



### 3.3 Complaints

#### Statement of Intent

Onslow College has effective, fair and transparent processes for dealing with complaints. Anyone should feel able to express a complaint knowing it will be dealt with fairly and in the strictest confidence.

#### Board Expectations

- All complaints will be taken seriously and dealt with fairly and in confidence.
- Complaints must be made in writing, identifying all parties. All parties involved given the opportunity to respond.
- Complaints will be referred to the Principal. However, complaints about the Principal will be referred to the Board Chairperson.
- Complaints from the Principal in regard to staff members will be made directly to the Board Chairperson. Any investigation will be undertaken by an independent investigator.
- The Principal will ensure that the College Insurers are notified where appropriate.
- The Principal will consult with the Board where appropriate.
- Complaints relating to employment matters will be conducted in accordance with the relevant employment contract provisions and employment law.
- The rights and dignity of all parties will be respected.
- At the discretion of the Principal and/or the Board, a confidentiality agreement between the parties may be required.
- Police and other outside agencies will be involved where deemed necessary by the Principal or Board.
- All parties will be informed of the outcome of any investigation.

#### Delegations

The implementation of this policy is delegated to the Principal.

OC POLICY: Complaints Policy		Page   1
Effective Date: June 2020	Review Cycle: Within 3 years	Due for review: June 2023

## Complaints Procedure

### Guidelines for Making a Complaint

#### Step 1:

The issue requiring resolution can be addressed directly with the person concerned by the complainant or through their support person, orally or in writing.

#### Step 2:

If the issue is not resolved to the satisfaction of both parties then it should be referred to the appropriate person for investigation/arbitration/mediation (LAL, Dean, Deputy Principal, Course Coordinator).

#### Step 3:

If the issue is not resolved to the satisfaction of both parties a final appeal may be made to the Principal.

- Parties involved should keep a written record of actions taken.
- Complaints may be made directly to the Principal. Depending on the nature of the complaint the Principal may refer the matter to the Board of Trustees.
- Complaints regarding the Principal should be made to the Chairperson of the Board of Trustees.
- Investigation of complaints should be conducted in a fair and transparent manner that accords respect to all parties and reflects the principles of natural justice.
- All parties to a complaint will be informed of the outcome(s).

### Protected Disclosure

The Onslow College Board of Trustees ensures procedures are in place to meet the requirements of the Protected Disclosures Act 2000.

#### What Is A Protected Disclosure

A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Employees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure. This is in accordance with the Protected Disclosures Act 2000.

#### Operational procedures

Procedures for making a protected disclosure under the Protected Disclosures Act 2000.

1. If on reasonable grounds you believe you have information that a serious wrongdoing is occurring [or may occur] within the school and you wish to disclose that information so it can be investigated you can make a protected disclosure to the Principal.

OC POLICY: Complaints Policy		Page   2
Effective Date: June 2020	Review Cycle: Within 3 years	Due for review: June 2023



2. This can be done verbally or in writing. You should identify that the disclosure is being made under the Protected Disclosures Act and is following the Board procedure, provide detail of the complaint [disclosure], and who the complaint is against.
3. If you believe that the Principal is involved in the wrongdoing, or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the Chairperson of the Board of Trustees.
4. It is then up to the person you disclose to, to decide if the disclosure constitutes a serious wrongdoing, and that the allegations need investigating.

They can decide:

- a. to investigate the disclosure themselves
  - b. to forward the disclosure to the Board or a committee of the Board to investigate
  - c. whether it needs to be passed on to an appropriate authority (refer below for a list of appropriate authorities). If it goes to an appropriate authority they will advise you that they are now investigating the complaint.
5. If you believe that both the Principal and the Chairperson of the Board of Trustees may be a party to the wrongdoing or in close relationship with the person/s involved in the wrongdoing you can approach an external "appropriate authority" direct yourself.
  6. Depending on the circumstances the disclosure could be made to an appropriate authority by yourself or the person to whom you have made the disclosure.

An appropriate authority is defined in the Act as including:

(a)

- i. the Commissioner of Police:
- ii. the Controller and Auditor - General:
- iii. the Director of the Serious Fraud Office:
- iv. the Inspector - General of Intelligence and Security:
- v. an Ombudsman:
- vi. the Parliamentary Commissioner for the Environment:
- vii. the Police Complaints Authority:
- viii. the Solicitor - General:
- ix. the State Services Commissioner:
- x. the Health and Disability Commissioner; and

(b) includes the head of every public sector organisation, whether or not mentioned in list (a)."

<b>OC POLICY: Complaints Policy</b>		Page   3
<b>Effective Date: June 2020</b>	<b>Review Cycle: Within 3 years</b>	<b>Due for review: June 2023</b>



7. Clause (b) can mean that in certain circumstances the appropriate authority could be the Secretary for Education of the Ministry of Education or the Chief Review Officer of the Education Review Office (ERO).
8. There are three circumstances when you can go directly to the appropriate authority:
  - a. When you believe that the head of the organisation is also a party to the wrongdoing or has an association with the person which would make it inappropriate for them to investigate.
  - b. If the matter needs urgent attention or there are other exceptional circumstances.
  - c. If after 20 working days there has been no action or recommended action on the matter to which the disclosure related. Otherwise you need to go through the internal processes.
9. You could then make the disclosure to the Ombudsman [unless they were the authority you have already disclosed to] or a Minister of the Crown.
10. The Act does not protect you if you disclose information to the media or a Member of Parliament other than a Minister of the Crown in the circumstances referred to above.
11. If you notify the Office of the Ombudsman verbally, or in writing, that you have disclosed or are considering a disclosure under this Act, they must provide information and guidance on a number of matters including those discussed here and the protections and remedies available under the Human Rights Act 1993 if the disclosure leads to victimisation.
12. A copy of the Act can be found at [Legislation OnLine](#). Search New Zealand Legislation: Protected Disclosure Act 2000

OC POLICY: Complaints Policy		Page   4
Effective Date: June 2020	Review Cycle: Within 3 years	Due for review: June 2023