

## Governance Policy

Poipoi – Kauawhi – Tāuteute – Pūnaha Auaha – Ārahi  
Nurture - Include - Engage - Innovate - Lead

What guides us:

Living Te Tiriti o Waitangi  
Ensuring ākonga are at the centre of everything we do  
Delivering high-quality, future-focused teaching and learning

## FEEDBACK AND COMPLAINTS

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Date of approval	: November 2023
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Next review date (1-year cycle)	: 2024
Owner	: Chief Advisor Strategy
Who does this policy apply to	: All people who provide and receive feedback and complaints

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### Outcome statement

The Board is committed to timely and fair resolution of complaints for the Board and management to better understand and respond to ākonga, kaimahi, and wider Te Kura community. Receiving feedback and responding to complaints assists the school to improve and remain accountable to our purpose and our values.

### Te Tiriti o Waitangi

Te Kura is a major education provider, and both our leadership and organisational approach is focused on living Te Tiriti o Waitangi. This policy aligns with [Te Tiriti o Waitangi Policy](#) which recognises and upholds the obligations and commitments of Te Tiriti o Waitangi.

Feedback and complaints can enable the identification of inequitable access and provide opportunity to identify ways to redress historical biases. Te Kura commits to ensuring that feedback and complaints procedures support Te Ao Māori and Mātauranga Māori.

### Cultural inclusivity

Cultural safety and responsiveness are paramount to Te Kura for kaimahi, ākonga and whānau. Te Kura commits to ensuring that feedback and complaints processes support diverse cultural contexts.

### Definitions

**Culture:** Culture includes, but is not limited to, age or generation, gender, sexual orientation, occupation and socio-economic status, cultural and epistemological frame of reference, ethnic origin, or migrant experience, religious or spiritual belief, and disability.

**Cultural safety and responsiveness:** effective delivery as applied to a person, family, or group from another culture, and as determined by that person, family, or group. The role delivering the service will understand and recognise the cultural origins, assumptions, and limitations of certain forms of delivery within some cultural contexts. They will also have undertaken a process of reflection on their own cultural identity and will recognise the impact that their personal culture has on delivery.

**Serious complaints** will be those, which include any of the following types of wrongdoing, which may affect Te Kura:

- An unlawful, corrupt, or irregular use of the funds or resources of Te Kura.
- An act, omission, or course of conduct that constitutes a serious risk to public health, public safety and/or the environment.
- An act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
- An act, omission, or course of conduct that constitutes an offence.
- An act, omission, or course of conduct by Te Kura (or any employee) or the Board (or any member of the Board) that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

## Delegations

The Board delegates to the Chief Executive full responsibility of ensuring effective complaint processes are in place and operating effectively and adequately. In complying with the policy, the Chief Executive shall:

- Implement and maintain robust procedures to meet the policy requirements.
- Ensure that the process for complaints or grievances is clearly communicated and posted on the school website
- Ensure that the complainant has previously followed the school's concerns and complaints procedure before escalating to Board level

## Expectations and limitations

Te Kura will have an accessible procedure for handling feedback, complaints and grievances is maintained to provide an open and fair way of resolving issues and will comply with all relevant legislation<sup>1</sup>.

- Te Kura will use feedback and complaints for learning and improvement.
- The Board shall advise its insurance agent of any complaint escalated to the Board.
- Complainants will be treated respectfully and professionally without fear of discrimination and all parties are expected to remain responsive and respectful throughout the process.
- No party who could reasonably be perceived as having an interest in the outcome of the complaint will investigate a complaint or determine the outcome of the inquiry.
- In conducting complaints investigations Te Kura will ensure compliance with all relevant legislative/contractual provisions and employees' employment agreements.
- Te Kura will apply the principles of natural justice at all stages of any inquiry, including maintaining the privacy of those involved, where practicable, subject to the requirements of the Privacy Act 1993.
- All complaints will be dealt with thoroughly in an impartial and timely manner.
- Te Kura aims to achieve resolution at the lowest level possible and will take a straightforward, practical approach to managing and resolving low-level complaints.
- Complainants and Te Kura employees with responsibility for the subject of a complaint will be kept fully informed and advised of the outcome of the complaint and the reasons for any decisions.
- Te Kura will observe their code of conduct and will operate with strict confidentiality around matters relating to a complaint.
- Complaints deemed vexatious will not be progressed.

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<sup>1</sup> Once the Dispute Resolution Scheme comes into effect, the Board will implement the requirements as set out in the Education and Training Act 2020.

## A complaint about the Chief Executive

In the event of a complaint or grievance concerning the Chief Executive, responsibility to deal with the complaint lies with the Board.

The Board will receive the complaint at a Board meeting (with the public excluded). The Board is obligated to initiate informal discussions with the Chief Executive to resolve the matter in an informal manner, unless the nature of the complaint is such that this would be inappropriate. The Board will seek NZSTA and/or external legal advice early.

Where the Board considers the degree and seriousness of the concern or any violation sufficient to warrant initiating a disciplinary or competency process, the Board shall seek the support and advice from an NZSTA adviser and/or external legal advice to ensure due process and requirements under the relevant employment agreement are followed.

## Kaimahi with feedback and/or complaints

The complaints process applies to kaimahi with the expectation that the workplace culture, code of professional practice and the Te Kura code of conduct will support resolution between the Chief Executive (or Deputy Chief Executives) and the employee in the first instance.

Kaimahi have a right to escalate the complaint to the Board as per the feedback and complaints process. The appropriate employment agreement provisions will be applied and advice from NZSTA and/or external legal advice will be sought.

All kaimahi will be made aware of the Protected Disclosure procedure and their right to use it in the case of serious wrongdoing where disclosing their identity could make them unsafe.

## Protected Disclosures

The Board commits to high standards of ethical and accountable conduct. All kaimahi, volunteers, contractors, and others working with Te Kura can disclose any possible wrongdoing that they become aware of. To facilitate timely investigations, the Board expects early reporting of serious wrongdoing.

The Chief Executive has the responsibility of ensuring all kaimahi are aware of protected disclosure procedures.

Protected disclosure procedures exist to facilitate the disclosure and timely investigation of serious wrongdoing in or by Te Kura and provide protection of those who make the disclosure in accordance with the Protected Disclosure (Protection of Whistleblowers) Act 2022 (the Act). To obtain that protection, kaimahi must follow the specific procedure when making their report of serious wrongdoing.

Refer to the Protected Disclosures Hātepe Kaimahi.

## Monitoring

The Chief Executive's Office, each wāhanga and each Learning Delivery region will maintain a register of complaints received and resolved at that level. The CE's Office will report to the Board at least twice per annum outlining numbers of complaints, resolution success figures and any areas of concern for Board deliberation.

## Self-Audit Checklist

The Education Review Office (ERO) provide a self-audit checklist for boards of schools seeking compliance assurance in complaints handling. It can be found in the document: [Health and Safety, Section 3](#)

## Procedures/Supporting documentation

[People and Wellbeing Governance Policy](#)

Feedback and Complaints Hātepe Kaimahi

Protected Disclosures Hātepe Kaimahi

Teaching Professional Standards

Relevant Employment Agreements

[Effective Complaint Handling \(Ombudsman\)](#)

## Legislative compliance

[Education and Training Act 2020](#)

[Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)

[Privacy Act 2020](#)

[Employment Relations Act 2000](#)

**Approved by Nicola Ngarewa, Chairperson, Te Kura Board of Trustees**