Complaints

Purpose and Scope

At New Zealand Kindergartens (NZK) there may be times when a complaint is received from one party about another party (including, for example, an employee, board member, Kindergarten or affiliated Association) arising from the conduct, competency, processes, or decisions of NZK or its staff.

This procedure will set out the process to manage complaints in a consistent, fair and transparent manner. NZK will rely 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), parents/guardians, whānau and anyone who engages with NZK.

Complaints that do not fall squarely within the parameters of this Policy may, at the discretion of NZK, be investigated and managed in accordance with this Policy.

Legislation and guidelines

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

When dealing with complaints that may amount to misconduct by a staff member, NZK will comply with the *Employment Relations Act 2026*. This procedure should also be read in conjunction with the current *Kindergarten Teachers' Collective Agreement* and relevant NZK policies, including the Code of Conduct, and Disciplinary Management Policy

Ministry of Education guidelines provide that All ECE services must display a copy of the Complaints Policy/Procedure in a place that parents, whānau, and visitors can see so that these parties can follow the procedure should they wish to raise a complaint.

The Policy/Procedure must include the contact details of the local Education Review Office.

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

Additionally, staff must know, understand, and be able to explain the Complaints Policy/Procedure to parents, whānau, and visitors.

Key Definitions

Complaint Is an expression of dissatisfaction provided by a party about NZK or an affiliated association's staff or operations where a response or resolution is explicitly or implicitly expected. Complaints may relate to a wide range of issues, including but not limited to:

- Act or omissions of a staff member or NZK/the affiliated Association
- The conduct or competency of a staff member
- Service delivery
- Governance or management
- Administrative processes

Complaints can be raised by external parties (e.g. parents, whānau, visitors) or by internal parties (e.g. teachers, support staff, management).

What is not a complaint?

- Statements of opinion unless a response or resolution is expected, or should reasonably be provided
- Feedback as part of a formal consultation process
- A part of a process that NZK/the Association is obliged or required by statute to comply with (e.g. Privacy Act request)
- Requests for information
- Requests for update on NZK activities or processes

NZK reserves the right to exercise its discretion to investigate when complaints are frivolous, vexatious, or not made in good faith.

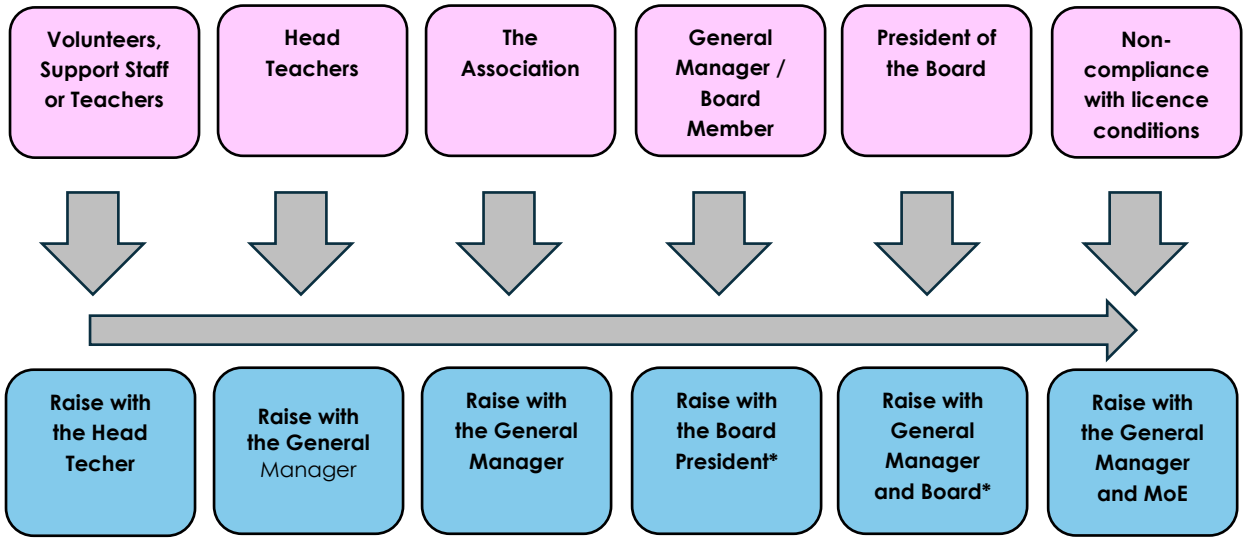
NZK may take no action on a complaint when any further action is considered to be inappropriate or unnecessary in the circumstances.

Complainant is the party raising a complaint.

Addressing Complaints

Wherever possible, complaints should be resolved between the parties. Ideally, the parties would reach an agreement as to the way forward or resetting expectations.

If the complainant is not satisfied with the initial response or is not comfortable approaching the other party, 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 will be dealt with in a timely manner and with sensitivity and confidentiality as far as possible, whilst also ensuring the principles of natural justice are met. The principles of natural justice provide that the party being complained about has a right to know who made the complaint. Anonymous complaints will generally not be investigated/actioned however, NZK reserves the right to investigate where the nature of the complaint raises concerns about child or adult safety, wellbeing, or serious misconduct.

Complaints process

Step	**Action Required** by the staff member managing the complaint	
Complaint Received	• Complaints can be provided in writing, or given verbally • Record the complaint in the Associations Complaint Register	
Complaint Reviewed and Clarified	• 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	• 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:	**Option 1.** **No Further Action**	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
	Option 2. **Informal Action Needed**	• May require resetting of expectations with a staff member and/or with the complainant • An informal meeting or mediation between parties may be required
	Option 3. **Formal Action Needed**	• Follow the formal investigation or discipline procedure • If the complaint is about a teacher's conduct or competency, the relevant provisions of the KTCA will apply • 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 securely and confidentially – the Complaints Investigation report must be kept for 7 years, after which it can be securely destroyed	
Close the matter	• Confirm with all parties that the matter is closed out/resolved • 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

General Manager
Ōamaru Kindergarten Association
209 Thames Street
Ōamaru 9400
Phone: 03 434 2422
Email: gm@oamarukindergarten.co.nz

New Zealand Kindergartens Network - Board Chair
C/- New Zealand Kindergartens Network Chief Executive
Jill Bond
Phone: 027495 0282
Email: jill.bond@nzkindergarten.org.nz

Education Review Office (ERO)
Phone: 0800 376 800
Email: Enforcement@ero.govt.nz

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.

As examples, the below list of complaints will be managed outside the scope of this procedure to ensure compliance with the *Employment Relations Act 2026* 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. These records may be disclosed if the relevant individual(s) requests their personal information under the Privacy Act 2020.

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
- Performance Management Procedure
- Protected Disclosures Procedure
- Grievance Procedure
- Kindergarten Teachers Collective Agreement (KTCA)

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