

Policy Title: Complaints Policy

Classification: Management

Monitored by: HR Manager

Approved by: GM Operations

Effective Date: November 2021

Review Date: November 2023

Objective: To clearly outline the Association's procedure for dealing with complaints, so that staff, parents/whānau and management are able to resolve these successfully.

Commitment: The Association is committed to dealing with all complaints in an open, consistent and fair manner, while maintaining the dignity and privacy of those involved. We are committed to meeting all our licensing requirements and legal obligations, and will use complaints as a tool for making positive improvements.

Related Documents

- Licensing Criteria for Early Childhood Education and Care Services 2008
- Complaints Procedure (attached)
- 'When you have a concern' poster
- 'Kindergarten Licence Compliance' poster
- Privacy Policy
- Discipline and Competence/Performance Management Policy

Policy Details:

1. Hutt City Kindergartens (HCK) will maintain a systematic procedure to manage complaints about employees, Board Members, individual kindergartens or the Association as a whole.
2. In the first instance, a complaint or issue should be resolved directly between the parties, where it is practicable to do so.
3. Natural justice requires that a person complained of knows the identity of the complainant. HCK will not investigate anonymous complaints about an individual person, but will hold these on file.
4. In addressing a complaint, HCK will make all reasonable efforts to:
 - ensure consistency and fairness in the manner that complaints are managed
 - provide the opportunity for low-level resolution, as per the 'Enquires, Concerns and Complaints' document (where appropriate)
 - minimise the impact that a complaint has on an employee, a kindergarten team and the community.
5. A complaint constitutes an allegation only, until it has been fully investigated.
6. Kindergartens will clearly display the 'When you have a concern' and 'Kindergarten Licence Compliance' posters, with up to date contact information.

Review:

This policy will be reviewed biennially.

Complaints Procedure



This document sets out the Association's system for receiving complaints or issues, and outlines how they will be addressed and resolved.

- 1) Initially the complainant should approach the Head Teacher (HT) to discuss the issue. If the complainant feels unable to approach the teaching team or is not satisfied with the outcome, they should contact either a Senior Teacher (ST), Human Resources (HR) or a General Manager (GM).
- 2) The 'When you have a concern' poster must be displayed in every kindergarten.
- 3) Low level concerns may be managed by the HT or appropriate ST without the need to inform the GMs. Examples of low level concerns: a kindergarten gate is not closing, or a child came home wet.
- 4) Formal complaints will be dealt with as per the Complaint Investigation Process flow chart (see below).
- 5) Where appropriate, complaints should initially be dealt with by approaching the person concerned to discuss the issue. If satisfaction for the complainant is not forthcoming, then the following procedures should be followed. There will be instances where the complainant approaching the individual against whom a complaint is made is not appropriate, for example where an allegation of serious misconduct is made against a Head Office staff member. In those instances, the complaint should immediately be made to the General Manager Operations (GM Operations) or directly to the Board President where a General Manager/s or a Board Member is involved.
- 6) Complaints concerning teachers and Association office staff should be addressed to the GM Operations. Complaints concerning the General Manager/s, or a Governing Board Member should be addressed to the President except where the complaint concerns the President, in which case it shall be addressed to the Deputy President.
- 7) Concerns about non-compliance with kindergarten licence conditions should be addressed to the Head Teacher or a General Manager. The local office of the Ministry of Education can also be contacted.
- 8) The 'Kindergarten Licence Compliance' poster must be displayed in every kindergarten.
- 9) Where a complaint relates to teacher competency the Discipline and Competence/Performance Management Policy shall be used in conjunction with this policy.
- 10) Complaints may be in writing or verbal. The complaint must be recorded and may be clarified where needed with the complainant before any investigation is instigated. An investigation will commence only when HCK determines there is a case to be answered. The complainant must be advised of the procedure to be followed and kept informed.
- 11) Upon receipt of a complaint the following action will be taken:
 - a) In the case of a complaint made against a teacher, the complainant will be immediately notified to the GM Operations either by the complainant or by the staff member who is in receipt of the complaint. The GM Operations may delegate the initial stage of investigating the complaint to the Human Resources Manager, a ST or the GM Professional Services to help clarify the complaint and/or to record it in writing, and if appropriate to try to resolve the complaint with the complainant.

b) Where the complaint concerns in whole or in part the GM Operations, the GM Professional Services or a Governing Board Member, the Board President will convene a meeting of 3 members of the Governing Board including the President or their delegate to make up an investigation committee to investigate and decide upon the complaint on behalf of the Board (the 'Complaint Investigation Committee'). The Complaint Investigation Committee will seek legal advice as appropriate.

12) The investigation process will follow the steps outlined below and as summarised on the Complaints Investigation Process Flowchart below.

13) If, following the receipt of a complaint as referred to in 11 (a) above, the GM Operations decides there is no further action to be taken, the complainant and staff member will be notified of that and the reasons for it as soon as practicable and the matter closed.

The GM Operations may choose not to advise the staff member against whom the complaint was made if the staff member was unaware of the complaint and if the GM Operations considers it unnecessary to advise the staff member of the complaint. If on the other hand the GM Operations decides further action is required, a meeting will be arranged, and the GM Operations will advise the staff member in writing that disciplinary action may follow from the investigation and, if appropriate, that any such disciplinary action may include the staff member's dismissal.

The staff member will at that time be advised by the GM Operations to obtain independent advice and/or the advice of their union and to bring a representative and/or support person to the investigation meeting.

14) If following the meeting referred to in 11 (b) above, the Complaint Investigation Committee decides that there is no further action to be taken, the complainant and staff member will be notified of that and the reasons for it as soon as practicable and the matter closed.

The Complaints Investigation Committee may choose not to advise the person against whom the complaint was made if the person was unaware of the complaint and if the Complaints Investigation Committee decides that it is unnecessary to advise them of the complaint. If on the other hand the Complaint Investigations Committee decides that further action is required a meeting will be arranged with the person concerned and the Complaints Investigation Committee will advise the person in writing that disciplinary action may follow from the investigation, and if appropriate that any such disciplinary action may include the person's dismissal from employment or in the case of a Board Member advise the person in writing that an adverse report may be presented to the Governing Board and that such report may recommend their removal from office (where relevant). The person concerned will at that time be advised by the Complaints Investigation Committee to obtain independent advice and/or advice of their union and to bring a representative and/or support person to the investigation meeting.

15) The GM Operations will abide by the Discipline and Competence/Performance Management Policy in reaching a decision on any complaint.

16) In case of allegations of serious misconduct, the GM Operations may, following consultation, suspend an employee, with pay, or temporarily place that employee on other duties, in line with the relevant employment agreement, pending investigation. Where such allegations are substantiated following a proper process, the employee may be dismissed without notice. The GM Operations (or GM Operations delegate or the Board President) will make all decisions regarding serious misconduct.

17) With regards to complaints concerning the General Managers the Governing Board shall follow the process as set out above. Disciplinary action may include dismissal for serious misconduct.

18) In the case of a complaint against a Governing Board Member, the President and/or Deputy President will, if they consider the complaint to be well founded, follow the relevant procedures set out herein with the relevant provisions of the Constitution.

- 19) Notwithstanding the provisions herein, the Board President and/or Deputy President is entitled to initiate an investigation into any matter by a written letter to the Board advising them that they have done so.
 - a) Should the Board President write such an initiating letter, then the matters they wish to have investigated will be treated as a complaint in accordance with this policy and investigated according.
- 20) Where complaints are found to be unsubstantiated all papers relating to the allegation will be destroyed.
- 21) The complainant will not be advised of any disciplinary or corrective action taken by HCK, as this is a matter between HCK and the staff member. The complainant will be informed that the matter has been investigated and appropriate action taken.
- 22) Where a complaint is made which involves a child (either due to the complaint being made about the child's behaviour or because the complaint concerns the treatment or the wellbeing of a child), it will be a matter for the General Manager Professional Services on each occasion to decide who to advise about the complaint beyond the complainant and the person against whom the complaint is made. In some instances, it will be appropriate to advise the parents or guardians of the child.
- 23) Each situation will be considered by the General Manager Professional Services, always acting reasonably and acting in the best interests of the child and of any other children.

Complaint Investigation Process

