

GUIDELINES FOR THE HANDLING OF COMPLAINTS AGAINST STAFF MEMBERS

Purposes:

Procedures are required to ensure such complaints are dealt with fairly, with due seriousness, with uniformity and to avoid undue stress.

All staff members have the right to know of a complaint being made against them and the right to respond to that complaint before any judgement has been made or action taken.

The Principal will be advised of any matter reported to a staff member which the staff member considers to be a Health and Safety issue.

The proper place for complaints against staff is with the Principal. If there is a conflict of interest, the Principal will refer the matter to the Board of Trustees Chairman. If there is a complaint against the Principal the proper place for it to be laid is with the Board of Trustees Chairman.

Guidelines: (The following guidelines have been developed in conjunction with the relevant sections of the Employment Contracts covering staff at St. John's.)

1. Anyone making a complaint will be requested to give it in writing with a copy for the Principal and staff member concerned.
2. (a) Where the complainant refuses to put the complaint in writing, the Principal will record, in writing, the salient points and every attempt will be made to get this signed by the person making the complaint.

(b) Where the complainant does not want to be identified due to perceived risk of negative repercussions for themselves and/or a child, the name of the complainant will not be revealed but the matter will still be followed up.
3. A copy is to be given to the staff member and an explanation sought. The time frame for the staff members response should be determined by the Principal and be relevant to the matters causing concern. The staff member is to be advised that they may bring someone by way of personal support during discussions.
4. Such complaints will be investigated by the Principal, with a report going to the staff member. A copy of the complaint and the Principal's response will be kept on the staff members personal file along with a record of the staff member's response. Changes in the staff member's behaviour or practices may be suggested at this stage.
5. Where appropriate the Principal will follow up complaints with further discussion after an appropriate passage of time to discuss perceived developments.
6. In the case of any staff discipline, the provisions of the relevant collective or individual contract will be followed. Every attempt will be made by the Principal and Board of Trustees to resolve any issues, involving staff, informally, prior to their becoming major issues requiring 'discipline'. In the event of disciplinary action being required the procedure as outlined in the appropriate award will be followed.
7. **Protected Disclosures:**

If on reasonable grounds, a person believes they have information that a serious wrongdoing is occurring (or may occur) within the school and the person wishes to disclose that information so it can be investigated, the person can make a protected disclosure to the principal or chairperson. To consider making a protected disclosure refer to the attached Procedures.

PROTECTED DISCLOSURES ACT 2000 PROCEDURES

Procedures for making a protected disclosure under the Protected Disclosures Act 2000.

1. If on reasonable grounds you believe you have information that a serious wrongdoing is occurring (or may occur) within the school and you wish to disclose that information so it can be investigated you can make a protected disclosure to the principal.
2. This can be done verbally or in writing. You should identify that the disclosure is being made under the Protected Disclosures Act (Guidelines for the Handling of Complaints Against Staff Members or Guidelines for the Handling of Staff Differences and/or Concerns) and is following the board procedure, provide detail of the complaint (disclosure), and who the complaint is against.
3. If you believe that the principal is involved in the wrongdoing, or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the chairperson of the board of trustees.
4. It is then up to the person you disclose to, to decide if the disclosure constitutes a serious wrongdoing, and that the allegations need investigating. They can decide:
 - (a) to investigate the disclosure themselves
 - (b) to forward the disclosure to the board or a committee of the board to investigate
 - (c) whether it needs to be passed on to an appropriate authority. If it goes to an appropriate authority they will advise you that they are now investigating the complaint.
5. If you believe that both the principal and the chairperson of the board of trustees may be a party to the wrongdoing or in close relationship with the person/s involved in the wrongdoing you can approach an external "appropriate authority" direct yourself.

Who is an "appropriate authority"?

6. As noted above, in some circumstances the disclosure could be made to an appropriate authority by yourself or the person to whom you have made the disclosure. An appropriate authority is defined in the Act as including:
 - (a)
 - (i) the Commissioner of Police:
 - (ii) the Controller and Auditor-General:
 - (iii) the Director of the Serious Fraud Office:
 - (iv) the Inspector-General of Intelligence and Security:
 - (v) an Ombudsman:
 - (vi) the Parliamentary Commissioner for the Environment:
 - (vii) the Police Complaints Authority:
 - (viii) the Solicitor-General
 - (ix) the State Services Commissioner:
 - (x) the Health and Disability Commissioner; and
 - (b) includes the head of every public sector organisation, whether or not mentioned in paragraph (a).

7. Clause (b) can mean that in certain circumstances the appropriate authority could be the Secretary for Education of the Ministry of Education or the Chief Review Officer of the Education Review Office (ERO).

Why can't I just go to the appropriate authority myself?

8. There are three circumstances when you can go directly to the appropriate authority:
 - (a) When you believe that the head of the organisation is also a party to the wrongdoing or has an association with the person which would make it inappropriate for them to investigate.
 - (b) If the matter needs urgent attention or there are other exceptional circumstances.
 - (c) If after 20 working days there has been no action or recommended action on the matter to which the disclosure related.

Otherwise you need to go through the internal processes.

What happens if even the appropriate authority does nothing?

9. You could then make the disclosure to the Ombudsman [unless they were the authority you have already disclosed to] or a Minister of the Crown.
10. The Act does not protect you if you disclose information to the media or a member of parliament other than a Minister of the Crown in the circumstances referred to above.

Where can I find out more information?

11. If you notify the Office of the Ombudsman verbally or in writing, that you have disclosed or are considering a disclosure under this Act, they must provide information and guidance on a number of matters including those discussed here and the protections and remedies available under the Human Rights Act 1993 if the disclosure leads to victimisation.
12. A copy of the Act can be found on the internet at Legislation on Line.

<http://legislation.knowledge-basket.co.nz/gpacts/actlists.html>

Click "P" then scroll down to Protected Disclosures Act 2000