



Harewood School

Next review: Term 3 2024

Making a Formal Complaint or Serious Allegation

Harewood School provides a procedure for Raising Concerns, but if concerns are not resolved or for more serious matters, a formal complaint can be made. A concern may be considered a serious allegation if it involves illegal or harmful behaviour, or serious professional misconduct.

Formal complaints may be about an employee of the school, a parent or caregiver, a student, or any matter within the school's responsibility. If you have a complaint about the conduct or competence of a teacher, the complaint must be made directly to the employer (board). In **some cases**, a complaint may be made directly to the Teaching Council.

Formal complaints should be made in writing (i.e. email or letter) to ensure the school is able to meet its legal and ethical obligations, including complying with the requirements of natural justice. If formal complaints or serious concerns received by the school are not made in writing, the person who receives the complaint may make a written record of the complaint.

If it is unclear whether someone is making a formal complaint, the school may clarify this by asking if it should be considered as a formal complaint. The person who receives the concern or an appropriate staff member may:

- ask the person raising a concern to provide more information to clarify the level of concern
- explain the process for responding to a formal complaint.

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

All parties should respect privacy and confidentiality, including avoiding the use of social media to promote a point of view.

How to make a complaint

Put your specific complaint(s) in writing and include your preferred contact details. Give as many facts and details as possible, including the names of people involved and dates of events, as well as any steps you have taken to resolve the matter. It will not usually be possible to effectively investigate complaints that are made **anonymously**. If you have any specific concerns about your identity being disclosed then please include these with your formal complaint so they can be discussed with you directly.

The email or letter should be marked "confidential" and sent to:

- the principal, if the complaint is about a staff member, student, parent or caregiver, or other member of the school community
- the board chair, if it is about the principal, or is about the conduct or competence of a teacher and is serious in nature
- a member of the board, if it is about the board chair.

Contact details for the principal and board chair are available at the school office or online.

What happens with your complaint

The principal or board chair will check that your complaint has come to the correct person and then send you an acknowledgement of receipt within 5 working days.

First steps

Depending on the nature of the complaint, the first steps may include:

- asking you for more details about your complaint so that your concerns can be investigated effectively
- suggesting possible alternative options for informal or low-level resolution
- referring the matter to the board for consideration at an in-committee meeting, so that the board can determine the next steps
- conducting preliminary investigative steps or enquiring into the facts
- consulting external advisors (e.g. legal advice, NZSTA).

After raising the initial concern, parties involved in the complaints process should not communicate about the matter with each other until all parties agree to an appropriate way to discuss or resolve the matter. This applies at all times, both in and out of school.

Decision to investigate

After receiving a formal complaint, the school will need to decide whether an investigation is necessary or otherwise appropriate. It is likely that your written complaint will be disclosed to the person complained of at an early stage. This is to ensure fairness and meet the requirements of natural justice. Where a complaint is being investigated the person complained of will usually be informed of the intended investigation process. If the person complained of is an employee of the school they must be advised of the complaint and be given an opportunity to provide explanations and comments before the school makes any decision that is likely to affect the employee's continued employment.

- If your formal complaint **does not** justify a formal investigation, the principal or board will consider the issues raised and all of the relevant information, and provide you with a written response.
- If your formal complaint **does** justify a formal investigation, see **Formal investigation process** below.

Before starting an investigation, the New Zealand School Trustees Association (NZSTA) or legal advisors should be contacted for advice. The school's insurer may need to be notified. It may also be necessary to liaise with other external agencies, such as Oranga Tamariki – Ministry for Children and/or the New Zealand Police, before starting an investigation.

Formal investigation process

If a formal investigation is required, subject to privacy, confidentiality, or other ethical and legal requirements, we may keep you informed about the investigation process and the expected timeframes, including confirmation of when the matter is concluded.

- 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.
- A full documentary record of any formal complaint is completed and stored confidentially in a secure location.

See [Investigating a Formal Complaint or Serious Allegation](#).

Outcome of the investigation

Once a formal complaint has been resolved, there are no further avenues to pursue the complaint at your school. If you are not satisfied with the outcome of your complaint, you are encouraged to take advice and may wish to consider contacting the Human Rights Commission, Ombudsman, Ministry of Education, ERO, or the Office of the Privacy Commissioner. If your complaint was about the conduct or competence of a teacher, you may also be able to make a complaint to the [Teaching Council](#).

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