

Complaints

Purpose and Scope

At New Zealand Kindergartens (NZK) there may be times when a complaint is received from an external party about an employee, board member, kindergarten or affiliated association. This procedure will set out the process to manage complaints in a consistent, fair and transparent manner. The ultimate aim is to focus on the facts to resolve the matter. Where there is an opportunity to use complaints feedback to bring about positive change or process improvements, this will be undertaken.

This policy applies to the Board, General Managers/Chief Executives (GMs/CEs), staff members (whether permanent, fixed, casual or relieving).

Legislation

NZK in dealing with complaints about Governance, management and administration of the Association will comply with the Ministry of Education (Early Childhood Services) Regulation 2008, Regulation 47.

NZK, in dealing with complaints that may amount to misconduct by a staff member, will comply with the *Employment Relations Act 2000*. This procedure should also be read in conjunction with the *Kindergarten Teachers' Collective Agreement 2022 (Part 6)*.

Key Definitions

Complaint Is any feedback of dissatisfaction provided by an external party about NZK's staff or operations.

Complainant Is the party raising a complaint about a staff member, the Association or the Board or the NZK operational practices.

Examples of Complaints

Parent called to collect a sick child

Child not adequately supervised and was bitten by another

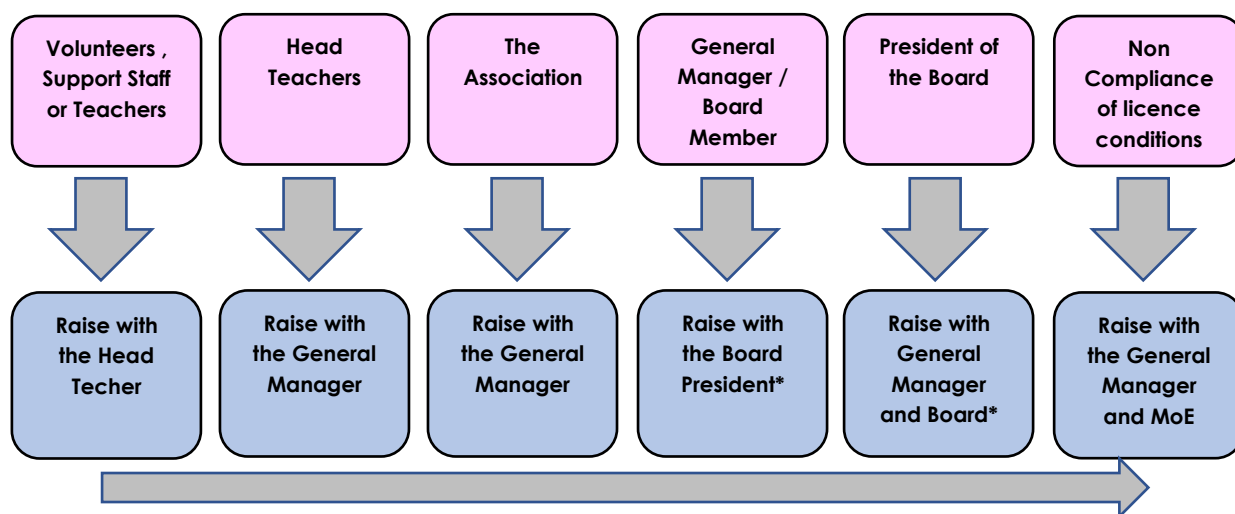
Teacher that seems distracted and disengaged from children

Activity undertaken for Easter with the children was not age appropriate

Another parent has unauthorised images of my child

Addressing Complaints

Complaints should be resolved initially at the first point between the parties, and the reaching of an agreement on the way forward or to reset expectations. If the complainant is not satisfied with the initial response, the following escalation pathway should be followed:



If further escalation is required, the complaint should be escalated upwards.

*For any Association that does not have a local board please raise the complaint with NZK CE.

Should the person responsible for managing the complaint feel the complaint is beyond their capability to manage; or managing would result in a conflict of interest; they will hand the complaint over to the next up line manager to resolve.

Complaints process

Step	Action Required by the staff member managing the complaint
Complaint Received	<ul style="list-style-type: none"> Complaints can be provided in writing, or given verbally Record the complaint in the Associations Complaint Register
Complaint Reviewed and Clarified	<ul style="list-style-type: none"> Seek out additional information if the complaint isn't detailed or clear enough Confirm the actions taken before the complainant decided to escalate the matter further (if relevant)
Complaint Investigated	<ul style="list-style-type: none"> Determine if the complaint is an informal or formal matter Determine if the complaint needs to be handled by other internal processes e.g. Bullying or Misconduct Determine if this complaint needs to be managed by a more senior member or if it should be escalated to an external specialist
Take Action:	<p>Option 1. No Further Action</p> <p>Advise the Complainant the complaint has no basis, or the original position provided stands. Provide a reason as to why this is the case. E.g. Kindy Policy</p>
	<p>Option 2. Informal Action Needed</p> <ul style="list-style-type: none"> May require resetting of expectations with a staff member or with the complainant Mediation may be required between parties
	<p>Option 3. Formal Action Needed</p> <ul style="list-style-type: none"> Follow the formal investigation or discipline procedure Escalate matter to the MoE for complaints of non-compliance to license conditions
Keep records and documentation	Keep comprehensive notes about the Complaint and store these in a securely and confidentially – the Complaints Investigation report to be kept for 7 years
Close the matter	<ul style="list-style-type: none"> Confirm with all parties that the matter is closed out Each month/quarter the GM is to review the complaints register to identify trends and themes of discontent – and to implement solutions to combat these if it is appropriate to do so

Contact Details

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Complaints that may need to be investigated via alternative procedures

There may be times where a complaint is made where the alleged actions need to be managed or investigated in accordance with another established internal procedure or process. The below list of complaints will be managed outside the scope of this procedure to ensure compliance with the *Employment Relations Act 2000* and *KTCA* requirements.

Type of Complaint	Procedure used to manage/investigate
Teacher Competency	Performance Management Procedure
Serious Wrongdoing	Protected Disclosures Procedure
Child abuse or Neglect	Vulnerable Children Procedure
Bullying and Harassment	Code of Conduct, Bullying Procedure, or Sexual Harassment Procedure
Inability of a staff member to fulfil the inherent requirements of the position	Medical Incapacity or Fit for Work procedure

Depending on the nature of the complaint NZK or the General Manager has the right to seek support and assistance to investigate and manage a complaint from an outside specialist as determined necessary.

Record Keeping

Investigation reports relating to the complaint will be kept and filed securely and confidentially for seven (7) years. Any paperwork related to action against any individual will be held in accordance with the *Employment Relations Act 2000* and *KTCA* requirements.

Word of Warning

This procedure does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this procedure may result in disciplinary

action including but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this policy, please speak with your GM/CE. You can refer to our Grievance Procedure for guidance on how grievances are handled at NZK.

Procedure Reviews

This procedure may be amended from time to time at the discretion of NZK. Please ensure you regularly review all company procedures, so the content is front of mind in all you do.

Related Procedures

Discipline Management Procedure or Performance Management Procedure

Protected Disclosures Procedure

Grievance Procedure

[The Statement of National Education and Learning Priorities \(NELP\)](#)

Kindergarten Teachers Collective Agreement (KTCA)