***NAG 3:* EMPLOYER RESPONSIBILITIES**

**3.1:** Performance management procedures

**3.2:** Appraisal

**3.3:** Professional development

**3.4:** Staff discipline policy\*

**3.5:** Staff competency

**3.6:** Staff appointments

**3.7:** Beginning teacher induction

**3.8:** EEO policy\*

**3.9:** Leave of absence

**3.10:** Sexual harassment

**3.11:** Police vetting

**3.12:** Complaint’s policy\*

**3.13:** Protected Disclosures policy\*

**3.14:** Staff remuneration

**3.15:** Classroom release time policy\*

**3.16:** Unit allocation policy\*

**3.17:** Gifts Procedure

**NATIONAL ADMINISTRATION GUIDELINE 3**

**EMPLOYER RESPONSIBILITIES**

***According to the legislation on employment and personnel matters each***

***Board of Trustees is required in particular to:***

**(i)** Develop and implement personnel and industrial policies, within policy and procedural frameworks set by the Government from time to time, which promote high levels of staff performance, use educational resources effectively and recognise the needs of students

**(ii)** Be a good employer as defined in the Public Service Act 2020 and comply with the conditions contained in employment contracts applying to teaching and non-teaching staff

**3.1 Performance Management Procedures**

Performance Management recognises that the contribution and achievements of each individual are critical to the overall success of the school. It helps each individual to understand what is expected of them and ensures each person is provided with feedback and support to develop professionally and to enhance their contribution to the school.

Recognition and support of each person's achievements should affirm the individual and provide motivation to bring about further improvements, which includes enhanced outcomes for students.

**3.2 Appraisal**

3.2.1 The Board of Trustees formally delegates responsibility for the implementation of the appraisal process to the Principal.

A budget is to be provided in order to support the appraisal process (for teacher release and professional development)

3.2.2. The Board of Trustees will have the responsibility for the Principal's annual appraisal. They will ensure that appropriate procedures are in place for the Principal’s appraisal and that the outcomes of the process are reported to the Board “in committee‟.

3.2.4. The appraisal process will include:

* Confirmation of the appropriate level of professional standards
* Self-appraisal
* Identification of target groups, for which the school will provide assistance and/or support to be the basis of teacher inquiry into practice.
* Observations of teaching in the key target areas as defined in the school charter including appropriate feedback and feed forward information at the conclusion of the observations
* Opportunity for the teachers to discuss their achievement of the objectives
* Following consultation with the teacher, the process will conclude with a written report summary, including agreed outcomes, signed by parties
* Staff & Principal appraisals align with the current PLD, school targets and linking to ‘‘Our Code, Our Standards’ using the quality practice template and the PS dimensions through the Te Poi Teacher Inquiry model.
* T1: Job Descriptions & target groups set & classroom visits. Developing quality practice foci for the year and the classroom-based evidence
* T2&3: classroom observations, evidence gathering & feedback/feed forward on target groups & quality practice foci
* T4: Evidence gathering based on quality practice foci, feedback & reviews
	+ Goals set to align with school targets and PLD focus.

3.2.5 All appraisal information and documentation will be confidential to the Appraisee, appraiser and Principal and others as agreed to by the Appraisee. The Education Review Office has the statutory right to examine any information for the legitimate purpose of conducting any review.

3.2.6 The principal will be able to defer progression for teachers who have not reached the appropriate standards at the appropriate level for the assessment period. Where a teacher disagrees with the deferral of their salary increment the teacher may seek a review (refer to local review process Primary Teachers Collective Employment Contract).

3.2.7 A disputes process for staff who are dissatisfied with their appointed appraiser and/or outcomes of their appraisal is appended.

***A: Disagreement on selection of appraiser.***

Appraisal process implemented

Selection of appraiser made and agreed to

Yes

**No**

Appraisee provides written statement outlining reasons for not agreeing to the selections

Principal or BOT Chairperson calls meeting of appraiser and Appraisee (or just Appraisee) to discuss concern and attempt resolution. Minutes of meeting will be kept.

Principal or BOT Chair makes appointment of appraiser based on the information from the meeting and written statements.

Suitable resolution reached

**Yes**

**No**

All parties informed

Principal or BOT Chair makes another appointment of appraiser based on the information from the meeting and written statements.

***B: Disagreement on results of appraisal***

Appraisal process completed and results agreed to.

Final summary report written by appraiser in consultation with Appraisee. Signed by both parties.

**No**

Appraisee and/or appraiser provide a written comment on the matters in dispute. Copies given to each.

Appraiser must convene a meeting with Appraisee to resolve the differences, including a mediator if required. Minutes of the meeting must be kept and signed by both parties.

**Yes**

All or any amendments are written if necessary, minutes of all meetings confirmed, signed and sent to all parties.

Suitable resolution reached.

**Yes**

**No**

Principal or BOT Chair informed of the factors concerned and the process undertaken to date.

All parties informed of the decision.

Meetings of all parties is called by Principal

Suitable resolution reached.

**Yes**

A 3rd party is called in to take the appraisal to a conclusion

**No**

**3.3 Professional Development**

3.3.1 Professional development will be budgeted for, based on the outcomes of the appraisal of all staff as well as identified targeted needs reflecting the school’s strategic goals and student achievement targets

3.3.2 Within the school’s Annual Plan, the Principal will advise on Professional Development priorities for the year. The Principal will include an estimate of funding requirements within the annual budget

3.3.3 The Principal will prepare an annual Professional Development overview.

**3.4 Staff Discipline Policy \***

In the case of any staff disciplinary issue, the provisions of the relevant collective or individual contract will be followed. However, in order to make the general provisions relevant and transparent within the context of this school, the following is a guide to initiating and carrying out staff disciplinary procedures at Te Poi School

 *PURPOSES:*

1. To ensure any disciplinary action is initiated by the appropriate person.
2. To ensure the employee is clear as to what aspect of their performance or behaviour is causing concern and what changes are expected and the time frame allowed in which to change that performance.
3. To ensure disciplinary processes are fair and correct.
4. To ensure disciplinary processes are known by all employees.
5. To highlight the role of the Board of Trustees as "employer".
6. To ensure the employer carries out full and fair investigation of the problem before carrying out any form of disciplinary action.
7. To ensure the employee is given every opportunity to provide an explanation at all stages and that those explanations are further investigated where appropriate.

*GUIDELINES:*

1. Every attempt will be made by the Principal and Board of Trustees to resolve any issues involving staff informally, prior to their becoming major issues requiring "discipline".
2. In principle, a verbal warning will always precede a written warning, which will precede disciplinary action.
3. The staff member will be advised in writing of the right to request representation at any stage.
4. The staff member will be advised as to the matter(s) causing concern, the corrective action required to amend their behaviour, conduct, non-adherence to school policies or standards of performance and the time frame allowed. This will be given verbally\* in the first instance and in written form if it proceeds to the next stage.

\*Even at this verbal stage, a written record is to be given to the employee stating that this is a verbal warning.

1. The staff member will always be given an appropriate time to respond to the Principal's evaluation of the situation and that response will be considered before proceeding to the next stage through the three stage process (listed in 2 above). This response might lead to further investigation when necessary.
2. The Principal is to have another member of the management team present throughout this process.
3. All documentation as to the process and any disciplinary action are to be recorded, sighted and signed by the employee, the Principal and the Principal's witness and placed on the employee's personal file (Appendix A).
4. Final Action:
* The Principal will make a recommendation to the Board of Trustees.
* The Principal is to remove him/herself from the final decision. This fact and a record of the Board's final discussions are to be accurately minuteed.
1. The Board of Trustees will hold professional liability insurance at all times and the insurer will be notified immediately should any actual or probable claim against the Board be lodged.
2. The Board of Trustees and Principal will call upon the advice of the NZEI and/or other appropriate unions throughout this process.
3. Nothing in this policy prevents summary dismissal without notice in the case of serious misconduct. Prior to such a decision for dismissal the employee will be suspended on full pay, and in such cases an unprejudiced investigation will be carried out and the employee given the opportunity to answer any allegations or results of any investigation.
4. The Principal and Board of Trustees, working together will decide whether it is appropriate, and if so, at what stage of proceedings, to invoke the "suspension" provisions of the employees‟ collective contract.
5. Excepting in cases against the Principal him/herself which will be initiated by the Board of Trustees Chairperson, all provisions up to final action stage will be the responsibility of, and initiated by, the Principal, who in turn will consult with, and keep informed, the Board of Trustees personnel sub-committee.

The Board as a whole will be informed simply that there is a concern about a particular employee and that the Principal and personnel sub-committee are carrying out the necessary investigation along with any recommendations will be given to the Board in due course.

1. At no time during the investigative/improvement process is the Principal, any other senior staff member, or any member of the Board of Trustees to suggest to the staff member any change to their employment status as this might lead to accusation of constructive dismissal later in proceedings. However, if a case for discipline is found against the employee, such action may be negotiated with the employee and the employee's representative.
2. At the stage at which the Principal presents his/her findings to the Board with a recommendation to terminate employment (or other recommendation) the employee will be invited to attend, will be given any written material put before the Board and will be given a final opportunity to respond.
3. The Employment Contracts Act requires the employer to provide, at the request of the employee, a written statement of the reasons for dismissal (section 38). This statement must be provided within 14 days of the receipt of the request.

Failure to provide the reason for dismissal, whether requested or not, or failure to provide the correct reason, may jeopardise an employer's position in the course of any ensuing personal grievance proceedings.

*DEFINITION OF SERIOUS MISCONDUCT:*

* Physical, sexual or verbal abuse including fighting or assault.
* Repeated failure to carry out lawful instruction.
* Continued failure to comply with school 'bylaws', policies or agreed practices.
* Intentional misappropriation of school money or property.
* Drunkenness at work - under the influence of any substance.
* Lying or falsification of information.
* Deliberately undermining Board policies or damaging the integrity of the school.
* Possession and/or consumption of illegal drugs on school premises
* Any other action or lack of action not included above which is considered by School Management or Board "serious" in the light of the circumstances at the time

*CONFIDENTIALITY:*

There is an obligation of non-disclosure upon the Board but following a dismissal it may be appropriate to disclose certain information about the dismissal to reduce damage to the school, to the employee or to other employees. This should be done following consultation with the dismissed party and their advisors.

**3.5 Staff Competency**

3.5.1 Where staff competency is identified as an issue, the relevant Employment Contract will be consulted. Procedures will follow guidelines as set out in the appropriate contract

3.5.2 Where the Principal determines staff competency procedures are to be implemented, the Chairperson of the Board is to be advised immediately with the remainder of the Board advised at the earliest opportunity

3.5.3 The principal is to have a second person from the management team present throughout this process

*COUNSELLING/FIRST WARNING (VERBAL)*

* The staff member must be advised of the specific matter(s) causing concern of the corrective action required and the time frame allowed. This time frame is to be determined by the Principal and be relevant to the matters causing concern. This is to be diarized by the Principal and signed by his/her witness. The employee is to be advised that failure to perform to the required standard will result in a written warning
* It is advisable to include any specific assistance provided to the staff member concerned to pre-empt any future accusation of lack of support
* The staff member’s performance will continue to be monitored and if no improvement is found the matter is to be discussed with the employee and an explanation sought. If the explanation is unsatisfactory then a written warning is to be given advising them that their employment is in jeopardy (further investigation may need to be carried out to clarify points of disagreement)

*WRITTEN WARNING*

* The staff member is advised that action is being taken under the relevant section of the appropriate Employment Contract.
* The staff member is to be advised in writing by the Principal that they may have representation throughout the process.
* At this stage the Principal will ensure the appropriate Insurance Company is contacted to inform them that competency proceedings are underway. The staff member must be advised in writing of the specific matter (s) causing concern, of the corrective action required and the time frame allowed. This is to be signed by the staff member, the Principal and his/her witness. The employee is to be advised that failure to perform will lead to the Principal recommending to the Board of Trustees that they review the employee’s continued employment.
* The process and results of any evaluation are to be recorded in writing, and signed by the principal and staff member. One copy is to be given to the staff member, one on the staff member’s personal file.
* Where insufficient improvement occurs a further interview is to be held and if the employee has no satisfactory explanation for the failure to meet the requirements the Principal notifies the employee that she/he will recommend to the Board of Trustees that they review the staff member’s continued employment.
* The Board of Trustees on the report shall take no action until the teacher has had the opportunity to respond in writing to the Board of Trustees and be heard by them if the staff member so wishes.
* At no time during this process is the Principal, any other senior staff member of any member of the Board of Trustees to recommend to the staff member any change to their employment status as this may lead to accusations of constructive dismissal later in proceedings. However, if a case for discipline is found against the employee such action may be negotiated with the employee and the employee’s representative.

*FINAL ACTION*

* The Principal is to make a recommendation to the Board of Trustees.
* The Principal is to remove him/herself from the final decision. This fact and a record of the Board of Trustees discussions are to be minuteed.
* The Board of Trustees will hold Professional Liability insurance at all times and the insurer will be notified promptly should an actual potential claim against the board of Trustees be lodged.

*CONFIDENTIALITY*

* There is an obligation of non-disclosure upon the Board of Trustees, but following a dismissal, it may be appropriate to disclose certain information about the dismissal to reduce damage to the school, the employee and other employees. This should be done following consultation with the dismissed party and his/her advisors.
* When the Principal is the subject of action, under this policy the Board of Trustees needs to employ outside professional support to carry out any investigation on behalf of the Board of Trustees.

*CONCLUSION*

* It is vital that the Board of Trustees acts as a “good employer” as outlined in Section 77A State Sector Amendment Act 1989. this Act requires the Board of Trustees to be fair to all employees. In essence this means they must balance the need to support a staff member with ensuring that “carrying” such a person does not have an unacceptably adverse effect upon other employees or the students
* Where competency proceedings have been instituted against a teacher the Board of Trustees must advise the Teachers‟ Council of this fact as required by regulation.

**3.6: Staff Appointments**

3.6.1 The Principal has delegated authority to make appointments for support staff and teaching staff.

3.6.2 For the appointment of a Principal the Board will form a subcommittee to carry out the appointment process. The sub-committee will present a recommendation for appointment to the full Board prior to a job offer being made.

*APPOINTMENTS PROCEDURE*

* The Principal will advise the Board of vacancies and The BOT Chair will be notified at the earliest possible convenience after the Principal receives staff resignation
* An appointment committee is to be appointed. The committee should be made up of at least the Principal and at least one BOT member. All members of the appointments committee will have CV's of the applicants and time to review them
* The Principal will prepare and advertise the vacancy nationally for a full- time position. Only NZ Registered teachers will be employed as full-time. Part-time and long-term relieving staff and Beginning teachers may be NZ Registered subject to confirmation or provisional
* All other positions will be advertised locally (support staff)
* If the sub-committee are not in agreement then the applicants who are short listed may need to be interviewed again or if there is still no consensus, the position will be re-advertised
* The position will be offered to the recommended applicant by the Principal or Chairperson detailing if it is a relieving, full time or short term in writing
* On acceptance, confirmation of appointment will be given by the Principal
* The unsuccessful candidates will be informed as soon as possible after the appointment has been accepted
* Following the confirmation by the Principal, a letter of confirmation of appointment to be sent to the successful applicant and will request confirmation of appointment from the appointee
* The date of commencement of the appointment and starting salary shall be decided by negotiation.
* All referees’ statements will be destroyed when the appointments process is completed, along with all CV's not specifically requested to be returned.
* Appointments procedures will be reviewed to ensure EEO principles are upheld
* Principal will inform the Board of the appointment

The letter of appointment for new support staff should clearly specify:

* The job description
* The commencement date
* The salary to be paid
* The hours and weeks to be worked
* If the appointment is temporary the purpose of the job should be stated as well as the finishing date
* Contract to be signed

**3.7 Beginning Teacher Induction**

At Te Poi School we are committed to offering our beginning teachers a high-quality guidance and support programme that will actively contribute to the successful completion of their full teaching registration.

*GUIDELINES:*

1. A tutor teacher will be appointed for each beginning teacher. The tutor teachers who have responsibility for the induction of these teachers will be experienced and skilled classroom practitioners, able to give professional guidance. This gives qualified teachers the opportunity to pass on their professional skills as well as providing support and guidance for the beginning teachers.

2. A planned programme will be provided for the beginning teachers and will be determined by the tutor teacher in discussion with both the beginning teacher and the principal.

3. 0.2 release time will be made available for the induction of beginning teachers during their first year and 0.1 in their second year. This will be recorded on the template “Use of release time.” Suggestions for how this time will be used are:

* Beginning teacher’s time to examine issues related to professional development and classroom practices.
* Observations of tutor teacher/ observations of beginning teacher.
* Allowing the tutor teacher time to extend and modify his/her own expertise.
* Observations in school.
* Demonstrations in beginning teacher’s class by tutor teacher and other experts
* In-class support with specific groups of students. Designed to lighten the teaching load of the BT
* Exploring school resources
* Attending beginning teacher in service courses and other professional development.

4. A document with regular written feedback and feed forward to the beginning teacher regarding classroom practice will be maintained throughout both years. (Copies will be kept and signed by both parties).

**Equal Employment Policy**

**Rationale**

The Te Poi School Board of Trustees, as a good employer, must provide equal access, consideration, and equal encouragement in areas of recruitment, selection, promotion, conditions of employment and career development.

The Board of Trustees will comply with Equal Employment Opportunities as outlined in the State Sector Amendment Act 1989, Human Rights Act 1993 and The Education Act 1989.

**Purpose**

1. To ensure that Te Poi School is a good employer.

2. To ensure that Te Poi Primary School is staffed by the most competent teachers and ancillary staff available, to enable it to meet Charter objectives and maintain the special school culture.

3. To strive for an equitable representation of all ethnicities and genders on the school staff

4. To ensure that staff employed are appropriate role models for children.

**Guidelines**

1. All personnel policies and procedures must adhere to EEO principles.
2. The school’s EEO Policy will be reviewed as part of a regular cycle of review.
3. The Principal is delegated responsibility for the development and implementation of the school’s EEO programme.
4. The EEO Policy will be implemented in consultation with employees, particularly staff in the target groups: Maori, women, men, and persons with disabilities.
5. All staff will be treated equally and fairly, without being discriminated against on the grounds of race, gender, sexual orientation, age, ethnicity, race, religion or physical disabilities.
6. At Te Poi School we are committed to
	1. Employing the best person for the job
	2. Ensuring that all employees have the chance to contribute and succeed to the best of their abilities in their work
7. An EEO plan will be a component of the school’s Strategic Plan under Nag 3.
8. An annual statement about the school’s EEO documentation will be shared with the Board of Trustees

**Conclusion**

The Board of Trustees is a good employer, acting with fairness and with consideration for the uniqueness of each individual employee.

**Equal Employment Opportunities Programme**

Personnel policies and practices cover:

* Recruitment and Selection
* Promotion and Career Development
* Conditions of Service
* Staff Professional Development
* Sexual Harassment
* Appraisal
* Performance Management

All are regularly revisited and as required reviewed to meet current requirements and expectations.

Four specific objectives again targeted are:

* To support staff seeking to improve their qualifications
* To encourage continued high levels of performance through the established Target Group & Teacher Inquiry Appraisal System
* To ensure the Professional Development needs of all staff are provided for
* To improve the facilities and conditions of service for staff.

***Objective: To encourage continued high levels of performance through the Performance Management/Performance Appraisal System***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Action Required** | **Responsibility** | **Target Date** | **Indicator(s)** | **Progress** |
| 1. Job Descriptions: Target Groups & Teacher Inquiry expectations established | Principal and individual staff members | February-March | Job Descriptions completed and signed |  |
| 2. Target Groups & Teacher Inquiry Appraisal Agreements determined | Principal and individual staff members | February-March | Agreements settled and signed |  |
| 3. Appraisal Classroom observations timetable established | Principal and staff | March | Timetable completed |  |
| 4. Target Group & Teacher Inquiry Appraisals | Principal and Principals appraiser. | April – November | Appraisals completed and further performance and development requirements established. |  |

***Objective: To ensure professional development needs of all staff are***

***provided for***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Action Required** | **Responsibility** | **Target Date** | **Indicator(s)** | **Progress** |
| 1. Establish level of funding budget | BOT | November  | Budget figure established |  |
| 2. Consult with staff on school development plans and provide information on this and outside development courses/opportunities | Principal and staff | February-March and as appropriate courses become available | Information provided |  |
| 3. Staff submit ideas/requests | Individual staff members | February-March and as appropriate |  |  |
| 4. Ideas/requests discussed, prioritised. | Principal and staff | February-March and as appropriate |  |  |
| 5. Requests submitted to Board | Principal | February-March |  |  |
| 6. Staff informed of decisions and enrolments forwarded to providers | Principal | Following BOT meeting(s) | Detailed Staff Development Programme available to staff and BOT |  |
| 7. Reporting back from those involved | Staff and Principal | Throughout year | Reports oral and/or written |  |

***Objective: To support staff seeking to improve their qualifications***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Action Required** | **Responsibility** | **Target Date** | **Indicator(s)** | **Progress** |
| 1. Establish the level of funding available (budget) and expectations | BOT | Nov  | Budget figure established |  |
| 2. Obtain relevant course information and requirements from providers | Principal and staff | February | Information available to staff |  |
| 3. Collate staff requests and present to BOT | Principal | Prior to March Mtg as courses provided | Requests presented and supported |  |
| 4. Staff members informed of BOT decisions | Principal | Following March Mtg and during course of year | BOT meeting decisions on requests |  |

***Objective: To improve facilities and conditions of service for staff***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Action Required** | **Responsibility** | **Target Date** | **Indicator(s)** | **Progress** |
| 1. Consult with staff on ways in which facilities and conditions of service could be improved. | Principal and BOT Chairperson | February on-going | Consultation |  |
| 2. Consider these and other BOT initiatives before prioritising. | BOT | February-March Throughout year | Priority List |  |
| 3. Include items for action in development plan giving precedence to agreed health and safety and disability matters. | BOT | March and later as other items introduced. | Development Plan regularly updated |  |
| 4. Approach Ministry of Education for support | BOT | MarchThroughout year | Correspondence and response |  |
| 5. Report on Progress to staff | Principal and BOT Chairperson | Throughout year | Regular reports and Annual Report |  |

**3.9 Leave of Absence**

3.9.1 Leave for up to one school week can be granted at the discretion of the Principal.

3.9.2 Applications for leave for more than one school week must be submitted to the Principal in writing a minimum of one week prior to a Board meeting. The Principal will provide a recommendation to the Board including the likely effect that granting such leave will have on students. The final decision to grant leave of greater than one school week will be at the discretion of the Board.

3.9.3 Should a staff member require leave at short notice of more than one school week due to special, unforeseen circumstances, such leave may be granted at the discretion of the Principal following discussions with the Board chairman. The Board should be advised as soon as is practical.

**3.10 Sexual Harassment**

Sexual harassment is defined as behaviour, which is unwelcome or offensive to a student, staff member or parent. It may be by use of words (written or spoken) of a sexual or by physical behaviour of a sexual nature. There may be implied promise of preferential treatment, detrimental treatment or threat about the present or future status of that person within the school. The behaviour is either repeated or of such a significant nature that it has a detrimental effect on that person’s schooling, parenting, job satisfaction or job performance.

3.10.1 The Principal will develop a set of procedures for dealing with sexual harassment complaints

3.10.2 In the first instance, the Principal will deal with complaints unless the complaint is against the Principal. Should this be the case the Board Chairperson will deal with the complaint in line with the procedures laid down

3.10.3 Should the complainant feel the issue has not been resolved to his/her satisfaction the complaint will be referred to the Board.

3.10.4 The Principal will inform the Board of any sexual harassment complaints received.

*PROCEDURES*

Receiving Complaints

* Anyone experiencing sexual harassment should immediately make it clear to the persons responsible that such behaviour is unwanted and unacceptable
* Should the unacceptable behaviour continue it should be reported as soon as possible to the Principal, a teacher or a member of the EEO committee
* The Chairperson of the Board of Trustees will be informed of any complaint in writing

Investigating and Interviewing

* The Board of Trustees delegates investigation to the Principal or his/her nominee. Should the Principal be a party to the complaint, the Chairperson of the Board of Trustees will conduct the investigation
* Where suspension is warranted this should be deemed to be part of the investigative process
* The complainant will be interviewed to establish the factual content of the allegations
* During the interview there will be a mature independent witness present of the same sex as the complainant. Should the complainant be a pupil, then the pupil’s parent(s)/guardian must be present
* Notes will be taken during the interview. All present at the interview will sign these notes.
* Should there be more than one complainant, they must be interviewed separately
* The defendant will be asked to answer the allegation; the format of the interview and the witnesses required being the same as that for the complainant
* A resume of the complaint will be put to the defendant. An explanation of the school’s procedures and the Human Rights Act will be given and made clear. It will also be made clear that it is the school’s responsibility to act on the complaint
* It may be necessary to conduct further interviews with the complainant, defendant or witnesses. All will follow the above format

Making a Decision

* A report will be submitted to the Board of Trustees accompanied by the signed notes and recommendation of a course of action
* The Board of Trustees will make a decision on the assembled facts
* If the complaint is judged to be well-founded, the Board of Trustees has the following range of disciplinary measures at its disposal: correction and counselling; warning and reprimand; dismissal; referral to the police or other agencies
* The decision will be final and will be communicated to both parties in writing
* In determining the appropriate disciplinary measure, consideration will be given as the whether or not this is the first complaint, to the seriousness of the offence, and in the case of a student, to the effect the disciplinary measure may have on their schooling
* In reporting complaints to the Board of Trustees the Principal or his/her nominee may keep confidential the names of the complainant and defendant until the complaint has been upheld

**3.11 Police Vetting**

3.11.1 The Principal will ensure procedures are in place for compulsory police vetting including: police vetting of non-teaching and unregistered employees; police vetting of all parent helpers, including camp parents, and police vetting of contractors and their employees who regularly work at the school.

3.11.2 The Principal is nominated as the “requester‟ and as such will ensure that strict confidentiality is observed for police vetting.

3.11.3 Where information causing concern is received no adverse action will be taken until the person concerned has been given a reasonable opportunity to validate the information.

3.11.4 The Principal will report to the Board at the conclusion of any successful police vetting process.

**3.12 Complaints Against Staff Policy \***

The school will endeavour to address all parental concerns whether it be about their child or about the school's management. There are appropriate channels for expressing these concerns, which ensure everyone receives a fair hearing.

GUIDELINES

1. People with concerns should approach their child's teacher in the first instance, at an appropriate time or via email.
2. If the concern is not resolved then the Principal should be approached.
3. If the issue is still not resolved the complainant can inform the Board of Trustees in writing, clearly describing their concern or complaint with recommendations.
4. At the discretion of the Chairperson the complainant may be called on to speak to their recommendations. Meeting procedure must be upheld in all cases.
5. At the discretion of the Chairperson, teachers and other staff have the right of reply at these meetings.
6. The Board of Trustees will respond to the complainant in writing
7. If the complaint is about the Principal, contact is to be made with the BOT Chairperson.
8. If none of these guidelines gives satisfaction then the parent/caregiver still has the right to go to the Ministry or appropriate Authority i.e. Human Rights, Privacy Commission, CYPFA, Police etc.

**3.13 Protected Disclosures Policy \***

The Te Poi School Board of Trustees ensures that procedures are in place to meet the requirements of the Protected Disclosures Bill.

*PROCEDURES FOR MAKING A PROTECTED DISCLOSURE UNDER THE PROTECTED DISCLOSURES BILL.*

1. If on reasonable grounds you believe you have information that a serious wrongdoing is occurring [or may occur] within the school, and you wish to disclose that information, so it can be investigated you can make a protected disclosure to the principal.

2. This can be done verbally or in writing. You should identify that the disclosure is being made under the Protected Disclosures Bill, and is following the board procedure. You should then provide detail of the complaint [disclosure], and who the complaint is against.

3. If you believe that the principal is involved in the wrongdoing, or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them. Then you can make the disclosure to the chairperson of the board of trustees.

4. It is then up to the person you disclose to decide if the disclosure constitutes a serious wrongdoing, and whether the allegations need investigating.

They can decide:

(a) To investigate the disclosure themselves

(b) To forward the disclosure to the board or a committee of the board to investigate

(c) Whether it needs to be passed on to an appropriate authority. If it goes to an appropriate authority, they will advise you that they are now investigating the complaint.

5. If you believe that both the principal and the chairperson of the board of trustees may be a party to the wrongdoing, or in close relationship with the person/s involved in the wrongdoing, you can directly approach an external “appropriate authority”.

**Who is an “appropriate authority”?**

6. As noted above, in some circumstances, the disclosure could be made to an appropriate authority by yourself, or the person to whom you have made the disclosure. An appropriate authority is defined in the Bill as including:

(a) Includes:

(i) The Commissioner of Police:

(ii) The Controller and Auditor-General:

(iii) The Director of the Serious Fraud Office:

(iv) The Inspector-General of Intelligence and Security:

(v) an Ombudsman:

(vi) The Parliamentary Commissioner for the Environment: (vii) the Police Complaints Authority:

(viii) The Solicitor-General:

(ix) The State Services Commissioner:

(x) The Health and Disability Commissioner; and

(b) Includes the head of every public sector organisation, whether or not mentioned above in 6 (a).

7. Clause (b) can mean that in certain circumstances the appropriate authority could be the Secretary for Education of the Ministry of Education, or the Chief Review Officer of the Education Review Office (ERO).

**Why can’t I just go to the appropriate authority myself?**

8. There are three circumstances when you can go directly to the appropriate authority:

(a) When you believe that the head of the organisation is also a party to the wrongdoing, or has an association with the person, which would make it inappropriate for them to investigate.

(b) If the matter needs urgent attention, or there are other exceptional circumstances.

(c) If after 20 working days there has been no action or recommended action on the matter to which the disclosure related.

If these circumstances do not apply you need to go through the internal processes.

**What happens if even the appropriate authority does nothing?**

9. You could then make the disclosure to the Ombudsman [unless they were the authority you have already disclosed to] or a Minister of the Crown.

10. The Bill does not protect you if you disclose information to the media or a member of parliament other than a Minster of the Crown in the circumstances referred to above.

**Where can I find out more information?**

11. If you notify the Office of the Ombudsman verbally or in writing, that you have disclosed, or are considering a disclosure under this Bill, they must provide information and guidance on a number of matters including those discussed here, and the protections, and remedies, available under the Human Rights Act 1993 if the disclosure leads to victimisation.

12. A copy of the Bill can be found on the Internet at Legislation on Line: [www.legislation.govt.nz](http://www.legislation.govt.nz)

**3.14 Staff Remuneration**

3.14.1 All teaching staff will be paid on the appropriate salary step commensurate with experience and qualifications in accordance with the appropriate Primary Teachers‟ Collective Employment Contract, (CEC).

3.14.2 Support staff will be paid according to the appropriate CEC or IEC,(Individual Employment Contract) at a rate equal to, or in excess of the rate specified in the contract. Support staff rates of pay will be reviewed annually.

3.14.3 Units under the contract will be allocated to meet obligation under the CEC.

3.14.4 Additional units or funds available may be used to assist with the recruitment of staff where the salary level offered may not be sufficient to attract the most suitable person for the job and/or to recognise teaching staff undertaking duties over and above those normally expected of a teacher.

**3.15 Classroom Release Policy**

**PURPOSE**

The settlement of the 2004 Primary Teachers Collective Agreement contains provision for 10 hours per term, classroom release time (CRT) for all full-time teachers with classroom responsibility.

The intent of classroom release time is to address teacher workload while maximising benefits for student learning.

The use of classroom release time will be professionally useful for the school's teaching and learning programmes, the teacher's professional growth and the learning needs of the students.

The CRT is resourced by the MOE as entitlement staffing to cover release of all entitlement staff. The Board will resource CRT for any additional staff employed above entitlement.

**GUIDELINES**

1. The delivery of CRT will be developed in consultation with staff taking account of availability of staff, school needs and other priorities.
2. When CRT is unable to be provided due to circumstances outside the control of the school, a log will be maintained to ensure that the CRT is provided as soon as practicable.
3. CRT will be taken on site unless negotiated with the principal to occur elsewhere.
4. CRT will be used to plan work, write reports, carry out assessment tasks and analysis, attend to pastoral care of students, and professional development opportunities.
5. A review of the CRT delivery will be carried out annually or at such times as deemed necessary by the principal.

**3.16 Unit Allocation Policy**

**PURPOSE**

To provide, guidelines for the allocation of units, which conform to equal employment opportunity principles.

**GUIDELINES**

The Primary Teachers Collective Agreement requires that a minimum of 60% of a school’s unit entitlement be allocated to teachers permanently. Permanent units will be allocated for senior and middle management positions such as deputy principal and team leader.

Fixed term units will be allocated for roles identified by the Principal in consultation with staff either for ongoing responsibility or short-term responsibility as identified in the school’s medium to long term planning.

**Allocation process:**

* Actions taken will adhere to values of fairness and natural justice.
* The Principal in consultation with staff will analyse the positions available for each year prior to that year.
* For each position there will be a job description developed.
* For each appointment there will be an appropriate transparent documented process

**CONCLUSION**

Units will remunerate teachers in leadership positions and position of additional teaching and learning responsibility, and support career pathways for primary teachers.

**3.17: GIFTS PROCEDURE**

**RATIONALE:**

Staff and community members are an important part of Te Poi School and their contributions are valued.

**PURPOSES:**

When staff resign, there is a bereavement or a significant celebration within our school community, it is the Board of Trustees responsibility to recognise this.

**GUIDELINES:**

**Gift Giving**

* At the full discretion of the Board of Trustees, staff members are given an appropriate farewell on their retirement, resignation, or completion of a contract. Also, acknowledgement of bereavements and celebrations within the staff and the school community.
* The Board of Trustees contribution can be put towards a farewell function and/or gift; staff members are given the opportunity to contribute to the farewell gift for staff members.
* The type of function is to be at the Board’s discretion and, within reason, additional costs may be approved by the Board.
* All gifts should be purchased through the school’s normal purchase procedures.
* The cost of the gift should be reasonable and appropriately reflect the benefit received.
* Appropriate purchases will be made for bereavements, thank you’s and celebrations, e.g., graduations, births etc.
* School cards are used where applicable.

**Receiving of Gifts**

* Gifts should not be accepted if there is concern that their acceptance could be seen by others as an inducement or a reward that might place the staff member under an obligation
* If gifts received are small and of little value (under $100) then the recipient may keep the gift
* If the gift is estimated to be worth more than $100, or in the form of cash, then the recipients must advise the Board of the gift. The gift will be given to the school to use and hold for the specific purpose declared by the giver.
* If the gift arises from an employee’s role as an employee of the Board, then the gift remains the property of the Board. Receipt of the gift should be declared to the Principal