

Te Whānau o Ōtūmatua Board of Trustees

Concerns and Complaints Policy

Purpose

This policy ensures that Te Whānau o Ōtūmatua provides a safe, inclusive, and culturally responsive environment where all concerns and complaints are resolved fairly, equitably and promptly.

Policy

The kura is committed to fostering an inclusive kura culture that values diversity, promotes belonging, and upholds the rights and wellbeing of all members of the kura community. The board meets its legal and regulatory responsibilities by ensuring the kura is safe, inclusive, culturally responsive, and free from discrimination, racism, bullying, and harassment.

The board and tumuaki ensure that all engagement, decision-making, and practices reflect the identities, needs, and aspirations of the kura community and comply with relevant legislation, including the Education and Training Act 2020, the New Zealand Bill of Rights Act 1990, the Human Rights Act 1993, and the Employment Relations Act 2000.

Guidelines

- In the first instance, attempts will be made to resolve concerns and complaints internally, informally and at the lowest possible level. This clause does not negate the right of any person to make a complaint directly to the Board.
- The tumuaki, on the receipt of a verbal concern or complaint, may at their discretion decide if the concern or complaint is frivolous or vexatious.
- If the complainant is not satisfied with the initial attempt to resolve the concern or complaint and if the initial complaint was made verbally, the complainant will then detail the complaint in writing, forwarding this to the tumuaki for consideration.
- In the event that an internal resolution to the concern or complaint fails, the tumuaki will refer the concern or complaint to the Board of Trustees for consideration. The Board or an ad hoc Complaints/ Dispute Committee will consider and respond.
- A concern or complaint against the tumuaki will be made in writing to the presiding member of the Board of Trustees.
- The tumuaki will promptly inform the presiding member of all verbal and written concerns complaints of a serious nature.
- Concerns and complaints and their resolutions will be documented and securely filed. The presiding member may request access to this documentation.
- Concerns and complaints will be treated in confidence. However, in the interests of natural justice, and if it is about a person or persons, then that person or persons will have the opportunity to see all details and formulate a reply adhering to the provisions of the appropriate Collective Agreements for problems solving/employment investigations. Every attempt will be made to maintain the privacy of the complainant.
- The tumuaki, on receipt of an unsigned/ anonymous written concern/ complaint, will determine whether or not it appears to be a serious one and the probability of it being factually correct, prior to determining what, if any, investigation of the matter will follow. The tumuaki will seek the advice of the presiding member in this situation.

Residential Concerns and Complaints

This section covers complaints about hostel non-compliance with regulations, and it is expected that as per the guidelines above, any concerns can be resolved informally and at the lowest level. A complaint made by a residential ākonga or their parent/caregiver may be made in writing or orally to the tumuaki.

1. The procedure for resolving complaints is as follows:
 - 1.1. The tumuaki records any oral complaint in writing as soon as practicable; and
 - 1.2. The complaint is (unless earlier resolved to the complainant's satisfaction) acknowledged in:
 - 1.2.1. writing within five working days of receipt; and
 - 1.2.2. the complainant is informed of any relevant internal complaints procedures; and
 - 1.2.3. the tumuaki response to the complaint is documented; and
 - 1.2.4. the complainant receives a copy of all information held by the tumuaki that is or may be relevant to the complaint; and
 - 1.2.5. the tumuaki decides whether the complaint is justified in accordance with Regulation 69 of *The Education (Hostels) Regulations 2005*.
2. Under Regulation 69, the tumuaki must decide whether the complaint is or is not justified within ten working days of receiving the complaint, or if additional time is needed to investigate. If additional time is needed, the tumuaki must decide how much additional time is needed to investigate and decide whether the complaint is justified.
3. If the additional time required for investigating is more than twenty working days, the tumuaki must inform the complainant of this, the reasons for the determination, and that the tumuaki is required to decide as soon as practicable whether the complaint is justified.
4. **Note:** "Working day" is defined in the Interpretation Act 1999 as a day of the week excluding:
 - 4.1. A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day; and
 - 4.2. A day in the period commencing with 25 December in a year and ending with 2 January in the following year; and
 - 4.3. If 1 January falls on a Friday, the following Monday; and
 - 4.4. If 1 January falls on a Saturday or a Sunday, the following Monday or Tuesday.
5. After making a decision, the tumuaki must inform the complainant of the reasons for that decision, any proposed actions to be taken, any appeal process that the complainant may use to review the decision, and any relevant external agency that may assist the complainant to investigate the complaint if it is not resolved to the complainant's satisfaction.
6. Relevant external agencies may include the Chief Review Officer (if the complaint relates to the provision of a safe physical and emotional environment that supports learning for

students accommodated in the hostel), the Children's Commissioner, the department responsible for administering the Oranga Tamariki Act 1989, and the New Zealand Police.

Review Schedule

This policy will be reviewed according to the **Board's Review Schedule** or earlier if required due to legislative change or identified need.

Prepared by: Board of Trustees 24/06/2026

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