

# **SUNNYNOOK PRIMARY SCHOOL POLICY**

## **COMPLAINTS / DISCIPLINE / COMPETENCY**

### **INTRODUCTION:**

The model suggested for resolution of complaints is based on the following assumptions:

- All complaints are acknowledged
- All parties to the complaint are involved in the resolution
- The Principal's role of manager and professional leader requires that the Principal deal with complaints, reporting to the Board of Trustees, receiving and responding to the recommendations of the Board.

There may be occasions when it is appropriate that the Board or sub-committee of the Board assumes the role of the Principal, as in the case of complaints against Principals.

### **RECEIVING COMPLAINTS:**

The Principal as professional leader and Chief Executive of the Board of Trustees, has the major responsibility in decision making on action to be taken in the resolution of complaints.

All complaints, including those that concern the Principal, should be referred directly to the Principal.

The Principal may receive personally presented verbal complaints, or by email directly or through the Board of Trustees. The Principal at his / her discretion may advise the complainant to submit the complaint in writing.

All written complaints must be signed by the complainant. Unsigned or anonymous complaints should be disregarded.

A case sheet is helpful for recording receipt of complaints and checking on follow-up action. All written complaints must be acknowledged in writing as received by the Principal or the Board of Trustees.

### **RESPONDING TO COMPLAINTS:**

A preliminary step in the resolution of complaints is discussion of the complaint with complainant/s and teacher/s prior to a meeting of all parties.

Listen to the complainant, accepting the reality to the complainant of the problem, acknowledging feelings that surround the complaint.

#### **Define the Problem:**

Record a concise statement of the facts or circumstances of the complaint. Establish an agreement on the facts, if possible.

#### **Own the Problem:**

Establish respective responsibilities for actions to resolve the complaint; Principal's role, teacher/s, parent/s.

**Reflect on Possible Courses of Action:**

- Remedy and / or redress
- Strategies to prevent repetition of situation
- Constructive alternative actions if situation recurs.

**Action:**

Work for agreement between the parties:

- Acceptable remedy or redress
- Future actions – Principal, teacher/s, parent/s
- Evaluation of action taken

Record agreement on action and evaluation. Provide copies of agreements for complainant, staff member and Principal.

If agreement cannot be reached, the Principal should decide on action that is consistent with the appropriate school policy and the Collective Agreement.

Staff must respect the authority of the Principal to make decisions on the administration and management of the school. Advice may be sought from respective unions.

Parents have the right to refer the complaint to the Board of Trustees in writing.

**COMPLAINTS AGAINST PRINCIPALS:**

Most complaints will be resolved by discussion with complainants. If the handling of the complaint becomes complicated, or the complaint has serious implications, the Principal should seek NZEI assistance from an industrial advocate or field officer.

NZEI counsellors are available for personal and professional support and advice.

Principal support panels are being set up by local Principals' Associations.

The Principal should insist that complaints are submitted in writing to the Board of Trustees and signed by the complainant. Copies of the letters of complaint should be given to the Principal for a written response.

The Board of Trustees should acknowledge the complaint and inform the complainant of any actions taken in resolution.

Where the Board considers that the resolution is reasonable and effective the complainant and the Principal should be advised by the Board that no further action is intended.

If the Board is not satisfied, the full Board or a sub-committee of the Board may discuss the complaint and recommend actions to the Principal.

The Principal should be invited to respond to the Board's recommendations.

In the case of allegations which have serious implications, the Board would convene a sub-committee to investigate and report only on the substance of the complaint.

NZEI involvement in investigations is advised. Award procedures aim to resolve complaints fairly. Disputes over procedure are time consuming, expensive, add to stress and may make a fair resolution difficult or impossible. Union involvement may avoid procedural disputes.

The sub-committee should report in writing to the Board detailing all parties consulted and the content of any written submissions.

The Principal should be invited to respond to the report.

In discussion at a Board meeting of the Principal's response, the Principal may make a statement, answer questions, but not take part in the discussion on action on the complaint

The Principal should request NZEI representation at all meetings with the Board or sub-committee of the Board.

#### **DOCUMENTATION:**

A case sheet record should be kept by the Principal of meetings with staff, parent/s, complainant/s, union, NZEI advocates/ counsellors and field officers to establish a reference for agreements reached, actions to be taken, and the evaluation of actions to resolve complaints.

School policy should decide security, confidentiality of records, as well as the destruction of records and documents after resolution of complaints.

Records of oral and written warnings issued to a staff member resulting from a complaint against that staff member will be placed on personal files until an expiry date stated by the Principal and teacher.

All written material relating to a complaint must be available to the employee against whom the complaint is made.

All documents should be made available to advocates and field officers.

#### **REPORTING TO BOARD OF TRUSTEES:**

##### **Complaints:**

The Principal will report to the Board on the resolution of complaints if referred to the Principal from the Board.

##### **Disciplinary Action:**

The Principal may report to the Board on any disciplinary action proposed or undertaken, that an oral warning is to be issued or that an oral warning has been issued. A report on the outcome of the warning should be given to the Board; the resolution achieved or intention to proceed with further action.

The report should not form part of the Principal's report. Discussion of disciplinary action should take place in committee.

#### **REPORTING TO PARENTS:**

Boards should advise complainant/s and staff officially of the complaints resolution.

#### **SERIOUS MISCONDUCT:**

Serious misconduct may require disciplinary action. To ensure that action is taken when no other option is appropriate the Principal may initiate disciplinary procedures and refer the matter to the Board of Trustees, together with any evidence and documentation of the complaint or conduct.

#### **INVESTIGATION OF COMPLAINTS, DISCIPLINARY PROCEDURES:**

Under some circumstances in cases of allegations of serious misconduct it may be appropriate for the Board to investigate the substance of complaints. An investigation prior to substantive disciplinary action is required.

The Board will decide whether any investigation is undertaken by a sub-committee of the Board or by the full Board. Boards have the power to delegate powers and responsibilities to sub-committees of trustees and / or staff.

In convening a sub-committee the Board should have regard to the objectivity, knowledge of industrial relations and sensitivity to cultural and gender issues of committee members.

NZEI involvement in an observer capacity is recommended. Complaint and disciplinary action must be according to award provisions. It is important that problems and disputes over procedures are avoided. Union oversight and advice will facilitate resolutions by ensuring that procedures are agreed and seen to be correctly followed.

Boards are required to have in place personnel policies which ensure fair treatment of employees.

In carrying out investigations, "fair treatment" means:

- Procedural fairness, the award provisions are followed
- There is no discrimination against the teacher because of sex, sexual orientation, family responsibilities, marital status, race, ethnic or national origin, religious or ethical belief or union involvement
- The employee has a fair hearing.

Staff involved in complaints must be notified that an investigation is to take place. Copies of written complaints or Principal's record of personally presented verbal complaints must be given to the teacher.

The sub-committee should report to the Board in writing, detailing persons consulted, and the content of any written submissions received.

Reports of sub-committees are official information. Under some circumstances, official information may be withheld. (Local Government Official Information and Meetings Act 1987, Part 1).

**THE ACTION OF SUB-COMMITTEES AS REPRESENTATIVES OF EMPLOYERS ARE OPEN TO SCRUTINY THROUGH PERSONAL GRIEVANCE PROCEDURES.**

**NZEI ASSISTANCE:**

NZEI school liaison officers will advise on appropriate referrals to counsellors, industrial advocates, field officers.

NZEI counsellors will offer personal and professional advice and support.

NZEI field officers will assist industrial advocates and branch members; industrial teams with training, advice and support.

Field officers will be responsible for oversight of cases and the lodgement of disputes of rights and personal grievance action.

The staff representative on the Board of Trustees does not have a direct role in the resolution of complaints or disciplinary action. The staff representative is required, as are all board members to uphold award conditions.

**COMPLAINT RECORD SHEET:**

Use if required.

**Approved:** \_\_\_\_\_ **Dated:** \_\_\_\_\_

**COMPLAINT RECORD SHEET**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received From: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: (Home) \_\_\_\_\_

\_\_\_\_\_ (Bus) \_\_\_\_\_

(Fax) \_\_\_\_\_

(Tick appropriate box)

By Telephone

By Visit / Interview

By Letter (attach copy)

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Concern/s

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Action proposed (record dates, times, venues of interviews)

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Follow-up (record dates, times, venue of interviews)

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Letter acknowledged (attach copy)      Date: \_\_\_\_\_

Resolved: \_\_\_\_\_ Not Resolved: \_\_\_\_\_

Resolution agreed / advised

Report to Board of Trustees  
Date

Action: \_\_\_\_\_ Action: \_\_\_\_\_