



Stanley Avenue School

Next review: Term 3 2024

Concerns and Complaints

This policy provides staff members, parents/caregivers/whānau, students, and the wider school community with clear procedures for raising concerns and making complaints. Complaints may also come from members of the public.

Our concerns and complaints procedures enable us to:

- maintain a safe environment for our students and staff
- treat all people fairly and with dignity and respect
- resolve matters of concern early and at the lowest level, if possible
- respond to feedback and concerns constructively
- deal with complaints fairly, effectively, and in a timely manner
- take into account individual circumstances
- maintain privacy and confidentiality
- preserve and enhance school and community relationships
- check that solutions have been implemented and are working, including feeding back to the person who raised the issue where appropriate
- monitor and record concerns and complaints about student safety and wellbeing
- meet our legal and ethical obligations.

We foster open communication and encourage our school community and members of the public to contact us promptly when issues involving the school arise. We advise people with concerns or complaints to raise these with the school in the first instance, rather than sharing concerns with other people or online.

Most concerns can be resolved informally through discussions with the people involved – see **Raising Concerns**. If informal discussion doesn't resolve the issue, see **Making a Formal Complaint or Serious Allegation**.

For an overview of the process, see our **Concerns and Complaints Process** flowchart.

Sometimes parents contact the Ministry of Education about an incident involving their child at school. The Ministry upholds the school's ability to self-govern and follow their own policies and processes for managing complaints and will usually direct complaints back to the school in the first instance.

Parents or students with concerns may seek advice from a lawyer, **Youth Law** (0800 884 529), **Community Law** (phone local centre), Student Rights Service (0800 499 488), or the **Ombudsman** (0800 802 602).

Complaints register

Stanley Avenue School keeps a complaints register to record formal complaints and to audit our policies and procedures. This includes recording employment-related matters. Information will be held in accordance with our **privacy policy and guidelines** and the board reviews the register regularly. Generally, only formal complaints or complaints that come to the attention

of the principal or board will be recorded in the register. Concerns resolved informally may not be recorded.

Unreasonable complaints

Stanley Avenue School will receive and consider all reasonable and legitimate concerns and complaints in good faith. However, the school may refuse to take any action on receiving a complaint or concerns that are considered unreasonable or vexatious.

A complaint may be considered unreasonable if the person making a complaint:

- continues to pursue an issue after it has been considered and deemed resolved by the school
- makes unreasonable demands in relation to the complaint
- is uncooperative (e.g. refusing to define the issue), fails to provide evidence, or provides excessive/irrelevant information
- displays aggressive, threatening, or manipulative behaviour
- fails to follow the school's policies and procedures.

In some situations where unreasonable complaints are made, the school may need to take legal advice or involve an external agency or mediator to help resolve the matter.

Note that unwelcome, intimidating, and intrusive behaviour is dealt with as **harassment**.



Related topics

- **Student Wellbeing and Safety and** 
- **Community Conduct Expectations** 
- **Harassment** 
- **Privacy** 
- **Protected Disclosure** 
- **Official Information Requests** 

Legislation

- Employment Relations Act 2000
- Protected Disclosures Act 2000
- Education and Training Act 2020
- Privacy Act 2020
- Public Service Act 2020

Resources

- Ministry of Education | Te Tāhuhu o te Mātauranga (Educational Leaders): **Dealing with complaints** 
- NZSTA | Te Whakarōputanga Kaitiaki Kura o Aotearoa: **Dealing with complaints** 
- Te Kawa Mataaho | Public Service Commission: **Acting in the Spirit of Service: Speaking Up** 
- Ombudsman: **Good complaints handling by school boards** 
- Ombudsman: **Managing unreasonable complainant conduct** 

SchoolDocs appreciates the guidance of James Cowan and Fiona McMillan from Anderson Lloyd who have reviewed the changes we made to the Concerns and Complaints section as a result of our three-yearly review.

We recommend boards seek legal advice at the earliest stages of any serious complaint to ensure the correct process is followed.



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Raising Concerns

Where appropriate, Stanley Avenue School handles concerns and complaints informally in the first instance. If you would like to raise a concern with us, please follow the steps below. If you believe your concern cannot be resolved informally, it may be appropriate to make a formal complaint.

There may be instances where the concern raised under this policy amounts to a formal complaint or serious allegation. We may treat a concern as a formal complaint and address the concern using our **Investigating a Formal Complaint or Serious Allegation** procedure.

1. Raise the concern with the right person

In all instances, you may have a **support person** to help you raise a concern or make a complaint.

If you approach a board member with your concerns, you will be asked to follow the actions below and the board member will inform the principal and board chair. If several people share a concern, the process is the same. You could nominate a group representative to approach the school, and it may be appropriate for the group and the school to use a mediator.

To ensure the safety and wellbeing of those involved when a concern is raised, it may be appropriate for the person receiving a concern to limit communication about the concern until a facilitated session occurs or until a third party is present.

- If you have a **general concern about the school or its programmes**, discuss it with the person involved or with a member of the management team or the principal.
- If you have a **particular concern about a staff member or a school activity**, contact the person involved to discuss the matter privately. We ask that you make this direct approach as soon as possible.

If you do not wish to approach the person involved, contact a member of the management team or the principal to discuss your concern. The principal or management team member may communicate with the person involved.

- If you have a **concern about your own child or one of our other students**, contact the student's class teacher or the principal to discuss the matter. The school monitors, records, and responds appropriately to any concerns about a student's safety and welfare.

If your concern relates to another student, you must not approach that student or their parents/caregivers/whānau directly. Speak to their teacher or the principal.

If you want to raise concerns (especially serious concerns) about a student's wellbeing and/or safety, see **Responding to Student Wellbeing Concerns**.

- If you have a concern about another **parent, caregiver, or member of the school community** on a school-related matter, raise this with the principal.
- If the matter concerns the **principal** and you have not first resolved it by discussion, or you feel uncomfortable directly approaching the principal, contact the board chair.

- If the matter concerns a **board member**, contact the board chair. Contact another member of the board if it concerns the board chair.

After raising the initial concern, parties involved in the complaints process should not communicate about the matter with each other until all parties agree to an appropriate way to discuss or resolve the matter. This applies at all times, both in and out of school.

2. Work towards a resolution

In most cases, concerns can be resolved informally with constructive discussions.

- Be prepared to make a time to discuss your concern if the person involved is unable to talk with you straight away.
- Be open to listening to the other side of the story to avoid communication breakdowns.
- Follow-up actions or later check-ins may be able to be agreed where appropriate.
- Involving a third party to facilitate discussion or participate in a meeting may be appropriate.

If you are unhappy with the outcome of your initial meeting, contact the principal, a member of the management team, or the board chair to discuss further resolution.

If this process does not resolve your concern, you can make a **formal complaint**.

3. Follow-up and feedback

Resolution of the concern or complaint may include checking that the solutions have been implemented and are working. The effectiveness of the solutions may be fed back to the person who raised the issue where appropriate. This follow-up may be recorded in the concerns and complaints register.

In some circumstances it will not be possible or appropriate for the school to advise you of a final outcome.

For an overview of the process, see our **Concerns and Complaints Process** flowchart.

Release history: Term 1 2023, Term 1 2022, Term 1 2019

Last scheduled review	Term 3 2021
Last internal review	Term 1 2023
Topic type	Generic



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Making a Formal Complaint or Serious Allegation

Stanley Avenue School provides a procedure for Raising Concerns, but if concerns are not resolved or for more serious matters, a formal complaint can be made. A concern may be considered a serious allegation if it involves illegal or harmful behaviour, or serious professional misconduct.

Formal complaints may be about an employee of the school, a parent or caregiver, a student, or any matter within the school's responsibility. If you have a complaint about the conduct or competence of a teacher, the complaint must be made directly to the employer (board). In **some cases**, a complaint may be made directly to the Teaching Council.

Formal complaints should be made in writing (i.e. email or letter) to ensure the school is able to meet its legal and ethical obligations, including complying with the requirements of natural justice. If formal complaints or serious concerns received by the school are not made in writing, the person who receives the complaint may make a written record of the complaint.

If it is unclear whether someone is making a formal complaint, the school may clarify this by asking if it should be considered as a formal complaint. The person who receives the concern or an appropriate staff member may:

- ask the person raising a concern to provide more information to clarify the level of concern
- explain the process for responding to a formal complaint.

Any person may have a **support person** with them when raising a concern or complaint. To ensure the safety and wellbeing of those involved when a concern is raised, it may be appropriate for the person receiving a concern to limit communication about the concern until a facilitated session occurs or until a third party is present.

All parties should respect privacy and confidentiality, including avoiding the use of social media to promote a point of view.

How to make a complaint

Put your specific complaint(s) in writing and include your preferred contact details. Give as many facts and details as possible, including the names of people involved and dates of events, as well as any steps you have taken to resolve the matter. It will not usually be possible to effectively investigate complaints that are made **anonymously**. If you have any specific concerns about your identity being disclosed then please include these with your formal complaint so they can be discussed with you directly.

The email or letter should be marked "confidential" and sent to:

- the principal, if the complaint is about a staff member, student, parent or caregiver, or other member of the school community
- the board chair, if it is about the principal, or is about the conduct or competence of a teacher and is serious in nature
- a member of the board, if it is about the board chair.

Contact details for the principal and board chair are available at the school office or online.

What happens with your complaint

The principal or board chair will check that your complaint has come to the correct person and then send you an acknowledgement of receipt within 5 working days.

First steps

Depending on the nature of the complaint, the first steps may include:

- asking you for more details about your complaint so that your concerns can be investigated effectively
- suggesting possible alternative options for informal or low-level resolution
- referring the matter to the board for consideration at an in-committee meeting, so that the board can determine the next steps
- conducting preliminary investigative steps or enquiring into the facts
- consulting external advisors (e.g. legal advice, NZSTA).

After raising the initial concern, parties involved in the complaints process should not communicate about the matter with each other until all parties agree to an appropriate way to discuss or resolve the matter. This applies at all times, both in and out of school.

Decision to investigate

After receiving a formal complaint, the school will need to decide whether an investigation is necessary or otherwise appropriate. It is likely that your written complaint will be disclosed to the person complained of at an early stage. This is to ensure fairness and meet the requirements of natural justice. Where a complaint is being investigated the person complained of will usually be informed of the intended investigation process. If the person complained of is an employee of the school they must be advised of the complaint and be given an opportunity to provide explanations and comments before the school makes any decision that is likely to affect the employee's continued employment.

- If your formal complaint **does not** justify a formal investigation, the principal or board will consider the issues raised and all of the relevant information, and provide you with a written response.
- If your formal complaint **does** justify a formal investigation, see **Formal investigation process** below.

Before starting an investigation, the New Zealand School Trustees Association (NZSTA) or legal advisors should be contacted for advice. The school's insurer may need to be notified. It may also be necessary to liaise with other external agencies, such as Oranga Tamariki – Ministry for Children and/or the New Zealand Police, before starting an investigation.

Formal investigation process

If a formal investigation is required, subject to privacy, confidentiality, or other ethical and legal requirements, we may keep you informed about the investigation process and the expected timeframes, including confirmation of when the matter is concluded.

- Relevant collective employment agreement provisions for dealing with complaints about staff members must be observed, including protecting the staff member's dignity and mana, advising them of their right to seek support and representation before responding to complaints, and giving them a reasonable opportunity to take that advice.
- A full documentary record of any formal complaint is completed and stored confidentially in a secure location.

See **Investigating a Formal Complaint or Serious Allegation**.

Outcome of the investigation

Once a formal complaint has been resolved, there are no further avenues to pursue the complaint at your school. If you are not satisfied with the outcome of your complaint, you are encouraged to take advice and may wish to consider contacting the Human Rights Commission, Ombudsman, Ministry of Education, ERO, or the Office of the Privacy Commissioner. If your complaint was about the conduct or competence of a teacher, you may also be able to make a complaint to the [▶ Teaching Council](#).

Release history: [Term 1 2023](#), [Term 1 2022](#), [Term 1 2019](#)

<i>Last scheduled review</i>	<i>Term 3 2021</i>
<i>Last internal review</i>	<i>Term 1 2023</i>
<i>Topic type</i>	<i>Generic</i>

Concerns and Complaints Process

Most concerns can be resolved informally by discussions with the people involved.

STEP 1

Your concern is **GENERAL IN NATURE**
OR ...
involves a particular **STUDENT OR STAFF MEMBER**.

Contact the person involved to arrange a time to discuss the matter privately.

Indicate what the concern is about and let them know if you'll bring a support person to the meeting. If the concern is about a student, contact the student's teacher (or principal).

Meet with the person involved to discuss the matter.

Be prepared to listen to different points of view and try to work towards a resolution.

This may require another meeting and/or involve senior management.

Is the matter resolved?

Provide feedback as to whether you were satisfied with the outcome, or if the matter is not resolved.

STEP 2

Your concern has **NOT** been resolved by meeting with the person concerned
OR ... does **NOT** involve a particular student or staff member
OR ... you **DO NOT** wish to approach the person concerned
OR ... involves the principal or a trustee (board member).

Contact the principal, senior management, or board member (as appropriate) to arrange a time to discuss the matter privately.

Indicate what the concern is about, any steps taken to resolve the matter, and let them know if you'll bring a support person to the meeting.

Meet with the appropriate person (as above) and discuss the matter.

Be prepared to listen to different points of view and try to work towards a resolution.

The principal may involve other people to help resolve the concern.

Is the matter resolved?

Provide feedback as to whether you were satisfied with the outcome, or if the matter is not resolved.

STEP 3

Your concern has **NOT** been resolved by previous steps
OR ... your concern is more serious
OR ... your concern is serious and it's not appropriate to contact the principal (senior management) about it.

You can make a formal complaint.

See the school's **Making a Formal Complaint or Serious Allegation** procedure (SchoolDocs).

Put the complaint in writing (email or letter), giving as many facts and details as possible, and any steps taken to resolve the matter.

Include your name, signature, and contact details.

Send to the principal, presiding member (board chair), or deputy board chair/other board member, as appropriate.

Your complaint will be acknowledged.

The school will decide whether a formal investigation is necessary or appropriate. See the **Making a Formal Complaint or Serious Allegation** procedure (SchoolDocs).

If a formal investigation is required, subject to privacy, confidentiality, or other ethical and legal requirements, the school may keep you informed about the investigation process and timesframes, including confirmation of when the matter is concluded.

NO FURTHER ACTION REQUIRED

YES

YES

NO

NOTE: Unless there are exceptional circumstances, **a complaint will not be considered unless the correct process has been followed.** You may be directed back to the staff member or principal to follow the process.

Once a formal complaint has been resolved, there are no further avenues to pursue the complaint with the school.

If you are not satisfied with the outcome of your complaint, you are encouraged to take advice and may wish to consider contacting other agencies. See the school's **Making a Formal Complaint or Serious Allegation** procedure (SchoolDocs).

