

Employee Complaints Policy

Policy

The Board of Trustees of the Raglan Area School – Te Kura A Rohe O Whaingaroa supports the right of every employee to lodge a complaint with their manager if they believe a decision, behaviour or action affecting their employment has caused them to be disadvantaged. The Board of Trustees aims to resolve problems and grievances promptly and as close to the source as possible and will respond to complaints in an impartial, fair and consistent manner and in accordance with current employment legislation, collective and individual employment agreements and in good faith. The rights of all parties involved in any complaint will be safeguarded.

The Board of Trustees is accountable for the leadership and management of the employees of Raglan Area School – Te Kura A Rohe Whaingaroa and delegates this to the Principal who is responsible for the implementation of fair and equitable leadership and management.

Managers will do their utmost to investigate and respond to complaints objectively, discreetly and promptly and take appropriate and reasonable action to resolve the complaint.

Complaints from staff that are misconceived, vexatious, malicious or lacking substance may result in disciplinary action being taken against the employee lodging the complaint.

Procedure for Employees

1. The employee must raise the complaint within 90 days of the date when the problem occurred or it came to the employee's attention (eg. the outcome of a restructure, a change in working hours). Raglan Area School – Te Kura A Rohe O Whaingaroa will always consider whether to accept complaints arising outside of the 90 day timeframe, but is under no obligation to do so.
2. The employee should try to resolve the complaint as close to the source as possible. This can be informal and verbal. At this stage, every possible effort should be made to settle a complaint before initiating the formal process. If the matter can't be resolved, the process continues and becomes formal.
3. To start the formal complaints process, the complainants must clearly state what their grievance is and the reasons why they wish to complain. This must be in writing, providing enough detail, for example, dates and locations wherever possible and describe how the employee has already tried to settle the complaint.
4. The complaint will be investigated in a timely manner and the complainant will be advised the provisional date when they can expect to receive a response. To ensure full and complete understanding of the complaint, the investigating manager may wish to meet with

the complainant and any witnesses to pertinent events. The complainant may be accompanied by a support person at any such meeting.

5. The length of time required to investigate the complaint will be determined by the availability of the information required to reach a decision, the individuals involved, witnesses to any events and the complexity of the complaint. However, the investigation and resolution will not be unduly delayed.
6. The outcome of the investigation will be communicated to the complainant in writing.

Procedure for Managers

Preamble

1. The complainant and the complaint will be treated impartially and with respect at all times.
2. A full record of all meetings and correspondence pertaining to the complaint and the subsequent investigation and findings will be made and retained in a secure place.
3. All details of the complaint and any conditions of employment that may arise from a resolution of the complaint will be treated in confidence by all parties at all times, except where there is a legal requirement to report them.
4. All investigations will be carried out in a procedurally fair manner. Explanations and information gathered will be given full consideration free of pre-determination or bias.
5. Should a complaint be received outside of the 90 day submission period, the manager will consider whether to accept it or not. If it is decided not to accept the complaint, the complainant will be advised of this decision in writing.
6. When an investigation is being conducted, the person who is the subject of the complaint is required to co-operate fully and act in good faith, providing explanations and descriptions of events either personally or through a representative. Where explanations of facts known to that person have not been offered, they cannot be used later in any future proceedings as evidence of a lack of substance to the complaint or justification for any decision taken.
7. If the complaint raises concerns about potential serious threats to employee, pupil or public health, safety and well-being, immediate action must be taken to investigate those threats and the Board of Trustees informed.
8. If the complaint contains a serious allegation about a colleague it is probable that the matter may need to be dealt with by following the disciplinary policy and procedure.
9. The Employment NZ website provides useful and current information for employers and employees regarding staff complaints (personal grievances) and other employment related matters and can be accessed through the following link: www.employment.govt.nz.

Process

1. Receipt of the complaint will be acknowledged in writing (this can be by email) by the designated investigating manager at the earliest opportunity and a copy of the Board of Trustees' complaint policy and procedures provided to the complainant. The Board Chairperson must be advised immediately upon receipt of any complaints made.
2. The complaint will be reviewed and an initial estimate made of how long it will take to investigate and reach a conclusion and communicated to the complainant. Every effort will be made to ensure this timeframe is adhered to and any delays anticipated or encountered, communicated at the earliest opportunity to the parties involved.
3. Any employee who is the subject of a complaint will be advised in writing (this can be by email) at the earliest opportunity that a complaint involving them has been raised and is being investigated. Full details of the allegations made against them will be given with the probable time frame to investigate the complaint and they will be provided with a copy of the Board of Trustees complaints policy and procedures. They should have the opportunity and a reasonable time to respond before the process continues.
4. The review of the complaint will also involve an assessment of whether an investigation is necessary, or whether sufficient information is already available to reach a decision. If an investigation is required the investigating manager will consider how the investigation should be managed to ensure completeness and fairness, identifying the parties involved and whether they need to be interviewed as part of the fact-finding process.
5. Information from all relevant sources will be gathered by the investigating manager. If it is necessary to gather information from the complainant or from others, invitations will be extended, either verbally or in writing, explaining the purpose of the meeting and giving sufficient time to respond, arrange for a support person to accompany them and to attend.
6. At the meeting, the manager will write down the key points relating to the complaint and the events that led to it. At the conclusion of the meeting, the manager will summarise the main points raised and any follow up action that has been agreed.
7. When all meetings have been concluded, the investigating manager will review all of the information collected and consider the information gathered before reaching a conclusion about the complaint.
8. The investigating manager will provide copies of all the documents pertaining to the investigation and the recommended outcome to the board chairperson, who will review it to ensure due process, policy has been followed and legislative compliance. The board chairperson will also determine whether they agree with the investigating manager's recommended outcomes and if so, sign off to indicate the complaint has reached an acceptable conclusion before any decision is communicated by the investigating manager to all parties involved in the complaint.
9. The investigating manager will meet with the complainant to convey their decision or to discuss options for resolving their complaint.



10. The meeting will be followed up with a letter to the complainant detailing the discussion, any agreement reached during that discussion and any further action that will be taken to resolve the complaint.
11. A letter to any subject of the complaint will be sent, advising them of the outcome of the investigation and of any further action that will be taken as a result. This could include changes to working arrangements, agreements about working together in the future, or disciplinary action and will be dealt with in accordance with the appropriate policy and procedure.
12. The records of the complaint, any action taken to resolve it and the reasons for it will be retained by the Principal, the Board of Trustees or on the personal file as appropriate and in accordance with the requirements of the Privacy Act.
13. Any plan of action to resolve the complaint will be communicated in an appropriate way to all parties involved and implemented at the earliest opportunity.