

COMPLAINTS AGAINST STAFF MEMBERS

Rationale

From time to time the Principal or Board of Trustees will receive a complaint about the actions of a staff member. This complaint might come from a parent, fellow staff member or student.

Purpose

- To ensure the concern is directed to the appropriate person in the first instance.
- To ensure all Collective or Individual Contract provisions are abided by.
- To ensure the person making the complaint is given a fair hearing and that the concern is taken seriously and, given due deliberation.
- To ensure minor concerns are not exaggerated, thereby putting the staff member under undue stress.
- To ensure individual staff members are not unfairly harassed or unreasonably impeded from carrying out their work.
- To avoid staff members getting into confrontational situations with people making the complaint.
- To ensure due follow up procedures are carried out.
- If found to be soundly based, appropriate action will be carried out to overcome the situation which generated the concern (including appropriate support)
- To ensure that appropriate on-going monitoring takes place.

Guidelines and Procedures

- Parents are encouraged to discuss any minor concerns they may have with regard to their children's education directly with the class teacher concerned. (They are also encouraged to make an appointment to ensure a mutually acceptable time outside of normal class hours.)
- Staff members are strongly encouraged to follow up all minor complaints/ concerns with the person making the complaint. These contacts may need to continue for whatever time is deemed appropriate by the staff member, to ensure resolution and restore relationship.
- Should the staff member or parent so wish, or if the complaint is not a minor matter, such complaint are to be referred to the Principal.
- Anyone making a serious complaint or having a serious concern is requested to give it in writing and a copy is to be given to the Principal and the staff member concerned.
Where the complainant refuses to do this, the senior staff member hearing the complaint will record the salient points in writing.

- The complaints/disciplinary/competency guidelines of the applicable NZEI collective agreement will be referred to and NZSTA and/or NZEI advice sought.
- A copy will be given to the employee, identifying the alleged misconduct and an explanation sought. The employee is to be advised that they may bring a support person.
- Such complaints and concerns will be investigated by the Principal and Board Personnel sub-committee. A report recording the investigation will be written. If the Principal and Personnel sub-committee consider the complaint to be unjustified, no further action will be taken. A copy of the complaint, and the Principal and Personnel sub-committee's response will be kept on the staff member's personal file along with a record of the staff member's response. The time frames for the Staff member's response should be determined by the Principal and Personnel sub-committee and be relevant to the matters causing concern.
(N.B.: This informal discussion stage does not constitute or imply any disciplinary process.)
- Changes in the employee's behaviour or practices may be suggested at this stage.
- After an appropriate passage of time, a senior staff member (usually the Principal) will follow up all the serious concerns by having further discussions with the person making the complaint regarding perceived developments.
- **VERBAL WARNING**
Where the complaint is found to have some basis, the staff member will receive support, to effect change and be given a verbal warning that failure to effect the stated changes by a due date will result in a written warning. Again at this stage, the staff member will be advised of their right to bring a representative/witness with them to the disciplinary meeting.
- **WRITTEN WARNING**
Where insufficient improvement occurs, a further interview will be held. If the staff member has no satisfactory explanation for the failure to meet the standard, the Principal will notify the employee in writing that s/he will recommend to the Board of Trustees, that they review the staff member's employment, if the standard is not achieved by a newly given date.

Where the behaviour /performance continues to give concern, a further interview will be held. If the staff member has no satisfactory explanation for the continued failure to improve, the Principal will notify the employee in writing that s/he will recommend to the Board of Trustees that they terminate the staff member's employment.

- **FINAL ACTION**
The Principal will make a recommendation to the Board
The Principal will remove him/herself from the final decision. This fact and a record of the Board's decisions will be accurately minuted.

Nothing in the above prevents summary dismissal in the case of serious misconduct. However even in such cases, an unprejudiced investigation will be carried out. Staff may be requested to undertake voluntary drug and alcohol test. The employee will be presented with the results of any investigation and will be given the opportunity to answer allegations against them.

- Confidential aspects of any action taken will not be divulged to the person making the complaint or to any other inappropriate person/s but the complainant will be advised that the Board of Trustees is taking appropriate steps to address the matter.

However, following a dismissal it may be appropriate to disclose certain information about the dismissal to reduce damage to the school, the employee or other employees. This should be done following consultation with the dismissed party and their advisers.

Conclusion

Staff members will have all relevant policies and procedures explained. New staff members will undergo an induction process including explanation of these policies. All staff members will have a written job description outlining who they are responsible to, and what they are responsible for. All staff members will be part of the school's ongoing appraisal system which defines aspects of the job description which are to be emphasised over a given time frame, and which will be linked to staff development training

CHAIRPERSON Abideis PRINCIPAL Neil
DATE 16/12/2016