Resolving problems at school

Every child and young person has the right to be in education. There might be times when you’re concerned your child’s learning needs are not being met or you’re worried about something that’s happening with your child at school or kura.

Start by talking things through with your child’s classroom teacher. It’s important that you talk to school staff as soon as any problem arises.

You might also like to talk to your family and whānau, a friend, a community or support organisation, a kaumatua or iwi representative, or a Learning Support staff member you’re comfortable with.

If you’ve discussed the problem with the staff who work closest to your child and you’re still worried, the following steps might help you work towards a solution. Remember, you don’t have to work through things alone and can have support people alongside you if you need them.

Each school has its own processes for handling complaints. Please keep these in mind when talking to your child’s school.

Step 1 – Know the school and who to talk to
Ask for a copy of the school’s charter or strategic plan as well as the school’s policy on meeting learning support needs (previously special education), and their complaints procedure.

If the issue is not resolved, find out who you should talk to next and arrange a time to meet. This person might be the principal or, if it’s a larger school, another senior staff member, such as a deputy, assistant or associate principal.

Making an appointment is very important. For a problem to be dealt with, the people involved need to be able to give it their full attention. You might find a busy teacher or principal tries to get you to talk about it then and there.

Avoid this. Describe the issue in one sentence and then say “I (or we) really want to be able to discuss this without interruptions”.

Making an appointment can be the most important step in the process – it makes it clear this is an important issue for you and allows people the time to be heard and to come up with positive solutions.

Step 2 – Prepare
Gather information, making sure it’s accurate (it can help to make notes). Can you describe the problem or issue clearly? Has something happened that’s worrying you? Be specific.

Find someone you trust who will listen. They can suggest options and help you make a plan, and provide advice on how to approach the school, including who you might like to take with you for support.

You could also talk to specialists and people who know your child and their needs.
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**Step 3 – Discuss**

When you go to the meeting, take notes. You might find it helpful to take a support person. The teacher or principal might also have someone with them.

Keep the discussion as free of emotion as possible:
- have a positive vision for your child's future
- concentrate on resolving the problem
- focus on the issue, your child's needs and your concerns, not on the person you're talking to
- identify all the options and the best solutions for your child
- listen to the school's perspective, their needs and issues and offer positive suggestions
- be constructive
- take a long-term view and keep communication lines open.

**Step 4 – Resolve**

When you've come to an agreement, write it down and develop a plan to put things into action. You might want to organise another meeting to discuss progress of the plan.

**If the issue is unresolved**

In most cases, by discussing a problem with the school, you will all find and agree a solution together. However, if you’ve spoken to your child’s teacher and the principal, but still don’t feel that the problem has been resolved, then you might want to seek additional help. For instance, you may consider speaking to a parent support group or a disability advocacy group for advice and support.

Alternatively, you can also ask the Ministry for help from a facilitator under the Ministry’s Dispute Resolution Process*. This process is a tool to help you and the school work through the issue and come to an agreed solution together.

You can also choose to write to the school’s board of trustees who are the final decision makers in the school.

**Using the Ministry’s Dispute Resolution Process**

If you decide to ask the Ministry for help from a facilitator, the Ministry’s Dispute Resolution Process provides support to help you and the school get a problem sorted as quickly as possible. It is voluntary and there is no charge to schools or parents for this support.

You can use this process if you’ve spoken to your child’s teacher or principal, but can’t agree a way forward. You won’t be able to use it if:
- you’ve already taken your concern to the board and it has given you its decision
- you’ve already made a complaint to the Human Rights Commission or the Office of the Ombudsman.

**Ministry facilitation:** If you and the school agree, you can ask the Ministry for help from someone trained in facilitation. They will help you and your child’s school talk and work together to find a practical solution.

**Ministry review:** If a facilitated meeting doesn’t work, you or your child’s school can then ask for a Ministry review. This review will check that everything that should have been done has been done.

**Independent mediation:** If the Ministry thinks it would be helpful, and everyone agrees, it will arrange for independent mediation. The mediator will hold a meeting to make sure everyone’s views are heard and to help you and your child’s school agree the best way forward for your child.

It’s important to remember that the mediator is not there to speak on anyone’s behalf or to enforce. The mediator is there to help you and your child’s school solve problems together.

**Taking your problem to the school board**

If you want to take an issue to the board, this needs to be in writing. Your request needs to be received in time to be placed on their monthly agenda.

You might be asked to come to the board meeting to discuss the issue or, in some cases, the board might form a committee to look into your complaint.

You might want to take a friend or support person along when you meet the board.

Unless your complaint is about the principal, the board will expect that you have already completed all the steps of the school’s complaints procedure before bringing the matter to them.

**Making a complaint about a school**

If you think the board of trustees has not followed the school’s complaints process properly, or you want to challenge some part of the process, you can contact the Ministry’s Director of Education for your region.

You can also make a complaint to the Office of the Ombudsman. The Ombudsman can investigate the process the board of trustees used to deal with the complaint and make recommendations.

You can also contact the Human Rights Commission or the Office of the Children’s Commissioner at any time.

* Rollout of the Dispute Resolution Process is being phased, with services initially being offered in three regions: Auckland, Whanganui/Manawatu and Nelson/Marlborough/West Coast.
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**Pathway One – Dispute Resolution Process**

- Parent discusses issue with teacher and/or principal
- If issue is not resolved, parent and school can choose Pathway One or Two
- Parent and school can ask for Ministry facilitation
- Ministry arrange and facilitate a meeting
- Issue resolved OR If not resolved, the parent and school can request a review
- Ministry Director of Education reviews to check everything that should have been done, has been done
- Director recommends other options to resolve the issue OR Director approves independent mediation if everyone agrees this will help resolve the issue
- Ministry arranges mediation for the parent and school with an independent mediator
- Issue resolved OR If not resolved, parent can opt to follow Pathway Two
- Issue resolved OR Parent can contact external agencies, e.g. the Human Rights Commission, or Office of the Ombudsman

**Pathway Two – School Board of Trustees**

- Parent can write to the school board
- Board makes a decision
- Issue resolved OR Parent can contact external agencies, e.g. the Human Rights Commission, or Office of the Ombudsman

**Note:**

- Parents can choose to exit the Dispute Resolution Process (Pathway One) and opt to write to the school board (Pathway Two) at any time.
- A problem can’t be referred to the Dispute Resolution Process (Pathway One) if the school board has already considered the issue and made a decision.
- Parents can contact external agencies such as the Human Rights Commission or Office of the Ombudsman, at any time. However, a problem can’t be referred to the Dispute Resolution Process or the school board if the Human Rights Commission or Office of the Ombudsman have already considered the issue and made a decision.

**Useful contacts**

**Ministry of Education:**

- **Auckland regional office**
  Phone: 09 632 9400
  Email: enquiries.auckland@education.govt.nz
- **Whanganui/Manawatu regional office**
  Phone: 06 349 6300
  Email: enquiries.whanganui@education.govt.nz
- **Nelson, Marlborough/West Coast regional office**
  Phone: 03 546 3470
  Email: enquiries.nelson@education.govt.nz
- **National office**
  Phone: 0800 622 222
  Email: learning.supportmailbox@education.govt.nz

**Student Rights Service:**

- Community Law
  Free phone: 0800 499 488
  http://studentrights.nz/

- **Office of the Ombudsman:**
  Free phone: 0800 802 602
  Email: info@ombudsman.parliament.nz

- **Office of the Children’s Commissioner:**
  Free phone: 0800 224 453
  Email: advice@occ.org.nz

- **Human Rights Commission:**
  Free Phone 0800 496 877
  Email: infoline@hrc.co.nz