



## Complaints Procedure

**Date Effective:** June 2011

**Review Date:** Term Three (3) 2019

**Responsible to:** General Manager (GM), Board President and Education Service Manager (ESM).

**Policy:** Personnel

**Applies to:** Association Members, all employees and Board Members

**Purpose**

1. It is important that staff and parents/caregivers and/or whānau see that all complaints are dealt with in an open, consistent and fair manner.
2. To provide a procedure that seeks to resolve complaints, while maintaining the dignity of those involved.

**References:**

- Kindergarten Teachers, Head Teachers and Senior Teachers' Collective Agreement;
- Individual Employment Agreements;
- OKA Board Process Policy – Board Code of Conduct;
- Education Council – Conduct and Competency Process Guide; and
- This procedure is to be read in conjunction with the Ministry of Education (Early Childhood Services) Regulations 2008, Regulation 47, Criteria GMA1 and GMA7.

### Procedure

1. This procedure forms a systematic procedure by which complaints about employees, board members, kindergartens or association operations will be managed.
2. To ensure consistency and fairness in the manner that complaints are managed.
3. To provide the opportunity for low level resolution of complaints between relevant parties.
4. To minimise as much as possible the impact that a complaint may have on the Kindergarten.
5. To focus complaints on issues and not personalities.
6. A complaint constitutes an allegation only, until it is investigated.
7. A disciplinary process will be applied if the situation warrants it.

## Process:

1. Complaints should be dealt with initially by approaching the person concerned to discuss the issue. If satisfaction for the complainant is not forthcoming then the following process should be followed:
  - Complaints concerning non-compliance of license conditions should initially be addressed to the General Manager and if appropriate the local office of the Ministry of Education, 414 Moray Place, Private Bag 1971 Dunedin 9054 or email to enquiries.dunedin@education.govt.nz.
  - Complaints concerning teachers should be addressed to the Head Teacher.
  - Complaints concerning Head Teachers should be addressed to the General Manager.
  - Complaints concerning Association staff should be addressed to the General Manager.
  - Complaints concerning the General Manager or an Association Board Member should be addressed to the Board President.
  - Complaints concerning the Board President should be addressed to the General Manager and Board.
2. Where a complaint relates to teacher competency the attached Teacher Competency Procedure will be used for dealing with the complaint.
3. Complaints must be in writing and signed. Anonymous complaints will not be actioned. The complaint must be recorded and clarified before any investigation. An investigation will commence only when the Association determines there is a case to be answered. The complainant must be advised of the procedure to be followed and kept informed.
4. Upon receipt of a complaint the following action will be taken:
  - a. In the case of a complaint against a teacher the Head Teacher, after consultation with the General Manager, will provide the initial information to determine if an investigation is warranted. After consultation with the General Manager and Education Services Manager, the General Manager will notify the person being complained about, in writing, of the matters to be investigated. They will investigate the matter and provide a report to the General Manager. If the complaint is against a Head Teacher then this will be undertaken by the Education Services Manager.

The General Manager can decide to appoint an investigator (this can be an internal or external person) who will conduct the investigation.

If, following the meeting or on receipt of a report the General Manager decides there is no further action to be taken, the staff member will be notified and the matter closed. After consultation with the Education Services Manager, the General Manager may decide further action is required and a formal disciplinary process will occur. A written invitation to a meeting will be provided to the employee outlining the report findings and any potential action that may be taken. The staff member will be advised to bring a support person to that meeting, in line with the disciplinary process.

The General Manager will abide by the Teacher Competency Procedures and the Disciplinary Action Procedures (within the KTCA) in reaching a decision on the complaint.

- b. In the case of a complaint against a member of the Association administration staff, the General Manager will arrange a meeting with the staff member concerned, to investigate the matter.

If, following the meeting, the General Manager decides there is no further action to be taken, the staff member will be notified and the matter closed. If the General Manager decides further action is required, a second meeting will be arranged and the General Manager will advise the staff member, both verbally and in writing, that disciplinary action will follow, and that such disciplinary action may lead to dismissal. The staff member will be advised to bring a support person to that meeting, in line with disciplinary process.

- c. Where the complaint concerns in whole or part the General Manager and/or a Board Member, the Board President (and/or the Board appointed panel) will discuss the complaint with the person complained about and will also advise that person in writing of the matters to be investigated. The Board President (and/or the Board appointed panel) will conduct the investigation.

If following the meeting the Board President (and/or the Board appointed panel) decides there is no further action to be taken, the General Manager and/or Board Member will be notified and the matter closed. If the Board President (and/or the Board appointed panel) decides further action is required, a second meeting will be arranged and the Board President (and/or the Board appointed panel) will:

1. Advise the General Manager, both verbally and in writing that disciplinary action will follow and that such disciplinary action may lead to dismissal. The General Manager will be advised to bring a support person to any further meetings. The disciplinary process will be followed.
2. Advise the Board Member, both verbally and in writing that an adverse report has been presented and that such report may recommend their removal from the board. The Board will if they consider the complaint to be well founded, follow the relevant procedure set out herein along with the relevant provisions of the Constitution.

- d. Where the complaint concerns the Board President, the General Manager will discuss the complaint with the Board President. The General Manager will then discuss the matter with the Board and a Board Representative will be selected to investigate the complaint with the General Manager. Once this is done the General Manager and Board Representative will advise the Board and the Board President, in writing of the matters to be investigated. The matters will then be investigated by the General Manager and the Board Representative and a report provided to the board.

If, following the meeting or on receipt of a report the Board decides there is no further action to be taken, the Board President will be notified and the matter closed. If the Board decides further action is required a second meeting will be arranged and the Board will advise the Board President both verbally and in writing that an adverse report has been presented and that such report may recommend their removal from the board.

The Board will if they consider the complaint to be well founded, follow the relevant procedure set out herein along with the relevant provisions of the Constitution.

5. In cases of allegations of serious misconduct (see below) the General Manager may, following consultation, suspend an employee, with pay, or temporarily place that employee on other duties, in line with the relevant employment contract, pending investigation. Where such allegations are substantiated following a proper process, the employee may be dismissed without notice. The General Manager will make all decisions regarding serious misconduct. Refer to the Code of Conduct. The General Manager reserves the right to seek assistance from outside specialists, as required.
6. Where any complaints are found to be unsubstantiated all papers relating to the allegations will be destroyed, but a report of the investigation will be kept and filed confidentially for seven (7) years.
7. Copies of the Education Regulations 2008 and the Education Review Office (ERO) reports can be requested at all times.
8. Contact details:  
**General Manager**  
Oamaru Kindergarten Association  
P O Box 71  
OAMARU 9444  
Phone: (03) 434 2422  
0274 294707  
Email: gm@oamarukindergarten.co.nz  
  
**Board President**  
C/- Oamaru Kindergarten Association  
P O Box 71  
OAMARU 9444  
Phone: 021 253 3427  
Email: president@oamarukindergarten.co.nz  
  
**Ministry of Education**  
414 Moray Place,  
Private Bag 1971  
DUNEDIN 9054  
Phone: (03) 471 5200  
Fax: (03) 471 5201  
Email: enquiries.dunedin@education.govt.nz

## TEACHER COMPETENCY PROCEDURES

The principles contained in the relevant section of the current Kindergarten Teachers' Collective or Individual Employment Agreement will be adhered to where there is concern regarding the competency of any teacher. The following procedures supplement those documents.

Where there are concerns regarding the competency of any teacher, the following procedure provides a general guideline. Each case will be dealt with as individual requirements dictate, and thus it may not be that on every occasion the following process is used. Note too, that subject to New Zealand employment law Oamaru Kindergarten Association reserves the right to take disciplinary action at any stage during this competency process for poor performance, including the possible issuing of warning(s) and ultimately dismissal. Thus, this section should be read in conjunction with the formal disciplinary process section.

### Guideline to Competency Process

Under performance or unsatisfactory performance should be addressed immediately it first comes to the notice of the Education Service Manager. The Education Service Manager will provide clear guidance on areas where a Teacher's performance is unsatisfactory, and will develop strategies in line with the professional standards to assist him/her to reach a satisfactory standard, through planned learning and/or coaching. The General Manager will be informed of the Education Service Managers concerns and all ongoing progress. If this initial assistance and guidance has not improved the Teacher's performance after a certain period of time, then more formal procedures will ensue, which, may include disciplinary procedures.

When, in the opinion of the Education Service Manager, a satisfactory level of performance is not being met, a formal review meeting may be initiated and this may or may not be a disciplinary meeting. This review will be used to try and determine the extent of the problem and possible reasons for unsatisfactory performance, and will set out an appropriate process to move forward. Concerns and options will be discussed by both parties and a planned timeframe with targets and objectives will be developed and written up into an advice and guidance plan. The Teacher will be advised that formal Competency Procedures have been entered into, and that failure to reach required standards of competency may result in disciplinary action, or further disciplinary action and continued failure to reach required standards may lead to dismissal.

Options to consider to help improve performance could include outside assistance, reasonable extra training, or other professional assistance. The Education Service Manager will assist and overview the Teacher's performance and provide appropriate assistance and professional guidance. The Education Service Manager will advise the General Manager in writing of the steps taken, and provide a copy of the written advice and guidance plan which will note the specific matter(s) of the Teacher's performance causing concern. The General Manager will discuss this report with the Board President and provide updates as required.

After a specified period of time the Education Service Manager will evaluate the Teacher's competency and the valuation will be recorded in writing and provided to the General Manager. If the Education Service Manager concludes that the Teacher has reached the required standard of competency, the Teacher will be notified and no further action will be taken. If the Education Service Manager concludes that the Teacher has failed to reach required standards of competency, the Teacher will meet with the Education Service Manager and the General Manager to discuss the report and decide on appropriate future action.