



Complaints Procedure

Date Effective: March 2018

Review Date: March 2020

Responsible to: General Manager and Board President

Policy: Human Resources

Applies to: Association Members, all employees and Board Members

Purpose

1. It is important that staff and parents/caregivers and/ or whānau see that all complaints are dealt with in an open, consistent and fair manner.
2. To provide a procedure that seeks to resolve complaints, while maintaining the dignity of those involved.

References:

- This procedure is to be read in conjunction with the Ministry of Education (Early Childhood Services) Regulations 2008, Regulation 47, Criteria GMA1 and GMA7.
- Kindergarten Teachers, Head Teachers and Senior Teachers' Collective Agreement 2013 – 2016.

Procedure

1. This procedure forms a systematic procedure by which complaints about employees, board members, kindergartens or association operations will be managed.
2. To ensure consistency and fairness in the manner that complaints are managed.
3. To provide the opportunity for low level resolution of complaints between relevant parties.
4. To minimise as much as possible the impact that a complaint may have on the Kindergarten.
5. To focus complaints on issues and not personalities.
6. A complaint constitutes an allegation only, until it is investigated.

Process:

1. Complaints should be dealt with initially by approaching the person concerned to discuss the issue. If satisfaction for the complainant is not forthcoming then the following process should be followed:

- Complaints concerning non-compliance of license conditions should be addressed to either or both the General Manager and/or the local office of the Ministry of Education, 39 Princess Street PO Box 2522 Riccarton, Christchurch. 03 3787300
 - Complaints concerning teachers should be addressed to the General Manager.
 - Complaints concerning Association staff should be addressed to the General Manager
 - Complaints concerning the General Manager or an Association Board Member should be addressed to the Board President.
 - Complaints concerning the Board President should be addressed to the General Manager and Board of Management.
2. Where a complaint relates to teacher competency the attached Teacher Competency Procedure will be used for dealing with the compliant.
 3. Complaints may be in writing or verbal. Anonymous complaints will not be actioned. The complaint must be recorded and clarified before any investigation. An investigation will commence only when the Association (General Manager will inform the Board) determines there is a case to be answered. The complainant must be advised of the procedure to be followed and kept informed formally.
 4. Upon receipt of a complaint the following action will be taken:
 - a. In the case of a complaint against a teacher the General Manager will discuss the matter with the Senior Teacher. Then advise the Senior Teacher and the person being complained about, in writing of the matters to be investigated. The Senior Teacher will investigate the matter and provide a report to the General Manager.

If, following the meeting or on receipt of a report the General Manager decides there is no further action to be taken, the staff member will be notified and the matter closed. If the General Manager decides further action is required a meeting will be called with the staff member to discuss the report and any action to be taken. The staff member will be advised to bring a support person to that meeting.

The General Manager will abide by the Teacher Competency Procedures and the Disciplinary Action Procedures (within the KTCA) in reaching a decision on the complaint.
 - b. In the case of a complaint against a member of the Association administration staff, the General Manager will arrange a meeting with the staff member concerned, to investigate the matter.

If, following the meeting the General Manager decides there is no further action to be taken, the staff member will be notified and the matter closed. If the General Manager decides further action is required, a second meeting will be arranged and the General Manager will advise the staff member, both verbally and in writing, that disciplinary action will follow, and that such disciplinary action may lead to dismissal. The staff member will be advised to bring a support person to that meeting.
 - c. Where the complaint concerns in whole or part the General Manager and/or a Board Member, the Board President will discuss the complaint with the person complained about and will also advise that person in writing of the matters to be investigated. The Board President will conduct the investigation.

If following the meeting the Board President decides there is no further action to be taken, the staff member and/or Board Member will be notified and the matter closed. If the Board President decides further action is required, a second meeting will be arranged and the Board President will:

1. In the case of the General Manager, advise the General Manager, both verbally and in writing that disciplinary action will follow and that such disciplinary action may lead to dismissal. The General Manager will be advised to bring a support person to any further meetings.
2. In the case of a Board member, advise the person both verbally and in writing that an adverse report will be presented to the Board and that such report may recommend their removal from the board.

With regard to complaints concerning the General Manager the Board President follow the process set out above. Disciplinary action may include dismissal for serious misconduct.

In the case of a complaint against a Board Member, the Board President will if he/she considers the complaint to be well founded, follow the relevant procedure set out herein along with the relevant provisions of the Constitution.

- d. Where the complaint concerns the Board President, the General Manager will discuss the complaint with the Board President. The General Manager will then discuss the matter with the Board and a Board Representative will be selected to investigate the complaint with the General Manager. Once this is done the General Manager and Board Representative will advise the Board and the Board President, in writing of the matters to be investigated. The matters will then be investigated by the General Manager and the Board Representative and a report provided to the board.

If, following the meeting or on receipt of a report the Board decides there is no further action to be taken, the Board President will be notified and the matter closed. If the Board decides further action is required a second meeting will be arranged and the Board will advise the Board President both verbally and in writing that an adverse report has been presented and that such report may recommend their removal from the board.

The Board will if they consider the complaint to be well founded, follow the relevant procedure set out herein along with the relevant provisions of the Constitution.

5. In cases of allegations of serious misconduct (see below) the General Manager may, following consultation, suspend an employee, with pay, or temporarily place that employee on other duties, in line with the relevant employment contract, pending investigation. Where such allegations are substantiated following a proper process, the employee may be dismissed without notice. The General Manager will make all decisions regarding serious misconduct.

Serious misconduct may include, but is not limited to, the following:

- Theft of kindergarten property
- Fighting and/or assault.
- Physical or emotional abuse.
- Refusing or failing to obey lawful orders.
- Use of, or is affected by, illegal non-prescription drugs, alcohol, or any other substance during the hours of operation.
- Lying or otherwise providing false information.
- Undermining Association policy or otherwise seriously damaging the integrity of the Association.
- Conduct of an indecent or sexual nature.
- A serious breach of trust which renders an employee unsuitable for employment in a kindergarten environment.

- 6 Where any complaints are found to be unsubstantiated all papers relating to the allegations will be destroyed, but a report of the investigation will be kept and filed confidentially for seven (7) years.

- 7 Copies of the Education Regulations 2008 and the Education Review Office (ERO) reports can be requested at all times.

- 8 Contact details:
General Manager

Waimate Kindergarten Association
13 John Street Waimate
Phone: 027 583 7462

Board President

C/- Waimate Kindergarten Association
13 John Street
Waimate

TEACHER COMPETENCY PROCEDURES

The principles contained in the relevant section of the current Kindergarten Teachers' Collective or Individual Employment Agreement will be adhered to where there is concern regarding the competency of any teacher. The following procedures supplement those documents.

Where there are concerns regarding the competency of any teacher, the following procedure provides a general guideline. Each case will be dealt with as individual requirements dictate, and thus it may not be that on every occasion the following process is used. Note too, that subject to New Zealand employment law Waimate Kindergarten Association reserves the right to take disciplinary action at any stage during this competency process for poor performance, including the possible issuing of warning(s) and ultimately dismissal. Thus, this section should be read in conjunction with the formal disciplinary process section.

Guideline to Competency Process

Under performance or unsatisfactory performance should be addressed immediately it first comes to the notice of the Senior Teacher. The Senior Teacher will provide clear guidance on areas where a Teacher's performance is unsatisfactory, and will develop strategies in line with the professional standards to assist him/her to reach a satisfactory standard, through planned learning and/or coaching. The General Manager will be informed of the Senior Teachers concerns and all ongoing progress. If this initial assistance and guidance has not improved the Teacher's performance after a certain period of time, then more formal procedures will ensue, which, may include disciplinary procedures.

When, in the opinion of the Senior Teacher, a satisfactory level of performance is not being met, a formal review meeting may be initiated and this may or may not be a disciplinary meeting. This review will be used to try and determine the extent of the problem and possible reasons for unsatisfactory performance, and will set out an appropriate process to move forward. Concerns and options will be discussed by both parties and a planned timeframe with targets and objectives will be developed and written up into an advice and guidance plan. The Teacher will be advised that formal Competency Procedures have been entered into, and that failure to reach required standards of competency may result in disciplinary action, or further disciplinary action and continued failure to reach required standards may lead to dismissal.

Options to consider to help improve performance could include outside assistance, reasonable extra training, or other professional assistance. The Senior Teacher will assist and overview the Teacher's performance and provide appropriate assistance and professional guidance. The Senior Teacher will advise the General Manager in writing of the steps taken, and provide a copy of the written advice and guidance plan which will note the specific matter(s) of the Teacher's performance causing concern. The General Manager will discuss this report with the Board's Supervisory Panel and provide updates as required.

After a specified period of time the Senior Teacher will evaluate the Teacher's competency and the valuation will be recorded in writing and provided to the General Manager. If the Senior Teacher concludes that the Teacher has reached the required standard of competency, the Teacher will be notified and no further action will be taken. If the Senior Teacher concludes that the Teacher has failed to reach required standards of competency, the Teacher will meet with the Senior Teacher and the General Manager to discuss the report and decide on appropriate future action.