

COMPLAINTS AGAINST STAFF POLICY

RATIONALE

Baradene College wishes to:

1. Deal fairly, justly and appropriately with all parties in the event of a serious complaint against any member of staff, in keeping with Goal 3, "*The Building of Community as a Christian Value*" of the Society of the Sacred Heart; and
2. Provide a clear process for the Principal and Board of Trustees, to deal with complaints about any member of staff.

PURPOSE

1. To establish guidelines and procedures for addressing complaints against members of staff.
2. To ensure all complaints are investigated fairly, with a just means of resolution.
3. To respond to complaints in a timely manner, and where possible resolved co-operatively at an early stage.

DEFINITIONS

A **Formal Complaint** is one or a series of complaints in writing deemed appropriate for serious concern about the behaviour or professional conduct of a staff member.

Staff, in this context, includes teachers, non-teaching staff, visiting teachers, or any person officially functioning within or on behalf of the school as a paid employee or contractor.

GUIDELINES

Complaints by Parents/Caregivers and Students

1. Parents and caregivers of students and students themselves, are encouraged to first discuss any concerns about a teacher, directly with the teacher concerned, the guidance counselor and/or the relevant Dean.
2. If the issue cannot be resolved in this manner or if parents and caregivers or students, deem the issue to be anything but minor in nature, this issue should be escalated as a Formal Complaint to the Principal.

Complaints from Other than from Parents/Caregivers and Students

3. Staff who, in the course of providing any form of counselling or guidance to students, become aware of accusations of improper conduct by another member of staff, or have reason to suspect improper conduct, must escalate this immediately, as a Formal Complaint to the Principal.

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4. Any complaint originating from any other person (for example, a member of staff or a member of the public), must be referred directly to the Principal.

Complaints Against the Principal

5. Any complaint concerning the Principal should be referred to the Board of Trustees, to carry out any necessary investigation and action.

Manner of Dealing With Complaints

6. The complaints procedure of the College, will be applied irrespective of the source of the complaint.
7. A Formal Complaint made to the Principal or the Board of Trustees, should be made in writing.
8. Complaints received by the Principal will be investigated by the Principal as deemed appropriate, while having regard to the nature of the complaint.
9. Notwithstanding paragraph 6, all Formal Complaints will be treated according to the relevant collective employment agreement and provisions in the **Employment Relations Act 2002** for staff on individual contracts, taking note of the concepts of “natural justice” and “common sense”.
10. In cases of alleged serious misconduct, where the emotional or physical safety of students or staff could be at risk, the staff member may be suspended on full pay until appropriate enquiries have been completed.
11. Formal Complaints which allege criminal actions, or actions which may involve the Police, will be referred immediately, through the Principal, to the Board of Trustees.
12. In investigating Formal Complaints against teachers, the Principal (and where the complaint is in relation to the Principal, the Board) will follow any relevant Ministry of Education and/or best practice guidelines. In investigating complaints against non-teaching staff, the same procedures will be followed wherever practicable.
13. If the issue and nature of the complaint could result in disciplinary action, appropriate disciplinary procedures should be invoked. In such cases, the procedures laid down in the employee’s employment contract are to be strictly adhered to.
14. As soon as the Principal determines there may be reasonable ground for a complaint to be officially investigated, the school’s insurance company will be notified.
15. In a case of a Formal Complaint, a report on the complaint and its investigation should be maintained by the Principal and a copy given to the employee. Where this report contains allegations of misconduct or teacher incompetence, the employee will be required to respond in writing to the report within a timeframe determined by the Principal.

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16. Where the complaint relates to an issue of teacher competency, the Principal may establish an appropriate assistance and guidance programme in accordance with the provisions of the employee's employment contract.
17. Where appropriate on-going monitoring of the employee should be undertaken.
18. A record of the complaint and the action resulting will be kept on the employee's personal file.
19. Persons who believe that any complaint they have made has not been adequately addressed by the internal complaint procedure may, if appropriate, ask the Board to review the complaint.
20. Except in a situation described in 5 above, the Board of Trustees should only become actively involved in a complaint between the College and an employee, when the issue is referred to the Board of Trustees by the Principal. In such cases a properly constituted subcommittee of the Board, may where it deems appropriate, undertake further investigation of the complaint and take any action it deems appropriate.
21. The Principal shall report on all complaints received by him/her to the Chairperson of the Board.
22. Except in exceptional circumstances or as prevented by law (for example, the Protected Disclosures Act 2000) the name(s) of the complainant(s) must be made available to the employee.

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Aug 2006
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24 March, 2010
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