



Complaints and Concerns Policy

Version 1 | Mahi Tuatahi
Effective Date | Whakamana tahito: December 2022 | Hakikea 2022
Next Review | ā houanga arotake: December 2025 | Hakikea 2025
Policy Owner | Rangatira Kaupapa Māhere: Chief Executive Officer
Key Accountabilities | Ngā Takonga Tuatahi: Chief People Officer

Introduction | Timatanga Kōrero

The purpose of this policy is to:

- Provide an open, consistent, and fair policy and process to ensure that concerns and complaints are resolved while maintaining the dignity of those involved.

Applies To | Ko Wai Whakahāngaitia

This policy applies to all employees, volunteers, contractors, and Board Members of He Whānau Manaaki o Tararua Free Kindergarten Association (Whānau Manaaki).

General Principles | Mātāpono Whānui

1. In the first instance, a concern or complaint should aim to be resolved directly between the parties, where it is practicable to do so, while bearing in mind that there may be a misunderstanding, miscommunication, a mistake, or an error of judgement.
2. Support raising concerns in a proactive way, may be given by the employee's Manager or Senior Teacher or where that is not appropriate by the Chief People Officer or Human Resources Advisor. Where a member of the Human Resources team is approached on a confidential basis for advice on how to best raise a concern with an individual, no notes will be recorded or placed on an employee's file.
3. While raising a concern with an employee, volunteer, or contractor, there should be an opportunity given to put it right or apologise as well as to resolve the matter with a positive solution.
4. If a concern is not resolved after discussing the concern with the individual, or where it is not practical to do so, a complaint may be raised.
5. Complaints may be in writing or verbal. The complaint must be recorded and may be clarified where needed with the complainant before any Preliminary Investigation is instigated.
6. Where a complaint is raised, Whānau Manaaki will investigate it in accordance with the principles of natural justice and in a manner which is fair to the employee concerned, Whānau Manaaki, and all other employees and stakeholders.
7. Whānau Manaaki will not investigate anonymous complaints as natural justice requires that the person complained of knows the identity of the complainant.
8. In addressing a complaint, Whānau Manaaki will make all reasonable efforts to:
 - a. ensure consistency and fairness in the manner that complaints are managed.
 - b. where appropriate provide the opportunity for low level resolution of complaints between relevant parties.
 - c. minimise as much as possible the impact that a complaint may have on an employee, a kindergarten and on the wider operations of Whānau Manaaki.
9. An investigation will commence only when Whānau Manaaki determines there is a case to be answered. The complainant must be advised of the procedure to be followed and kept informed.



10. A complaint constitutes an allegation only, until it is fully investigated.
11. All complaints will be addressed as per the *Disciplinary and Misconduct Policy* and the *Investigations Process*.
12. Where complaints are found to be unsubstantiated all papers relating to the allegation will be destroyed.
13. The complainant will not be advised of any disciplinary or corrective action taken by Whānau Manaaki, as this is a matter between Whānau Manaaki and the employee, volunteer, or contractor member.
14. The *Disciplinary and Misconduct Policy* and *Investigations Process* will be used in conjunction with this *Complaints and Concerns Policy* where it is determined by the Chief People Officer or Chief Executive Officer that there is a case to be answered to.

Complaints concerning Teachers and Head Office employees and contractors

15. Complaints concerning Teachers and Head Office employees and contractors should be confined to duties carried out and may not include differences in philosophies, lifestyles, or personalities.
16. Where appropriate complaints should be dealt with initially by approaching the person concerned to discuss the issue. If satisfaction for the complainant is not forthcoming, then the process outlined in the *Disciplinary and Misconduct Policy* and *Investigations Process* should be followed.
17. In instances where the complainant approaching the individual against whom a complaint is made is not appropriate, for example where an allegation of serious misconduct is made against a Head Office employee or contractor, the complaint should immediately be made to the Chief Executive Officer where a Head Office employee or contractor is involved.
18. Complaints concerning teachers and Head Office employees and contractors should be addressed to the Chief Executive Officer.
19. Upon receipt of a complaint made against a Teacher the complaint will be immediately notified to the Chief Executive Officer either by the complainant or by the employee who is in receipt of the complaint. The Chief Executive Officer may delegate the initial stage of investigating the complaint to a Senior Teacher or the Chief People Officer to help clarify the complaint and/or to record it in writing, and if appropriate to try to resolve the complaint with the complainant.
20. If, following the receipt of a complaint, the Chief Executive Officer decides there is no further action to be taken, the complainant and employee, volunteer or contractor will be notified of that and the reasons for it as soon as practicable and the matter closed.
21. The Chief Executive Officer may choose not to advise the employee, volunteer or contractor against whom the complaint was made if they were unaware of the complaint and if the Chief Executive Officer considers it unnecessary to advise them of the complaint.

Complaints concerning the Chief Executive Officer or a Board Member

22. Complaints concerning the Chief Executive Officer, or a Board Member should be addressed to the Board Chair except where the complaint concerns the Chair in which case it shall be addressed to the Deputy Chair.
23. In the case of a complaint against at Governing Board Member, the Chair and/or Deputy Chair will, if they consider the complaint to be well founded, and follow the relevant procedures set out herein with the relevant provisions of the Constitution.
24. Where the complaint concerns in whole or in part the Chief Executive Officer or a Board Member, the Board Chair will convene a meeting of 3 members of the Governing Board including the



- Chairperson or their delegate to make up an investigation committee to investigate and decide upon the complaint, on behalf of the Board (the '*Complaint Investigation Committee*').
25. The Complaint Investigation Committee must consult with an appropriate Employment Lawyer.
 26. If following this meeting, the Complaint Investigation Committee decides that there is no further action to be taken, the complainant and employee will be notified of that and the reasons for it as soon as practicable and the matter closed.
 27. The Complaints Investigation Committee may choose not to advise the person against whom the complaint was made if the person was unaware of the complaint and if the Complaints Investigation Committee decides that it is unnecessary to advise them of the complaint.
 28. If on the other hand the Complaint Investigations Committee decides that further action is required, the *Disciplinary and Misconduct Policy* and *Investigations Process* will be used in conjunction with this *Formal Complaints Policy*.
 29. Notwithstanding the provisions herein, the Board Chair and/or Deputy Chair is entitled to initiate an investigation into any matter by a written letter to the Board advising them that they have done so.
 30. Should the Board Chair write such an initiating letter, then the matters they wish to have investigated will be treated as a complaint in accordance with this policy and investigated according.
 31. Complaints concerning the Chief Executive Officer or a member of the Governing Board, shall also follow the process outlined in the *Disciplinary and Misconduct Policy* and *Investigations Process*.

Complaints concerning licensing or children

32. If the concern is about non-compliance with kindergarten licence conditions, the complainant may contact the local office of the Ministry of Education in addition to the Chief Executive Officer.
33. Where a complaint is made which involves a child (either due to the complaint being made about the child's behaviour or because the complaint concerns the treatment of the wellbeing of a child), it will be a matter for the Chief Executive Officer on each occasion to decide who to advise about the complaint beyond the complainant and the person against whom the complaint is made. In some instances, it will be appropriate to advise the parents or guardians of the child.
34. Each situation will be considered by the Chief Executive Officer always acting reasonably and acting in the best interests of the child concerned and of any other children.

Raising complaints and concerns with the Ministry of Education

35. In addition to the outlined principles, if parents or Whānau have concerns that conditions of the kindergarten licence are not being met, they may contact their local Ministry of Education office at the numbers below.

Whanganui	06 3496300
Upper Hutt/Lower Hutt	04 4638699
Horowhenua/Kapiti	06 3640804
Porirua	04 463 4800
South Otago	03 471 5200

Relevant Legislation and Regulations | *Whaitake Ture me Waeture*

1. Employment Relations Act 2000
2. Education (Early Childhood Services) Regulations 2008
3. Licensing Criteria for Early Childhood Centres & Care Services 2008
4. Licensing Criteria for Home-based Education & Care Services 2008
5. Kindergarten Teachers, Head Teachers, and Senior Teacher Collective Agreement
6. Office Based Support Staff Collective Agreement
7. Support Staff Collective Agreement
8. Individual Employment Agreements

Related Procedures or Processes and Documents | *Pākanga Tukanga me Pukapuka*

1. Investigations Process
2. Performance Management Policy
3. Development Action Plan
4. Performance Management Plan
5. Disciplinary and Misconduct Policy

Policy Review Cycle | *Kaupapa Arotake Hurihanga*

This policy is to be reviewed every three years. Whānau Manaaki may amend or cancel this policy or introduce a new policy, as it considers it necessary within the current cycle of the policy. Any amendments will be considered by the policy Working Group and will need to be approved by the Senior Leadership Team and the Board. The policy will continue on the same review cycle.





Investigations Process Tūkanga ketuketutanga

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