' families) are welcome to raise matters of concern with individual members of staff, and issues are encouraged to be resolved collaboratively and at as low a level as possible.

Students and parents may raise concerns with the staff member most relevant to helping address their issue. This is mostly likely to mean such concerns are raised with their teachers or Dean, or alternatively another member of staff.

Staff are encouraged to be able to raise concerns they may have with the relevant colleague, and to seek to resolve this through collaborative dialogue. Staff are encouraged to document staff concerns that are raised, as with student and parent concerns. In case the initial concern escalates, and to record when and how the initial concern was managed.

The person dealing with a concern raised needs to ensure those involved can be heard, cultural considerations (e.g. tikanga and kawa) are taken into account, privacy and confidentiality is maintained, steps are taken to resolve the matter, and people are communicated with in a timely matter.

If the person dealing with a concern feel that they need support in managing or responding, they should advise the people involved that they need such support, so that no perception of privacy or confidentiality is breached.

Staff are encouraged to document within the School's Management System (SMS) concerns that are raised by students or parents that could have the potential of escalating or becoming more serious (e.g. allegations about another person, dissatisfaction on decisions made). Documenting such concerns assists in recording how the concern was resolved in case it comes up again (e.g. behavioural matter, request for support).

If a person feels their concern has not been resolved after receiving a response, they may escalate the matter to a formal complaint.

We encourage staff to raise employment-related concerns with senior staff (e.g. their direct report) in the first instance. Staff may raise a personal grievance if the matter meets the requirements of the Employment Relations Act 2000.

At any stage a member of the community may decide to make a formal complaint.

Process for dealing with a complaint

- Where suitable the complainant is encouraged to first seek to resolve the issue at the lowest possible level by communicating with the person whose actions have given rise to the complaint.
- If the complaint is about a student's behaviour, then the student discipline procedures apply.
- A complaint against a Principal should be addressed directly to the Rector.
- A complaint against the Rector should be addressed to the Chair of the Board of Governors.
- Complaints against the Board or a Board member must be submitted to the Board in writing.
- Staff or Board members are available to receive concerns and comment about the College from any source but shall redirect that concern or complaint in the first instance to the relevant Principal (or Board Chair if concerning the Rector) for action.
- If after a direct approach to the person whose actions have given rise to the complaint the problem remains unresolved, then a written complaint should be made to the relevant Principal or for support staff the People and Business Manager.
- Once a complaint is received the complainant can expect to have receipt acknowledged in writing within five working days, unless exceptional circumstances exist. The complainant will be informed as to who will

be investigating the complaint, who the decision maker will be, and the likely timeline to undertake the investigation.

- Any investigation that takes place will comply with the relevant employment agreement(s) (where applicable) and legislation.
- If the relevant Principal has serious concerns regarding a staff member's actions or nature of the allegations, he/she should raise the matter with the Rector. The Rector may seek legal/industrial advice from an approved source and notify the Board's insurers.
- Where complaints are formally investigated, written notes of all meetings should be taken, and of agreements made, and action(s) taken. Such documents will be held by the Principal or the Rector, as appropriate or, in the case of an employee, on the employee's personal file.
- Complainants can expect to be advised in writing of the outcome of their complaint. If they are unsatisfied with the outcome, they may then forward their complaint to the Rector, and then if required, the Board of Governors. They will be informed of the outcome of the complaint as far as is allowed by law, and to preserve the dignity of all parties involved.
- If the Board believes there is sufficient cause, they may choose to involve an independent/external person or group to review a complaint to ensure the process and outcome has been fair and reasonable. The Board has the right to determine whether they choose to accept the recommendation(s) of such an independent review.
- The Board recognises that not all complainants will be satisfied with the outcome of the investigation into their complaint. Once reconsidered, if the Board is confident of its decision, it may refuse to enter into any further discussion/correspondence regarding the complaint.

Protected Disclosures (Protection of Whistleblowers) Act 2022:

This policy in no way limits a person's rights under The Protected Disclosures (Protection of Whistleblowers) Act 2022.

This Act replaces the Protected Disclosures Act 2000, and came into force on 1 July 2022. The 2022 Act extends the definition of serious wrongdoing, enables a discloser to report serious wrongdoing to an appropriate authority at any time rather than having to go to their organisation first, specifies what a receiver of a disclosure should do and clarifies the potential forms of adverse conduct disclosers may face.

"Things like dissatisfaction with the leadership of an organisation or more minor misconduct matters may not amount to serious wrongdoing and thus may not be covered by the Act. The Act does not cover employment issues that are more properly covered by the Employment Relations Act" (Public Service Commission).

References:

Public Service Commission (n.d.). The Protected Disclosures (Protection of Whistleblowers) Act 2022. Retrieved October 19, 2022, from https://www.publicservice.govt.nz

Policy Owner:	Rector, Head of Secondary School and Preparatory School Principal
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