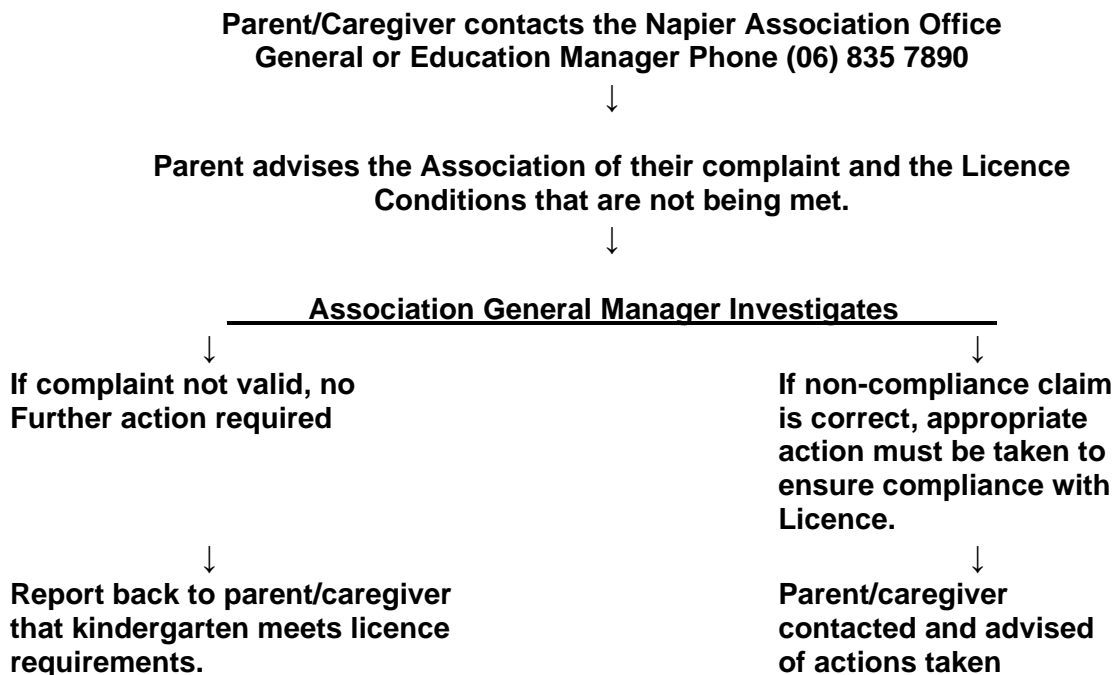


## **COMPLAINT PROCEDURE FOR NON-COMPLIANCE WITH LICENCE CONDITIONS**

This is the procedure to follow if a parent/caregiver has a concern or complaint about a kindergarten not complying with Licence conditions.

Please refer to the flow chart:



### **ACCESS TO EDUCATION REGULATIONS (ECE) 2008 and the ECE Licensing Criteria**

The Kindergarten will have a copy of the ECE regulations, ECE Licensing Criteria and their latest ERO report available to parents/caregivers, in places such as the Parent Library or Parent Noticeboards. Copies may also be obtained from the Association Office by contacting the General Manager or accessing online:

**ECE Regulations 2008**

<https://www.legislation.govt.nz/regulation/public/2008/0204/latest/DLM1412501.html>

**Licensing Criteria**

<https://www.education.govt.nz/early-childhood/licensing-and-regulations/the-regulatory-framework-for-ece/licensing-criteria/centre-based-ece-services>

Parents are strongly encouraged to follow this procedure to resolve complaints. If the complaint remains unresolved and it is related to an alleged breach of the Education (Early Childhood Services) Regulations 2008 or Licensing Criteria for ECE Centres 2008 parents may contact the local Ministry of Education office Ph: 06 833 6730 or freephone 0508 757 575

*Reference: ECE 2008 Licensing Criteria GMA1 and GMA2*

<b>NAPIER KINDERGARTEN ASSOCIATION CONCERNS/COMPLAINTS PROCEDURE</b>
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## **IF YOU HAVE A CONCERN OR COMPLAINT REGARDING AN ASSOCIATION DECISION, EMPLOYEE, BOARD MEMBER OR KINDERGARTEN WHAT SHOULD YOU DO?**

When there is a situation, process or decision you are unhappy with regarding our service or any of our employees and you want to communicate that to us, these are our procedures.

### **Definitions:**

**Concern:** a lower-level matter you are worried about, which most likely could be resolved via a conversation with the person concerned or via email and addressed by the provision of clarification, information or very low-level corrective measures. A concern may become a complaint if the complainant is unsatisfied with the outcome, or the matter being raised is of a more serious nature.

**Complaint:** concerns of a more serious nature about an issue that has not met the complainant's expectations, and which may require investigation and resolution. A complaint is more likely to require corrective measures if upheld and may result in disciplinary measures for an employee. If a complaint against an employee is to be investigated they have the right to know who has made the complaint and the specific details of the complaint. The complainant may be requested to submit the complaint in writing to either the General Manager or the President of the Board of Trustees.

### **Protected Disclosure:**

Allows identity protection to an employee who reports they have a reasonable belief that serious misconduct has been committed or is about to be committed by another employee.

### **Serious Misconduct**

Serious misconduct is behaviour which deeply impairs or is destructive of that basic confidence or trust that is essential to the employment relationship.

Serious Misconduct includes but is not limited to:

- (a) conduct which is threatening to the physical or emotional well-being of the children, parents/caregivers, teachers, other employees and/or association personnel and which occurs during the employee's hours of employment;
- (b) conduct which flouts statutory obligations;
- (c) conduct which shows disregard for the reasonable and lawful instructions of the employing Association;
- (d) conduct which intentionally or through negligence threatens the health and/or safety of children/parents/caregivers, teachers, other employees and/or Association personnel and which occurs during the employee's hours of employment;
- (e) conduct which results in conviction for a criminal offence which could impact on an employee's suitability for working within the Association.

**Note:** While the complaint may fall within the bounds of Serious Misconduct as defined above, each complaint must be taken in context and addressed according to the individual circumstances of the situation. It is not acceptable to categorize a

complaint as Serious Misconduct solely on the grounds that the conduct of the employee in question falls within the definition of Serious Misconduct stated above.

## **Procedures**

1. In the first instance a concern or complaint issue should be resolved directly and informally between the parties, where it is practicable to do so.
2. If you are unsatisfied with the outcome after raising it directly with the other party, or you cannot raise the matter with the other party directly, or you believe the matter is serious it may be raised verbally or in writing with any of the following
  - The Head Teacher
  - The Education Manager
  - The General Manager
  - The President of the Board (if the matter is about the General Manager)
3. The person receiving the complaint may refer the matter to another person from the list above for guidance or to undertake an investigation.
4. You may be asked to provide additional information, and/or submit the matter in writing to the General Manager or the President of the Board
5. A Protected Disclosure should be raised with the General Manager. If the matter being raised is about the General Manager, it should be raised with the President of the Board of Trustees.
6. We have procedures and guidance for managing complaints received which can be located on our website [www.napierkindergartens.co.nz](http://www.napierkindergartens.co.nz)

## **CONTACT INFORMATION:**

Education Manager	Ph: 835 7890 or email <a href="mailto:beth@napierkindergartens.co.nz">beth@napierkindergartens.co.nz</a>
General Manager	email <a href="mailto:gm@napierkindergartens.co.nz">gm@napierkindergartens.co.nz</a>
President	email <a href="mailto:president@napierkindergartens.co.nz">president@napierkindergartens.co.nz</a>

**ASSOCIATION ADDRESS:** 66 Kennedy Road Napier, P.O. Box 4298.

*Reference: ECE Licensing Criteria GMA7  
March 2025  
NELPS 1.1.2*