

# BATHGATE PARK SCHOOL

## CONCERNS & COMPLAINTS POLICY

At Bathgate Park School, we promote a school culture where it is safe to raise concerns and complaints and where we assess and respond to these with due care. This is in keeping with our responsibility to provide a safe environment for ākoka, staff, and the school community (Education and Training Act 2020; Health and Safety at Work Act 2015). This also enables us to monitor our policies and processes and ensure that the school is operating effectively.

Anyone can raise a concern or complaint with the school, including staff members, parents, whānau, caregivers, ākoka, the wider school community, and members of the public. The response to any concern or complaint is determined by the nature and seriousness of the matter and who is involved. Concerns or complaints may relate to a specific or general matter associated with the school, or involve a staff member, board member, parent or caregiver, student, or someone else within the responsibility of the school.

The school responds to concerns/complaints in a fair, timely, and consistent manner and in accordance with the relevant Employment Agreements, legislation, and codes of conduct.

Following the principles of natural justice, at Bathgate Park School, we:

1. Maintain a physically and emotionally safe environment for our students and staff.
2. Treat all people fairly and with dignity and respect, seeking to protect their mana and dignity in line with our inclusive school culture.
3. Ensure those involved have the opportunity to be heard.
4. To resolve matters of concern early and at the lowest level, if possible.
5. To ensure consistency when dealing with concerns and /or complaints, and in a timely manner.
6. To maintain privacy and confidentiality.
7. To preserve and enhance school and community relationships.
8. Ensure decision-makers are unbiased and outcomes are not predetermined (e.g., ensure there are no conflicts of interest)
9. Ensure to take cultural considerations (e.g., tikanga and kawa) into account
10. To ensure consistency when dealing with concerns/complaints regarding school staff and children.
11. To ensure consistency when dealing with concerns/complaints among school staff.
12. To ensure consistency when dealing with concerns/ complaints concerning the actions of parents.
13. To deal with complaints in accordance with procedures established by the Board.
14. To consult with NZSBA and/or seek legal advice at any time, as needed.
15. To put in place disciplinary and corrective actions as required.
16. Meet our legal and ethical obligations.
17. Maintain clear documentation.

## **Privacy**

At Bathgate Park School, we expect all parties involved with a concern or complaint to respect **privacy and confidentiality**. This includes not publicly sharing information about the matter (e.g., on social media). (See Privacy Policy)

We follow our privacy policies at all times when managing concerns and complaints. This includes:

- limiting access to information about concerns and complaints to those who need to know & maintaining confidentiality
- informing all participants in advance if a school meeting (in person, online, or by phone) is to be recorded, and telling everyone how the recording will be used and how long it will be kept for
- ensuring all participants in a meeting are aware of who is present (i.e., on speaker phone or online).

## **Record Keeping**

Bathgate Park School keeps a register of concerns and complaints. This includes employment related matters. Generally, only concerns and complaints that come to the attention of the principal or Board are recorded. This includes documenting the concern or complaint, conversations, steps for resolution, dates of contact with anyone involved (including any external agencies), actions taken (including reasons), and any follow-ups needed.

Any recorded information is stored securely and confidentially, and only staff who need to access the register as part of their role are permitted access. The register is monitored and updated by the principal or their delegate. The Board reviews the register annually to analyse any patterns or identify measures that could be taken to ensure the school is a safe environment and is operating effectively.

We acknowledge that individuals may wish to access personal information held about themselves in relation to a concern or complaint.

Information is held securely for the appropriate length of time in accordance with the Ministry of Education's records retention. (see [MoE: Managing School Records](#))

## **Guidelines:**

We foster open communication and encourage our school community, members of the public, and staff to contact us promptly when issues involving the school arise. We advise people with concerns or complaints to raise these with the school in the first instance, rather than sharing concerns with other people or online.

In all instances, the person may have a support person to help raise a concern or make a complaint.

If an approach is made to a Board Member with a concern or complaint, the person will be asked to follow the actions below, and the Board Member will inform the Principal and Presiding Member/Commissioner. If several people share a concern or a complaint, the process is the same.

To ensure the safety and wellbeing of those involved when a concern or complaint is raised, it may be appropriate for the person receiving a concern or complaint to limit communication about the concern until a facilitated session occurs or until a third party is present.

## **Raising A Concern**

1. The initial contact should be made with the teacher or person concerned to try to resolve the matter. This can be done by meeting in person or sending an email outlining your concerns.
2. Concerns will be dealt with by the school using the process set out in the [Procedure for Raising Concerns](#), which is supported by a) BGP Concerns & Complaints Flowchart b) Staff Concerns & Complaints Flowchart.
3. If the concern is not resolved through this process, a formal complaint may be made.

## **Making A Complaint**

1. A formal complaint must be completed in writing to either the Principal or the Presiding Member of the School Board. The process set out in the [Formal Complaints Procedure](#) will be followed once a complaint has been received. It is helpful for the complaint to include as many details as possible, including details of efforts to resolve the issue.
2. The Principal will deal with complaints regarding the day to day operations of the school. Written documentation will begin. Complaints with wider implications and legal responsibility will be discussed with the Presiding Member.
3. Complaints to the Board must be put in writing and addressed to the Presiding Member of the Board. They will then deal with the complaint by:
4. Referring it to the appropriate person or party to deal with and/or
5. Ask the Board to consider the complaint and respond appropriately
6. Respond to the complainant in writing.
7. Formal complaints against any staff member will be dealt with using the Formal Complaints Procedure.
8. All complaints will be treated in confidence; however, any person included in a complaint must be informed of the details of the complaint and be given an opportunity to address the complaint.
9. In the event of a complaint being about a staff member, a copy of the complaint will be provided to the relevant staff member to allow a response. The staff member will also be provided with a copy of the Concerns and Complaints Policy. Collective Employment Agreement procedures will be followed as such complaints are against an employee of the Board of Trustees.
10. In the event of a complaint against the Principal, a copy of the complaint will be provided to the Principal to allow a response. The Principal will be provided with a copy of the Concerns and Complaints Policy. Primary Principals Collective Agreement procedures will be followed, as such complaints are against an employee of the Board of Trustees.
11. In the event of a complaint against a School Board member, the remainder of the School Board will investigate the complaint. If the complaint is against the whole of the School Board, the matter will be referred to the local office of the Ministry of Education. The Board may use an independent investigator where it deems appropriate.
12. In attempting to resolve any complaints, the rules of natural justice must be adhered to, including but not limited to:
  - Neither party shall interfere with the complaints process by approaching, discussing or harassing the other party in any way in relation to the complaint.
  - Give adequate time for response to claims.
  - Approach enquiries with an open mind and fairly and reasonably.
  - Give matters due consideration and consider the particular facts in each case.
  - Ensure there is no predetermination of the outcome.
  - Right of reply for the person against whom the complaint is made.
13. If a complainant withdraws the complaint, where possible, they will be requested to confirm this in writing.

## **Unreasonable complaints**

Bathgate Park School will receive and consider all reasonable and legitimate concerns and complaints in good faith. However, the school may refuse to take any action on receiving a complaint or concerns that are considered unreasonable or vexatious.

A complaint may be considered unreasonable if the person making a complaint:

- continues to pursue an issue after it has been considered and deemed resolved by the school
- makes unreasonable demands in relation to the complaint
- is uncooperative (e.g., refusing to define the issue), fails to provide evidence, or provides excessive/irrelevant information
- displays aggressive, threatening, or manipulative behaviour
- fails to follow the school's policies and procedures.

In some situations where unreasonable complaints are made, the school may need to take legal advice or involve an external agency or mediator to help resolve the matter.

Note that unwelcome, intimidating, and intrusive behaviour is dealt with as harassment.

Anonymous complaints will not be followed up on as they fail to meet the first steps of the Formal Complaint process.

### Documentation Supporting Policy:

Procedure for Raising A Concern

Procedure for Formal Complaints

[Community Concerns & Complaints Process Flow Chart](#)

[Staff Concerns & Complaints Flow Chart](#)

### Related Topics

- [Community Code of Conduct Expectations](#)
- [Harassment Policy](#)
- Privacy
- [Protected Disclosure Policy](#)
- [Official Information Requests](#)

### Legislation

- Education and Training Act 2020
- Health and Safety at Work Act 2015
- Employment Relations Act 2000
- Privacy Act 2020

**Approved C. Hay Commissioner**



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