



15 OCT 2018



Dear 

Thank you for your email of 5 October 2018 to the Ministry of Education requesting the following information:

- 1. Please provide a breakdown of the number of complaints the Ministry of Education or its local Ministry offices have received about a school or board of trustees' handling of bullying complaints since October 1 2017, with the respective schools and dates of complaints.*
- 2. Please provide the reasons for each complaint, the bullying behaviour in question, whether it was by a teacher or a student, how many times the Ministry of Education or its local offices subsequently became involved, and the outcome of its involvement.*

Your request has been considered under the Official Information Act 1982 (the Act).

I am refusing your request under section 18(e) of the Act as the Ministry does not capture the specific information you request.

New Zealand's schools are self-governing. We recommend a complainant follows their school's official complaints process to resolve the situation, by making a formal complaint to the Principal, and then to the Board of Trustees if they are unable to reach a satisfactory outcome. They can ask to attend the Board meeting at which their complaint will be addressed. The Ministry can assist in providing guidance and advice during this process.

Complaints we receive about a school are managed at a local level. When we receive a complaint, our staff work with the school to address the concerns that have been raised to determine the appropriate level of support required. We take all complaints seriously, and we make contact with complainants within two working days to discuss how we will handle it.

When receiving or investigating complaints, staff are required to act in accordance with the Ministry and the State Service Commission's codes of conduct. We endeavour to protect the identity of the complainant wherever possible; however, we cannot guarantee this as it may affect our ability to adequately address the complaint.

Our complaints process is built on the following principles:

- *Fair* – the complaint will be managed and resolved in a way that is impartial, objective and consistent.
- *Simple* – we will use a straight forward, practical approach to managing and resolving low level complaints.

- *Timely* – the complaint will be managed and resolved within a specified timeframe that will be discussed with the complainant.
- *Responsive* – any relevant information raised through the investigation of a complaint will be used to improve the way we do things.
- *Non-discriminatory* – we will make sure no one is discriminated against as a result of a complaint.

I am providing you with copies of the following documents which inform our Regional Offices' handling of complaints (both internal and external):

- an overview of the Ministry's Complaints Process
- information sheets regarding recording external complaints and roles and responsibilities, and
- a complaints management process map.

This information is attached to this response as **Appendix A**. Some names and contact details have been withheld to protect the privacy of the individuals concerned.

Information specifically relating to complaints is available at:

<http://education.govt.nz/ministry-of-education/regional-ministry-contacts/complaints/>

We also provide guidance for schools to help them effectively deal with complaints. You can find this advice by searching for "dealing with complaints" on our Education Leaders website:

<http://www.educationalleaders.govt.nz/>

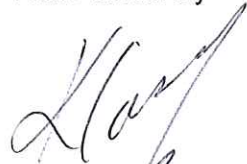
Information specifically relating to bullying (including the Ministry's definition of bullying) is available at:

<https://www.bullyingfree.nz/>

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Katrina Casey
Deputy Secretary
Sector Enablement and Support

Appendix A

Pages /... / Internal process guidance

s 9(2)(a) OIA

Complaints Process

Created by [REDACTED] last modified by [REDACTED] on Nov 17, 2017



Overview

A complaint is any communication where a person or organisation is unhappy, concerned or not satisfied with a situation, process or decision.

The Ministry receives complaints from both internal and external parties. These complaints can be on a variety of subjects about the Ministry, a statutory appointee or the education sector and can be received by anyone within the Ministry. Complaints can range from expressions of dissatisfaction to serious and formal complaints. Some complaints result from a request for information.

Complaints received about the sector (including providers and statutory appointees) are managed at a local level.

A complaint received about a Ministry process or an employee is managed through the appropriate line manager.

The national contact for the complaints business process is [REDACTED]

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[Click here to access the JIRA escalated complaints workflow](#)

For crisis and incident management, that may stem from an initial complaint, please refer to the Crisis/Incident Management business process.

For information about the dispute resolution process note this workstream is under development.

Service standards

- I will acknowledge complaints within one working day
- I will raise any complaint received with my manager within one working day, or immediately where a child's health and/or safety may be at risk
- I will assess the complaint using the Ministry's complaints policy principles within 15 working days
- I will inform the complainant and my manager if the complainant will take more than 15 working days to assess and recommend an outcome
- Where the complaint has been referred to another organisation, I will follow up with the complainant within 25 working days to ensure that the complaint has been acted on and offer Ministry support if required.

Legislative and policy requirements

The legislative requirements for complaints are outlined in:

- Education Act 1989
- Protected Disclosures Act 2000
- Employment Relations Act 2000
- Human Rights Act 1993

Tools and resources

- How to record complaints
- Info Sheet 1: Complaints - Roles and Responsibilities
- Info Sheet 2: Recording a complaint guidance
- Info Sheet 3: Complex complaints-proactively engaging with legal
- Info Sheet 4: What to include when recording information
- Info Sheet 5: Risk Criteria Guidance
- Info sheet 6: Guidance for writing up filenotes
- Info Sheet 7: Complaints - teacher history request guideline
- High level indicative process 1: Complaints management
- Resource bank

- Privacy Act 1993
- New Zealand Public Health and Disability Act 2000
- Education (Hostels) Regulations 2005
- Education (Early Childhood Services) Regulations 2008

Practice guidance

Minimum required actions

Trigger

- If complaint received verbally, put in writing and confirm with complainant
- Record details, and for serious complaints inform the relevant Group Manager.
- Acknowledge request, including expected timeframes and who to contact

Assessment

- Establish type of complaint and who is best placed to manage it
- Forward complaint to manager of team who will deal with it
- Inform one level up manager and determine who is best placed to deal with complaint
- Inform person/organisation implicated about concerns raised and invite comment on those concerns
- Investigate complaint, recommend response and inform manager (including Deputy Secretary level when serious)

Outcome and actions

- Approve recommended response
- Respond to complainant (within 15 days of Ministry receiving complaint)
- Follow-up with relevant parties to determine if complaint resolved
- If not resolved identify relevant mediation or dispute resolution support

Considerations

Trigger

- How have you received the complaint? In what format? Who from?
- Who do you need to inform?

Assessment

- What does the complaint relate to? E.g. Education sector, school, ECE, hostel, student, home education, Board of trustees, student with special education needs, student transport, accessibility to services, Ministry etc.
- What information do you need to help you determine if the complaints process for the education setting has been followed
- Do you fully understand the complaint? Do you need to go back to the complainant to reconfirm your understanding and intent of the complaint (especially if you did not hear the complaint first hand)
- How serious is the complaint? How will you decide who needs to be informed?
- At what point do you need to and should you proactively engage with the legal team? Have you thought about the possible outcomes and therefore the level of involvement required by the legal team?
- Who would be best placed to investigate the complaint? A team within the Ministry? Historic claims assessors? An external agency? E.g. MSD

Documentation

Trigger

- Record complaint in the relevant system (e.g. K-base). This includes some detail even if it has been captured 'in confidence'
- Record when complaint acknowledged

Assessment

- Record recommended outcome and rationale
- For sensitive claims prepare report

Outcome and actions

- Record agreed outcome and when complainant informed

options (note this
workstream is currently
under development)

- How can you ensure your assessment and investigation is objective and fact based?
- What evidence will support your assessment? How should you gather it? E.g. a site visit, interviews, review of records and policies etc
- If you plan on conducting a site visit: Will it be planned or unplanned? Who should you contact prior to the visit?
- Who else should you involve in your assessment? Consider diversity, identity, culture and language
- How does our recommended outcome align to the outcome of previous similar complaints?
- Does your recommendation need to be peer reviewed?

Outcome and actions

- Who needs to approve the outcome?
- What is the process for approval?
- Is a conversation with the complainant required before finalising the outcome?
- What is the best way to communicate the outcome with the complainant?
- If it is most appropriate that the school take over responsibility for the complaint, what additional support could you provide?

service-guidance practice-guidance

complaints incidents

Roles and Responsibilities

Complaint Management

Person receiving complaint

The person receiving a complaint is responsible for documenting the complaint and forwarding to the Manager best placed to manage the complaint, depending on the level of seriousness.

The person following up on the complaint

The person following up on the complaint is responsible for contacting relevant parties, determining if complaint management processes are in place and have been followed and for identifying and recommending support if needed.

Relevant Managers

Managers receiving a complaint about a Ministry process or member of their team are responsible for investigating the complaint, making a recommendation and providing a response.

The relevant Manager is responsible for allocating the complaint to the appropriate person and approving the final response. Serious complaints will be escalated by the Manager immediately.

Where there is dissatisfaction about the response to the complaint, the Manager is responsible for ensuring there is an independent review of the complaint and actions taken. The Manager uses the outcome of the review to provide feedback to the complainant.

Relevant National Business Owner

The relevant National Business Owner provides support, in response to a request from the relevant Manager, to ensure the agreed approach to the complaint is handled appropriately.

Where there is a dispute or dissatisfaction about the Ministry's initial response to the complaint, the relevant Business Owner is responsible for reviewing processes used to assess and respond to the complaint and for providing feedback to the Manager.

Relevant Group Manager

The relevant Group Manager is responsible for maintaining a national overview of the complaints process and for providing reports to the Deputy Secretary, Sector Enablement and Support.

Human Resources

Human Resources provides advice on, and assist managers with, managing the complaints process involving staff, in line with employment legislation and appropriate collective terms.

Senior Solicitor Legal

The Senior Solicitor Legal provides advice and support in responding to serious complaints.

Deputy Secretary Sector Enablement and Support (SE & S)

For serious complaints, the Deputy Secretary (SE&S) signs prepared responses, including associated documentation. They are responsible for notifying and updating the Secretary and the Minister throughout the process.

Secretary for Education

In some circumstances, the Secretary for Education may approve the proposed action in principle prior to the complainant being informed.



SE&S External Complaint – Guidance

Use this information sheet to help guide you about the information to record about the complaint received.

Date Complaint Received	
How was complaint received? (Letter/email/phone/in person/message)	
Date complaint acknowledged (within 5 working days):	

Key information about the complaint		Phone:	
		Email:	
The complaint is about a	Ministry Service Policy	When did complaint happen?	
		What time (if relevant)?	
		Where did it happen?	
What is the nature of the complaint?		Who else is involved?	
What actions have been taken by the complainant (if any)		What other relevant supporting information was provided by the complainant	

Have you recorded details about who is doing what?			
Name of MOE person receiving the complaint:		Next actions discussed with complainant:	
Name of Manager:			
Name of MOE person investigating the complaint		Name of one-up Manager:	

Have you recorded information about what was done to attempt to resolve the complaint and the agreed outcomes:			
The agreed outcomes:			
How was complaint resolved – how do you know?		Is any additional follow-up/support required?	
Date investigation outcome discussed with/sent to complainant	note: within 15 days from date complaint acknowledged	Name of manager responsible for follow up/support:	
Further time/investigation needed [provide detail]:		Date complainant notified about new timeframe:	
		Agreed new outcome notification date:	
Practice improvement suggestion:		Business improvement suggestion:	

If a review of the complaint process is requested have you recorded information about:

		Date requested	
Name of MOE person reviewing the complaint		Name of one-up Manager:	
Date complainant contacted to clarify request		Other people contacted as part of the review:	

Have you recorded information about the outcomes of the review and any recommendations:			
Is any additional follow-up/support required?		Date review outcome discussed with/sent to complainant	(note: within 15 days from date complaint acknowledged)
		Manager responsible for follow-up/support?	
Further time/investigation needed [provide detail]:		Date complainant notified about new timeframe:	
		Agreed new notification date:	
Are there any Practice improvement implications as a result of this reivew?		Are there any Business improvement implications as a result of this review?	

Recording Schooling Complaints

All complaints relating to a school must be recorded in the school contact system (SCS) which is accessed via <http://schools.moe.govt.nz>. Access can be requested via the Service Desk Portal on Te Tāhuhu.

This system is also used to record complaints relating to a child or young person that do not involve an education provider.

If the complaint is about a Ministry colleague please seek advice from your manager before recording in this system.

1. Go to the School Contact System desk and select 'Add School Contact'.
2. Record the date.
3. Record the details of the school that the complaint is being made about.
4. Record the complainant's details under contact name.
5. Record contact type as 'complaint'.
6. Classify the complaint (under nature of the contact).
7. Give the complaint a subject and record details of the complaint under contact description.
8. Record details of the Ministry's response.
9. Record the school's response if relevant.
10. Record if you visited the school.
11. Record any next steps.
12. Attach any relevant documents.
13. Notify your manager if the complaint requires escalation.

TIP: Note it is possible to over-write complaints information in the SCS so take care when you open up an earlier record!

Don't forget to update the record in the system when the complaint has been resolved or there is new information.

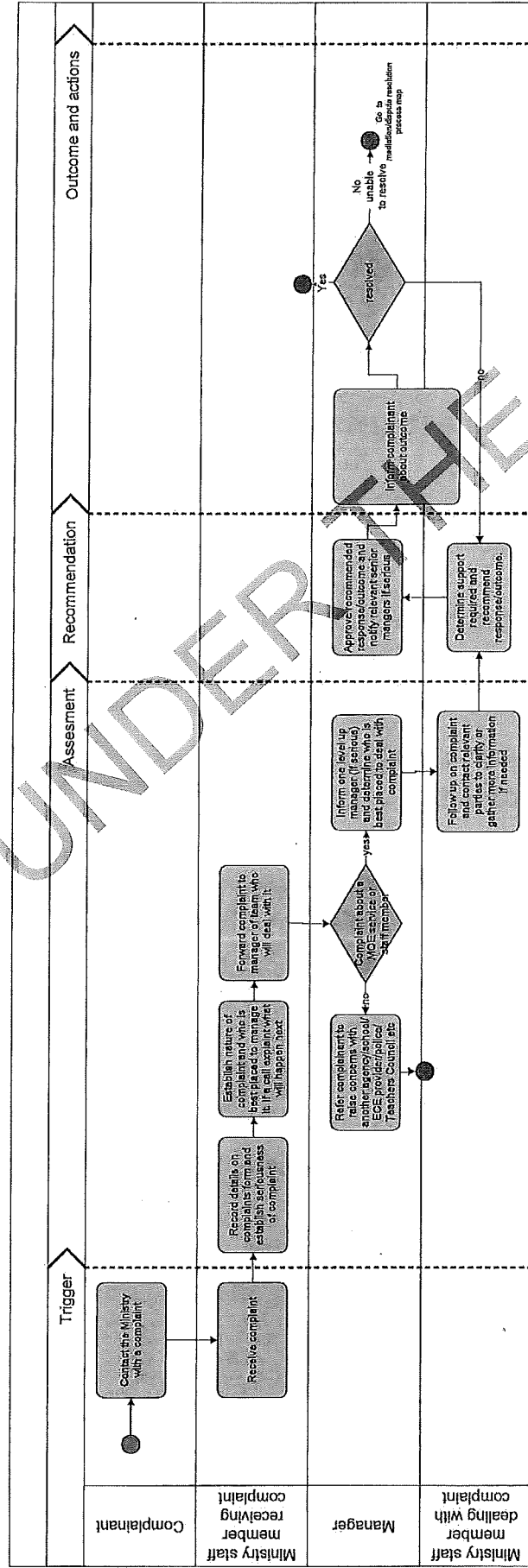
A detailed User Guide is contained in the notices section of the School Contact System desk, dated 29 November 2016.

Process Map

Complaints Management

Process 01

Complaint Management Process



Version date: 6/05/16