

## Concerns & Complaints Policy

### Rationale

Te Rāwhiti Kindergarten believes staff members, parents/caregivers and the wider kindergarten and playgroup community should feel able to raise any concerns and complaints, and that these will be acknowledged and addressed appropriately and in a fair, timely, respectful manner.

This policy provides clear guidelines for raising and resolving concerns and complaints. This policy complies with required education and early childhood service regulations, legislation, protected disclosure, privacy, and other applicable legislation. It upholds Ministry of Education Licensing Criteria GMA1.

We have procedures in place to ensure that complaints and concerns are handled appropriately. Our procedures enable us to:

- Maintain a safe environment for our tamariki and staff
- Treat all people fairly, transparently, and with dignity and respect
- Resolve matters of concern early, where possible
- Respond to feedback and concerns constructively
- Deal with complaints fairly, effectively, and in a timely manner
- Take into account individual circumstances
- Maintain confidentiality
- Preserve and enhance kindergarten, school and community relationships
- Monitor and record complaints and concerns about tamariki safety and wellbeing.

### Te Whāriki

**Family and Community:** The well-being of children is interdependent with the well-being and culture of adults in the early childhood education setting.

### Procedures:

1. For complaints concerning harassment, see the Te Rā School procedures on Harassment. For allegations of theft or fraud, see Te Rā School Theft and Fraud Prevention. Te Rāwhiti staff needing to make a protected disclosure, see Protected Disclosure.
2. All concerns and complaints will be responded to following the appropriate flow charts below for step-by-step processes towards the resolution of complaints.
3. Total confidentiality will be maintained throughout the process by management and others concerned.
4. Documentation relevant to the issue at hand will be gathered and accurately recorded by the Person Responsible for overseeing the complaint.
5. For concerns and complaints to be resolved effectively, complainants are asked to raise any issues promptly, engage in open, direct and honest communication and uphold the confidentiality of those involved.

6. Complaints about events that occurred more than three months earlier, do not involve you or your tamariki, or which have been made anonymously, will not usually be formally investigated.
7. If the complaint is not resolved and is an issue of compliance of the Early Childhood Regulations, the Ministry of Education will be contacted for information and advice.
8. Findings of any complaint investigation will feed back into kindergarten quality improvement and service evaluation and review processes.
9. This policy is part of the centre's induction for new staff and forms part of the introduction information pack for parents. In addition, information on how to make a complaint is made available at reception and/or on notice boards for parents, whānau and visitors.
10. Staff are regularly reminded of the complaint's procedure at staff meetings and any pattern or trends in complaints will be discussed collectively in order to identify process improvements.
11. All documentation relating to the complaint will be confidentially retained for seven years. Any outcome involving disciplinary action against a staff member will be retained on their personnel file.
12. Relevant collective employment agreement provisions for dealing with complaints about staff members must be observed, including protecting the staff member's dignity and mana, advising them of their right to seek support and representation before responding to complaints, and giving them a reasonable opportunity to take that advice.
13. The Employment Relations Act provides for confidential resolution of employment disputes in certain circumstances, the terms of which are usually recorded in a settlement agreement. The kindergarten will not include in any settlement agreements any terms which would be inconsistent with the kindergarten's statutory obligations, including the Teaching Council's mandatory reporting requirements, or when they would be contrary to a culture of child protection, such as when the conduct at issue concerns the safety or wellbeing of a child.

#### Concern or Informal Complaint Flow Chart

Procedure Step	Procedure
1. Raising a concern or informal complaint	<p>In the first instance, the complaint or concern will be raised with the person/people concerned.</p> <p>Concerns should be raised first with the teaching staff member for issues within the teaching classroom. These should be documented in writing by the teaching staff member and referred to the kaiārahi as soon as possible.</p> <p>For other concerns regarding Te Rāwhiti (including playgroup), or for concerns raised with the teaching staff member that have not been resolved, these will be taken to by the complainant to the kaiārahi or Service Provider Contact Person from the Kāpiti Waldorf Trust (KWT) if the complaint is about the kaiārahi.</p>

2. Receiving a concern or informal complaint	Concerns and informal complaints may be made either verbally or in writing. Verbal complaints will be written down by the teaching staff member, kaiārahi or Service Provider Contact Person. All verbal complaints will be reflected back to the complainant in writing by the kaiārahi, to ensure accuracy and completeness.
3. Investigation	All concerns and complaints will be investigated by the kaiārahi (or Service Provider Contact person). Some complaints, because of their nature, may involve external agencies. Where this is necessary, the complainant will be informed as soon as possible that one or more external agencies have been involved.
4. Decisions based on fact	Our investigation process will endeavour to gather all relevant facts before reaching a decision on the cause. We do not subscribe to investigations that focus solely on finding fault with others. We believe that some issues reflect a weakness in our processes, and some reflect the judgement and actions of individuals.
5. Principles of natural justice	Where the complaint concerns the actions of an individual, we will communicate the nature of that complaint to that individual, but we will not disclose the identity of the complainant without agreement from the complainant. We believe in the right of all individuals to be treated with respect and to be given all reasonable opportunities to defend themselves against allegations. Allegations/complaints of a serious nature involving child safety will include the immediate suspension on full pay of any staff member who is the subject of that allegation/complaint.
6. Outcome	We will act on the findings of any complaint, in particular where this involves: <ul style="list-style-type: none"> <li>• An improvement or change to our policies and procedures.</li> <li>• The training and education of staff.</li> <li>• Disciplinary action taken against a staff member, noting the obligations we have under relevant employment contracts, policies and employment law.</li> <li>• Note that where disciplinary action has been taken, or is in process with a teaching staff member, we will follow the mandatory reporting requirements of the Education Council.</li> </ul>
7. Conclusion	We will communicate the conclusion of any concern or complaint investigation to the complainant in writing and any external agency involved, as necessary.

### Formal Complaints/Serious Allegations

14. If a concern or informal complaint has not been resolved, or for more serious matters, a formal complaint can be made.
15. Formal complaints may be about an employee of the kindergarten or playgroup, a parent or caregiver, or any matter within the kindergarten's responsibility.

9. In the interests of fairness, any formal complaint or serious allegation must be made in writing and resolved as quickly as possible given the details and the steps that need to be considered.
10. An acknowledgement of receipt of the complaint or serious allegation must be provided within 5 working days.
11. A full documentary record of any formal complaint is completed by the Person Responsible for overseeing the complaint and stored confidentially in a secure location.
12. Serious complaints and concerns which could lead to disciplinary action against a staff member, may be referred to the KWT for consideration, with a view to determining the required level of governance involvement.
13. All parties should respect confidentiality, including not discussing the complaint in the community and avoiding the use of social media to promote a point of view.
14. All complaints are taken seriously, however not all complaints will require a formal investigation. In determining whether a formal investigation may be required, the Person Responsible may consider any preliminary response from the person the complaint is about, and any action the kindergarten has taken previously, including meetings and correspondence. There may be other processes which can more constructively address general concerns, opinions, and views about the kindergarten.
15. The Ministry of Education, Teacher's Council or a lawyer will be contacted for advice as necessary, before proceeding to investigate.
16. The school's insurer should be notified early in the process and kept informed of progress.
17. Consultation will occur with external agencies as necessary, and in accordance with the Te Rāwhiti Child Protection Policy (such as Oranga Tamariki and/or the Police), to ensure the safety and wellbeing of tamariki and that any actions do not undermine other investigations.
18. KWT members with a potential conflict of interest will not take part in the investigation. If the complaint is against the kaiārahi, or the kaiārahi has had significant involvement in the alleged events giving rise to the complaint, the kaiārahi will not take part in the investigation process.
19. The following general guidelines will assist in conducting an investigation. They are directed at complaints made against staff members but can be adapted as appropriate to apply to any complaints about staff members, parents, the kaiārahi, the Service Provider Contact Person or a KWT member, or any other person, and to reflect the nature of the matters under investigation.

#### Formal Complaint or Allegation Flow Chart

<b>Step</b>	<b>Procedure</b>
1. Making a formal complaint	Put your specific complaint(s) in writing with as many facts and details as possible, including the names of people involved and dates of events, together with any steps you have taken to resolve the matter and your preferred contact details.

	<p>The letter or email should be marked "confidential" and sent to the Person Responsible for dealing with the complaint, who will either be:</p> <ul style="list-style-type: none"> <li>• The kaiārahi if the complaint is about a staff member, parent or caregiver, or other member of the kindergarten and playgroup community.</li> <li>• the KWT Contact Person (Licensee), if it is about the kaiārahi.</li> <li>• the KWT chairperson if it is about the Service Provider Contact Person.</li> </ul> <p><b>**Contact details are available at the school office or on the Te Ra website.</b></p>
2. Receiving a formal complaint	<p>The kaiārahi, Service Provider Contact Person or KWT chairperson will check that your complaint has come to the correct person, and then send you an acknowledgement of receipt within 5 working days. You may be asked for further details about your complaint to assist in determining the appropriate investigation process.</p> <p><b>The kaiārahi (if the complaint is about a staff member, parent or caregiver, or other member of the school community) will:</b></p> <ul style="list-style-type: none"> <li>• Inform the Service Provider Contact Person of any complaints about staff members, parents or caregivers, or other members of the school community.</li> <li>• Take steps to resolve the complaint in accordance with their delegated authority and the relevant Te Rāwhiti kindergarten policies, including undertaking a preliminary assessment of the complaint.</li> <li>• Sensitive matters, or more serious complaints which could lead to disciplinary action against a staff member, may be referred to the Service Provider Contact Person for consideration, with a view to determining the required level of governance involvement.</li> <li>• Enlist appropriate advice as needed from advisors such as the Ministry of Education, Early Childhood Council, Early Childhood Forum, or a lawyer.</li> <li>• Report to KWT in accordance with policy.</li> <li>• Keep a confidential and factual record of all information and steps taken.</li> </ul> <p><b>The Service Provider Contact Person (if the complaint is about the kaiārahi) will:</b></p> <ul style="list-style-type: none"> <li>• Undertake a preliminary assessment of any complaints about the kaiārahi.</li> <li>• More general complaints, or those which are unlikely to lead to KWT taking action against the kaiārahi, will be promptly discussed with the kaiārahi at an informal meeting, usually held within a</li> </ul>

	<p>week of receipt of the complaint, where the potential resolution can be considered.</p> <ul style="list-style-type: none"> <li>The process for managing more serious complaints could lead to KWT taking action against the kaiārahi. This will be determined by the KWT at a committee meeting, usually held within a week of receipt of the complaint. The complaint will then be promptly disclosed to the kaiārahi together with an indication of the proposed process for managing the complaint.</li> <li>Enlist appropriate advice as needed from advisors such as the Ministry of Education, Early Childhood Council, Early Childhood Forum, or a lawyer.</li> <li>Keep a confidential and factual record of all information and steps taken.</li> </ul> <p><b>The KWT chairperson (if the complaint is about the Service Provider Contact Person) will:</b></p> <ul style="list-style-type: none"> <li>Call a committee KWT meeting to discuss any complaints about the Service Provider Contact Person and determine an appropriate process for resolution.</li> <li>Enlist appropriate advice as needed from advisors such as the Ministry of Education, Early Childhood Council, Early Childhood Forum, or a lawyer.</li> <li>Keep a confidential and factual record of all information and steps taken.</li> </ul>
3. Preliminary assessment	<p>A preliminary assessment will be made by the Person Responsible to determine the severity of the complaint and if a formal or informal investigation is appropriate.</p> <p>Depending on the nature of the complaint, the preliminary steps may include:</p> <ul style="list-style-type: none"> <li>Asking you for more details about the concerns from the complainant.</li> <li>Hearing from the party complained of.</li> <li>Referring you back to the person or people you have complained about to explore options for informal resolution.</li> <li>Referring the matter to the KWT for consideration at a committee meeting, so that the KWT as a governance body can determine the next steps.</li> <li>If the complaint is serious and relates to matters which could justify the staff member's suspension, enlist advice from the Ministry of Education or a lawyer and follow the Te Rāhwiti Discipline &amp; Dismissal Policy.</li> </ul> <p>Not all complaints require an investigation, but all written complaints will be disclosed to the person concerned at the earliest opportunity, either as part of a preliminary or informal process or together with an</p>

	<p>explanation of the process for investigation and resolution of the complaint. Through the preliminary steps, the Person Responsible will determine whether the matter requires formal investigation.</p> <ul style="list-style-type: none"> <li>• If your formal complaint <b>does not</b> justify a formal investigation, the person responsible will consider the issues raised including all of the relevant information and provide you with a written response.</li> <li>• If your formal complaint <b>does</b> justify a formal investigation, then subject to the privacy of the person or people concerned, we will keep you informed about the investigation process and the expected timeframes and will provide you with written confirmation when the matter is concluded.</li> </ul>
3. Conflict of interest & external investigator	<p>Consider carefully if any investigator or other person involved in the investigation or decision making has a potential conflict of interest or potential for bias. Consider and decide how to best manage or mitigate that conflict or potential for bias. This may include removal from the investigation or decision-making process or appointing an independent or specialist investigator to make preliminary fact findings for Te Rāwhiti's consideration. Note that KWT cannot delegate decision-making responsibility to non-trust members.</p> <p>It is prudent to provide the investigator with clear terms of reference including that you are not looking for any recommendations on what you have to do next, just fact-finding, including, on the balance of probabilities, the investigator's view of disputed factual issues. Be aware of kindergarten policy and legislative requirements.</p>
4. Initial steps	<p>Inform the kindergarten/school's insurance company of the complaint and steps taken to resolve it.</p> <p>Seek legal advice in preparing correspondence with the staff member involved and running any meetings.</p>
5. Investigation	<p>Inform the staff member involved in writing that an investigation is planned, and the scope of the investigation, including specific concerns, all relevant information, any potential disciplinary outcome and asking for a formal response (either written or oral). Include, if applicable, the identity of any independent investigator. Confirm in writing that the staff member is entitled to seek union or legal advice and representation.</p> <p>Give the staff member a reasonable opportunity to consider the allegations and take independent advice before they provide their written and/or oral response to the complaint.</p> <p>Consider the vulnerability of a person subject to a complaint and offer them practical support. Continue to ensure the complainant is</p>

	<p>kept informed of progress in the process, without disclosing any details or findings.</p> <p>An investigation meeting may take place between the Person Responsible/independent investigator and the staff member involved. In this instance, invite the staff member in writing and confirm that they may bring a support person or whānau member to the meeting. At the meeting, appoint a note taker and ask any relevant questions but confine them to issues already identified. This is not an opportunity for either party to raise any new matters.</p> <p>Make detailed notes of all inquiries, discussions, interviews, questions, and answers. The notes should record the facts related to the investigation rather than opinions or comments which could be taken to suggest the outcome had been predetermined. Meeting and interview notes should be provided to the interviewee for their comment and confirmation. Note that taping of meetings and interviews is permitted, provided you advise the other party of your intention to do so and make a copy available to them.</p> <p>Following the meeting, or on receipt of the staff member's written response, consider whether any further investigation may be required.</p> <p><b>**Be aware that employees are entitled to copies of all information relating to them personally. Seek legal advice if unsure about the disclosure of information or contact the Privacy Commission or Ombudsman's Office.</b></p>
Outcome	<p>On completion of an investigation, the Person Responsible will consider the staff member's responses and all other relevant information, reach a determination on the balance of probabilities about any disputed facts, and decide whether or not the complaint has been substantiated. Determine any next steps including whether any disciplinary action may be appropriate.</p> <p>Confidential reporting will be kept recording how you arrived at the decision and the reasons for any outcomes or disciplinary consequences. Depending upon the seriousness of the situation you may need to take a day or two to consider all of the relevant information before making a final decision.</p> <p>Brief KWT on the scope and outcome of the investigation and its findings.</p> <p>Prepare a draft report for the staff member's comment, if required to do so by the terms of reference, and then finalise the investigation report.</p>

	<p>Provide the staff member with a copy of the finalised investigation report and a letter either concluding the process or explaining the next steps, including identifying the specific concerns, and the options being considered with regard to any proposed disciplinary action, together with the reasons those options may be appropriate in the circumstances.</p> <p>Invite the staff member and their support person to respond at a meeting and/or in writing to the report's findings and to the specific concerns, and to comment on any disciplinary options being considered.</p>
Conclusion	<p>Report back to the complainant(s) to reassure them, as far as possible while considering confidentiality and any requirements of collective agreements, of the steps undertaken to resolve their concern, and facilitate any further steps which may be required to provide satisfactory closure.</p> <p>If the complainant is not satisfied, the Person Responsible should advise the complainant of further avenues, e.g., Human Rights Commission, Ombudsman, Ministry of Education, ERO, Privacy Commissioner.</p> <p>Ensure ongoing support for the complainant and the person being complained about during and after the investigation, as appropriate.</p> <p>Determine whether a report needs to be made to the Teaching Council or the Ministry of Education, in compliance with the mandatory reporting requirements.</p>

**Links to:**

- Te Ra School Concerns & Complaints Policy
- Individual Employment Agreement
- Discipline & Dismissal Policy
- Child Protection Policy
- Employment Relations Act 2020

<b>Authorised:</b>	
<b>Date:</b>	
<b>Review Date:</b>	
<b>Consultation Undertaken:</b>	