

# ROSENEATH SCHOOL EMPLOYMENT POLICY

## CONTENTS:

Page:	Chapter:
2	Appointment of Staff
6	Appointment of Principal
9	Allocation of Units
12	Classroom Release Time
14	Complaints Against Staff
18	Equal Employment Opportunities
20	Performance Appraisal of Staff
22	Performance Appraisal of Principal
24	Professional Development
26	Protected Disclosures
29	Secondary Employment
30	Staff Discipline
31	Staff Leave
Appendix A	Equal Employment Opportunity Programme
Appendix B	Model Principal Performance Agreement
Appendix C	Staff Code of Conduct

**REVOCATION:** this Roseneath School Employment Policy revokes all former employment policies at Roseneath School ("**School**").

**GENERAL STATEMENT:** the Roseneath School Employment Policy deals with the appointment and review of all staff (teaching and non-teaching), equal employment opportunity, appraisals and the professional development of staff in the immediate School community. The desired outcome of the Roseneath School Employment Policy is that:

- *Roseneath School is a good employer and will meet all its legislative, contractual and equitable obligations to staff, and*
- *Roseneath School supports, develops and maintains a motivated and capable team of teaching and support staff, in order to provide the best learning environment for our students.*

**GENERAL STRUCTURE / CROSS-REFERENCES:** the Roseneath School Employment Policy comprises a number of Chapters dealing with different aspects of employment at the School. Each Chapter is to be read in conjunction with the other Chapters due to the interconnected nature of employment issues. Cross-references to other policies will generally be appropriate. Staff must also take into account other applicable legislation (particularly the State Sector Act 1988 and the Employment Relations Act 2000), Codes of Practice, New Zealand School Trustees Association and Ministry of Education guidelines and, where appropriate, best practice.

APPROVED:



DATE:

11 April 2017

REVIEW DATE:

April 2020

## **APPOINTMENT OF STAFF**

### **Compulsory cross-reference documents:**

This Appointment of Staff policy Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, particularly, but without limitation, the Employment Relations Act 2000, the State Sector Act 1988, the Education Act 1989, the Privacy Act 1993, the Human Rights Act 1993, the Immigration Act 1995, the Equal Pay Act 1972, and the Criminal Records (Clean Slate) Act 2004;
- Codes of Practice, and New Zealand School Trustees Association and Ministry of Education guidelines;
- the School Management Policy;
- the remainder of the Employment Policy (in particular, the Equal Employment Opportunity Chapter).

### **Description and purpose of Appointment of Staff Chapter:**

The Appointment of Staff Chapter of the Roseneath School Employment Policy deals with the appointment of all staff (teaching and non-teaching) at the School, and in doing so, ensuring that equal employment opportunities exist.

Our Appointment of Staff Chapter aims to:

- set out guidelines for the appointment of staff at the School;
- ensure all staff appointments are made using equitable and transparent procedures so that the best available person suited to the position is appointed; and
- incorporate principles of the Equal Employment Opportunity Policy.

### **Guidelines:**

#### *General*

1. These procedures are guidelines only. The Appointments Committee ("**Committee**") may, where necessary, choose to establish alternate procedures depending on the type of appointment to be made.
2. These guidelines apply to the appointments of to all teaching and non-teaching staff (excluding the Principal).
3. Any appointments made by or in respect of the School must be made consistently with the School's Equal Employment Opportunity Policy.
4. At all times throughout the appointment process, the applicants' privacy will be maintained.

#### *Job description and person specification*

5. The Principal will write a job description reflecting the School Charter and associated policies. This will include the main functions and accountabilities of the role.

6. The Principal will write a person specification setting out (without limitation):
  - qualifications required;
  - personal and/or performance qualities desired; and
  - pre-requisites, including skills, experiences and essential and/or preferred attributes.
7. The Principal will decide upon a list of selection criteria and the weightings to be given to each criterion. These will be used consistently for all applicants.

#### *Appointments Committee*

8. The Principal will create an Appointments Committee for the purposes of appointment.
9. Where permanent teaching staff are to be appointed, the Committee will consist of (without limitation) the Principal, Deputy Principal and another Board of Trustees ("**Board**") member.
10. If a Deputy Principal is to be appointed, then a current teacher will be part of the Committee.
11. Where support staff are to be appointed, the Committee will consist (without limitation) of the Principal and Deputy Principal. If a teacher is to work closely with the support staff member being appointed, then that teacher may be asked to join the Committee.
12. If the support staff member being appointed is to work closely with a special needs child in the School, then a parent of that child may be invited to join the Committee.
13. The Committee will approve the job description and person specification, if satisfied that they are appropriate, prior to the position being advertised.

#### *Selection criteria*

14. The Committee will decide upon a list of selection criteria and the weightings to be given to each criterion. These will be used consistently for all applicants.
15. The Committee will deal fairly and transparently with all applications, particularly where a current staff member is applying. All applicants need to be considered on merit and assessed against the same criteria.

#### *Advertising position*

16. The Principal will draw up an advertisement for the Education Gazette to include (without limitation):
  - school identification code;
  - school location;
  - job and brief outline of duties;
  - qualifications or desirable attributes;
  - name from which applications may be obtained;
  - address for written applications; and
  - closing date for receipts of applications (the postal rule will apply).

#### *Application procedure*

17. Prospective applicants will contact the school for an application form, job description, and person specification.

18. The school and community description, including a copy of the Equal Employment Opportunity Policy, will also be provided to each applicant.
19. The Committee will acknowledge receipt of all applications in writing.

#### *Evaluation of applications*

20. The Committee will compile a shortlist of applicants whom it intends to interview, based upon the selection criteria and weightings.
21. Short-listed applicants will be contacted by telephone to arrange an interview time.
22. The Principal will contact each short-listed applicants' referees and ensure compliance with relevant teachers' registration requirements.

#### *Police vetting*

23. The Board must comply with the requirements under the Education Act 1989 in relation to Police vetting of employees at the School.
24. The vetting process is confidential and adverse action may not be taken against the subject of a vet without the person being given an opportunity to validate the vet information.
25. The information contained in a Police vet should be stored so that only those required to access the information are able to do so. Information contained in the vet should be destroyed when no longer required.
26. If the Police vet reveals criminal offences or concerns by the police, then the Board will consider whether the information should affect employment at the School. The Board will establish screening criteria with:
  - clear guidelines stating which offences are relevant;
  - what offences will disqualify an applicant;
  - what other factors will be considered (for example, how serious the offence was, and whether it was a one-off offence or a pattern of offending); and
  - how the rights of the applicant will be preserved.

#### *Interviewing and evaluation of short-listed applicants*

27. Short-listed applicants may bring support person(s) to the interview if they wish but the applicant will inform the School at least 24 hours prior to the interview if they will bring support person(s), in order that arrangements can be made.
28. Prior to the interview, the Committee will meet to review referees' responses and formulate a set of questions to be asked consistently during all interviews. During the interview, each member of the interview panel will ask specific questions.
29. After the interview, each short-listed applicant will be evaluated on the selection criteria and weightings.
30. The Principal, Board and Committee will also have appropriate regard to the requirements of the Employment Opportunities Policy.

#### *Successful applicant*

31. The successful applicant will be advised of the conditional appointment subject to the Board's approval. Unsuccessful applicants will be advised that they were unsuccessful by telephone.
32. The Principal will inform the successful applicant of their appointment (subject to confirmation in writing).

33. The Principal will notify the relevant school payroll administrator of details relating to the salary payment once bank account details have been supplied.
34. The Board Chairperson will write to the successful applicant welcoming them to the school and detailing the terms of their appointment. A copy of the employment agreement and School policies will also be supplied to the successful applicant.

*Conditions of employment*

35. All staff are employed under an individual or collective employment agreement.
36. The School will comply with all relevant agreements and statutes that affect the staff's employment conditions.
37. The School and all staff must comply with the requirement to conduct the employment relationship in good faith, as required under the Employment Relations Act 2000. This involves (but is not limited to) both parties dealing with each other honestly and openly.
38. All staff must comply with the Staff Code of Conduct.
- 39.

## APPOINTMENT OF PRINCIPAL

### Compulsory cross-reference documents:

This Appointment of Principal policy Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, particularly, but without limitation, the Employment Relations Act 2000, the State Sector Act 1988, the Education Act 1989, the Privacy Act 1993, the Human Rights Act 1993, the Immigration Act 1995, the Equal Pay Act 1972, and the Criminal Records (Clean Slate) Act 2004;
- Codes of Practice, and New Zealand School Trustees Association and Ministry of Education guidelines, particularly (but not limited to) the NZSTA *Guidelines for Boards of Trustees: Principal Appointment*;
- the School Management Policy;
- the remainder of the Employment Policy (in particular, the Equal Employment Opportunity Chapter).

### Description and purpose of Appointment of Principal Chapter:

The Appointment of Principal Chapter of the Roseneath School Employment Policy deals with the appointment of the Principal at the School, and in doing so, ensuring that equal employment opportunities exist.

Our Appointment of Principal Chapter aims to:

- set out guidelines for the appointment of the Principal at the School;
- ensure the appointment of the Principal is made using equitable and transparent procedures to ensure the best available person suited to the position is appointed; and
- incorporate principles of the Equal Employment Opportunity Policy.

### Guidelines:

#### *General*

1. The Board of Trustees ("**Board**") is responsible for appointing a new Principal.
2. Any appointments made by or in respect of the School must be made consistently with the School's Equal Employment Opportunity Chapter of the Employment Policy.
3. At all times throughout the appointment process, the applicants' privacy will be maintained.
4. The retiring Principal will not be involved in the appointment process.

#### *Job description and person specification*

5. The Board will write a job description for the Principal's role, which reflects the School Charter and associated policies. This will include the main functions and accountabilities of the role.
6. The Board will write a person specification setting out (without limitation):

- qualifications required;
- personal and/or performance qualities desired; and
- pre-requisites, including skills, experiences, and essential and/or preferred attributes.

#### *Appointments Committee*

7. If the Board desires, it may create an Appointment Committee ("**Committee**") for the purposes of appointment.
8. The Board will continue to be responsible for the formal appointment of a new Principal; the Committee's role is to assist the Board in carrying out the requisite stages of the appointment process.
9. The Committee will approve the job description and person specification, if satisfied that they are appropriate, prior to the position being advertised.
10. In the event that the Board has decided not to create a Committee, all references to "Committee" hereafter in this Appointment of Principal policy Chapter refer to the Board.

#### *Selection criteria*

11. The Committee will decide upon a list of selection criteria and the weightings to be given to each criterion. These will be used consistently for all applicants.
12. The Board and Committee will deal fairly and transparently with all applications, particularly where a current staff member is applying. All applicants need to be considered on merit and assessed against the same criteria.

#### *Advertising position*

13. The Committee will draw up an advertisement for the Education Gazette to include (without limitation):
  - school identification code;
  - school location;
  - job and brief outline of duties;
  - qualifications or desirable attributes;
  - name from which applications may be obtained;
  - address for written applications; and
  - closing date for receipts of applications (the postal rule will apply).

#### *Application procedure*

14. Prospective applicants will contact the school for an application form, job description, and person specification.
15. The school and community description, including a copy of the Equal Employment Opportunity Chapter, will also be provided to each applicant.
16. The Board will acknowledge receipt of all applications in writing.

#### *Evaluation of applications*

17. The Committee will compile a shortlist of applicants who it intends to interview, based on the selection criteria and weightings.
18. Short-listed applicants will be contacted by telephone to arrange an interview time.
19. The Committee will contact each short-listed applicants' referees and ensure compliance with relevant teachers' registration requirements.

#### *Interviewing and evaluation of short-listed applicants*

20. Short-listed applicants may bring support person(s) to the interview if they wish but the applicant will inform the School at least 24 hours prior to the interview in order that arrangements can be made.
21. Prior to the interview, the Committee will meet to review referees' responses and formulate a set of questions to be asked consistently during all interviews. During the interview, each member of the interview panel will ask specific questions.
22. Applicants' referees can also be contacted after each applicant's interview is completed.
23. After the interview, each short-listed applicant will be evaluated based upon the selection criteria and weightings. The Committee will recommend its preferred applicant(s), with reasons, to the Board.
24. The Board will make its decision on the successful applicant.

#### *Successful applicant*

25. The successful applicant will be advised of the conditional appointment subject to the Board of Trustees' approval. Unsuccessful applicants will be advised that they were unsuccessful.
26. The Board will inform the successful applicant of their appointment (subject to confirmation in writing).
27. The Board will notify the relevant school payroll administrator of details relating to the salary payment.
28. The Chairperson of the Board will write to the successful applicant welcoming them to the school and detailing the terms of their appointment.

#### *Conditions of employment*

29. All staff are employed under an individual or collective employment agreement.
30. The School will comply with all relevant agreements and statutes that affect the staff's employment conditions.
31. The School and all staff must comply with the requirement to conduct the employment relationship in good faith, as required under the Employment Relations Act 2000. This involves (but is not limited to) both parties dealing with each other honestly and openly.
32. All staff must comply with the Staff Code of Conduct.



## ALLOCATION OF UNITS

### Compulsory cross-reference documents:

This Allocation of Units Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation and Codes of Practice;
- the New Zealand Educational Institute, New Zealand School Trustees Association, and Ministry of Education guidelines, particularly the "Unit Allocation Guidelines";
- the New Zealand Educational Institute's *Unit Allocation Guidelines*; and
- the remainder of the Employment Policy (in particular, the Appointment of Staff and Appointment of Principal Chapters).

### Description and purpose of Allocation of Units Chapter:

The Allocation of Units Chapter of the Roseneath School Employment Policy deals with the fair and equitable allocation of management units to help the School to meet its priorities. Unit allocations are intended to remunerate teachers in leadership positions and positions of additional teaching and learning responsibility, and to support career pathways for primary teachers.

Our Allocation of Units Chapter aims to:

- guarantee to all staff that the process of allocating Management Units and Units for Responsibility, Recruitment, Retention or Reward is transparent and equitable;
- ensure teaching staff are consulted when developing and reviewing the unit allocation policy;
- ensure the implementation of the school's priorities through recruitment, retention and reward of appropriately skilled and knowledgeable teachers; and
- to ensure a balanced management team that supports school processes, procedures and initiatives.

### Guidelines:

#### *General principles*

1. Units will only be allocated to teaching staff.
2. Units may be allocated on a permanent or fixed-term basis.
3. Units will be allocated in accordance with:
  - the applicable collective agreement; and
  - the *Unit Allocation Guidelines* issued jointly by the Ministry of Education, New Zealand Educational Institute, and New Zealand School Trustees Association.
4. There will be clear job specifications for positions with units attached. These will be made available in advance of the distribution of the units to teachers. The job description will form part of the future evaluation and appraisal of the performance of the unit holder.

5. Units will be allocated, and new roles created, on the basis of the identified needs of the School.
6. Units will be allocated to provide recognition and reward for leadership and management of teaching and learning, not simply workload.
7. Allocation of units is based on objective criteria; ie, to positions, rather than to specific people holding positions.
8. Teaching staff will be consulted in the development or regular revision of the unit allocation policy and procedures.

#### *Responsibility for allocation*

9. The allocation of units will be the responsibility of the Principal, who will:
  - consult staff;
  - manage the process;
  - determine the priorities for the allocation of permanent and fixed-term units;
  - report to the Board of Trustees ("**Board**") annually on the unit allocations (or whenever any alterations are made).
10. Responsibility for these tasks can be delegated to the Board of Trustees as the Principal thinks fit.

#### *Permanent Units*

11. A minimum of 60% of the School's unit entitlement must be permanently allocated to teachers.
12. Permanent units will be allocated for senior and middle management positions at the School and, once allocated, become part of a teacher's remuneration.
13. The number of units allocated to these positions will be identified on the job specifications for the position.
14. At the time of appointment, any change of responsibility and status of each position will be reflected in a change in the number of units allocated.
15. Surplus units may then be distributed to other or new management positions to meet identified School priorities.

#### *Fixed-term Units*

16. Fixed-term units will be allocated to individuals who are in fixed-term roles (ie roles that come to an end at a specified time / specified event).
17. Fixed-term units will be associated with a job description and a clear process for performance management, so the tenure of the role will be sufficient to ensure the goals of the role can be met.
18. Teaching staff applying for a fixed-term unit will apply to the Principal in writing. The application will outline the unit the applicant is applying for, relevant expertise, previous experience, and the reason for their interest.
19. The Principal will consider all applicants and make a recommendation to the Board of Trustees. The Principal may consult with staff and the Board of Trustees in making the decision.

20. The successful applicant will be informed in writing. Upon acceptance, unsuccessful applicants will be informed and all staff will be notified of the fixed-term unit allocations for the following school year.

## CLASSROOM RELEASE TIME

### Compulsory cross-reference documents:

This Classroom Release Time policy Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, Codes of Practice and Ministry of Education guidelines;
- the School Management Policy;
- the remainder of the Employment Policy.

### Description and purpose of Classroom Release Time Chapter:

The Classroom Release Time Chapter of the Roseneath School Employment Policy deals with the use of classroom release time by staff at the School. The purpose of classroom release time is to address teacher workload while maximising the benefits for student learning. The use of classroom release time will be useful for the School's teaching and learning programmes, teachers' professional growth, and the students' learning needs.

Our Classroom Release Time Chapter aims to:

- set out guidelines for the most common uses for classroom release time at the School.

### Guidelines:

#### *Classroom release time policy*

1. The Board of Trustees ("**Board**") will delegate responsibility for deciding how classroom release time can be used to the Principal.
2. The Principal should consult with teachers on designing the operational policy and uses for classroom release time.
3. Once this policy has been designed, the final policy should be presented to the Board and minuted at a subsequent meeting of the Board.

#### *Common uses of classroom release time*

4. This list of common uses for classroom release time is not exhaustive and may be amended through consultation with teachers, and between the Principal and individual teachers.
5. In our School, classroom release time will be used for (but not limited to):
  - planning;
  - evaluation;
  - reporting;
  - personal professional development;
  - observing other teachers;
  - reading / research;

- syndicate meetings;
  - assessment;
  - marking student work;
  - carrying out curriculum responsibilities; and/or
  - any other use agreed to from time to time between the teacher and Principal.
6. Classroom release time is not to be used for personal business or to leave the School. All teachers are required to remain on School grounds during the School day unless the Principal has agreed otherwise.

*Allocation of classroom release time*

7. Each classroom teacher will be rostered one hour per week or two hours per fortnight, amounting to 10 hours per term.
8. The roster will be generated by the Deputy Principal, taking into account (where possible) the requests of individual teachers.

*Where classroom release time cannot be provided for genuine reasons*

9. Where School sessions prevent allocation of precisely 10 hours of classroom release time per term, the School shall endeavour to provide as close as possible to this entitlement including, where needed, advanced or delayed entitlement across the 4 terms of each school year.
10. Where, for genuine reasons, during term planning or at short notice, it is not possible to provide classroom release time to an individual or group of teachers, the School will:
- record the reason for non-delivery in writing;
  - endeavour to re-allocate the classroom release time at a later date in that school year;
  - review the classroom release time policy if required; and
  - use the record of non-delivery when reviewing this policy.

*Review of classroom release time policy*

11. This policy will be reviewed as required in the following instances (without limitation):
- staff turnover;
  - recruitment / retention issues;
  - new education initiatives;
  - concern about benefits to student learning; and/or
  - any other genuine issue or concern.

## COMPLAINTS AGAINST STAFF

### Compulsory cross-reference documents:

This Complaints Against Staff policy Chapter is to be read in conjunction with:

- any applicable individual collective employment agreement;
- the applicable legislation, including (but not limited to) the Employment Relations Act 2000, Protected Disclosures Act 2000, the Education Act 1989, and the Privacy Act 1993;
- Codes of Practice and Ministry of Education guidelines;
- the New Zealand Educational Institute and New Zealand Teachers Council guidelines;
- the School Management Policy;
- the remainder of the Employment Policy (in particular, the Protected Disclosures Chapter, and the Staff Discipline Chapter).

### Description and purpose of Complaints Against Staff Chapter:

The Complaints Against Staff Chapter of the Roseneath School Employment Policy deals with complaints concerning the actions of staff members at the School. Our aim is to ensure that all complaints are fully and fairly investigated and resolved using established procedures which follow the principles of natural justice and reflect the actions of a good employer and employee. We also aim to ensure that matters causing concern to parents are dealt with efficiently and effectively.

Our Complaints Against Staff Chapter aims to:

- ensure there is a clearly understood process for receiving, investigating and resolving complaints made about the actions of staff members at the School;
- ensure that complaints about the actions of staff are taken seriously, investigated fully and fairly, and resolved promptly;
- ensure the rights of both the complainant and staff member are respected and protected during the resolution of the complaint; and
- ensure that the staff member is kept informed about progress in resolution of the complaint or of any disciplinary or competency procedures which might be involved.

### Guidelines:

#### *Key Principles*

1. The relationship between the School, staff, and parents / caregivers / whānau is one of mutual respect and communication. Staff and parents / caregivers / whānau must be committed to the wellbeing of students and to their educational and social development. The School and parents / caregivers / whānau have the right to expect high professional standards.
2. In the case of a concern arising about a staff member from other staff members, students, and / or parents / caregivers / whānau, all procedures to achieve resolution will be conducted in good faith and with an open mind.

3. The Principal and Board will recognise the need to be aware of the differences between complaints, discipline and competency procedures, and will identify to all parties the nature of any of these procedures which is in operation.
4. At all points throughout the complaints and resolution process, confidentiality must be maintained.

#### *Coverage*

5. This policy covers the activities of all staff members:
  - within the School;
  - involved in School activities either in the School or elsewhere, during or outside normal school hours; and
  - undertaking other activities outside the School which might directly affect their professional role, or the well-being or safety of students in the School.

#### *Complaints process at first instance*

6. In the case of a concern arising about a staff member from other staff members, students, and/or parents / caregivers / whānau, first resort will be at the point of that concern. At first instance, the concern will be dealt with through discussion, mediation and/or corrective action, which is acceptable to the parties directly involved.
7. The presumption behind the policy is that with goodwill on both sides and a genuine wish to resolve a perceived or actual problem, it is best to approach the source of the problem directly.
  - If it is a concern about what happens in the classroom, the teacher will be approached directly by the person with the concern.
  - If it is a concern over matters dealt with in the office, the School secretary will be approached directly by the person with the concern.
  - If it is a concern over the exercise of management, the Principal will be approached directly by the person with the concern.
  - If it is a concern over policy and governance, one (or more) members of the Board Trustees will be approached directly by the person with the concern.
  - If it is a concern over any other matter not covered above, the Principal will be approached directly by the person with the concern.
8. The person with the concern may bring a support person(s) with them when approaching the appropriate person(s) if they wish.

#### *Making a formal complaint*

9. If the concern is not resolved through informal processes, or if the concern is of a serious nature, the person making the complaint should lodge a written complaint with the appropriate person / authority:
  - The Principal is responsible for receiving, investigating and resolving complaints about the actions of staff members.
  - If the Principal is the subject of a serious complaint / unresolved concern, then the Board will assume responsibility for receiving, investigating and resolving complaints about the actions of staff members.

- If the Board is the subject of a serious complaint / unresolved concern, the next appropriate authority will assume responsibility. This could be one or more of a number of education authorities (for example, the Ministry of Education, the New Zealand Teachers Council, or the State Services Commission).
  - If a complaint includes allegations and evidence of serious criminal activity by a staff member which might directly affect the well-being or safety of students, then the Police will be informed by the Principal and further investigations undertaken after consultation with the Police.
10. The complainant will verify the written complaint as accurate and sign the written complaint. The complaint will then be referred to the Principal, Chairperson, or appropriate authority (as above).

#### *Responding to a formal complaint*

11. Upon receiving a written complaint, the Principal or Board's (as above) first responsibility is to make sure that the students are safe and secure.
12. The Principal or Board (as above) will make an initial assessment as to whether the complaint seems to be made in good faith and whether there are sufficient grounds for investigating the matter further. These reasons will be documented in writing. If sufficient grounds do not exist, the complaint will be rejected and parties informed, in writing, with reasons for the decision.
13. Where a complainant alleges that a staff member has engaged in serious misconduct, the procedure set out in paragraphs 11 to 16 of the Staff Discipline Chapter below applies.
14. Any person whose actions are the subject of a serious complaint, which may result in the initiation of disciplinary or competency procedures, will be advised of the detail of the complaint as soon as possible and (except in circumstances where summary dismissal without notice has been issued against a staff member in relation to a complaint of serious misconduct) the subject of the complaint will be given reasonable time to seek advice and to respond to the complaint.
15. The Principal or Board (as above) will conduct a full and impartial investigation of all written complaints and report the findings to the parties directly involved. The Principal should negotiate with all parties (together desirably, separately if necessary) to come to an acceptable solution.

#### *When the Board is the "appropriate authority"*

16. If a complaint against a staff member (other than the Principal) is not resolved through this process, or if they are dissatisfied with the Principal's findings, the Principal will advise the concerned party / parties of their right to refer the complaint, in writing, to the Board. The Principal will give the Board an account of the preceding events relating to the complaint.
17. The Board will consider whether the previous action taken by the Principal was:
- appropriate; and
  - sufficient.
18. If the action was both appropriate and sufficient, the Board will advise the complainant accordingly, and the matter is closed.
19. If the action was either not appropriate and / or not sufficient, the Board will consider what further action should be taken and what mechanism it will use to progress the case. The alternatives include (but are not limited to):
- hiring legal and/or investigative expertise;
  - undertaking an investigation of its own; and/or



- referring a case directly to the New Zealand Teachers Council.
20. If the Board decides to undertake its own investigation, it will:
- set up an ad hoc Personnel Committee with responsibility for the task; and
  - design a brief for the Personnel Committee that states the purposes of the investigation, the terms and conditions of the investigation, and the mechanism for reporting on the outcome. Alternatively, it may ask the Personnel Committee to construct its own brief and refer it back to the Board for ratification.
21. The Personnel Committee will conduct a full enquiry, and give the complainant and/or their legal advisors to respond to the allegations. The Personnel Committee will submit its written report to the Board, which determines what action, if any, is required
22. During any investigation and resolution of a serious complaint the Principal and Board will ensure that:
- the person who is the subject of the complaint is kept informed, in writing, on the progress of the resolution of the complaint at all times;
  - the person's, who is the subject of the complaint, right to seek advice, support or counselling is protected;
  - relevant provisions in legislation and employment agreements are adhered to;
  - the investigation is full and fair;
  - the principles of natural justice are observed, which include: the presumption of innocence (until proven guilty), the accused's right of access to charges, the right to legal help, the right of reply, the right of redress, and the exercise of principles of evidence;
  - a full written record is kept of all significant discussions, decisions and actions during resolution of a complaint; and
  - students and their safety are kept as a prime consideration throughout the process.

*New Zealand Teachers Council*

23. Parents / caregivers / whānau have the right to refer a complaint against a teacher to the New Zealand Teachers Council. The Council is then obliged to notify the school that it has received a complaint and ask whether the School knows of the complaint and, if so, what it has done about it.
24. The Council has the right to determine whether or not it has grounds to undertake its own investigation.

## EQUAL EMPLOYMENT OPPORTUNITIES

### Compulsory cross-reference documents:

This Equal Employment Opportunities Chapter is to be read in conjunction with:

- any applicable individual and/or collective employment agreement;
- the applicable legislation, in particular (but not limited to), the State Sector Act 1988, the Employment Relations Act 2000, the Privacy Act 1993, the Human Rights Act 1993, the Bill of Rights Act 1990, and the Equal Pay Act 1972;
- Codes of Practice and Ministry of Education guidelines;
- the Curriculum Policy;
- the School Management Policy;
- the remainder of the Employment Policy (in particular, the Appointment of Staff and Appointment of Principal Chapters).

### Description and purpose of Equal Employment Opportunities Chapter:

The Equal Employment Opportunities Chapter of the Roseneath School Employment Policy deals with that ensuring every member of staff is entitled to equal opportunity and treatment in employment at the School. Equal employment opportunities is about creating a workplace that attracts, retains and values diverse staff, and enables all staff to contribute to their full potential, so that the School creates an effective learning environment for students.

Our Equal Employment Opportunities Chapter aims to:

- ensure discriminatory practices and policies in employment are identified and eliminated at the School;
- ensure all staff are treated equitably;
- ensure an environment is provided where diverse staff are welcomed, valued, provided with development opportunities, and supported, so they can achieve their full potential; and
- ensure a non-discriminatory, culturally-sensitive and safe working environment is provided for all staff at the School.

### Equal Employment Opportunity Programme

#### Guidelines:

1. The School will implement a programme of equal opportunity and treatment in employment ("**EEO programme**") in consultation with staff members and the Board. All School policies will comply with this commitment. The EEO programme is **attached** at Appendix 1.
2. This EEO programme will be communicated to all staff and form part of the everyday management of the School.
3. The Board will make reasonably necessary resources available for the EEO programme's implementation and monitor its results.

4. The Board will regularly review employment-related policies and procedures to ensure compliance with the EEO programme.
5. The Appointments Committee will ensure that any employment-related decision does not discriminate against staff.
6. The Board of Trustees should be familiar with:
  - the employment contracts of the School's staff;
  - any applicable collective agreements;
  - the minimum standards of employment under the applicable legislation; and
  - any other applicable legislation.
7. The Board will have a procedure in place in which staff are able to voice their concerns they have about being disadvantaged / discriminated against or treated unfairly by the School or their employment conditions.
  - A checklist for staff to identify possible areas of disadvantage / discrimination is **attached** at Appendix 1.
  - Staff should be informed that they should approach the Chairperson of the Board if they have any concerns about disadvantage / discrimination or possible disadvantage / discrimination they, or another staff member, are / have been / may experience.

## PERFORMANCE APPRAISAL OF STAFF

### Compulsory cross-reference documents:

This Performance Appraisal Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the State Sector Act 1988, the Privacy Act 1993, and the Official Information Act 1982;
- Codes of Practice and Ministry of Education guidelines, particularly (but not limited to) the *Interim Professional Standards for Primary School Teachers*;
- the Curriculum Policy;
- the School Management Policy;
- the remainder of the Employment Policy (in particular, the Complaints against Staff, Appointment of Staff and Professional Development Chapters).

### Description and purpose of Performance Appraisal Chapter:

The Performance Appraisal Chapter of the Roseneath School Employment Policy deals with systematic and regular appraisal of teachers' professional performance in order to develop and maintain worthwhile improvements in their teaching and the students' learning.

An effective appraisal process will lead to greater motivation and higher quality teaching and learning programmes. The Board of Trustees ("**Board**") also considers that the appraisal process plays an important role in the School achieving its strategic goals and maintaining a culture of professional excellence.

Our Performance Appraisal Chapter aims to:

- establish an agreed performance appraisal process which is open and transparent;
- embody the relevant matters to be taken into account when assessing the performance of teachers, as required by the Chief Executive of the Ministry of Education under the State Sector Act 1988;
- specify the participants in performance appraisals; and
- set out the procedures to be followed.

### Guidelines:

#### *Procedures*

1. The Principal is responsible for the overall process of staff appraisal and evaluation, and the Board will ensure that the Principal carries out this responsibility.
2. An agreed set of performance expectations for staff will form the basis of appraisal. These will be reviewed on a regular basis. In addition, the staff member's job description and the Ministry of Education's *Interim Professional Standards for Primary School Teachers* underline the performance expectations.

3. Performance appraisal is developmental in intent. Serious issues of competence are not dealt with under this policy.
4. Each teacher will participate in the appraisal process at least once within a 12 month period.
5. Personal development objectives will be identified and written annually.
6. Performance expectations for teachers must relate to the key professional responsibilities and key performance areas of their position. These will include, as a minimum:
  - teaching responsibilities;
  - school-wide responsibilities; and
  - management responsibilities.
7. The appraisal process will consist of, as a minimum:
  - provision to the appraisee of written performance objectives, expected results and development objectives;
  - in-class observations of the appraiser;
  - self-appraisal by the appraisee;
  - appraisee/appraiser interviews; and
  - written records of the above.

#### *Records and privacy*

8. Records are to be handwritten (for privacy), and a copy is to be given to the appraisee. These records will be signed by both parties.
9. Records are confidential to the appraisee and appraiser (and the Principal, if not the appraiser), unless the appraisee agrees others may have access to those records.
10. The Education Review Office ("**ERO**") has the right to review such records; however, ERO is bound by the Privacy Act 1993.
11. The Board has the right to see appraisal records if there is a dispute between a teacher and the Board or Principal (see the Complaints Against Staff Chapter). Any discussion of a teacher's records by the full Board will be "in committee" and kept private to Board members. There is no need for any individual Trustee to have access to any personal details.
12. Appraisal records will be kept by the Principal in a secure place, and will not be available for photocopying, appointment applications by staff, perusal by potential employers of staff, or any other uses without the express permission of the Principal as the Board of Trustees' agent and the relevant member of staff.
13. In the case of disagreement between appraiser and appraisee, a teacher has the right to request an independent review by another appraiser who is acceptable to all parties.

## PERFORMANCE APPRAISAL OF PRINCIPAL

### Compulsory cross-reference documents:

This Performance Appraisal of Principal Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the State Sector Act 1988, the Privacy Act 1993, and the Official Information Act 1982;
- Codes of Practice, New Zealand School Trustees Association and Ministry of Education guidelines, particularly (but not limited to), the *Interim Professional Standards for Primary School Principals*, and the *NZSTA Guidelines for Primary Boards of Trustees: Primary Principals' Performance Review*;
- the Curriculum Policy;
- the School Management Policy;
- the remainder of the Employment Policy (in particular, the Professional Development Chapter).

### Description and purpose of Performance Appraisal of Principal Chapter:

The Performance Appraisal of Principal Chapter of the Roseneath School Employment Policy deals with appraising the Principal's performance. It is a contractual obligation of the Board to appraise the Principal's performance on an annual basis for both formative (professional development) and summative (performance management) procedures. The appraisal process with the Principal may be used as a tool to enhance both accountability and his / her professional development and may be used as a basis for salary discussions.

Our Performance Appraisal of Principal Chapter aims to:

- ensure that the job of managing the School on a day-to-day basis is carried out as well as possible and in accordance with the Board's requirements;
- embody the relevant matters to be taken into account when assessing the performance of principals, as required by the chief executive of the Ministry of Education under the State Sector Act 1988;
- to provide feedback on the Principal's performance for both the Principal and the Board on a regular basis; and
- to provide for the ongoing professional development of the Principal.

### Guidelines:

#### *Procedures*

1. The review process will occur annually, providing a written record of whether the Principal has performed satisfactorily as per the terms of the performance agreement and identifying professional development needs.

2. The Principal's performance will be formally reviewed on an annual basis by the Board Chairperson or delegate(s) and optionally, at the Board's choice, an independent consultant who specialises in education.
3. Those delegated or contracted to perform the review process shall have written formalised instructions specifying the responsibilities of the role.
4. There will be three interim reviews, one per each term preceding the annual formal review, between the Principal and Chairperson or delegate(s) to discuss progress.
5. The Principal will be reviewed on the criteria set forth in the performance agreement: achieved objectives, professional standards, practising teacher criteria, learning and development objectives and fulfilment of additional duties which require concurrence payment. A model performance agreement is **attached** at Appendix 2.
6. If the Principal and the Board disagree on the performance objectives, the Board, after considering the Principal's input, will amend the disputed objectives or confirm the unchanged objectives. The Board's decision will be final.
7. The Board Chairperson, delegate(s) and consultant may gather information from staff, parents, or any other relevant members of the larger school community who can provide feedback on how the Principal has performed. Evidence may include surveys, self-review, teaching observation (if relevant), interviews, focus groups or documentary evidence.
8. The Principal and delegate(s) will meet for a formal interview to discuss whether the performance agreement has been satisfied with the Principal given the opportunity to discuss and comment on each criterion before a rating is given. The results will then be drafted into a report by the delegate(s) and sent to the Principal. The Principal can accept or dispute the report. If the report is disputed, the delegate(s) will consider the Principal's views before deciding to either amend the report, in accordance with the Principal's views, or let the report stand, with the Principal's comments attached.
9. The Chairperson, delegate(s) or consultant will present the final report back to the Board. The Principal may be presented and the presentation, and will have the opportunity to address the Board. The Principal will then exit and then further discussion may continue among the Board.
10. The Principal will be informed personally and in writing of the final outcome following the report discussion.
11. The performance agreement and results of the review are confidential to the Principal, the Board and their agents unless both parties agree to wider distribution.)

## PROFESSIONAL DEVELOPMENT

### Compulsory cross-reference documents:

This Professional Development Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the State Sector Act 1988;
- Codes of Practice and Ministry of Education guidelines;
- the Curriculum Policy;
- the Resources / Finance Policy;
- the remainder of the Employment Policy (in particular, the Performance Appraisal and Performance Appraisal of Principal Chapters).

### Description and purpose of Professional Development:

The Professional Development Chapter of the Roseneath School Employment Policy deals with the professional development of all staff employed by the School. The Board of Trustees intends that all staff will be well trained and up to date with the curriculum and teaching practices; so as to be able to provide the best educational environment for pupils at the School.

Our Professional Development Chapter aims to:

- ensure staff continue to maintain and develop their professional competence, and provide staff with further skills as necessary skills so that they can best carry out their role;
- to ensure staff are up to date with current curriculae and methodologies; and
- to maintain strong staff morale and interest in teaching at the School.

### Guidelines:

#### *General*

1. Major curriculum areas and professional training areas will be identified for development each year.
2. It is generally expected that staff development will be related to (without limitation):
  - the Strategic Curriculum Plan;
  - the School's focus for that year;
  - a particular School need; or
  - areas identified during the previous appraisals of staff members.
3. Personal development of staff will be continually encouraged.

#### *Staff development plan*



4. Individual staff development plans will be negotiated between the Principal and staff annually in November, in conjunction with the School Plan for the following year. These will be incorporated into an overall staff development programme.
5. Any staff member wishing to pursue a particular development focus will present their case of that Principal for consideration at that time.
6. In finalising each staff development plan, the Principal and staff member will consider the following criteria:
  - the effect of the plan on the students/class;
  - the effect of the plan on the staff member;
  - the frequency and duration of previous development opportunities;
  - the total length of service and experience of the teacher; and
  - budget limitations.
7. Where possible, the Teacher Support Services will be used in the first instance to support staff development plans.
- 8.
9. The Staff Development Budget (which includes teaching and non-teaching staff) will also be presented annually by the Principal and staff to the Board for consideration, and ideally together with the staff development programme for the next year.
10. By the beginning of each following year, the proposed programme and Budget for that year will be prepared and agreed on by the Principal, staff and Board.
11. A set sub-budget will be allocated for each staff member, taking into account equal employment opportunity requirements and the staff member's position. Staff will keep to their allocated budget. A component of each sub-budget is for the purchase of resources to support the staff development plan.
12. The Board is to be kept informed of expenditure from the Staff Development Budget by the Principal at Board meetings.
13. The Principal will ensure that the professional development undertaken by staff is recorded in staff files. This is to include a record of personally initiated staff development programmes undertaken by staff in their own time and/or at their own expense.

## PROTECTED DISCLOSURES

### Compulsory cross-reference documents:

This Protected Disclosures Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the Protected Disclosures Act 2000 and the Employment Relations Act 2000);
- Codes of Practice and Ministry of Education guidelines;
- the remainder of the Employment Policy (in particular, the Complaints Against Staff Chapter).

### Description and purpose of Protected Disclosures:

The Protected Disclosures Chapter of the Roseneath School Employment Policy deals with staff members of the School who wish to report serious wrongdoing within the School. This policy is to be read in conjunction with the requirements in the Protected Disclosures Act 2000.

Our Protected Disclosures Chapter aims to:

- provide a definition of a protected disclosure;
- provide a definition of serious wrongdoing that can be the basis for a protected disclosure by an employee;
- set out guidelines for the conditions for disclosure;
- provide information on who can make a disclosure;
- set out the protections for staff member making disclosures; and
- set out a procedure by which an staff member can make a disclosure.

### Guidelines:

#### *Protected disclosure*

1. A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Employees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings relating to the disclosure.

#### *Serious wrongdoing*

2. Serious wrongdoing includes any serious wrongdoing of any of the following type:
  - an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation (for example, a school);
  - an act or omission or course of conduct that constitutes a serious risk to public health or public safety 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 fair trial;
- an act, omission, or course of conduct that constitutes an offence; or
- an act, omission or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross management.

#### *Conditions for disclosure*

3. Before making a disclosure, the staff member will be sure the following conditions are met:
  - the information is about serious wrongdoing in or by the School;
  - the staff member believes on reasonable grounds the information to be true or is likely to be true;
  - the staff member wishes the wrongdoing to be investigated; and
  - the staff member wishes the disclosure to be protected.

#### *Who can make a disclosure*

4. Any staff member of the School can make a disclosure. For the purpose of this policy, and employee includes:
  - current staff and Principal;
  - former staff and Principals; and
  - contractors supplying services to the school.

#### *Protection of staff members making disclosures*

5. An staff member who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:
  - may bring a personal grievance under the Employment Relations Act 2000 in respect of retaliatory action from the School;
  - may access the anti-discrimination provisions of the Human Rights Act 1993 in respect of retaliatory action from the School;
  - are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure; and
  - will, subject to the procedure set out below, have their disclosure treated confidentially.
6. The protections provided in this section will not be available to staff members making allegations they know to be false or where they have acted in bad faith.

#### *Procedure for protected disclosures*

7. Any staff member of the School who wishes to make a protected disclosure will do so using the following procedure.
8. The staff member will submit the disclosure in writing and in a timely manner.
9. The disclosure will contain detailed information including the following:
  - the nature of the serious wrongdoing;
  - the name(s) of the people involved;

- surrounding facts including details relating to the time and/or place of the wrongdoing if known/relevant; and
  - if available, confirmatory evidence from others involved/affected.
10. The disclosure will be sent in writing to either:
- the person nominated by the Board of Trustees under the provision of section 11 of the Protected Disclosure Act 2000 for this person; or
  - the Chairperson of the Board of Trustees, if the staff member making the disclosure has reasonable grounds to believe:
    - that nominated person is involved in the wrongdoing;
    - that immediate reference to another authority is justified by urgency or exceptional circumstances; or
    - that there has been no action / recommended action within 20 working days of the date of disclosure.
    - .
11. On receipt of a disclosure, the designated recipient must, within 20 working days, examine seriously the allegations of wrongdoing and decide whether a full investigation is warranted.
- If not warranted, the designated recipient will inform the staff member why a full investigation is not warranted, with written reasons for the decision.
  - If warranted, a full investigation will be undertaken by the designated recipient or arranged by him / her as quickly as practically possible, through an appropriate authority.
12. All disclosures will be treated confidentially. When undertaking an investigation and writing the report, the designated recipient will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if the person receiving the protected disclosure reasonably believes that the disclosure of identifying information is essential:
- to ensure an effective investigation;
  - to prevent serious risk to public health or safety to the environment; or
  - having regard to the principles of natural justice.
13. At the conclusion of the investigation, the designated recipient will prepare a report of the investigation with recommendations for action as appropriate, which will be sent to the Principal, or will he / she be the subject of the disclosure, directly to the Board.

## SECONDARY EMPLOYMENT

### Compulsory cross-reference documents:

This Secondary Employment Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the State Sector Act 1988, and the Health and Safety in Employment Act 1992;
- Codes of Practice and Ministry of Education guidelines;
- the Health and Safety Policy;
- the remainder of the Employment Policy.

### Description and purpose of Secondary Employment:

The Secondary Employment Chapter of the Roseneath School Employment Policy deals with the responsibilities of staff and the School regarding secondary employment.

Our Secondary Employment Chapter aims to:

- provide guidelines for staff's engagement in secondary employment.

### Guidelines:

1. Secondary employment is prohibited for all staff without the prior written consent of the Board of Trustees ("**Board**"). If staff wish to engage in secondary employment they must seek the consent of the Board in writing.
2. Staff and the School have a responsibility to ensure that any secondary employment such as part time jobs do not affect staff health and safety at the School, for example, through fatigue or additional stress.

## STAFF DISCIPLINE

### Compulsory cross-reference documents:

This Staff Discipline Chapter is to be read in conjunction with:

- any applicable individual and/or collective employment agreement;
- the applicable legislation, including (but not limited to) the Employment Relations Act 2000, Protected Disclosures Act 2000, the Education Act 1989, and the Privacy Act 1993;
- applicable Codes of Practice and Ministry of Education guidelines;
- the New Zealand Educational Institute and New Zealand Teachers Council guidelines (as relevant);
- the School Management Policy; and
- the remainder of the Employment Policy (in particular, the Complaints Against Staff Chapter and the Protected Disclosures Chapter).

### Description and purpose of Staff Discipline Chapter:

The Staff Discipline Chapter of the Roseneath School Employment Policy deals with discipline regarding the actions of any staff member of the School (including the Principal, and administrative and support staff). Our aim is to ensure that the School only undertakes disciplinary action against staff members using established procedures that follow due process.

Our Staff Discipline Chapter aims to:

- ensure that the School has a clear process for disciplinary actions against staff members;
- ensure that disciplinary procedures against staff members are undertaken only after full and fair investigation, and are resolved promptly with minimal disruption to the students;
- ensure the rights of all parties involved are respected and protected for the duration of any disciplinary investigations and actions; and
- ensure that the staff member concerned is kept informed about the progress of any disciplinary procedures that have been initiated, and has reasonable opportunity to provide an explanation and/or amend their conduct (where applicable).

### Guidelines:

#### *Application*

1. Where a staff discipline procedure is outlined in an individual and/or collective employment agreement to which the staff member is a party, that procedure takes precedence.
2. However, where this is not the case, the process set out in this Staff Discipline Chapter applies.

#### *Key Principles*

3. The relationship between the School, staff, and parents / caregivers / whānau is one of mutual respect and communication. Staff and parents / caregivers / whānau must be committed to the wellbeing of students and to their educational and social development.

4. The School and parents / caregivers / whānau have the right to expect high professional standards.
5. When a disciplinary procedure against a staff member has been initiated, all steps taken in conducting and concluding that disciplinary procedure will be made in good faith and with an open mind.
6. The Principal and Board will recognise the need to be aware of the differences between disciplinary procedures and other complaints and competency procedures, and will identify to all parties the nature of any of these procedures which are in operation.

#### *Coverage*

7. This policy covers the activities of all staff members:
  - within the School;
  - involved in School activities either in the School or elsewhere, during or outside normal school hours; and
  - undertaking other activities outside the School which might directly affect their professional role, or the well-being or safety of students in the School.

#### **Procedures**

##### *Initiation*

8. These disciplinary procedures concerning staff members may only be initiated by the Principal, acting in good faith and on reasonable grounds.
9. If the Principal is the subject of action under this Chapter, the Board or other "appropriate authority" as identified at paragraph 9 of the Complaints Against Staff Chapter will be responsible for overseeing any investigative or disciplinary measures that may be required to be taken in relation to the matter. In such instances, all references to "Principal" hereafter in this Chapter refer to the Board or other appropriate authority responsible for overseeing that disciplinary matter in place of the Principal.

##### *Serious Misconduct*

10. Where the Principal has reason to believe that a staff member has engaged in serious misconduct, the Principal may:
  - issue summary dismissal without notice against the staff member concerned, provided that the Principal has the Board's approval and the Board considers summary dismissal to be a reasonable response in the circumstances; or
  - make a recommendation to the Board that one or more of the "final disciplinary actions" set out in paragraph 28 below is/are taken.
11. Serious misconduct includes (but is not limited to):
  - conduct by a staff member that adversely affects, or is likely to adversely affect, the well-being or learning of 1 or more students;
  - failure to carry out lawful instruction(s); and
  - misappropriation of school money or property.
12. As a guideline, conduct that is of a character or severity that meets the New Zealand Teachers Council's criteria for reporting serious misconduct (as currently set out in the New Zealand Teachers Council (Making Reports and Complaints) Rules 2004) is likely to constitute serious misconduct for the purpose of this Staff Discipline policy Chapter.
13. If the Principal has issued summary dismissal without notice against a non-teaching staff member, the Principal must, immediately upon the dismissal, initiate the investigatory procedure outlined at paragraphs 20-24 below.

14. If the Principal has reason to believe that a teacher employed by the School has engaged in serious misconduct, he or she must (in accordance with s 139AM of the Education Act 1989) immediately report this belief to the New Zealand Teachers Council.
15. The report to the New Zealand Teachers Council must:
  - be in writing; and
  - include a description of the conduct of the teacher that the Board believes to be serious misconduct; and
  - include a description of what action (if any) the Board has taken in relation to its belief that the teacher has engaged in serious misconduct.

*Disciplinary procedure at first instance*

16. Except in cases where the Principal has reason to believe that a staff member has engaged in serious misconduct, the Principal should, in the first instance, attempt to resolve matters through informal discussion with the staff member concerned as to:
  - the specific matter(s) causing concern;
  - any explanation provided by the staff member;
  - any corrective action required and the timeframe allowed; and
  - any assistance to be provided to the staff member to enable them to take corrective action.

*Verbal Warning*

17. At the conclusion of an informal discussion between the Principal and the staff member (outlined above), the Principal may consider it appropriate to give the staff member a verbal warning (for example, if the staff member fails to provide any explanation for the alleged misconduct).
18. If the Principal gives the staff member a verbal warning, the Principal shall:
  - advise the staff member in writing of the right to request representation at any stage;
  - advise the staff member in writing of their right to bring a witness with them to further meetings in relation to the disciplinary matter at hand; and
  - give the staff member a written record of the verbal warning given.
19. After giving a written warning, the Principal shall, from that point onwards in respect of the disciplinary matter concerning that staff member:
  - keep written records of all meetings and discussions with the staff member concerned;
  - keep the Board and the staff member concerned informed throughout the process; and
  - continue to monitor the matters causing concern, in consideration of whether to give the staff member a written warning (see the "Written Warning" section below).

*Investigatory Procedure*

20. An unprejudiced investigation into the alleged misconduct of a staff member must be carried out before any disciplinary action is taken, except in circumstances where the Principal considers that the matter will be resolved through a verbal warning alone, or where the Principal has reason to believe that a teaching staff member has engaged in serious misconduct (in which case the Principal must immediately report the matter to the New Zealand Teachers Council).



21. Investigatory actions that may be initiated by the Principal in respect of a disciplinary matter include (but are not limited to):
  - hiring legal expertise;
  - hiring investigative expertise; and/or
  - the Board undertaking an investigation of its own.
22. Refer to paragraphs 19 to 21 of the Complaints Against Staff Chapter for the procedure to be followed if the Board decides to undertake its own further investigations.
23. During an investigative process, the Principal must ensure that:
  - the process and results of any investigation are recorded in writing; and
  - a copy of any report made by the Principal to the Board or to the Teachers Council is given to the staff member concerned;
24. Except in circumstances where the Principal has reason to believe that a staff member has engaged in serious misconduct, the Principal must ensure that:
  - no action is taken on any report until the staff member concerned has had a reasonable time to respond to its contents or findings; and
  - no recommendation as to a change of the staff member's employment status is made to the staff member (whether by the Principal, or by any staff member or Board member).

#### *Written Warning*

25. After verbal warning is given, and either in parallel with or following investigation into the matters causing concern, if the Principal considers that no improvement has been made, the staff member should be advised, in writing, of:
  - the specific matter(s) causing concern;
  - the corrective action still required to be taken and the timeframe allowed (the timeframe should be determined by the Principal as appropriate to give the staff member opportunity to respond and/or amend their conduct);
  - the status and progress of any investigations (if not yet completed);
  - any further assistance to be provided to the staff member to enable them to take corrective action; and
  - the fact that the correspondence constitutes a written warning, and that failure to remedy the concerns set out could result in further disciplinary action, including dismissal.
26. Such written warning shall be signed by the staff member, the Principal, and his/her witness as evidence of its receipt. A copy of the warning shall be given to the staff member and another copy shall be placed on the staff member's file.
27. If a staff member has received three written warnings over the period in which he or she has been employed by the School, the Principal shall notify the Board and recommend that one or more of the final disciplinary actions set out in the section below are taken in relation to that staff member.

#### *Final disciplinary action*

28. If the disciplinary matter has not been resolved by informal or formal means (through verbal and written warnings), or in cases of serious misconduct where the Principal has not issued summary dismissal without notice, the Principal shall make a recommendation to the Board that one or more of the following actions are to be taken:

- a disciplinary committee (which shall not include the Principal) be created to consider and, if appropriate, implement formal disciplinary action such as suspension or dismissal;
- the case is to be referred directly to the Police for further investigation; or
- the case is to be referred directly to the New Zealand Teachers Council, which, after consideration of a report from a competence assessor, may impose conditions on the teacher's practising certificate or authority to teach, or order that the teacher's registration or authority be cancelled (as set out in the New Zealand Teachers Council (Competence) Rules 2007 and by reference to section 129(1) of the Education Act 1989).

29. After considering the Principal's recommendation, the Board shall:

- adopt and implement the recommendation made;
- decline to adopt the recommendation and take no further disciplinary action; or
- decline to adopt the recommendation and implement a different disciplinary action from those set out in the list above.

*The Board's obligations*

30. The Board will endeavour to maintain its obligation of non-disclosure. However, following a dismissal it may be necessary to disclose certain information about the dismissal to reduce damage to the School, the staff member, or remaining staff members.
31. The Board must report to the New Zealand Teachers Council if it dismisses a staff member in a teaching position or if the Board has reason to believe that a teacher has engaged in serious misconduct. Templates for these mandatory reports can be found on the New Zealand Teachers Council website, [www.teacherscouncil.govt.nz](http://www.teacherscouncil.govt.nz).
32. The Board will hold Professional Liability Insurance at all times and the insurer will be promptly notified of any actual or potential claim against the Board.

## **STAFF LEAVE**

### **Compulsory cross-reference documents:**

This Staff Leave Chapter is to be read in conjunction with:

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the State Sector Act 1988, the Holidays Act, the Parental Leave and Protection of Employment Act 1987, and the Education Act 1989;
- Codes of Practice and Ministry of Education guidelines;
- the remainder of the Employment Policy.

### **Description and purpose of Staff Leave:**

The Staff Leave Chapter of the Roseneath School Employment Policy deals with the granting of leave to staff at the School. The Board is responsible for the granting of leave with or without pay to employees on merit of application. The Board will consider applications for leave without pay for circumstances not covered by Awards on merit and in accordance with this policy.

Our Staff Leave Chapter aims to:

- ensure applications for leave are given due consideration;
- to define procedures for considering leave applications; and
- to define criteria for considering leave applications.

### **Guidelines:**

1. Staff leave conditions are covered by the relevant collective or individual employment agreements.
2. In reviewing each leave application on merit, the following criteria will be considered (without limitation):
  - the effect of the leave on the students/class;
  - the effect of the leave of the staff member;
  - the frequency and duration of prior leave / leave applications; and
  - the total length of service.
3. Written applications for leave will be submitted to the Principal. Supporting documents will be included if appropriate.
4. Applicants will be referred to the Board for consideration.
5. The Board will recommend that the leave be approved or declined.
6. If a leave of application is declined, the staff member will be advised of the reasons why.
7. The approval or non-approval of leave in a given circumstance does not set a precedent for similar applications at a later date.

## Appendix 1

### EQUAL EMPLOYMENT PROGRAMME

Each year we will aim to "identify and eliminate all aspects of policies, procedures and other institutional barriers that cause or perpetuate inequality in respect of the employment of any persons or groups of persons by":

1. Making provision in our Appointment of Staff and Appointment of Principal Policies and procedures to ensure equal employment opportunities for all permanent and part-time staff.
2. Fostering good staff communication and relationships so that there is likely to be immediate awareness of inequities in employment matters.
3. Appointing a person, or group of persons, to review employment / staff policies and procedures to ensure that there is no bias or discrimination present. This person, or group, will report twice a year to the Board of Trustees and annually to the Education Review Office and the community, through the School's annual report.
4. Producing checklists to be used, as needed, by the staff and Board to identify areas of possible inequality and to act on the identified areas in the most appropriate way.
5. Providing equal employment opportunity training, guidelines, and / or management forums for management and/or senior staff, focusing on recruiting and managing diverse staff.

#### EEO Checklist for Board of Trustees

How familiar are you with the employment agreements of your staff?

For instance:

1. Am I aware of the appointment of staff / principal criteria and procedures for permanent and part-time staff?
2. How are the salary increases determined for teachers, the principal, and support staff?
3. What changes can the Board of Trustees make to staff salaries?
4. What redeployment conditions might apply to our School?
5. What are employees entitled to in terms of:
  - Sick leave
  - Other leave
  - Travel reimbursement
  - Appointment or non-appointment
  - Other allowances
6. What are the staffing entitlements for our school?
7. What staffing changes can the Board of Trustees make?
8. How would the Board of Trustees deal with staff grievances, misconduct, or competency issues?

Read the Employees' Checklist to identify possible areas of injustice or discrimination.

#### EEO Checklist for Employees

1. Identify, as an individual, any area in which you are being disadvantaged because of your:

- Gender
  - Race / ethnic / cultural backgrounds
  - Nationality
  - Age
  - Ability / disability
  - Religion
  - Sexual orientation
  - Family responsibilities
  - Position in school
  - Any other areas
2. What conditions of employment (see job description) show bias in terms of your:
- Gender
  - Race / ethnic / cultural backgrounds
  - Nationality
  - Age
  - Ability / disability
  - Religion
  - Sexual orientation
  - Family responsibilities
  - Position in school
  - Any other areas
3. Identify areas in which you are being unfairly treated in terms of
- Appointment procedures
  - Employment demands
  - Conditions of work
  - Training opportunities
  - Career development
  - Any other areas
4. Identify areas where you have been disadvantaged or discriminated against, in the last 12 months, through:
- Lack of communication (relating to employment matters)
  - Sexual harassment
  - Any other areas

# Principal Performance Agreement

## THE PURPOSE OF THE PERFORMANCE AGREEMENT IS TO PROVIDE:

- A clear understanding of the board's expectations for the principal.
- Measurement of principal's contributions to the school's strategic objectives.
- A narrative of learning and development targets for the principal.
- A record of the principal's growth.
- A measure of the principal's achievements in the professional standards and practising teacher criteria.
- A formal process to provide determination of principal career allowances and concurrence payments.
- The basis for the annual performance review.

## GOOD PERFORMANCE

The principal has satisfied the employment agreement if:

- Professional Standards have been met.
- Practising Teacher Criteria have been met.
- Career Structure Criteria have been met.
- Performance objectives and learning objectives have been met.<sup>1</sup>

**We strongly recommend referring to the *Guide for Performance Agreement Development* to set up this document**

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<sup>1</sup> The board and principal may need to revise objectives throughout the year. Changes should be discussed and agreed upon.

**PARTIES IN THE AGREEMENT**

This performance agreement is between the \_\_\_\_\_ Board of Trustees and \_\_\_\_\_, Principal.

**SCHEDULING**

This agreement covers the employment period beginning *Click or tap to enter a date.* and concluding *Click or tap to enter a date.*  
 Schedule of interim performance conversations (a minimum of one per term is recommended) and the final interview

Performance conversation 1	Performance conversation 2	Performance conversation 3	Final Interview
<i>Click or tap to enter a date.</i>	<i>Click or tap to enter a date.</i>	<i>Click or tap to enter a date.</i>	<i>Click or tap to enter a date.</i>

Report presented to board: *Click or tap to enter a date.*

Board chair name: \_\_\_\_\_ Signature: \_\_\_\_\_

Principal name: \_\_\_\_\_ Signature: \_\_\_\_\_

Appraisal Consultant name: \_\_\_\_\_ Endorser with full practicing certificate name<sup>2</sup>: \_\_\_\_\_

**USEFUL RESOURCES**

<a href="#">Guide for Performance Agreement Development Requirements for Principals' and Tumuaki Performance Review/Appraisal</a> <a href="#">NZSTA Principal Performance Management Education Council Appraisal of Principals</a> <a href="#">Principal Performance Review Policy Template</a> <a href="#">Principals' Collective Agreements</a>	<a href="#">Practising Teacher Criteria</a> <a href="#">Professional Standards</a> <a href="#">Career Structure Criteria</a> Tātaiako <a href="#">NZSTA Endorsed Consultants</a> <a href="#">Educational Leaders</a>
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<sup>2</sup> If required, to be identified if the appraisal consultant does not hold a full practising certificate.

**Section 1: Yearly objectives and record of progress: To be updated throughout the year**

Objectives	Indicators/Tasks	Evidence	Outcomes	Criteria and Standards
Linked to strategic plan, annual goals and principal's learning focus.	Actions/tasks that will occur throughout the year which demonstrate progress towards objectives.	What evidence occurs throughout the year to show progress and achievement?	What will this look like when achieved? What are the impacts on learners? Record anticipated outcomes and update with actual outcomes.	Select all the relevant criteria and standards which are likely to be demonstrated if the objective is met.

Objective 1:

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Practising Teacher Criteria			
PTC1	<input type="checkbox"/>	PTC7	<input type="checkbox"/>
PTC2	<input type="checkbox"/>	PTC8	<input type="checkbox"/>
PTC3	<input type="checkbox"/>	PTC9	<input type="checkbox"/>
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PTC6	<input type="checkbox"/>	PTC12	<input type="checkbox"/>
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Professional Learning and development plans	<input type="checkbox"/>	Culture	<input type="checkbox"/>
Career and personal development	<input type="checkbox"/>	Pedagogy	<input type="checkbox"/>
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<b>Objectives</b> Focus on principal well-being	<b>Indicators/Tasks</b> What occurs throughout the year to make this happen?	<b>Evidence</b> What evidence occurs throughout the year to show progress and achievement?	<b>Outcome</b> What will this look like when achieved?
<u>Well-being objective:</u>			

**Section 2.A: Summary Report**

Objectives	Evidence	Conclusions <i>These comments are recorded by the reviewer<sup>3</sup> and should reflect the conversations between the reviewer and principal.</i>	Criteria and Standards Select all the relevant criteria and standards which have been demonstrated.																																											
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<sup>3</sup> The "Reviewer/Appraiser" may be the board delegate/s or an agent engaged to assist the board (e.g. consultant reviewer/appraiser)

<p><u>Objective 3:</u></p>		<p><b>Objective Met</b> <input type="checkbox"/> <b>Not met</b> <input type="checkbox"/></p>	<table border="1"> <thead> <tr> <th colspan="4">Practising Teacher Criteria</th> </tr> </thead> <tbody> <tr> <td>PTC1</td> <td><input type="checkbox"/></td> <td>PTC7</td> <td><input type="checkbox"/></td> </tr> <tr> <td>PTC2</td> <td><input type="checkbox"/></td> <td>PTC8</td> <td><input type="checkbox"/></td> </tr> <tr> <td>PTC3</td> <td><input type="checkbox"/></td> <td>PTC9</td> <td><input type="checkbox"/></td> </tr> <tr> <td>PTC4</td> <td><input type="checkbox"/></td> <td>PTC10</td> <td><input type="checkbox"/></td> </tr> <tr> <td>PTC5</td> <td><input type="checkbox"/></td> <td>PTC11</td> <td><input type="checkbox"/></td> </tr> <tr> <td>PTC6</td> <td><input type="checkbox"/></td> <td>PTC12</td> <td><input type="checkbox"/></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Career Structure</th> <th>Professional Standards</th> </tr> </thead> <tbody> <tr> <td>Professional Learning and development plans</td> <td>Culture</td> </tr> <tr> <td>Career and personal development</td> <td>Pedagogy</td> </tr> <tr> <td>Leadership development</td> <td>Systems</td> </tr> <tr> <td></td> <td>Partnerships &amp; Networks</td> </tr> </tbody> </table>	Practising Teacher Criteria				PTC1	<input type="checkbox"/>	PTC7	<input type="checkbox"/>	PTC2	<input type="checkbox"/>	PTC8	<input type="checkbox"/>	PTC3	<input type="checkbox"/>	PTC9	<input type="checkbox"/>	PTC4	<input type="checkbox"/>	PTC10	<input type="checkbox"/>	PTC5	<input type="checkbox"/>	PTC11	<input type="checkbox"/>	PTC6	<input type="checkbox"/>	PTC12	<input type="checkbox"/>	Career Structure	Professional Standards	Professional Learning and development plans	Culture	Career and personal development	Pedagogy	Leadership development	Systems		Partnerships & Networks
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<p><u>Well-being objective:</u></p>		<p><b>Objective Met</b> <input type="checkbox"/> <b>Not met</b> <input type="checkbox"/></p>																																							

**Section 2.B: PTC, CSC and PS that were met but not demonstrated in achieving the above objectives**

Criteria and Standards Select all the relevant criteria and standards which have been met.	Evidence	Conclusions																								
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**Section 2.C: Concurrence (If applicable)**

Additional duties required of the principal	Payment agreed	Were these duties performed? Note any evidence and comments:
		Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence/comments:

**Section 2.D: Reviewer to complete this section, giving details of objectives, criteria and/or standards not yet met and providing proposed action towards meeting objectives, PTC, PS and CSC, with timeline as appropriate.**

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**With reference to the evidence and discussion between the board, principal and reviewer/appraiser:**

**All Professional Standards have been:** met  not yet met\*

**All Practicing Teacher Criteria have been:** met  not yet met\*

**All Career Structure Criteria have been:** met  not yet met\*

\*Details of those standards and criteria not yet met are in section 2.D with a proposed action and timeline

**Agreed next steps:**

Reviewer/Appraiser signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Principal signature: \_\_\_\_\_ Date: \_\_\_\_\_