



## COMPLAINTS AND PROBLEMS RESOLUTION POLICY

### POLICY STATEMENT

- 1 **Waikato Waldorf School (“the school”)** recognises that mutually respectful and productive relationships between parents/caregivers, staff, board members, students and the wider community are important for the continued success of the school. To that extent, the school is committed to working to resolve any complaints transparently, fairly, objectively and with full regard to natural justice.
- 2 Any complaints, concerns, misunderstandings and/or disagreements concerning the school or its staff are to be taken seriously, and every effort should be made to ensure that effective management and problem resolution procedures are implemented.

### SCOPE

- 3 This policy, and the procedures set by it, applies to all complaints concerning the school or its staff members. Complaints concerning the school may involve parents, students, staff, Board of Trustee members or the wider community; or school policies or operations; or an incident or event that has occurred.
- 4 The procedures established by this policy detail how complaints are to be raised and ultimately resolved.
- 5 This policy is to be read in conjunction with other related policies, procedures and legislation, including: Harassment and Bullying Policy, Equal Opportunity Policy, Staff Individual Employment Agreements, Health and Safety Policy, the Education Act 1989, the Employment Relations Act 2000, the Official Information Act 1982 and the Privacy Act 1993 **[amend as required]**.
- 6 If the complaint relates to a stand-down or suspension decision, the Education Act 1989 and the rules specify timeframes and procedural requirements that must be followed.

### POLICY OBJECTIVES/GUIDELINES

- 7 To develop procedures that will ensure complaints are dealt with in a confidential, consistent, co-operative and courteous manner; and which will ensure complaints are properly investigated and resolved on the basis of sound evaluation.
- 8 To ensure that any individuals involved in a complaints procedure are treated fairly and respectfully; and that they are provided with opportunities to express their full and frank concerns, with support as required. Individuals involved in complaints must be accorded natural justice: they must have the facts put to them; be given a full and fair opportunity to respond; and the decision-maker must take their response into account.

- 9 To ensure that the school has appropriate tools to resolve concerns or complaints as close to their source as possible, and as expeditiously as possible, reducing the need for escalation and/or further action. All stages of investigating and resolving a complaint should be carried out in a timely manner and as expeditiously as possible
- 10 To assist with the identification of potential complaints and adopt management techniques that will advance the likelihood of potential complaints being resolved in a quick and effective manner, and help reduce the incidence of similar complaints recurring.
- 11 All staff employed by the school are accountable to: the Board of Trustees as their employer; and to the New Zealand Teachers Council, who shall be responsible for investigating any teacher conduct, convictions or competence issues, and if necessary exercising disciplinary functions.

## **PROCEDURE FOR DEALING WITH COMPLAINTS**

### **Making a Complaint**

- 12 Informal complaints can be made to a staff member. That staff member should listen respectfully, seek clarification of the details of the complaint, investigate and resolve the complaint, if possible. The staff member must record the complaint and resolution in writing and provide a copy to the **[School Coordinator or Principal]**.
- 13 A formal complaint should be made to the **[School Coordinator or Principal]**. The **[School Coordinator or Principal]** is open to hear informal concerns; but the procedure set out below applies only when a formal written complaint is made.
- 14 If a formal complaint is first raised with a staff member, that staff member must promptly refer the complaint to the **[School Coordinator or Principal]**. The complainant should be advised that the complaint will be referred to the **[School Coordinator or Principal]**.
- 15 If a complaint is first made in writing to the Board of Trustees, and it is not about the **[School Coordinator/Principal]** or the Board of Trustees, the Board should refer the complaint to the **[School Coordinator/Principal]** to investigate and resolve in the first instance.

### **Investigation by School Coordinator/Principal**

- 16 The **[School Coordinator or Principal]** must consider the nature of the complaint and determine the proper procedure for resolution. As a first step, the **[School Coordinator or Principal]** should speak to the complainant and any other parties involved. The **[School Coordinator or Principal]** should make contact with the complainant in a timely manner.
- 17 If the complaint relates to a student attending the school, the student's parent/caregiver and teacher must be informed of the complaint to ensure the student's safety and well-being.
- 18 If appropriate, the **[School Coordinator or Principal]** may convene a meeting between all parties involved in the complaint. All parties will be invited to bring a support person. At the meeting, all parties will have the opportunity to speak freely about any concerns so that attempts can be made to resolve the complaint. Somebody else, other than the **[School Coordinator or Principal]**, should attend the meeting to take notes and record

courses of action and/or agreed outcomes. A copy of these notes should be given to the parties at the end of the meeting and a copy retained by the school.

- 19 If an agreed resolution is reached, the **[School Coordinator or Principal]** must record the agreement in writing (including any timeframes), and ask each party to sign the agreement confirming its accuracy. After the agreement has been signed by all parties, the complaint will be considered resolved in full. All discussions and agreed outcomes are to be kept confidential between the parties.
- 20 If a meeting between the parties does not result in an agreed resolution, the **[School Coordinator or Principal]** must further investigate the full circumstances of the complaint. A further investigation into a complaint may involve further meetings with the parties involved, interviews with any other parties, and/or investigations by external agents, and the seeking of professional, including legal, advice. If further meetings are held, all parties must be invited to have a support person, have the opportunity to speak freely; and a record should be taken, in line with the process set out in the preceding paragraphs.
- 21 A staff member who is the subject of a complaint should be advised of their right to seek union or legal assistance.
- 22 After any investigation is completed, the **[School Coordinator or Principal]** must consider the findings and make a decision on how to resolve the complaint. That decision must be made within five working days of the results of any and all investigations being received by the **[School Coordinator or Principal]**. The decision must be provided, in writing, to all parties involved. Any decision by the **[School Coordinator or Principal]** in regards to a resolution shall be strictly confidential between the parties involved.
- 23 If the complaint is about a staff member and it is found to be upheld, a copy of all documentation relating to the complaint will be kept, confidentially, on that staff members personnel file. Any disciplinary action taken will be in line with accepted employment practices and the Employment Relations Act 2000 and New Zealand Teachers Council procedures.

#### **Investigation by the Board of Trustees**

- 24 If a complainant is not satisfied with the procedure or decision of the **[School Coordinator or Principal]**, a complainant may make their complaint to the Chairperson of the Board of Trustees. The complaint must be made in writing.
- 25 At any stage the **[School Coordinator or Principal]** may refer a complaint to the Board to investigate and resolve because of its of its seriousness or for any other reason.
- 26 The Board must acknowledge any complaint in a timely manner; and set out the procedure they will use to investigate and resolve the complaint.
- 27 The Board investigates the complaint afresh, and is free to hear from the complainant or any other party again. Although the Board can determine its own procedure, it shall use its best endeavours to contact all the parties concerned at first instance, inviting them to explain what they consider to be relevant matters in relation to the complaint, and any concerns about the decision reached, before commencing its investigation into the complaint.

- 28 A staff member who is the subject of a complaint should be advised of their right to seek union or legal assistance.
- 29 The Board of Trustees may form a Complaints Committee to deal with the complaint. A Complaints Committee shall consist of at least two current Board members and the **[School Coordinator or Principal]**, unless the **[School Coordinator or Principal]** is the subject of the complaint or subject to a conflict of interest.
- 30 Any Board member who has a child taught by a staff member that is the subject of the complaint must not be involved in investigating the complaint.
- 31 If the Board/Complaints Committee considers that a meeting would assist with the resolution of the complaint, the Board/Complaints Committee will invite all parties involved to a formal meeting to discuss the complaint. All parties will be entitled to bring support persons to a meeting with the Board/Complaints Committee. The Board/Complaints Committee may decide to appoint an independent mediator to attend or facilitate any such meeting.
- 32 After any meeting has taken place and the new investigation has been completed, the Board must consider the complaint, any new information obtained, the results of the investigation by the Board/Complaints Committee, any professional, including legal, advice received, and any recommendations made. The Board must then make a final decision on the complaint which shall be provided to all parties in writing. After the decision has been issued to the parties involved, the resolution will be considered final.
- 33 A copy of the decision must be kept by the Board of Trustees and the **[School Coordinator or Principal]**. Any decision or corrective action taken will remain confidential to the parties, the Complaints Committee, the Board of Trustees, any support persons and any external agents involved in resolving the complaint.
- 34 The Board of Trustees may seek guidance from the New Zealand Schools Trustees Association at any time about a complaint.

#### **Complaints about the Principal or Member of Board of Trustees**

- 35 If a complaint concerns the **[School Coordinator or Principal]**, the complaint may be made in writing to the **[School Coordinator or Principal]**, who must promptly report the complaint to the Chairperson of the Board of Trustees; or made directly to the Chairperson of the Board of Trustees. The Board of Trustees will have responsibility for investigating and resolving the complaint, following the procedure set out above.
- 36 If the complaint relates to a member of the Board of Trustees, the complaint should be made in writing to the Chairperson of the Board of Trustees. The Chairperson of the Board will be responsible for managing the resolution of the complaint, following the procedure set out above. If a complaint concerns the Chairperson of the Board, the complaint should be handled by a designated Board member, using the procedure set out above. Alternatively, and at the Board's discretion, the complaint may be referred by the Board to the Federation of Rudolf Steiner Waldorf Schools in New Zealand for resolution.

#### **Further steps [optional]**

- 37 If a complainant remains dissatisfied with a decision of the Board of Trustees, he/she may request that the matter is referred to the Federation of Rudolf Steiner Waldorf Schools in New Zealand.
- 38 A complainant may also complain to the Ombudsman about a decision of the Board of Trustees. The website of the Office of the Ombudsman is: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)
- 39 If the complaint concerns a staff member and all the above options have been exhausted, the complainant may refer the matter to the New Zealand Teachers Council. The form for making a complaint to the New Zealand Teachers Council is available online at [www.teacherscouncil.govt.nz/content/conduct-competence/making-complaints-and-reports](http://www.teacherscouncil.govt.nz/content/conduct-competence/making-complaints-and-reports)

**Date Ratified:** 27<sup>th</sup> November, 2014-11-27



**Signed:** Andrew McFadden  
Waikato Waldorf School Board of Trustees, Board Chair

**Further steps if complainant dissatisfied with Board decision**

- Complainant may request matter be referred to Federation of Rudolf Steiner Waldorf Schools in New Zealand
- Complainant may complain to Ombudsman
- Complainant may refer matter to New Zealand Teachers Council if it concerns a staff member

**HANDLING COMPLAINTS:**