

## Governance support resources

# Dealing with complaints

No board likes to deal with a complaint from the school community, however, it is important that clear and fair processes are already in place in the event that a complaint is received.

This resource details the two stages of a complaints process and reflects advice given by the NZSTA Advisory and Support Centre. Being proactive in providing the community with a robust process for handling complaints avoids misunderstandings and protects the board from pressure to act urgently without all the relevant information they require.

All members of the school community should be aware that the board has a complaints policy underpinned by procedures, and a copy of the complaints process may be included with enrolment information and attached, as a reminder, to a school newsletter early each year.

When dealing with complaints both management and board should act in accordance with policy and procedures, dealing with each case fairly and on its merits.

In dealing with complaints boards should have a 'close off point' where, once they are satisfied that they have done all that could reasonably be expected, they enter into no further discussion on the matter. Whilst such an approach needs to be used with caution, there will be occasions when the complainant refuses to be satisfied with the outcome and a considerable amount of time is taken up responding to repeated restating and debating of the matter. NZSTA Advisers can offer an objective view as to whether or not it is appropriate for a board to take this course of action.

### Complaints Process Stage 1:

- Concerns should, in the first instance, be addressed to the relevant staff member e.g. classroom teacher
- If the concern does not involve a particular staff member or has not been resolved by the relevant staff member, it should be addressed to the Principal
- If the concern has not been resolved by either the relevant staff member or the Principal, or it involves the Principal or board, it should be addressed to the board. Concerns and complaints addressed to the board should be in writing to the board Chairperson
- Except in exceptional circumstances the board will not accept any complaint unless the correct process (above) has been followed and, if not, may direct the complainant back to the relevant staff member or Principal

### Complaints Process Stage 2:

- The need to act in a timely manner may require a special meeting of the board to be called
- All letters addressed to the Chairperson of the board are for the whole board. The Chairperson cannot decide independently what action will be taken unless delegated authority to do so by the board
- Subject to agreement between the parties resolution or dismissal of the complaint will not occur before all the information is to hand
- Any conflicts of interest must be declared and conflicted board members must not participate in any discussion/decision making around the matter
- The school's insurer should be advised of any complaint as soon as possible
- Receipt of the complaint should be acknowledged in writing to the complainant as soon as possible. The complainant should also be advised of the process that the board will follow and updated as necessary
- The board should give a copy of the complaint to the principal and request a written response (to the board, not to the complainant)
- The board must conduct a thorough investigation into the complaint and weigh up both sides of the issue before reaching its conclusion. Trustees must exercise caution particularly around confidentiality, process and natural justice, and must act

fairly towards people who are affected by their decision. The NZSTA Governance Advisory and Support Centre can assist with this process, and would require a copy of the original complaint and the board's relevant policy/policies

- The outcome of any investigation and the board's provisional decision should be conveyed to the complainant in writing, in a timely manner. The complainant should be encouraged to comment on the board's provisional decision. Any comment should be considered before the board makes its final decision
- The board must exercise caution when dealing with complaints regarding staff, particularly in relation to confidentiality and processes to ensure that the principles of natural justice are met. Boards should contact the NZSTA Employment Advisory and Support Centre in such cases. The board will need to consider relevant staff disciplinary policies, employment agreements and advice from the NZSTA Employment Adviser
- The board should recognise that not all complainants will be satisfied with the outcome. After one reconsideration, if the board is confident of its decision, it may refuse to enter into further discussion/correspondence. In making such a decision the NZSTA Governance Advisory and Support Centre can assist by giving an objective assessment of the board's processes in dealing with the complaint
- Note: a complaint regarding lack of compliance in relation to a complaint resolution should be treated as a serious matter and dealt with urgently, as a new complaint rather than as a reconsideration of the previous issue
- The board can advise the complainant that, if they are not satisfied with the outcome or the process followed, they have the right to take the matter to either the High Court (at cost) or the Office of the Ombudsman

Trustees need to be clear around the difference between a complaint they may have as a parent (e.g. regarding their own child) and a complaint they may have as a trustee (e.g. regarding a member of staff obstructing them carrying out board work). In the first instance they are required to follow normal procedures and are excluded from discussion and decision making around the issue due to a conflict of interest. In the second instance the issue should be dealt with as an agenda item for the whole board (as Public Excluded Business if appropriate).



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### Where do I get advice?

The Governance advisory and support centre advisers can also assist and are contacted on 0800 782 435, option 1 or [govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz)

# C4 Concerns and complaints process - example

