

## **COMPLAINTS AGAINST EMPLOYEES**

Date Adopted	<b>July 1994</b>
Policy Type	<b>Nag 3/5</b>
Last Review	<b>March 2009</b>
Next Review	<b>March 2012</b>

### **RATIONALE**

The Board as employer in the school has a responsibility to ensure that complaints against employees are handled correctly and responsibly.

### **PURPOSES**

- To ensure that all employees are aware of the procedures to be followed when a concern (informal) or formal complaint is made.
- To ensure that the Board's actions in dealing with the matter are both fair and procedurally correct and that natural justice occurs.
- To avoid any possible allegations of personal interest, bias or predetermination.
- To ensure that the provisions of the relevant Employment Contract are followed. Employment Contracts are legally enforceable and cannot be varied by the Board.

### **GUIDELINES**

1. Concerns (normally verbal as distinct from formal written complaints) in the first instance should be dealt with informally by the Principal (or Board of Trustees as applicable), where possible.
2. Students' complaints to teachers about other staff must be given fair and reasonable attention by the teacher or staff member who receives the complaint.
3. Employees who are the subject of a concern have the right to know the nature of the concern and must be given the opportunity to explain and respond.
4. Where a complaint is received concerning an employee other than the Principal or Associate Principals the following procedure will apply:
  - 4.1. The complaint should be made personally or in writing to the Principal, but not in the presence of a student. A written record of personally presented (verbal) complaints must be kept by the Principal and a copy given to the employee concerned, including advice as to who the complainant is.
  - 4.2. Where discussion between the complainant, employee and Principal and any follow-up action does not satisfactorily resolve the matter, the complaint should be submitted in writing to the Chairperson of the Board.
  - 4.3. The Chairperson of the Board, on receipt of the complaint, will advise the employee concerned and seek a response in writing, to be received within 5 working days of the date of the advice.
  - 4.4. The complaint and the response from the employee will be considered by the Board or a formally established sub-committee of the Board, which will investigate the matter and recommend a course of action. Deliberations are to be formally recorded.

- 4.5. The employee should be advised of his/her right to seek representation at any stage and should also be given a reasonable opportunity to be heard prior to the Board making a decision.
- 4.6. The Board should consider the sub-committee's recommendation, if appropriate, and make a decision as to which course of action is to be followed.
- 4.7. If it is decided there is a case to answer in regard to any complaint, the employee...
  - 4.7.1. must be advised of the right to seek representation
  - 4.7.2. must be given the right to respond
  - 4.7.3. should be afforded the opportunity to be heard by the Board/Principal
- 4.8. The Board will determine what disciplinary action (if any) is appropriate, in accordance with the Employment Agreement
5. Where a complaint is received against the Principal or Associate Principals the complaint should be made in writing to the Board who will use their best endeavours to resolve the matter. Failing this, the above procedures will apply.
6. The Board will ensure that, where a conflict of interest arises, the trustee concerned will withdraw from any procedures or discussions, to ensure that the investigation and decision is seen to be fair and free from bias or personal interest.
7. The Board must ensure objectivity and fairness in its deliberations, and confidentiality must be maintained.
8. The Board of Trustees are encouraged not to participate in, or support "public meetings" on a complaint or disciplinary/competency matter.
9. The Board should be aware of the policy requirements of the School's Insurers in relation to notification.
10. Abuse complaints are to be dealt with in accordance with the separate procedure provided.

## **CONCLUSION**

All complaints against employees of the School are to be handled in a confidential and fair manner. The interests of all parties concerned must be considered and the matter resolved in the most appropriate manner, and in accordance with the current Employment Agreement.