



Concerns and Complaints

Onslow College is committed to the wellbeing of our community, which includes addressing concerns as they arise with professionalism and compassion.

This policy provides staff members, parents/caregivers/whānau, students, and the wider school community with clear procedures for raising concerns and making complaints. Complaints may also come from members of the public.

Our concerns and complaints procedures enable us to:

- maintain a safe environment for our students and staff
- treat all people fairly and with dignity and respect
- resolve matters of concern early and at the lowest level, if possible
- respond to feedback and concerns constructively
- deal with complaints fairly, effectively, and in a timely manner
- take into account individual circumstances
- maintain privacy and confidentiality
- preserve and enhance school and community relationships
- check that solutions have been implemented and are working, including feeding back to the person who raised the issue where appropriate
- monitor and record concerns and complaints about student safety and wellbeing
- meet our legal and ethical obligations.

We foster open communication and encourage our school community and members of the public 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.

Most concerns can be resolved informally through discussions with the people involved – see **Raising Concerns**. If informal discussion doesn't resolve the issue, see **Making a Formal Complaint or Serious Allegation**.

For an overview of the process, see our **Concerns and Complaints Process** flowchart.

Sometimes parents contact the Ministry of Education about an incident involving their child at school. The Ministry upholds the school's ability to self-govern and follow their own policies and processes for managing complaints and will usually direct complaints back to the school in the first instance.

Parents or students with concerns may seek advice from a lawyer, [Youth Law](#) (0800 884 529), [Community Law](#) (phone local centre), [Student Rights Service](#) (0800 499 488), or the [Ombudsman](#) (0800 802 602).

Complaints register

Onslow College keeps a complaints register to record formal complaints and to audit our policies and procedures. This includes recording employment-related matters. Information will be held in accordance with our **privacy policy and guidelines** and the Board reviews the register regularly. Generally, only formal complaints or complaints that come to the attention of the principal or Board will be recorded in the register. Concerns resolved informally may not be recorded.

Unreasonable complaints

Onslow College 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:

ONSLOW COLLEGE BOARD POLICY

- 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**.

Related topics

- **Student Safety and Welfare**
- **Community Conduct Expectations**
- **Harassment**
- **Privacy**
- **Prevention of Bribery, Corruption, Fraud, and Theft**
- **Protected Disclosure**
- **Official Information Requests**

Legislation

- Employment Relations Act 2000
- Protected Disclosures (Protection of Whistleblowers) Act 2022
- Education and Training Act 2020
- Privacy Act 2020
- Public Service Act 2020

Resources

- Ministry of Education | Te Tāhuhu o te Mātauranga (Educational Leaders): [Dealing with complaints](#)
- NZSTA | Te Whakarōputanga Kaitiaki Kura o Aotearoa: [Dealing with complaints](#)
- Te Kawa Mataaho | Public Service Commission: [Acting in the Spirit of Service: Speaking Up](#)
- Ombudsman: [Good complaints handling by school boards](#)
- Ombudsman: [Managing unreasonable complainant conduct](#)

ONSLOW COLLEGE BOARD POLICY

Raising Concerns

Where appropriate, Onslow College handles concerns and complaints informally in the first instance. If you would like to raise a concern with us, please follow the steps below. If you believe your concern cannot be resolved informally, it may be appropriate to make a formal complaint.

There may be instances where the concern raised under this policy amounts to a formal complaint or serious allegation. We may treat a concern as a formal complaint and address the concern using our **Investigating a Formal Complaint or Serious Allegation** procedure.

1. Raise the concern with the right person

Contact details for the principal, Board co-chairs and Board members are available on our school website or from the school office. In all instances, you may have a **support person** to help you raise a concern or make a complaint.

If you approach a board member with your concerns, you will be asked to follow the actions below and the board member will inform the principal and board chair. If several people share a concern, the process is the same. You could nominate a group representative to approach the school, and it may be appropriate for the group and the school to use a mediator.

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.

- If you have a **general concern about the school or its programmes**, discuss it with the staff member involved or with a member of the management team or the principal.
- If you have a **particular concern about a staff member or a school activity**, contact the person involved to discuss the matter privately. We ask that you make this direct approach as soon as possible.
- If you do not wish to approach the person involved, contact a member of the management team or the principal to discuss your concern. The principal or management team member may communicate with the person involved.
- If you have a **concern about your own child or one of our other students**, contact the student's class teacher, ako teacher, or the principal to discuss the matter. The school monitors, records, and responds appropriately to any concerns about a student's safety and welfare.
- If your concern relates to another student, you must not approach that student or their parents/caregivers/whānau directly. Speak to their teacher, ako teacher or the principal.

If you want to raise concerns (especially serious concerns) about a student's wellbeing and/or safety, see **Responding to Student Wellbeing Concerns**.

- If you have a concern about another **parent, caregiver, or member of the school community** on a school-related matter, raise this with the principal.
- If the matter concerns the **principal** and you have not first resolved it by discussion, or you feel uncomfortable directly approaching the principal, contact the Board chair.
- If the matter concerns a **Board member**, contact the Board chair. Contact another member of the Board if it concerns the Board chair.
- 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.

2. Work towards a resolution

In most cases, concerns can be resolved informally with constructive discussions.

- Be prepared to make a time to discuss your concern if the person involved is unable to talk with you straight away.

ONSLOW COLLEGE BOARD POLICY

- Be open to listening to the other side of the story to avoid communication breakdowns.
- Follow-up actions or later check-ins may be able to be agreed where appropriate.
- Involving a third party to facilitate discussion or participate in a meeting may be appropriate.

If you are unhappy with the outcome of your initial meeting, contact the principal, a member of the management team, or the Board chair to discuss further resolution.

If this process does not resolve your concern, you can make a **formal complaint**.

3. Follow-up and feedback

Resolution of the concern or complaint may include checking that the solutions have been implemented and are working. The effectiveness of the solutions may be fed back to the person who raised the issue where appropriate. This follow-up may be recorded in the concerns and complaints register.

In some circumstances it will not be possible or appropriate for the school to advise you of a final outcome.

For an overview of the process, see our **Concerns and Complaints Process** flowchart.

ONSLOW COLLEGE BOARD POLICY

Making a Formal Complaint or Serious Allegation

Onslow College 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 must be made in writing (i.e. email or letter) or recorded 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 letter or email 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

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- 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**.

If the complaint relates to an international learner, and it cannot be resolved by following this process, see **Dealing with Complaints**.

ONSLOW COLLEGE BOARD POLICY

Investigating a Formal Complaint or Serious Allegation

The following general guidelines will help investigate a formal complaint or serious allegation. They are directed at complaints made against staff members, but can be adapted as appropriate to apply to any complaints (about students, parents, the principal, board member, or any other person), and to reflect the nature of the matters under investigation.

1. Guidelines for investigating a formal complaint or serious allegation

Principal, and/or the board chair, and/or nominated board member

1. Preparing for investigation and decision-making

- a. **Acknowledge receipt** – Acknowledge receipt of the complaint within five working days.
- b. **Preliminary assessment** – Conduct a preliminary assessment of the complaint to determine the scope of the investigation and level of board involvement (if any). This may include seeking further information from the complainant and the subject of the complaint. If a formal investigation is deemed to be unnecessary (e.g. for more general complaints or those that are unlikely to lead to disciplinary action against a staff member), consider returning to the **Raising Concerns** process to resolve the issue informally, or deem the issue resolved.
- c. **Refer to board** – Potentially sensitive matters and/or more serious complaints that could lead to disciplinary action against a staff member may be referred to the board for consideration in-committee, with a view to determining the required level of board involvement.
- d. **Legal consultation** – If the complaint is serious and relates to matters that could justify a staff member's suspension or subsequent dismissal, consult NZSTA and/or the school's lawyer. Relevant collective 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.
- e. **External agencies** – Consult with external agencies as appropriate (e.g. Oranga Tamariki – Ministry for Children, and/or police) to ensure any actions do not undermine other investigations.
- f. **Appoint investigator** – Consider who will be appointed to investigate the complaint. This may be the principal, a board member, board committee, or an independent or specialist investigator, depending on the seriousness of the issue or any potential conflicts of interest or potential for bias.
- g. **Awareness** – Be aware of school policy and legislative requirements. If the complaint involves a child, you must get permission to interview the child. Also consider appointing an investigator with expertise in interviewing young people.
- h. **Conflict of interest** – Consider if any investigator or other person involved in the investigation or decision-making (including any staff member or student representative) has a potential conflict of interest or potential for bias. Decide how to manage or mitigate that potential, including removal from the investigation or decision-making process.

Terms of reference – The board may resolve to delegate a decision about the outcome of the complaint to a board member or board committee. However, the board cannot delegate decision-making responsibility to non-board members. Provide an appointed investigator with clear **terms of reference**, including the boundaries and expectations of their **role**. You may choose to specify that you only want fact-finding, including the investigator's conclusions on the balance of probabilities regarding disputed facts.

2. Insurance requirements

- a. Inform the school's insurer of the complaint and keep them informed of progress and resolution. This is an insurance policy requirement to maintain cover when a matter might result in an insurance claim. Insurers usually require boards to follow advice from NZSTA and/or the school's lawyer in dealing with any matters that could lead to disciplinary action against a staff member.

3. Contact with respondent (person complained about)

- a. Inform the respondent that an investigation is required, and the scope of the investigation. Include, if relevant, the identity of any independent investigator, and confirm (in writing) that they are entitled to seek union or legal
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ONSLOW COLLEGE BOARD POLICY

advice and representation. Remind them that they may also bring a support person or whānau member to any meeting. Consider the vulnerability of a person subject to a complaint and offer them ongoing support during and after the investigation (e.g. if a staff member, NZEI, EAP).

- b. In most cases you should provide the respondent with a letter explaining the specific concerns, attaching all relevant information, and outlining any potential disciplinary outcome. Set a time frame that allows the respondent a reasonable opportunity to consider the complaint and seek independent advice before providing their written and/or oral response.
- c. Seek NZSTA and/or legal advice regarding your correspondence and meetings with the respondent.

4. Contact with complainant

- a. Where necessary and appropriate, keep the complainant informed of the expected time frame for resolution. Offer the complainant ongoing support during and after the investigation.

Investigator/Investigating committee

5. Seeking information

- a. In accordance with the terms of reference, complete relevant inquiries and interviews.

6. Note-taking

- a. Note-taking and interview recording should be addressed in the **terms of reference**. (Recording meetings is allowed if you tell the participants and make a copy available to them.) Make detailed notes of all discussions, interviews, questions, and answers. The notes should record the facts related to the investigation rather than opinions or comments that could be taken to suggest the outcome is predetermined.
- b. Be aware that employees are entitled to access their personal information, which will generally include interview notes about their own conduct. Seek legal advice if unsure about the disclosure of information, or contact the Office of the Privacy Commissioner or the Ombudsman.
- c. Disclose notes from a person's own interview to them for confirmation.

7. Summarise and conclude

- a. Consider all relevant information, reach a **conclusion regarding disputed facts**, and conclude whether the complaint has been substantiated.
- b. Prepare a draft investigation report. If required by the terms of reference, share the report with the subject of the complaint, seeking their comments.
- c. Finalise the report.

Investigator

8. Present investigation findings to board

- a. Brief the board in-committee on the scope and outcome of the investigation and its findings.

Decision-maker (board investigator or committee, the full board, or the principal)

9. Present investigation findings and next steps to subject of complaint

- a. Determine any next steps, including whether disciplinary action is appropriate.
 - b. Provide the subject of the complaint with a copy of the final investigation report and a letter that explains any next steps. Any next steps should identify specific concerns and proposed disciplinary actions, and why these may be appropriate.
 - c. Before any decision is made, invite the subject of the complaint (through their representative, if applicable) 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.
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ONslow COLLEGE BOARD POLICY

- d. If a meeting is held, ensure notes are taken and confine discussion to issues already identified. This is not an opportunity for either party to raise new matters.

10. Resolve the complaint and inform the subject of the complaint

- a. Following the meeting, or on receipt of the written response, consider whether any further investigation may be required.
- b. Before making a decision, ensure you have carefully considered any feedback, comments, and explanations from the subject of the complaint. Any mitigating circumstances should be also explicitly be considered.
- c. Make your decision, recording how you arrived at the decision, and the reasons for any disciplinary consequences.
- d. Depending upon the seriousness of the situation, you may need to take a day or two to consider all relevant information before making a final decision.
- e. Inform the subject of the complaint of the decision. If this is done at a meeting rather than by letter it must be confirmed in writing.

Principal and/or the board chair

11. Contact the complainant

- a. Where appropriate, report on the resolution of the complaint to the complainant while maintaining confidentiality and any collective agreement requirements. Outline the steps taken to resolve their complaint, and discuss any further steps that may be required for closure.
- b. If the complainant is not satisfied, advise them of further courses of action, e.g. contacting the Human Rights Commission, Ombudsman, Ministry of Education, ERO, Office of the Privacy Commissioner.

12. File documentation

- a. Store all documentation confidentially and securely, in keeping with the requirements of the school's privacy policy and the Privacy Act.

13. Make any further necessary reports

- a. Determine whether a report needs to be made to the [Teaching Council](#), in compliance with the mandatory reporting requirements.
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ONSLOW COLLEGE BOARD POLICY

Student Concerns and Complaints

Our **Concerns and Complaints** policy applies to all members of the school community, including students. We have procedures in place to ensure that all members of the community can raise concerns and make formal complaints.

We respect and value input from our students about issues affecting the school, and encourage students to express their concerns through the appropriate channels. To ensure the safety and wellbeing of students raising a concern, 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. Students may have a **support person** with them when raising a concern or complaint.

- **Students with concerns about safety**, their own or someone else's, should contact the principal or ako teacher/dean or any other staff member. Safety issues could include bullying, harassment, suspicions of abuse, or self-harm. Such concerns are treated seriously and as confidentially as possible, according to appropriate school policies and procedures. See **Sharing Information**.
- Students with general issues (curriculum, assessment, pastoral) should contact their ako teacher.
- Students with subject concerns should contact the ako teacher/dean for that subject.
- Students with concerns about personal, family, or financial matters should contact the guidance counsellor.

If it is unclear whether a student is **making a formal complaint**, the school may clarify this by asking if it should be considered as a formal complaint. The school may also ask the student to provide more information to clarify the level of concern. It may also be appropriate to explain the process for responding to a formal complaint.

Parents or students with concerns may seek advice from a lawyer, [Youth Law](#) (0800 884 529), [Community Law](#) (phone local centre), [Student Rights Service](#) (0800 499 488), or the [Ombudsman](#) (0800 802 602).

Related topics

- **Student Wellbeing and Safety**
- **Child Protection**
- **Supporting Student Wellbeing**
- **Bullying**