## Blind & Low Vision Education Network NZ

# Operational Policy: Concerns and Complaints (NAG 3)

## Statement of Intent:

Parents, staff and ākonga must feel confident that there is a procedure in place that enables concerns and complaints to be fairly examined and a suitable resolution found as quickly as possible. As a learning organisation the Blind & Low Vision Education Network NZ (BLENNZ) responds to, and learns from concerns and complaints in a fair, consistent and timely manner.

BLENNZ recognises that there can be a difference between a concern expressed about something relating to an aspect of the curriculum or the management of ākonga, and a complaint about serious neglect, abuse, harsh treatment or some other matter.

Concerns can often be resolved informally by the person receiving them and it is BLENNZ’s wish that this informal approach be used wherever this seems the best approach.

For more serious matters, or where there is doubt about the level of seriousness, people who receive concerns or complaints will consult with their manager. In the absence of clear indicators otherwise, such matters should always be treated seriously.

## Policy Requirements:

1. This policy and these procedures refer to all concerns expressed and complaints made by parents/whānau, staff members, ākonga and Board members, or any other concerned person, about staff members of BLENNZ, or any other person. It refers to all services provided by staff of BLENNZ including complaints regarding the regulations or conditions of the Hostel License.

2. Where a concern or complaint is about the action of an employee of another organisation, it will be referred to the chief executive or equivalent of that organisation. It is expected that these will be dealt with in accordance with protocols developed with those organisations. For all other concerns or complaints about other organisations the complainant will be referred to that organisation.

### Dealing with Concerns:

1. Concerns regarding ākonga should be directed to the staff member concerned. Staff members will follow up all concerns with the complainant after an agreed time to discuss perceived developments. The staff member will keep their manager informed of the concern and any actions taken. These should be recorded.

2. If a BLENNZ staff member raises a concern with a colleague that person must make it clear to the staff member raising the concern of the process that needs to be followed. This process will include the responsibility of each person taking part in the discussion in terms of what they will do with the information provided to them e.g. they must seek permission from the person raising the concern to take the matter further. The only exception to this is where the health and safety of ākonga or staff is at risk. If ākonga or staff are at risk this should be immediately reported to the appropriate line manager, or Senior Manager or Principal if the line manager is unavailable.

3. If a concern is raised with a manager, the manager must discuss the concern with the person raising it to ensure they understand the difference between a concern and a complaint. If the person raising the concern wishes it to be taken further, it must be put in writing and then the complaints process followed.

4. If the concern is unresolved, or if the concern is not of a minor nature, it should be directed to the appropriate manager or Principal who will discuss it with the parties concerned. If the concern is not resolved through discussion a request will be made by the manager for the complainant to present the concern in writing. At this time the concern becomes a complaint and the complaints procedure must be followed.

### Dealing with Complaints:

1. All complaints must be in writing. Hard copy and email are both acceptable (reference: Complaints Procedures [3]).

2. Investigations will be carried out in accordance with BLENNZ policies relevant to the complaint and the BLENNZ Charter. Relevant statutes e.g. the Employment Relations Act, Collective or Individual Employment Agreements, will always take precedence over BLENNZ policies and the Charter. Where physical, sexual or emotional abuse are alleged or are suspected the complaint will be referred to Oranga Tamariki (Ministry for Vulnerable Children) or other child protection agencies, or the NZ Police, for their advice and appropriate further action.

3. Where appropriate professional advice and assistance in respect of any issue will also be sought from appropriate bodies such as the NZ School Trustees Association (NZSTA).

4. While it is the intention of BLENNZ to resolve all complaints as informally and as quickly as possible, investigations will be conducted thoroughly and in an unbiased manner.

5. Every effort will be made to ensure that all parties feel supported before, during and after any investigation. Ongoing liaison will be maintained with the complainant(s).

6. Complaints will be dealt with in confidence. Confidential aspects of any action taken will not be divulged to the person making the complaint or to any other inappropriate person(s). Where an investigating committee is formed, information confidential to that committee will not be divulged to the wider group.

#### Complaints Procedures:

1. A copy of the Concerns and Complaints Policy will be provided to the complainant.

2. After receipt of the initial concern/complaint a discussion will be held with the complainant to ensure that the person wishes to continue with the process in terms of this policy.

3. Any complainant may be assisted by managers or the Principal to prepare a written statement of the complaint. Wherever possible all written complaints must be signed by the complainant. Emails are acceptable if emailed from the complainants themselves. Complaints will not be accepted if anonymous.

4. A case sheet recording receipt and nature of any complaints, name and position of complainant and any follow up action will be kept in confidence by any managers to whom complaints are first referred, and the Principal.

5. The Principal will inform the complainants (whether parents, whānau, staff or another agency) of action to be taken including anticipated timeframes for resolution.

6. All written complaints should be addressed to the Principal except those complaints that are against the Principal. Any written complaints not addressed to the Principal will be forwarded to the Principal with the agreement of the complainant. Written complaints may also be referred directly to the Chairperson of the BLENNZ Board of Trustees (BOT).

7. If the complaint is against the Principal, the written complaint should be directed to the chairperson of the BLENNZ BOT.

8. All written complaints will be acknowledged in writing by the Principal or delegate, or the chairperson or delegate, of the BLENNZ BOT as appropriate within 5 working days.

### Hostel License Requirements:

9. In the case of a BLENNZ residential facility the Principal or delegate will also:

* + inform the complainant of any relevant internal complaint procedures
  + send a copy of all information held by the Board that is or may be relevant to the complaint
  + decide whether the complaint is justified in accordance with regulation 69 of the Hostel Licensing Regulations.

In all cases, within 10 working days after acknowledging receipt of the complaint:

The Chairperson or Principal or delegate will

* + decide that the complaint is or is not justified or
  + decide that additional time is needed to investigate the complaint. In this case the owner must determine how much additional time is needed and decide as soon as practicable whether the complaint is justified. If the additional time required to investigate the complaint is more than 20 working days, the Principal or delegate must inform the complainant as soon as practicable of the fact of, and reasons for, the determination and that the Board (the owner) is required to decide as soon as practicable whether the complaint is justified.

#### Resolving Complaints

1. If the complaint is against a staff member the principal (or if against the Principal, the Board) will inform the staff member concerned, giving them a copy of the written complaint, invite their written response and advise them to seek union or other support and that they may bring a support person to any meetings. At this stage the principal or Board should also seek the advice and/or support of NZSTA, and inform the Board of Trustees Chair**.**

This section applies to all complaints apart from those of child abuse, or alleged child abuse, or those which, if proven may attract a criminal conviction. In these cases police and/or statutory agencies should be contacted so that they may investigate or give advice.

When a complaint is received (including the non-compliance of regulations or conditions of the Hostel Licence) the following procedure and timeline will be included in the BLENNZ procedure.

2. The Principal will arrange an interview with the complainant to discuss the complaint. The complainant will be entitled to bring a support person. The person about whom the complaint is being made will not be present at this meeting. The Principal will ensure that appropriate support for complainants, any alleged victim and his or her carer/parents, is provided before, through and after any investigation of the complaint. This will include clear and timely communication over processes and timelines and be consistent with the Board’s and Principal’s responsibilities to be a ‘good employer’.

3. The complaint will be fully investigated by the Principal (or by some other person appointed by the Board or Principal), who will ensure that all relevant facts are obtained by interviewing those involved, recording such interviews accurately, and confirming those records by obtaining the signature of each interviewee.

4. Following these interviews (and if an independent investigator is used, the receipt of that investigator’s report), the Principal will communicate with, or meet with each party and attempt to reach a resolution. Responsibilities for actions to resolve the complaint, including a time frame, review process and strategies to prevent a recurrence of the problem, will be agreed upon, recorded and signed by each party. Copies of the agreement will be provided to the complainant and the staff member.

5. A report will be completed by the Principal for the chairperson of the BLENNZ BOT. It will include the circumstances surrounding the complaint, the resolution or non-resolution and the actions taken.

If the complaint is particularly serious and may lead to dismissal and/ or legal action, the BOT may form a subcommittee to decide, as the employer, whatever follow-up action is appropriate. The Board subcommittee will take into account the findings of any investigation and actions by any statutory body such as Oranga Tamariki or the NZ Police before deciding on its action.

6. The Principal (or their designated delegate) will officially advise in writing the complainant and staff member of the resolution of the complaint.

7. All written reports relating to the complaint will be collated, attached to the original complaint and retained in the school’s confidential files.

#### Follow up action:

1. After making a decision the chairperson or Principal or delegate must inform the complainant of:

* + the reasons for the decision that the complaint is or is not justified;
  + any actions the Board (owner in the case of a hostel) proposes to take;
  + any procedure the Board (owner) has in place to enable consideration of an appeal by the complainant against the Board’s (owner’s) decision on the complaint;
  + the role of any relevant external agency that may be available to assist the complainant or to investigate the complaint if it is not resolved to the complainant’s satisfaction.

2. If the complaint has been upheld, it may become a matter of exercising disciplinary action. NZSTA advice should be sort before proceeding to this.

3. If the disciplinary action is a verbal or written warning, the Principal or their delegate (often a Senior Manager), with a second person who may record minutes of the meeting, will meet with the staff member to deliver the warning that will detail the nature of the complaint and the specific corrective action to be taken. The staff member may have a support person present at the meeting. The written warning will record the nature of the complaint and the specific corrective action needed. It will be signed as sighted by the staff member concerned.

The staff member will be given a reasonable opportunity to respond and if there is still an issue, to amend their conduct in the manner advised. The Principal or delegate has a responsibility to ensure that the staff member has the skills to be able to carry out their duties in an appropriate way, and training or up skilling might be an outcome.

If the disciplinary action is a written warning, the Principal will issue the written warning in a letter to the staff member.

4. The Principal will place a note recording the verbal warning, or a copy of the written warning, and any follow-up action, on the staff member’s personal file. These will have an agreed expiry date, as determined by employment agreements and accepted practice, and will be signed by the staff member as having been sighted. A written record of the meeting at which the warning was issued, will be provided by the Principal to the staff member concerned.

5. The chairperson of the BLENNZ BOT will be advised that the verbal or written warning has been issued.

6. Other action to be taken, depending on the circumstances, may include:

* sick leave
* recommend medical advice
* counselling
* staff development
* suspension
* transfer to other duties
* dismissal

7. Where it is determined that dismissal is appropriate the Principal will notify the staff member in writing that they are recommending to the Board of Trustees that they should terminate the staff member’s employment.

8. The Principal will advise the staff member of the right to pursue grievance procedures.

9 Nothing in the above procedure prevents summary dismissal in the case of serious misconduct. In such cases an unprejudiced investigation will be carried out and the staff member will be given the opportunity to answer any allegations against them.

## Complaints about the Principal

1. Where concerns or a complaint is about the Principal, the complainant may wish to discuss the concerns with the principal in the first instance. They may take a support person to this meeting.

2. If the complainant is dissatisfied with the outcome of this discussion, or feels unable to approach the Principal, they should take their concern directly to the Chairperson of the BLENNZ BOT. The complaint may be either verbal or written but if it is of a serious nature it should be in writing. The Chairperson of the BLENNZ BOT will acknowledge receipt of the complaint in writing and provide some support and a timeframe and procedure for resolution

3. The Board chair or nominee will investigate the complaint, or ensure the complaint is investigated by a competent agent, and follow procedures outlined above. These will include putting in place appropriate assistance and guidance for the Principal to resolve the complaint.

4. Any formal complaint will be dealt with using the procedures in the Primary Principals’ Collective Agreement and the procedures set out above pertaining to other staff members.

## Supporting Documents

1. Ministry of Education Website ([Link to MOE Website](http://www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/PolicyAndStrategy/PlanningReportingRelevantLegislationNEGSAndNAGS/TheNationalAdministrationGuidelinesNAGs.aspx))

2. Collective Employment Agreements [Link to MOE Website-Collective Agreements](http://www.education.govt.nz/school/running-a-school/employing-and-managing-staff/collective-agreements/)

3. Oranga Tamariki: ([Link to Ministry of Vulnerable Children Website)](https://www.mvcot.govt.nz/)

4. BLENNZ Policy Manual

5. [Ministry of Education website: Hostel License Requirements](https://www.education.govt.nz/school/running-a-school/running-a-hostel/)

 18 April 2018

Approved: …………………………………………. Date: ……………………..

(Principal)