

Complaints Procedure

Purpose and scope

At Napier Kindergarten Association (NKA) there may be times when a complaint is received from one party about another party (including, for example, an employee, parent, board member, Kindergarten or affiliated Association) arising from the conduct, competency, processes, or decisions of NKA or its staff.

This procedure will set out the process to manage complaints in a consistent, fair and transparent manner. NKA will rely on the facts to resolve the matter. Where there is an opportunity to use complaints feedback to bring about positive change or process improvements, this will be undertaken.

This procedure applies to the Board, General Manager (GM), staff members (whether permanent, fixed, casual or relieving), parents/guardians, whānau and anyone who engages and/or has feedback about NKA.

Complaints that do not fall squarely within the parameters of this procedure may, at the discretion of NKA, be investigated and managed as a concern.

Legislation and guidelines

- When dealing with complaints about Governance, management and administration of the Association, NKA will comply with the Ministry of Education (Early Childhood Services) Regulation 2008, Regulation 47.
- When dealing with complaints that may amount to misconduct by a staff member, NKA will comply with the *Employment Relations Act 2000*. This procedure should also be read in conjunction with the *Kindergarten Teachers' Collective Agreement 2023-2026* and relevant NKA policies, including the Disciplinary Management Procedure.
- Ministry of Education guidelines provide that all ECE services must display a copy of the Complaints Procedure in a place that parents, whānau, and visitors can see so that these parties can follow the procedure should they wish to raise a complaint about anything, including non-compliance with the Regulations of Criteria.
- The Procedure must include the contact details of the Education Review Office.
- Additionally, staff must know, understand, and be able to explain the Complaints Procedure to parents, whānau, and visitors.

Examples of Complaints

Child not adequately supervised and was bitten by another

Teacher that seems distracted and disengaged from children

Activity undertaken for Easter with the children was not age appropriate

Key Definitions

Complaint Is an expression of dissatisfaction provided by a party about NKA staff or operations where a response or resolution is explicitly or implicitly expected. Complaints may relate to a wide range of issues, including but not limited to:

- Act or omissions of a staff member or NKA
- The conduct or competency of a staff member
- Service delivery
- Governance or management
- Administrative processes
- Complaints can be raised by external parties (e.g. parents, whānau, visitors) or by internal parties (e.g. teachers, support staff, management).

What is not a complaint?

- Statements of opinion unless a response or resolution is expected, or should reasonably be provided
- A concern, being an expression of worry or doubt over an issue considered important, can usually be resolved through discussion, clarification, minor adjustments
- Feedback as part of a formal consultation process
- A part of a process that NKA is obliged or required by statute to comply with (e.g. Privacy Act request)
- Requests for information
- Requests for updates on NKA activities or processes

NKA reserves the right to exercise its discretion to investigate when complaints are frivolous, vexatious, or not made in good faith.

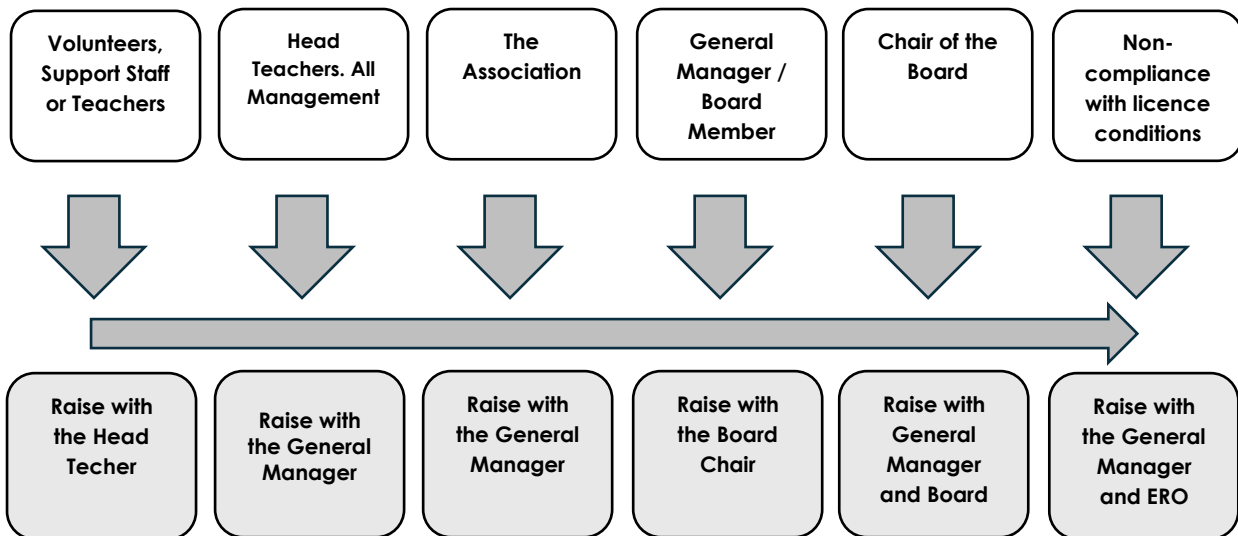
NKA may take no action on a complaint when any further action is considered to be inappropriate or unnecessary in the circumstances.

Complainant is the party raising a complaint.

Addressing Complaints

Wherever possible, complaints should be resolved between the parties. Ideally, the parties would reach an agreement as to the way forward or resetting expectations.

If the complainant is not satisfied with the initial response or is not comfortable approaching the other party, the following escalation pathway should be followed:



If further escalation is required, the complaint should be escalated upwards, the GM must be made aware of any Complaints received

Should the person responsible for managing the complaint feel the complaint is beyond their capability to manage; or managing would result in a conflict of interest; they will hand the complaint over to the next up line manager to resolve.

Complaints will be dealt with in a timely manner and with sensitivity and confidentiality as far as possible, whilst also ensuring the principles of natural justice are met. The principles of natural justice provide that the party being complained about has a right to know who made the complaint. On this basis, anonymous complaints will not be investigated/actioned.

Complaints process

Step

Action Required by the staff member managing the complaint

Complaint Received

- Complaints can be provided in writing, or given verbally
- Records of complaints are to be kept on the Associations Complaint Register and inform GM- HT to send to GM and Admin email for filing

Complaint Reviewed and Clarified

- Seek out additional information if the complaint isn't detailed or clear enough
- Confirm the actions taken before the complainant decided to escalate the matter further (if relevant)

Complaint Investigated

- Determine if the complaint is an informal or formal matter
- Determine if the complaint needs to be handled by other internal processes e.g. Bullying or Misconduct
- Determine if this complaint needs to be managed by a more senior member or if it should be escalated to an external specialist

Take Action:

Option 1. No Further Action

Advise the Complainant the complaint has no basis, or the original position provided stands. Provide a reason as to why this is the case.

Option 2. Informal Action Needed

- May require resetting of expectations with a staff member and/or with the complainant
- An informal meeting or mediation between parties may be required

Option 3. Formal Action Needed

- Follow a formal investigation or discipline procedure
- If the complaint is about a teacher's conduct or competency, follow the relevant provisions of the KTCA and if appropriate the Child Protection Policy will apply
- Escalate matter to the ERO for complaints of non-compliance to license conditions if no action is taken

Keep records and documentation

Keep comprehensive notes about the Complaint and store these securely and confidentially – the Complaints Investigation report must be kept for 7 years, after which it can be securely destroyed

Close the matter

- Confirm with all parties that the matter is closed out/resolved
- Each month/quarter the GM is to review the complaints register to identify trends and themes of discontent – and to implement solutions to combat these if it is appropriate to do so

Contact Details

General Manager

Napier Kindergarten Association
66 Kennedy road
Napier 4110
Phone : (06) 835 7890
Email : gm@napierkindergartens.co.nz

Education Review Office

Enforcement@ero.govt.nz

Complaints that may need to be investigated via alternative procedures

There may be times where a complaint is made where the alleged actions need to be managed or investigated in accordance with another established internal procedure or process, this may include the Disciplinary Management Procedure.

As examples, the below list of complaints will be managed outside the scope of this procedure to ensure compliance with the *Employment Relations Act 2000* and *KTCA* requirements.

Type of Complaint	Procedure used to manage/investigate
Teacher Competency	Performance Management Procedure
Child abuse or Neglect	Child Protection Procedure
Bullying and Harassment	Bullying Procedure, or Sexual Harassment Procedure
Inability of a staff member to fulfil the inherent requirements of the position	Medical Incapacity or Fit for Work procedure

Depending on the nature of the complaint the General Manager has the right to seek support and assistance to investigate and manage a complaint from an outside specialist as determined necessary.

Record Keeping

Investigation reports relating to the complaint will be kept and filed securely and confidentially for seven (7) years. Any paperwork related to action against any individual will be held in accordance with the *Employment Relations Act 2000* and *KTCA* requirements. These records may be disclosed if the relevant individual(s) requests their personal information under the Privacy Act 2020.

Word of Warning

This procedure does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this procedure may result in disciplinary action including, but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this policy, please speak with your GM. You can refer to our Grievance Procedure for guidance on how grievances are handled at NKA.

Related Procedures

- Discipline Management Procedure
- Performance Management Procedure
- Protected Disclosures Procedure
- Grievance Procedure
- [The Statement of National Education and Learning Priorities \(NELP\)](#)
- Kindergarten Teachers Collective Agreement (KTCA)