

## **COMPLAINTS AGAINST STAFF MEMBERS POLICY**

### **PURPOSE:**

The following principles shall be used in addressing matters of complaints against any staff members to ensure that such matters are fully and fairly addressed, in the interest of all parties involved. Complaints should be dealt with as expeditiously as possible, while allowing for all parties involved to be given fair representation and hearing.

It is recognized that many complaints will be able to be resolved by discussion between the Principal and the Employee concerned (or between the Board Chairperson and the Principal), without a need to take the matter further. The Principal and Board shall, wherever appropriate, seek to resolve complaints in this manner in the first instance. In the event that a resolution cannot be reached, then the value of discussion with mediation from an independent third party is recognised.

The Principal has a major responsibility in receiving complaints. It is recognized that individual Board members may from time to time be approached by members of the community with complaints regarding school employees. They must immediately refer any complaints to the Principal or Board Chairperson (if the subject of complaint is the Principal) as appropriate, and must refrain from making comment or becoming involved in the matter.

In the event that the complaint cannot be readily resolved, then the further course of action should be determined by the Principal and the Board Chairperson having regard for the procedures as set out below. The procedure detailed herewith is deemed appropriate for complaints that do not immediately need to be put into the hands of the police or other legal authority.

### **OBJECTIVES:**

- 1a. If a caregiver of a pupil wishes to make a complaint against a staff member, such a complaint must be made personally or in writing to the Principal, but not in the presence of pupils. Should a caregiver wish to make a complaint against the Principal, it should be made directly to the Board Chairperson and the principles and procedures of this policy will apply.
- 1b. If a staff member wishes to make a complaint against another staff member, such a complaint should be made personally in the first instance to the person causing the concern. If this does not resolve the problem then a complaint should be made personally or in writing to the Principal. Should the complaint be against the Principal, it should be made directly to the Board Chairperson, and the principles and procedures of this policy will apply.
2. In the event that any circumstance is realized which may result in a personal grievance claim, the Board's Professional Indemnity insurer is to be notified immediately. This must occur before any of the following are undertaken: competency reviews, redundancies, redeployments, disciplinary actions, dismissals, appointment of legal assistance or representation, or other step which could result in a personal grievance. Similarly it must occur immediately on receipt of any complaint as to discrimination, sexual harassment, non-appointment to a permanent position, non-promotion, harassment, or any other matter likely to lead to a personal grievance.

3. Should the nature of the alleged conduct be deemed sufficiently serious, the Principal and the Board Chairperson may decide to either suspend (with or without pay), or transfer temporarily to other duties, having due regard to the provisions set out in the relevant Employment Contract. In the case of instant dismissal, legal advice must be sought prior to the action.
4. All discussions, decisions and actions relating to the complaint are to be minuted accurately and are to be made available to the parties involved.
5. The employee shall have the right to request representation at any stage, and shall be advised of such at the beginning of any investigation. All written documentation relating to the complaint will be made available to the employee concerned and their appointed advocate. The same information will also be available to any advocate which the Board of Trustees wishes to appoint on their own behalf.
6. All documentation is to remain confidential to the parties involved, and the provisions of the Official Information Act 1982 and the Privacy Act 1993 will be adhered to. The process and any disciplinary action are to be recorded, sighted, discussed and signed by the employee, and placed in their personal file.
7. In the event that the nature of the complaint relates to a matter of teacher competency, the Principal shall put in place appropriate assistance and personal guidance as set out in the provisions of the relevant Collective Employment Contract. This will include advice in writing of the specific matters causing concern, the corrective action required, and the time frame allowed.
8. If a satisfactory understanding cannot be arrived at following initial discussions, the procedure shall be as follows:
  - The complainant will submit the complaint in writing to the Board Chairperson. The complaint must specify the matter(s) causing concern.
  - The Chairperson shall immediately forward a copy of the complaint to the Principal and the Employee and indemnity insurer.
  - The employee will be given a reasonable opportunity to provide an explanation.
  - The Principal and Chairperson will make all necessary inquiries in order to be satisfied as to the facts of the specified matter(s) causing concern.
  - The Chairperson will convene a Discipline Committee, comprising the Chairperson and one other Board member (not the Principal or Staff Representative). This committee will consider the matter including submissions by the Principal, the various parties involved and their advocates. These parties will use their best endeavours to reconcile the differences involved to reach a resolution.
  - In the event that disciplinary action is recommended by the Discipline Committee following the hearing, the matter will be referred to a meeting of the full Board, (but excluding those members on the Disciplinary Committee, the Principal and the Staff Representative - in the event that that person has become involved in the proceedings to that point,) for a final decision.
  - The employee will be advised in writing of any corrective action required to amend their conduct, and be given a reasonable opportunity to do so.
  - The process and any disciplinary action are to be recorded, sighted and signed by the Employee and placed on their personal file.
9. Should the Employee become aggrieved by any action of the Board of Trustees taken under these provisions, then personal grievance provisions as per the relevant Employment Contract are available to the Employee.