



SECTION 3 PERSONNEL

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In accordance with National Administration Guideline 3 and other sources, quoted in Section E of the Handbook for Schools (ERO 1996), this school has a commitment to meeting the legislative and regulatory requirements on employment and personnel matters

1. Safe working conditions and Smoke Free environment
 - The BOT is committed to providing safe working conditions and has published a School Safety Manual with procedures to be followed according to OSH requirements. The school will provide a smoke free environment for students and staff.
 - The principal and staff shall develop a Codes of Practice Statement to guide staff on their responsibilities as role models in behaviour, language, relationships and dress.
 - The BOT is committed to fair and proper treatment of employees and will, in consultation with the staff, develop procedures for grievances.
 - Sexual harassment is not acceptable at this school and the Board, in consultation with the Principal and Staff, will specify procedures to deal with this.

2. Equal Employment Opportunities
 - All school policies and procedures will incorporate EEO requirements.
 - The Board will implement an EEO programme each year.

3. Staffing
 - All staff will be employed under agreement, either collective or individual
 - The Board is to abide by the provisions of relevant employment agreements

4. Appointments
 - The Board is committed to appointing the most suitable person for any position with regard to employment agreements and the EEO requirements
 - In making appointments, the Board will follow the procedures it has stipulated

5. Staff Leave (Refer to the Staff Administration Handbook and the Board's Operations Handbook for procedures).
 - The Board will grant leave according to relevant employment agreements
 - The Principal may grant discretionary leave for up to five working days
 - Staff must apply to the Board for discretionary leave exceeding five working days

6. Performance Appraisal
 - All staff will be appraised according to the Performance Management System guidelines issued by the MOE
 - The Principal and Staff will develop procedures to be approved by the Board

- The Principal will report to BOT on the Performance Management System during Term 2
- The principal and the Senior Leadership team will have an external appraisal every THREE years.

7. Staff Development

- The school is committed to providing adequately resourced staff development programmes
- The programmes will be organised by the Principal in collaboration with the Staff

8. Complaints

- This school's policy is designed to protect the interests of students, parents, teachers and trustees. The underlying principle is an intention to remedy situations. At each stage, the purpose is to resolve problems, and it is expected that all parties will be prepared to follow procedures with that purpose
- The Board has a set of procedures for dealing with complaints The procedures will be made available immediately to anyone making a complaint
- It is a matter of principle that the investigation and consideration of a complaint should be on a scale appropriate to that complaint and should not escalate beyond those who are immediately involved

9. Discipline

- The BOT will comply with all the provisions of employment agreements when procedures are related to discipline, competence and dismissal

10. Competency

The Board has complete discretion to control the management of the school (Clause 76 of the Education Amendment Act 1989))

- Teacher competence comes under the management of the school's day-to-day administration. It is the Principal, as professional leader of the school, who advises the Board that there are matters of competence causing concern and who recommends invoking clause 3.3 when necessary. Procedures as outlined in the appropriate Collective or Individual contracts will be followed.

DATE CONFIRMED: 2018

1. The Principal shall notify the Board of any impending vacancy. Having identified a vacancy, those with delegated responsibility shall write for the vacancy:
 - a draft job description including duties and responsibilities
 - a person specification (qualifications, experience, attributes)

2. For teaching positions of at least one year's duration, positions will be advertised nationally.

For all other positions the vacancy will be advertised in the manner and place appropriate to gaining the maximum number of suitable applicants. The responsibility for advertising positions is the Principals or in the case of a Principal vacancy, the Board Chairman.

3. The Appointments Committee is a delegated sub-committee of the Board and has the authority to recommend to the Board the appointment of the most appropriate candidate.

For each of the following appointments the Appointments Committee shall consist of -

- Principal Current Board of Trustees
Non-voting Educational Consultant
- Deputy/Assistant Principal Principal
Board Representative(s)
- Permanent Unit Positions: Principal
Board representative(s)
- Fixed term Unit positions Principal
- Teachers; Long Term Relieving Teachers Office, Ancillary, Caretaking and Grounds staff Principal
- Surplus Staffing Principal

Sub-committees may co-opt a non-voting member for their appropriate expertise.

4. Committee members shall NOT be in a position to select their successor.
5. Appointments: Committee members should not act as referees for candidates being interviewed.

Declarations:

- All applicants will be required to notify if they have any criminal convictions or have court cases or disciplinary procedures pending or other matters that may impact on their ability to be employed at a school or to deliver their duties.
 - All teaching applicants must produce evidence that they are registered and hold a current practising certificate.
 - All staff must demonstrate proof of residency or citizenship.
 - All applicants must sign an authority that past employers beyond their named referees may be contacted
 - All applicants must sign a declaration in regard to the factual nature of the information provided.
6. Short-Listed candidates will be contacted informing them of the interview arrangements.
 7. The Selection Committee Chairperson shall ensure referees of short listed candidates are contacted to verify information offered by applicants.
 8. At interview the Selection Committee will ask a common set of questions of all shortlisted candidates. Opportunity and time should be made for panel members to ask supplementary questions from responses.
 9. The Selection Committee evaluates each candidate against person specifications. These are to be compared, discussed and negotiated until a majority of panel members are satisfied with the selection of the most suitable candidate. Where a majority fails to agree the position will be re-advertised. In the case of the appointment of any staff subordinate to that of the Principal The Principal has the right of veto of any applicant based upon appropriate information being available . The successful candidate will be notified in writing within 24 hours. Once the position is accepted unsuccessful candidates should be contacted.

This is to be followed by a letter confirming:

- position title and nature of the job
- start date
- hours of work
- contractual details
- salary / wage and other benefits

The successful applicants are requested to notify the Appointments Committee within 48 hours of being advised whether they are accepting or declining the Appointment.

10. Appeals against the decision of the Appointments Committee will only be considered on matters of process. They are all to be made to the Chairman of the Board of Trustees. Appeals by an applicant against non-appointment need to be made in writing within 14 days of interview. All Committee members are to receive a copy of the appeal and to be consulted. Such an appeal by an Appointment committee member will be based upon information

previously available or concerns about breach of procedure. An appeal cannot be based upon disagreement with a democratically decided appointment.

11. All non-teaching staff are required to consent to Police Vetting. A satisfactory Police Vet is a condition of appointment. The Board through the Principal will deal with unsatisfactory vets. All teaching staff are vetted as part of their registration process.

12. Confidentiality

- All details regarding candidate applications are to remain confidential to the Selection Committee. In an appeal the Board Chairman is to have access to access to relevant C.V.s and referees statements.
- All referees statements shall be destroyed by the Principal after a 90 day period.
- All interview notes (apart from the successful candidate) shall be destroyed by the Principal after 90 days.
- In the event that there is a possibility of a personal grievance from an existing employee after failing to win a position, all information will be retained for a minimum period of 90 days
- A personal file is to be prepared for the successful applicant with a copy of CV, interview responses and appointment letters.
- An induction process shall be undertaken for the new appointee

13. Expenses:

- Payment of actual and reasonable expenses incurred by applicants attending interviews is to be negotiated with the Board of Trustees prior to expenses being incurred.
- Distance and reasonable expense should not be a valid reason to exclude an applicant.
- The expenses and fees of any consultants employed by the Board to assist with the selection process need to be agreed by the Board before deciding to employ the consultant.

DATE CONFIRMED: 2018

ALLOCATION OF UNITS /ALLOWANCES

NO S3-303

The Board of Trustees will allocate Units based on management needs and the priorities identified in the strategic plan/annual plan. The Board notes the requirement that a minimum of 60% of Units allocated by the Ministry of Education shall be used as permanent units that support identified teaching management and administrative needs of the school.

Fixed term units will be allocated as annual plan and strategic direction needs of the school are identified and extra responsibilities are required.

Procedures

1. Fixed term units/allowances are allocated on an annual basis and can be allocated for whole or part of a year
2. All management units/allowances allocated to the school will be used
3. The allocation of units/allowances is based on the decision of the Principal sanctioned by the Board.
4. The Principal will consult annually with the entire staff as to their views on the priorities and areas of need. Staff should consider the annual and strategic direction when identifying priorities for Unit allocation.
5. The Principal will report to the Board annually as to the allocation of units/allowances.
6. Where fixed term units/allowances are to be allocated to special tasks any staff eligible will be given the opportunity to apply for the unit(s)/allowance and a fair and proper process of selection will be implemented by the Principal.
7. The above clause does not exclude units above the 60% level being used as permanent Units where need is clearly identified by Board of Trustees and Management.

DATE CONFIRMED: 2018

APPRAISAL/PRINCIPAL

NO S3-304

The Board Chair and the Principal shall consult to determine the process for the Principal's appraisal. The appraisal process will evaluate the Principal's performance as measured against professional standards, and a number of key indicator points as set out in the performance agreement.

There will be an external appraisal of the Principal by an approved appraiser every THREE years.

During the other two years, appraisal of the Principal will be carried out by an approved Principal Colleague. /Board of Trustees Chairman.

The performance agreement shall define expected outcomes in the following fields:

- Curriculum and pupil learning
- Pupil activities and pupil welfare
- Administration
- Personnel management
- Property management
- Financial and budget management
- Consultation and interaction with the community
- Planning and self-review
- Advice to the Board
- Reporting to the Board
- Strategic planning
- Promoting the school

An appropriate professional may be engaged to assess the Principal's teaching, educative and professional leadership

An appraisal report shall be prepared which shall be summative and formative.

Any recommendations shall be monitored by the Board Chair

The appraisal report shall be kept in the confidential Principal file

The Board Chair shall release all or part of the assessment only with the agreement of the Principal, however, in the event of a personal grievance action or a complaint of serious misconduct against the Principal, the Board will have access to the report

In the event of a dispute arising over the appraisal process or its results the matter will be referred to an independent arbitrator agreed upon by the Principal and the Board Chair

- The Board must ensure that the conduct of the dispute is undertaken with due regard for the principles of natural justice
- The Board will allow both parties to seek the advice they desire and provide the evidence that they deem relevant.
- The Board, as the employer will have responsibility for the final decision
- The Board Chair shall report to the Board annually on the Principal's appraisal

DATE CONFIRMED: 2018

PRINCIPAL'S REMUNERATION

NO S3-305

The Principal shall be paid in accordance with his/her agreement. Remuneration shall be based on the applicable base salary rate (which is the minimum salary the Board must pay to the Principal) supplementary funding, decile discretionary funding and other pertinent allowances.

The amount of funding for Principal's salaries is determined by the Ministry of Education, after a process of review involving input from relevant bodies. To ensure fairness, funding should be used for the purpose for which it has been generated.

DATE CONFIRMED: 2018

All non-teaching staff shall be appraised annually.

The Appraiser and staff member shall meet to decide on the process and content of the appraisal. The appraisal must take into consideration the employment agreement, job description, and previous requirements for job improvement. These shall form the basis for a list of key indicators agreed to by both parties

The appraisal interview shall result in a report which the Appraiser and the staff member shall both sign

The report shall be confidential unless the employee agrees to its release; however, if a personal grievance action is taken then the Board shall have access to the report

The report shall be held by the Principal.

In the event of a dispute arising over the process or content of the appraisal the matter will be referred to the Board who shall be the final arbiter. They must recognise the principles of natural justice

The Principal shall report annually to the Board on non-teaching staff appraisals

DATE CONFIRMED: 2018

SUPPORT STAFF/ APPRAISAL REPORT

STAFF MEMBER _____

POSITION _____

APPRAISER : _____

CONCERNS SHARED:

COURSES/ MEETINGS NEEDED TO ATTEND TO PROMOTE LEARNING AND UNDERSTANDING

RECOMMENDATIONS TO PRINCIPAL

STAFF MEMBER _____ Date _____

APPRAISER _____ Date _____

PRINCIPAL _____ Date _____

APPRAISAL/TEACHING STAFF

NO S3-307

All teaching staff, including long term relievers, will be appraised annually

The Performance Management Document will form part of the Job Description. Teachers will be appraised against the professional standards.

Peer appraisal is the preferred process. Individual teachers are responsible for keeping their own records as evidence of appraisal. This evidence will be signed and dated by the appraiser. These will be monitored by the Principal in November of each year.

The appraisal process will appraise:

- The teaching skills as displayed in observed lessons and pupil achievement
- The teacher's contribution to the wider function of the school
- The teacher's commitment to self-improvement
- The teacher's professional management skills

The teacher will complete a self-evaluation process using the Professional Management Document and will submit this to the appraiser:

- Assessment and commentary of teaching performance
- Assessment of the wider contribution to the school
- Record of professional development undertaken since the previous appraisal
- Commentary on any remedial action taken as a result of the previous appraisal

Management components will be appraised by the Principal

At the appraisal interviews the Professional Management Document appraisal report should be completed and signed by the teacher and the Appraisers. The report should be both summative and formative

In the event of a personal grievance action the Board will have access to the report

The report will be held by the Principal. Needs of the teachers will be addressed by appropriate professional development including mentoring, attendance at selected courses and conferences, advisers, collegial support.

Any dispute over the appraisal process or its results may be referred through the Principal to the Board. All parties to the dispute must have access to the evidence they require and the advice they desire

In the event of a dispute the Board of Trustees as the employer has responsibility for the final decision.

The Principal shall report annually to the Board on the matter of staff appraisals.

DATE CONFIRMED: 2018

Unacceptable Behaviours

The following behaviours are defined as unacceptable within the school community.

1. Harassment

Harassment is unsolicited verbal or physical conduct by a person or group which is unwelcome and offensive to the recipient and of a serious nature or persistent to the extent of having a detrimental effect on the individual's work performance, job or training opportunities and the ability to learn. Harassment may involve elements of power. This makes it difficult for the victim to prevent it. Types of harassment may include any of the following, but are not limited to these.

- *Academic* - academic harassment is any behaviour which constitutes an abuse of the acknowledged power relationship between students and teachers.
- *Age* - where the unsolicited verbal or physical conduct expresses hostility against or brings into contempt or ridicule on the basis of their age.
- *Disability* - where the unsolicited verbal or physical conduct expresses hostility against or brings into contempt or ridicule on the basis of their disability.
- *Emotional Harassment* - psychological harassment is any behaviour which constitutes intimidation, harassment, property damage and threats of abuse.
- *Ethnic Harassment* - where the unsolicited verbal or physical conduct expresses hostility against or brings into contempt or ridicule on the grounds of colour, race or ethnic or national origins of the person.
- *Gender Harassment* - where the unsolicited verbal or physical conduct expresses hostility against or brings into contempt or ridicule on the basis of their gender.
- *Intellectual Harassment* - attempts to bring into contempt the intellectual capacity of another.
- *Religious Harassment* - is that which is offensive towards any person regarding religious beliefs.
- *Sexual Harassment* - any unsolicited verbal or physical conduct of a sexual nature which is unwelcome, uninvited and offensive, and can have a detrimental or preferential effect on the study performance or opportunities of students and staff. The definition in the Human Rights Act 1993 section 6 (c)2 shall apply here.
- *Sexual Orientation* - where the unsolicited verbal or physical conduct expresses hostility against or brings into contempt or ridicule on the basis of their sexual orientation.

2. **Victimisation**

Victimisation may be seen to occur where any person who treats or threatens to treat any other person less favourably than he or she would treat other persons in the same or substantially similar circumstances because they

- (a) made use of their pathways to redress issues outlined in these policies; or
 - (b) encouraged another person to make pathways for redress; or
 - (c) are currently involved in any way in any aspect of these pathways.
3. It is unacceptable for any member of the school to deliberately and knowingly put others at physical or emotional risk.
 4. It is unacceptable for any person to act as a member of the school while affected by alcohol, illegal or non-prescribed drugs, or to provide illegal drugs for use by any other member of the school community
 5. It is unacceptable for any member of the school community to misuse or abuse power.

Professional Conduct Procedures

Should you wish to make a complaint regarding the professional conduct of a staff member or student you have a choice of three pathways.

- (a) Informal - an approach, by an individual, or with support, to the person concerned. This pathway offers the chance to resolve issues close to when and where they happen. No record of the issues, the resolution, or the people involved is kept.
Both parties may agree to ask a third person to help them seek a resolution through facilitation.
Using this pathway in no way prevents either party from moving to a more formal process at any time.
- (b) Semi-formal - an approach, by an individual, or with support, to an adult staff member. A written record of the complaint will be agreed between the complainant and the staff member. The staff member will approach the respondent and outline the complaint. Use of this pathway will see records kept within the Centre or programme, but no record on the academic or personal file of the person concerned. The complainant need not be personally identified, however the detail provided must be sufficiently clear for the respondent to understand the nature of the complaint. The respondent has the right to consult the Student Council for advice.
Compliance with the resolution of the complaint will be monitored by the Associate Principal with responsibility for Discipline.

- (c) Formal - an approach, by an individual or with support, to the Associate Principal or Principal. This pathway is most appropriate when the issues concerned are serious or where a complainant is dissatisfied with attempts to resolve an issue at a less formal level. The complaint must be made in writing to the Associate Principal or Principal, who will, in the case of staff members, consult the Union/STA. The complaint is put in writing to the respondent, who is advised to consult with his or her union, employee representative, or Association. The respondent has two weeks in which to respond to the complaint. If the complaint is substantiated, there may be an attempted resolution through semi-formal processes. You also have the right to pursue a complaint externally e.g. through the Human Rights legislation.

The staff member in carrying out their stated duties shall

- Ensure that the needs of children and their learning is paramount
- Abide by any statutory obligations
- Be loyal to the charter ensuring that activities reflect the spirit and the objectives of the charter
- Demonstrate a commitment to the belief that each student is of equal value and is entitled to an education which respects each student's dignity, rights and individuality
- Respect the integrity of The Board of Trustees, principal and other staff, parents and students
- Demonstrate a commitment to the continuing personal and professional growth and development of themselves and other staff
- Work cooperatively with other school staff, but recognising that the principal is the professional leader of the school responsible to the Board of Trustees
- Have an understanding and commitment to the elimination of sexism and racism both with respect to equal educational opportunity and equal employment opportunities
- Exercise responsibility in a way that fulfils the intent of the Treaty of Waitangi by valuing New Zealand's dual cultural heritage
- Respect the basic responsibility of caregivers for the child and seek to establish a co-operative relationship with them
- Encourage community participation in the school
- Be sensitive to the differing ethnic and cultural backgrounds of the students and members of the school community

DATE CONFIRMED: 2018

BEGINNING TEACHERS SUPERVISION/ INDUCTION NO S3-309

Beginning teachers shall:

- Meet with the Tutor Teacher at least once per term to discuss the advice and guidance programme. An induction book will be made available
- Be supported by other teaching staff in curriculum and resources within the syndicates, including professional development
- Be encouraged to visit and observe other teachers during non-contact time
- Be assisted in planning, classroom management and other wider school responsibilities and procedures by the faculty leaders
- Receive classroom visits and lesson appraisals from the tutor teachers at times to be negotiated, at least once per term for year-one teachers, less frequently as the need diminishes
- Be encouraged to take a full and active part in the corporate life of the school and community for the benefit of the teacher and the school

The tutor teachers shall:

- Carry out the programme as listed above
- Maintain a written record of the advice and guidance programme for registration purposes
- Be responsible for ensuring that, within the school structure, the reasonable professional needs of beginning teachers are met
- Keep the Principal in touch with the progress of beginning teacher progress.

PROCEDURES TO ACCESS BEGINNING TEACHER TIME ALLOWANCE

- The Beginning Teacher Time Allowance must be utilised WITHIN the first 24 months of a teacher's teaching career
- Beginning teacher support time cannot be deferred or backdated
- Applications are approved from the date they are received by the Ministry or the date the teacher commences employment whichever is the latter

- The teacher must be employed within a school's approved Ministry funded staffing entitlement equal to or more than 0.5 FTTE
- The position to which the teacher is appointed must be at least 10 weeks in length
- The teacher must have completed a recognised course of teacher training/retraining (equivalent for overseas trained teachers)
- Applications for the Retrained Teacher Time Allowance must be supported with proof of enrolment for those teachers currently attending a retraining course. Teachers who have completed an approved course of retraining must provide a certificate of completion from the course provider
- Applications for support time from teachers recruited from overseas must be supported with a copy of their New Zealand Qualifications Authority assessment
- The additional staffing is not available to aggregate a part-time position to full-time status
- Beginning Teachers recruited from overseas are entitled to either the Beginning Teacher Time Allowance or Staffing Support for Overseas Teachers.

DATE CONFIRMED: 2018

ATTESTATION

NO S3-310

Procedure:

Meet with the Principal together with Job Description, Performance management document and Professional Development recommendations from Appraisal.

These will be discussed and expectations and evidence and indicators of teacher performance agreed, recorded and signed.

If the Principal has significant doubts about the achievement of satisfactory teacher performance outcomes, these should be discussed with the teacher - mentor support may be arranged or relevant professional development to assist the teacher in achieving satisfactory outcomes.

All documentation is confidential to the teacher and Principal.

DATE CONFIRMED: 2018

The Board of Trustees

The Board of Trustees agrees to adhere to the following code of conduct:

Each Board of trustees is charged with governance of its school. Effective governance is a successful blend of professional expertise and community involvement. This cooperation should lead to effective and positive relationships between the trustees and staff and ensure that the educational well-being of students is maintained. This code of conduct shall be standard for all boards of trustees throughout New Zealand and apply to all members

Trustees shall:

- Ensure that the needs of children and their learning are given full consideration when planning, developing and implementing learning and teaching programmes
- Ensure that all students are provided with an education which respects their dignity, rights and individuality, and which challenges them to achieve personal standards of excellence and to reach their full potential
- Serve their school and their community to the best of their ability and be honest, reliable and trustworthy in all matters relevant to their roles and responsibilities
- Respect the integrity of staff, the principal, parents and students
- Be loyal to the school and its charter
- Maintain the confidentiality and trust vested in them
- Ensure strict confidentiality of papers and information related to the Board's position as employer
- Act as good employers
- Ensure that individual trustees do not act independently of the board's decisions
- Ensure that any disagreements with the Board's stance on matters relating to the employer position are to be resolved within the Board
- Exercise their powers of governance in a way that fulfils the intent of the Treaty of Waitangi by valuing and reflecting New Zealand's dual cultural heritage
- Use the Maori community's (or communities) own processes to consult with the Maori community

The Board of Trustees accepts the following:

The principal is the professional leader of the school and is responsible to the Board of Trustees. The responsibilities of the Principal will be stated in another document held by the school and available for public inspection.

THE PRINCIPAL'S CODE OF CONDUCT

The principal in carrying out her or his stated duties shall:

- Ensure that the needs of children and their learning is given full consideration when planning, developing and implementing learning and teaching programmes
- Demonstrate a commitment to the belief that each student is entitled to an education which challenges him/her to achieve personal standards of excellence and to reach full potential
- Abide by any statutory obligations
- Be loyal to the charter so that the principal's activities will reflect the spirit and the objectives of the charter
- Demonstrate a commitment to the belief that each student is of equal value and is entitled to an education which respects each student's dignity, rights, and individuality
- Respect the integrity of staff, members of the Board of Trustees, parents and students
- Demonstrate a commitment to the continuing personal and professional growth and development of staff
- Work cooperatively with the school staff, but will have the final responsibility for making decisions within the principal's authority
- Freely divulge all information on a student to any person with legal rights to the information who requests it
- Respect confidentiality by keeping information on students from people who have no right to it
- Not vote in Board of Trustees decisions in relation to the Principal's employment
- Have an understanding and commitment to the elimination of sexism and racism both with respect to equal educational opportunities and equal employment opportunities
- Exercise responsibility in a way that fulfils the intent of the Treaty of Waitangi by valuing and reflecting New Zealand's dual cultural heritage

DATE CONFIRMED: 2018

For all matters of complaints/discipline involving teaching staff, support staff, caretaking and cleaning staff, the Board will follow the requirements as listed in the specific agreements.

Principal:	Area school Principal's Collective Agreement
Teachers:	Area School Teachers Collective Agreement
Support Staff:	Support Staff in Schools Collective Agreement
Caretakers & Cleaners:	Caretaking and Cleaning Collective Agreement
Kaiarahi I te reo:	Assistants to Teachers to students with severe disabilities Special education Assistants Collective Agreement.

All staff will be advised that each of the following can be construed as issues of serious misconduct for which the penalty may be instant dismissal:

- Theft of Board property including the deliberate misuse, unauthorised use or private use of Board property or funds
- Fraud
- Fighting and or assault
- Refusing to obey lawful orders
- Bringing non-prescription drugs or alcohol to work and or consuming the same at work. This includes school trips and camps
- Lying or otherwise providing false information
- Deliberately undermining Board policy or otherwise damaging the integrity of the Board
- Conduct of an indecent sexual nature
- Inappropriate relationships with students

Procedures

In all cases the Board must:

- Specify the complaints
- Give the employee a chance to explain.
- Inform the employee of his or her rights.
- Listen to and take account of any rebuttal
- Not prejudge the matter
- Ensure that the principles of natural justice are followed

The Board shall take appropriate advice and information

DATE CONFIRMED: 2018

In dealing with issues of staff discipline the Board will act in a fair and reasonable manner as a good employer, in order to as far as possible, protect the dignity of the employee concerned. Procedures for dealing with discipline issues will be equitable, prompt, consistent and open. The Board will comply with the provisions of relevant collective or individual employment agreements where procedures related to discipline are necessary.

- In any event the insurer will be notified of any process to be undertaken that is required within the policy and an approved adviser will be sought for advice.

Background

The three key elements of the disciplinary policy are:

Identify to the employee unacceptable behaviour and/or unsatisfactory work performance

Modify give the employee an opportunity through the warning system to modify or correct unacceptable

behaviour or conduct or action ensure that disciplinary or dismissal action is taken where unacceptable

behaviour and/or unsatisfactory work performance warrants it.

NOTE Disciplinary procedures are commenced when conduct and/or behaviour is unacceptable.

Competency procedures are commenced when the professional standards associated with teaching and learning are not being met.

Guidance

1. All reasonable efforts will be made by the Principal and Board to remedy conduct concerns at as early a stage as possible.
2. A system written warning will be used as disciplinary measures. . All warnings will be placed on the staff member's file. This does not preclude the ability of the Board to summarily dismiss in the event that an investigation identifies that serious misconduct has occurred.
3. The following matters may constitute serious misconduct Note: this list does not preclude other matters falling into a serious misconduct category if the circumstances warrant.
 - Assault
 - Being under the influence of alcohol and/or drugs while delivering duties
 - Theft as an employee
 - Negligence that impacts on health and safety
 - Gross inefficiency
 - Accessing or downloading sexual, deviant or paedophile pornography
4. Staff members facing alleged breaches of discipline or competence will be advised in writing of the right to request representation at any stage.

5. Unless otherwise decided by the Board the Principal will undertake an initial inquiry to establish whether there is a disciplinary case to answer. The principal will inform the Board chairperson that there is a case to be answered as per the relevant clause of the collective agreement relating to that employee.
6. In dealing with alleged breaches of conduct or behaviour all appropriate steps as laid down in relevant employment agreements will be followed.

DATE CONFIRMED: 2018

COMPLAINTS

NO S3-314

All complaints received will be treated so that

- *Wherever possible issues concerns or complaints can be dealt with as close to source and as early as possible.*
- *Complainants feel they have been fairly heard*
- *The person who is the subject of the complaint is fairly treated*
- *Confidentiality is maintained*

All complaints received will be systematically dealt with in order to maintain a school culture of openness, honesty and fairness.

All other complaints relating to board decisions and policy, board members, health and safety issues not specific to an employee should be directed to the Board Chairperson in writing.

GUIDANCE

Level 1

Issues and Concerns (low level issues and concerns)

- In the first instance, an issue (or a concern) should be discussed with the classroom teacher/tutor or employee involved.
- If the problem is one related to a teacher/tutor and remains unresolved the Adult Community Education Coordinator/senior teacher or associate principal of the syndicate should be approached.
- If the issue/concern is not resolved to the satisfaction of the complainant, the matter should be reported to the Principal.

Level 2

Complaints (for matters of serious concern)

- Wherever possible complaints should be received in writing stating the specific nature of the complaint and where and when the incident/matter giving rise to the complaint occurred.
- The Principal should be kept informed of all complaints
- Many complaints will be able to be resolved by discussion between the Principal and the parent/caregiver/employee concerned without the need to take the matter any further. The Board will, where

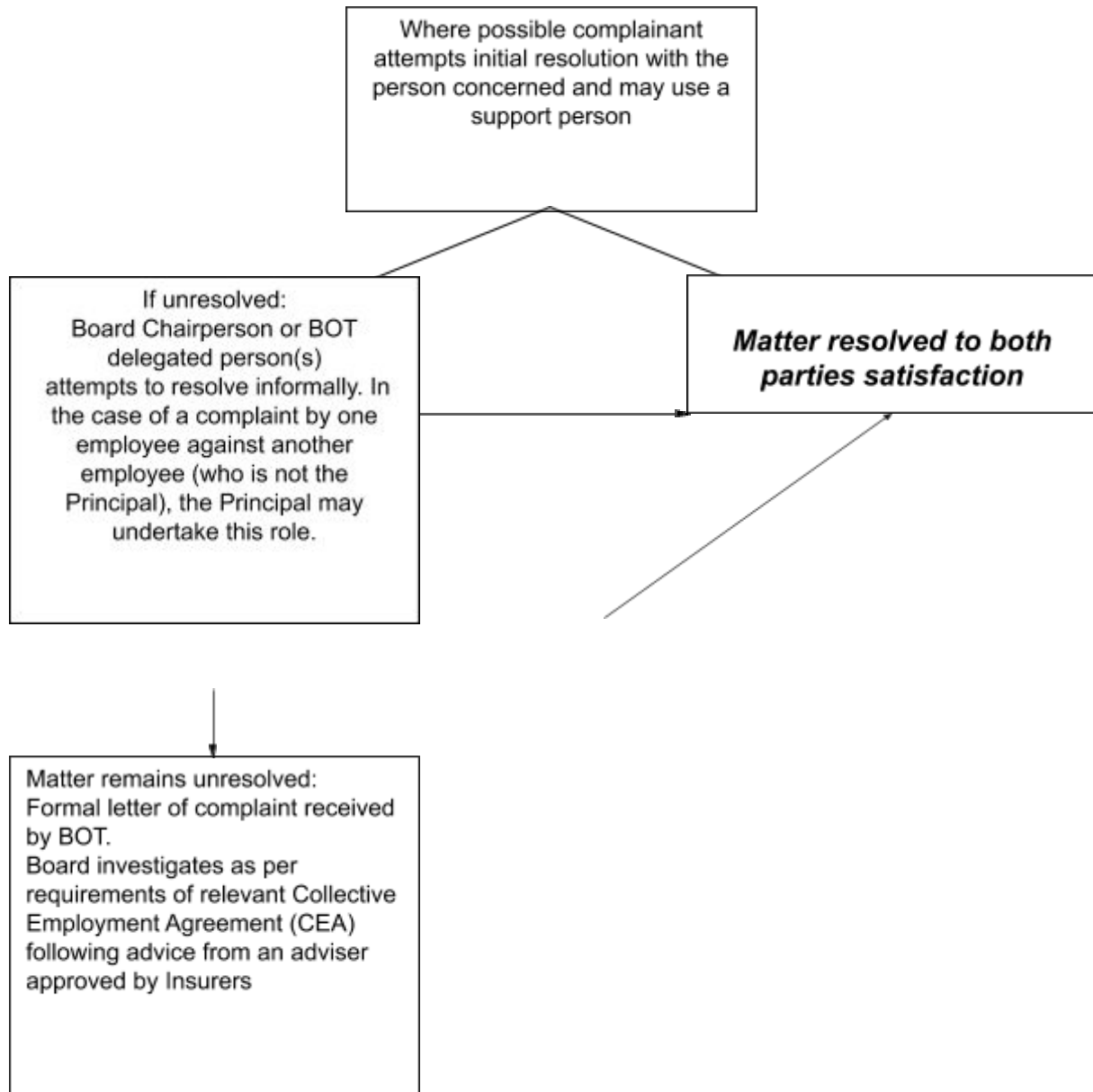
- appropriate, seek to resolve complaints in this manner in the first instance.
- Where appropriate an opportunity to deal with a concern or a complaint in a Maori context may be provided. All parties i.e. complainant, employee and Board must all agree to this process.
- A record of all complaints to the principal will be kept.
- In the event that a matter becomes difficult to resolve the Principal will inform the Board Chairman
- Complaints against the Principal will be referred directly to the Board

Note: The Principal may as a result of information gathered in an initial inquiry phase into a complaint, recommend:

- Disciplinary procedures for the Board to implement if he/she believes there is a case to be answered, or after ascertaining whether it is a matter relating to the professional standards implement remedial performance processes or the provisions of the competency clauses of the relevant collective agreement.
- In any event the staff member will be reminded of their right to representation at any stage of the process.
- If the Principal is unable to resolve the issue to the satisfaction of the complainant, then the complainant has the right to report the complaint to the Board of Trustees
- The Board will "receive" a complaint and resolve that it be put to the employee concerned in writing. A copy of the complaint where applicable may be attached including any other statements or information that allows the employee to make a well-informed response.
- Complainants and those having complaints made against them will be informed of the investigation process and any subsequent action being taken.
- Any outcome will be recorded in writing, signed by both parties and a copy placed on the employees personal file.
- All participants to the action of a complaint are to maintain confidentiality of information and documents.
- Process charts are part of this policy.

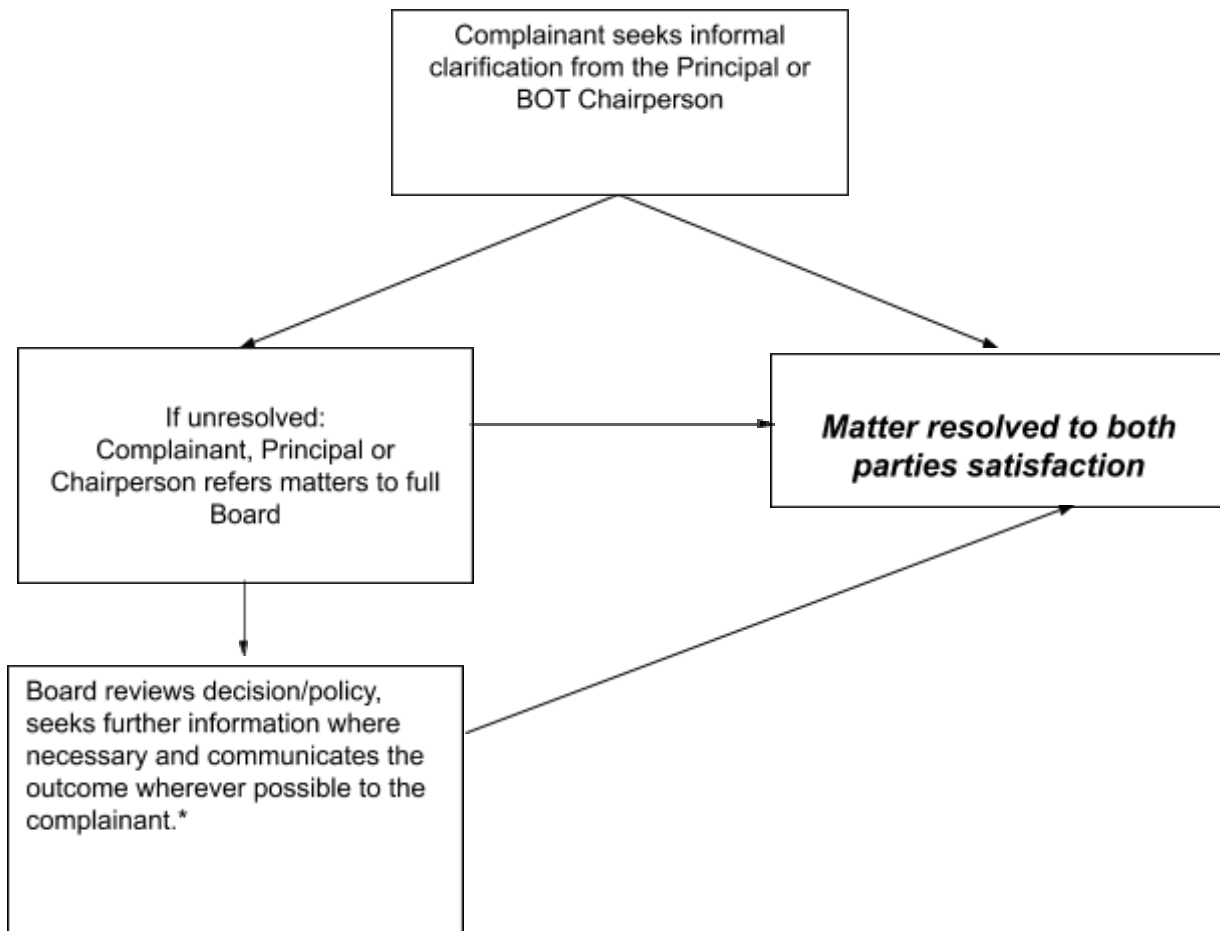
DATE CONFIRMED: 2018

Internal Process 3
Complaints by and about Employees, BOT or Principal



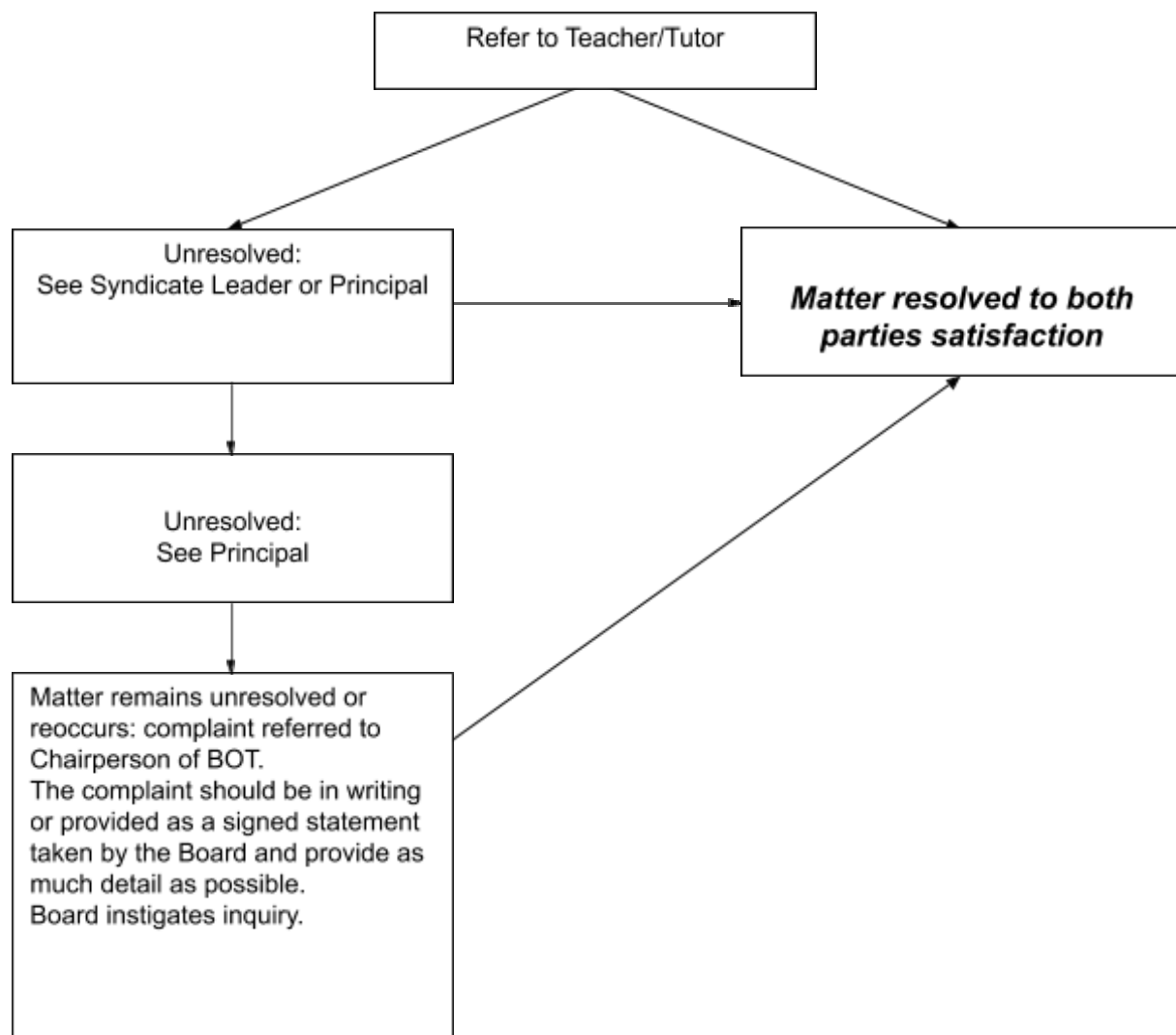
Note – Complaints of serious misconduct go directly to the Board, copied to the Principal or in the case of complaint about the Principal, directly to the Board.

External Community Process 2
Issues or concerns/complaints about Management/Board Policy or Decision making



* Note. Issues of personnel or other sensitive matters may not be disclosed. Curriculum and student placement decisions are the professional prerogative of the management of the school and should be referred to the Principal.

External Community Process
Complaints by Parents/Caregivers about classroom or other day to day school issues



Note - Complaints of a very serious nature should be directly referred to the Principal and/or BOT to be dealt with as per contractual or legislative requirements.

DELEGATION OF EMPLOYMENT RESPONSIBILITY

The Board cannot always be on site or has no need to undertake day-to-day employer responsibilities. The following delegations recognise the executive role of the Principal and allow for smooth daily operations, in addition they allow for instances when it is impractical for the Board to be called together at short notice.

From time to time the Board delegates certain employer responsibilities to the Principal as the Chief Executive. At this time the delegation of employer responsibilities to the Principal is as follows:

The Principal shall make decisions in regard to discretionary leave applications from staff up to a period of five working days.

The Principal will have the authority to appoint teachers with responsibility up to 1 Permanent MU, assistant teachers and support staff. The Principal is authorised to employ relieving teachers

Appraisal and Attestation of staff

The Principal is authorised by the Board to ensure the annual appraisal of all employees of the Board as per the Ministry requirements and individual and collective agreements.

In order for staff to progress through salary or wage increments the Principal has the authority to undertake this requirement or to delegate as he/ she thinks fit.

Staff Conduct

The Principal is authorised to conduct initial inquiries into matters of misconduct. In the instance of any member of staff who may have a legal case against the Board, the Board will decide how the initial inquiry is to be undertaken. Any such inquiry will be subject to the Principal having sought advice from an appropriate source such as NZSTA industrial Advisers, legal or other approved advice.

Staff Suspension

The Principal is authorised to undertake suspension of staff in instances of allegations of serious misconduct subject to previous discussion with the Board Chair and having sought advice and guidance from an NZSTA Industrial Adviser, legal or other approved advice. The insurer must always be advised prior to any action being undertaken.

DATE CONFIRMED: 2018

EQUITY IN EDUCATION AND EMPLOYMENT OPPORTUNITIES (EEO)

NO S3-316

- As a co-educational Area School drawing on pupils from Maori and Pakeha communities, from age five up, Broadwood Area School / Te Kura Takiwa o Manganuiowae, must be mindful of the need for gender, racial and age equity in all aspects of school life, and is committed to the equitable allocation of resources to ensure that the needs of each individual are met.

- Identify the needs and aspirations of the school community, and encourage the development of a curriculum that acknowledges the bicultural nature of the school, and reflects the needs and aspirations of the students in the school

1. Ensure that the curriculum provides equal opportunity for all students in academic, sporting and cultural areas, and where necessary taking affirmative action.
2. Ensure the allocation of resources equally across gender, and age levels of the school.
3. Encourage the achievement of the obligation to provide role models of women in positions of authority and responsibility as a means of encouraging the greater achievement of girls, and the acceptance of that by boys.
4. Encourage the achievement of the obligation to provide role models of men in caring and supportive roles, such as guidance and careers advice, as a means of encouraging greater responsiveness and sensitivity in boys and acceptance of this by girls.
5. Encourage the achievement of the obligation to provide role models of teachers who reflect the cultural identity of the school community.
6. Ensure that the bicultural nature of the school community is acknowledged in the acceptance of Maori as well as English as a means of communication.
7. Ensure a selection of learning materials that are non-sexist and non-racist and appropriate to the cultural identity of the school community.
8. Ensure that staff and students will receive education on sexual harassment (as defined by the Human Rights Commission), that all complaints are taken seriously and investigated, and that there are contact persons available to staff and students to give advice on courses of action available to complainants, and that the relevant Award procedures are followed in complaints involving staff.
9. Ensure that all appointments policies and procedures, allocation of promotion positions, and school responsibilities, are carried out in accordance with the goals pertaining to Equal Employment opportunities as set out in the Charter and to demonstrate a commitment to the removal of all practices in the school which discriminate against career development of women, Maori, ethnic minorities, people with disabilities and people of different sexual orientation.
10. As far as possible, achieve and maintain a balance of gender and race in the teaching staff, and especially in PR positions, that reflects the school

community, and when necessary consider gender, race, and bi-linguist as an additional qualification for a position in the school

DATE CONFIRMED: 2018

EQUITY FUNDING

NO S3-317

- There are many significant barriers to learning for our students attributable to poverty
- Our school community is recognised as Decile 1 on the government's socio-economic index - severe disadvantage
- Equity funding helps provide practical support for students disadvantaged in their education because of financial disadvantage

Procedure

Equity funding will be administered by the Principal in line with this policy.

Equity funds will be used to help subsidise such things as:

- Uniforms
- Stationery
- School activities - sporting, cultural, social or academic

The Principal can approve use of these funds at his/her Professional discretion Applications can be initiated by any teacher on behalf of a student or group of students.

All applications will be considered. The process shall be fair, open and accountable. A progress report of the term's equity spending will be provided.

DATE CONFIRMED: 2018

HARASSMENT

NO S3-318

To be read in conjunction with policies on Public Complaints, Staff Appraisal Policy, School Disciplinary Committee. To ensure students and staff should be free from any form of sexual (verbal or physical) harassment at school, or in the school-related environment. To fulfil the legal requirement in the school charter Goal 6, Goal 4

- Education will be set up through the health programmes so that people are aware of what constitutes harassment

- Initial contact can be made through any staff member or in the case of a complaint made about staff through the Principal
- Mediation can be set up by Principal and delegate should the complaint not be resolved
- Revolutionary procedures may be initiated in the event that mediation is unsuccessful. Disciplinary action may result if necessary
- Personal grievances for staff will be handled under the procedures outlined in the Award
- Support services will be available to those involved

DATE CONFIRMED: 2018

The purpose of this policy is to provide information and guidance to employees of the school who wish to report serious wrongdoing within the school.

This policy is issued in compliance with the Protected Disclosures Act 2000.

The policy consists of:

1. A definition of a protected disclosure
2. A definition of serious wrongdoing that can be the basis for a protected disclosure by an employee
3. Conditions for disclosure
4. Information on who can make a disclosure
5. Protections for employees making disclosures
6. A procedure by which an employee can make a disclosure.

What is a Protected Disclosure

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 related to the disclosure.

Definition of Serious Wrongdoing

Serious wrongdoing for the purposes of this policy includes any of the following:

- Unlawful, corrupt, or irregular use of public funds or resources
- An act or omission or course of conduct:
 - which seriously risks public health or safety or the environment; or
 - that constitutes an offence; or
 - that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
 - constitutes serious risk to the maintenance of law.

Conditions for Disclosure

Before making a disclosure the employee should be sure the following conditions are met:

- the information is about serious wrongdoing in or by the school; and
- the employee believes on reasonable grounds the information to be true or is likely to be true; and
- the employee wishes the wrongdoing to be investigated; and
- the employee wishes the disclosure to be protected.

Who can make a disclosure

Any employee of the school can make a disclosure. For the purposes of this policy an employee includes:

- Current employees and principal
- Former employees and principals
- Contractors supplying services to the school.

Protection of employees making disclosures

An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:

- may bring a personal grievance in respect of retaliatory action from their employers;
- may access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers;
- are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
- will, subject to Clause 5 of the Procedure, have their disclosure treated with the utmost confidentiality.

The protections provided in this section will not be available to employees making allegations they know to be false or where they have acted in bad faith.

Procedure

Any employee of the Broadwood Area School Te Kura Takiwa o Manganuiowae school who wishes to make a protected disclosure should do so using the following procedure.

1. How to submit a disclosure

(e.g. The employee should submit the disclosure in writing.)

2. Information to be contained

(e.g. The disclosure should contain detailed information including the following:

- *the nature of the serious wrongdoing*
- *the name or names of the people involved*
- *Surrounding facts including details relating to the time and/or place of the wrongdoing if known or relevant.)*

3. Where to send disclosures

(e.g. A disclosure must be sent in writing to The Principal, who has been nominated by the Board of Broadwood Area School Te Kura Takiwa o Manganuiowae School under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose.)

OR

(If you believe that The Principal, is involved in the wrong-doing 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, Chairman of the Board of Trustees

4. Decision to investigate

(Eg. On receipt of a disclosure, the Principal, must within 20 working days examine seriously the allegations of wrongdoing made and decide whether a full investigation is warranted. If warranted a full investigation will be undertaken by an independent mediator or arranged by him/her as quickly as practically possible, through an appropriate authority.)

5. Protection of disclosing employees name

(Eg All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Principal, 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 disclosure of identifying information is essential:

- *to ensure an effective investigation*
- *to prevent serious risk to public health or public safety or the environment*
- *to have regard to the principles of natural justice.)*

6. Report of investigation

(Eg. At the conclusion of the investigation the Principal, will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Chairperson, Board of Trustees.,

7. Disclosure to an appropriate authority in certain circumstances

A disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:

- the Chairman, responsible for handling the complaint is or may be involved in the wrongdoing; or
- immediate reference to another authority is justified by urgency or exceptional circumstances; or
- there has been no action or recommended action within 20 working days of the date of disclosure.

Appropriate Authorities include (but are not limited to)

- Commissioner of Police
- Controller and Auditor General
- Director of the Serious Fraud Office
- Inspector General of Intelligence and Security
- Ombudsman
- Parliamentary Commissioner for the Environment
- Police Complaints Authority
- Solicitor General
- State Service Commissioner
- Health and Disability Commissioner
- The head of every public sector organisation.

8. Disclosure to Ministers and Ombudsman

A disclosure may be made to a Minister or an Ombudsman if the employee making the disclosure

- Has made the same disclosure according to the internal procedures and clauses of this policy
- Reasonably believes that the person or authority to whom the disclosure was made:
 - has decided not to investigate; or
 - has decided to investigate but not made progress with the investigation within reasonable time; or
 - has investigated but has not taken or recommended any action; and
 - continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.

DATE CONFIRMED: 2018

MEDIA

NO S3-320

To ensure that media coverage of Te Kura Takiwa o Manganuiowae Broadwood Area School is controlled and monitored and doing so the outcome provides wherever possible a positive and proactive approach to publicity that reflects well on the school and the community.

Publicity about school achievement or positive events (i.e., Board, staff, whole school, class, team, or individual) will be provided to newspapers and other forms of the media will be the responsibility of the Principal or the Board Chair.

DATE CONFIRMED: 2018

The Education Act requires that all school authorities (ie State and Private school) are to employ only teachers with a current practising certificate or a Limited Authority to teach.

Teachers who have made an application to the Teachers council for renewal of their practicing certificate may have to wait for six weeks for the process to be completed. The Teachers Council will advise the Principal if this happens

Where an employer wants to employ a teacher who does not meet registration criteria, there is provision for them to be appointed temporarily under a limited authority to teach. This is available only to people in New Zealand whose application is supported by an employer

Procedures:

- The teacher going on leave should first contact the appropriate syndicate leader, then if possible contact the most suitable relief teacher on the approved list
- Relief teachers are asked to be punctual and maintain the function of a positive full time teacher.
- Relief teachers should actively teach and be responsible for pupils under their care
- Relief teachers are to abide by the Staff Code of Conduct, following through on the directions left by the teacher whose position they are filling, and the directions given by the administration of the school
- Relieving staff must be good role models to pupils, maintaining the image and standards of the school

DATE CONFIRMED: 2018

- The Board of Trustees has an interest and an obligation to support staff development
- In Area Schools collegial support from other schools is especially important.

- That professional development hui, conference, courses be deemed as official business in line with employment agreements. Staff are expected to plan so that costs are reasonable
- That all staff be encouraged to attend appropriate training. As a guideline, staff are likely to be involved in one or two courses per year financed through the school budget
- Each Senior Leader will coordinate staff development within their syndicate and present a report to the Principal during SLT meetings during Terms 1/ 4
- The budgeted amount allocated per teacher is approximately \$500. This may be used for extra mural studies if there are no professional development courses required by the school for the teacher. This amount is allocated to cover course costs, reliever travel.
- Directions for Professional Development may be indicated as a result of the school appraisal system and /or attestation
- Any staff member may apply for professional development. Support staff to Administration officers.
 - All applications for leave must have prior approval from the Principal.
 - All staff are invited to share learning with colleagues in the most appropriate manner. A short verbal evaluation should be provided after each course
- All professional development spending must be approved by the appropriate Syndicate leader and the Principal
- Expense claims must be authorised by the syndicate leader then signed by the Principal
- Travel costs will be paid at 50c per kilometre. Mileage is only paid one way for courses held South of Whangarei

Review

Senior Leadership team will be responsible for carrying out an annual review of the Staff Development policy at the beginning of Term 4 every year

Questionnaires may be given to staff to ascertain possible improvements

Consultation with staff will occur prior to formalising revised policy and any procedural changes

DATE CONFIRMED: 2018

The Board of Trustees is the employer and all leave requires their approval in principle, by application or through employment agreement

Area schools Principal's Collective Employment Agreement. (PPTA/NZEI)
Area Schools Teachers Collective Employment Agreement (PPTA/NZEI)
Support STA in Schools Collective Employment Agreement (NZEI)
Caretakers and Cleaners Collective Employment Agreement
Kaiarahi Reo Collective Employment Agreement (NZSTA)

To be read in conjunction with Tangihanga/Bereavement Policy

Internal leave covered by teaching staff may be granted by the Principal
All other leave will be approved within the guidelines of the awards or within the context of the paid Ministry of Education leave
Leave outside the award and not covered by section 2 above requires the prior approval from the Board of Trustees. Where this is not possible retrospective approval of the Board of Trustees must be sought
Long term leave may be granted for sabbatical, medical or personal reasons. Requests for long term leave must be given to the Board of Trustees 3 months before the leave is required.

Procedures

Teaching staff requiring leave submit application form initially to the Syndicate Leader
Support staff, Caretaker submits application form to Administration Officer
Assistant Principals submits application form directly to the Principal
The Principal advises Management and reports to the Board of Trustees Chairperson

DATE CONFIRMED: 2018

Fair, prompt and accurate payment of staff is part of the role of a good employer

Rates of pay for education sector employees are under regular review. A monitoring system is required to ensure budgeting and payroll information are correct

Objectives

- Each employee will be paid in line with the relevant Collective Employment Agreement and directives from the Ministry of Education and State Services Commission
- Where employees opt for an Individual Employment Agreement their pay and conditions will not be superior to those of employees on the CEC
- Where the Board is entitled to make discretionary salary bonus payments, the decision will be based on employee performance or other relevant parameters, rather than on other financial demands on school funds
- The Principal, with the assistance of the Administration Office/ Accounts Clerk, will be responsible for all communication on payroll matters to the Service Centre.
- In the event of underpayment salary the difference can be covered from school funds. The appropriate form must be completed and signed before payment can be made
- The Board of Trustees is responsible for authorising any changes to working hours or pay, to be actioned by the Principal

DATE CONFIRMED: 2018

A retirement statement is desirable in the interests of staff, students and school administration

Staff are encouraged to make adequate preparations for retirement

- Superannuation funds may be subject to certain conditions; these should be carefully studied before notice of retirement is given

- A staff member may elect to retire by giving two months' notice to the Board.

DATE CONFIRMED: 2018

TANGIHANGA/BEREAVEMENT

NO S3-326

To be read in conjunction with the Charter, Collective Agreement and Individual Collective Agreements, Statement on Staff Leave and Treaty of Waitangi Statement.

The school also acknowledges that the real situations are of great value to our children and young people and are an integral part of learning for all

That Tangihanga/Bereavement leave for staff will be actioned according to the Collective Agreements or Individual Agreement. In our school "close association", referring to a relative including those by marriage, will be actioned automatically.

Tangihanga leave will be granted (maximum of 4 days per term with pay)
In special circumstances an extension of this time may be granted.

Further leave can be obtained on the basis of leave without pay by application to the principal.

In the case of teaching staff, provision must be made for student supervision as student learning is paramount.

When more than two teachers wish to attend the same tangihanga, the first two applications that have the closest relationship will be considered.

Staff are encouraged to be at the marae out of school hours.

In the case of the funeral/tangi attendance by the whole school, the whole school may attend subject to the approval of the marae and Principal.

In this situation parents will be notified and those students not wishing to attend the Funeral/Tangi have the choice to either stay at home or attend school where they will be supervised. It is understood that this supervision will not be the normal teaching programme.

In the case of the funeral/tangi where the school should be represented but which is not a "Funeral/Tangi for the whole school" (see item above) teaching staff and students may be designated to represent the school with prior approval of the Principal and staff.

DATE CONFIRMED: 2018

- A police vet is undertaken by all teachers.
- Under proposed changes to the Act it is a requirement to vet all employees of the school and this will be undertaken on an annual yearly basis- to ensure that newly appointed teachers are vetted; every employee **MUST** be vetted every three years
- In addition this requirement is extended to contractors and contractors' employees who work regularly in a school during the hours of instruction.
- The New Zealand Police Licensing and Vetting Service Centre is authorised to check individuals' backgrounds for certain approved organisations. Police carry out vetting only for approved organisations that are responsible for providing care to children, older people, and more vulnerable members of society.
- It is the responsibility of the school to maintain the security of the information provided. People subjected to vetting must be given the chance to verify that information being provided to the police or employers pertains to them.

Police vetting requirements in relation to board non teaching employees and contractors

The Education Amendment Act 2010 has changed requirements regarding police vetting of non teaching staff and contractors in schools.

Police vetting: The purpose of vetting is to minimise the likelihood of the more vulnerable members of society (children, older people and those with special needs) being put at risk by individuals who may have displayed behaviour that could be detrimental to others' safety and wellbeing. Associated with this is the need to ensure that associated risks to an organisation are identified as part of effective employment practices.

All non-teaching employees (s78C) who work at schools are required to undergo a police vet. This vet must be applied for no later than two weeks after the person begins work at the school. Contractors, and employees of contractors, (s78CA) must be police vetted if they are likely to have unsupervised access to students at the school during normal school hours. A police vet must be obtained before the person has, or is likely to have, unsupervised access to students at the school during normal school hours (s78CB).

Section 78CD requires that strict confidentiality is observed in the handling of police vets and the person concerned is given reasonable time and opportunity to validate what is in the police vet before any action is taken.

All current employees who work at the school during normal school hours must have their police vet renewed every three years.

Boards are not required (although they may choose to do so) to seek a police vet of a person employed solely to provide classes that are usually held outside normal school hours and that are open to people not enrolled full-time at the school.

The normal practice is to make all appointments conditional on a "satisfactory" police vet. To avoid dispute about what "satisfactory" means this should be discussed with the prospective employee in terms of what the board considers this may mean.

"Satisfactory" vet: In general the view of NZSTA is that this does not contain convictions/information (but of course each case needs to be judged on its own merits) that indicates:

- (a) a person may jeopardise the safety of children, that is, a conviction for sexual offences or offences involving violence
- (b) the person may be a harmful example for children, for instance, convictions involving possession or supply of drugs
- (c) a person is not suitable for the particular job, for instance, fraud/theft convictions if the job involves handling money

Effects on existing employees: In most cases there will be no issue. The likelihood of negative police vets is not considered to be significant. There are a variety of potential outcomes from a negative police vet. It is important to note that each case will be based on the individual circumstances surrounding it. Strict procedures need to be in place to protect the privacy of those being vetted to avoid inappropriate information being released.

Vetting contractors: Contractors and their employees that work in the school during the normal school day and are likely to have unsupervised access to students will need to be vetted.

Vetting others: Boards are not legally required to vet -

- (a) board members
- (b) contractors who will not have unsupervised access to students during the normal school day
- (c) persons employed to teach classes out of normal school hours open to persons other than students
- (d) volunteers, ie, parent helpers - however NZSTA suggests that only those volunteers who are known to be trustworthy and reliable are chosen to assist students/teachers at school or during school trips

How do we vet?: You must apply to the New Zealand Police Licensing and Vetting Service Centre for a vet on non teaching employees or contractors. There is currently no administrative fee attached to the police vetting service.

As the vets are legally compulsory it is technically unnecessary for the person to give "permission" to a vet but the police require that the individual being vetted signs the consent form for privacy purposes. You should take this opportunity to explain what the process is with the person being vetted and give them an opportunity to check the information you are sending in the application. This will help put the person at ease and allow them to provide information that may help to distinguish them from others with the same name.

If a contractor is likely to have unsupervised access to students during the school day they must be vetted. A contractor may choose to discontinue their work at the school or change the hours they work in the school grounds rather than undergo a vet. This is a matter to be discussed with each contractor.

If you are asking a prospective employee to be vetted before you give them a confirmed job offer then you should ask for their permission and appropriate information to ensure an accurate vet. Like a contractor a prospective employee may choose to decline a police vet and not continue with their application.

What does a vet show?: Convictions and "red stamps" - this is where there has been no conviction but the police believe the person should not be around children unsupervised. For instance, where there was sufficient evidence to bring a case to trial but the trial did not proceed due to the complainant withdrawing the complaint.

What does a vet not show?: Diversion is not shown (but may be drawn from questions in the application form) nor are convictions subject to the Clean Slate Act. Boards can apply to the police for a disclosure of convictions subject to the Clean Slate Act if they can show the position predominantly involves the care of children as opposed to their education. This is relevant for special schools.

What do we do with the vet once we have it?: The board must establish internal procedures for dealing with police vets that are received, including identifying the person or office-holder within school to whom police vets must be sent by the Police Licensing and Vetting Service, ensuring that strict confidentiality is observed for police vets.

A board may not take adverse action in relation to a person who is the subject of a police vet until: the person has validated the information contained in the vet; or the person has been given a reasonable opportunity to validate the information, but has failed to do so within a reasonable period. The result of a police vet may raise employment issues and it is up to each board, as an employer, to decide if the information gained indicates that they must act.

Care must be taken that a fair process is followed if a board is considering any action.

If the vet does not reveal any criminal offences or concerns by the police then the vet should be destroyed or handed to the employee or contractor. A record of the vet having taken place must be kept.

If the vet reveals criminal offences or concerns by the police: then consideration needs to be given as to whether the information should affect employment at or access to the school. Every situation is different and should be discussed with an NZSTA personnel/industrial relations adviser **before any action is taken**. Some of the factors that may be looked at are -How serious was the offence? Was it a one-off offence or is there a pattern of offending?

If after considering the nature of an individual's criminal record the board decides it has no concerns, then the vet should be destroyed or handed to the employee/contractor. A record of the vet having taken place must be kept.

If a criminal record does raise issues about the suitability of the person in their role at the school then consult with an NZSTA personnel/industrial relations adviser on the correct procedure to follow in each case.

Safeguarding privacy: The information gained in the vet is confidential and should be treated in the same way as an employee's personnel file. Access to it should be restricted to the board (as employer), the principal (as chief executive), and any employee tasked with handling the information. It is preferable that this responsibility is delegated by the board to one person to minimise information "leakage" and it would be expected that this would be the principal in most cases (particularly for existing employees). While the result of a vet is being considered it should be kept in a secure place. The information must not be retained longer than is required but you need to keep a record that the vet has been undertaken.

What happens next?: Make sure you have the processes worked thorough and operating in your school. Matters of process for documentation can be directed to the Police, www.police.govt.nz/service/vetting/guidelines.html, 04 474 9499. For other issues contact your NZSTA adviser or the helpdesk.

Appendix 1: Police vetting procedures

Introduction

The following provides guidelines to boards on appropriate steps to take when developing your procedures for police vetting of new employees.

In the case of contractors similar principles apply but may also be subject to contractual matters related to the specifics of the contract in that where it is an employee of the contractor they will be subject to their own human resource

practices and it will be for the contractor to determine what process to follow. Specific legal advice may be required when letting contracts but as a basic rule you should have in any contract expected levels of behaviour (eg, contractors and their employees are expected to have a satisfactory police vet and maintain appropriate standards of behaviour consistent with the school's policies).

Procedures

Every board is responsible for taking reasonable measures to protect students from harm (NAG 5) and ensure that all employees maintain proper standards of integrity and conduct (State Sector Act s77A).

Schools will normally have procedures relating to employees, volunteers, and contractors on:

- recruitment and selection
- employee information
- privacy and official information
- code of conduct/behaviour
- misconduct
- use of consultants and contractors
- use of volunteers

These should be checked to ensure that there is reference to the requirement for obtaining and maintaining a police vet and maintaining appropriate conduct and behaviours.

Preparing to conduct a police vet

A police vet is part of a screening process - not a selection criterion. Before placing police vetting in to screening processes, a board should establish screening criteria with:

- clear guidelines stating which offences are relevant
- what offences will disqualify an applicant
- what other factors will be considered, and
- how the rights of the applicant will be preserved

The school has to determine the amount of risk that it wishes to accept or level of behaviour it deems appropriate. Correct use of the application form is essential to obtain the appropriate information.

Relevant offences

The offences that boards might consider relevant are a function of the specific position in which a paid employee or contractor will serve. The question that boards must answer is: "What offence histories would disqualify an individual from serving in such positions?"

When establishing screening criteria, boards must take into account employment and related legislation (eg, Employment Relations Act 2000, Privacy Act 1993).

For positions that require substantial direct contact with children personal safety concerns are paramount. Therefore, the focal points of criminal history record checks for these positions are crimes against persons.

Offences become relevant based upon the nature of the position held at the school.

It is generally practice that individuals should be disqualified from holding positions that require substantial contact with children if their criminal records include any of the following:

- past history of sexual abuse of children
- conviction for any crime in which children were involved
- history of any violence or sexually exploitative behaviour

For other positions the criteria may relate to matters pertaining to the type of work. For example, if involved in financial matters relating to the school then previous convictions relating to fraud would be relevant.

The more specific a criterion is, the more useful it is for screening. Specific offences pinpoint the areas of concern and do not necessarily disqualify applicants. Some other organisations include broad categories of offences in their lists of disqualifying offences, for example, "drug-related offences". This category encompasses everything from a single misdemeanour possession of less than a gram of marijuana to drug dealing. Boards should consider narrowing their categories to target specific relevant offences committed within a defined time period.

The main part of the screening process is based on convictions - not arrest information. Boards may, however, consider any arrests for which final disposition is pending. This is especially true for individuals who have charges pending for which they could be disqualified if a guilty verdict were to be reached. For example, if an applicant was arrested for child sexual abuse and is awaiting trial, the organisation may disqualify the individual from appointment until the final disposition of the charge.

Other factors

When establishing criteria for evaluating criminal history records, boards should consider what other factors should be taken into account. The five items listed below offer examples of circumstances that boards may consider when evaluating criminal history records.

Rather than focusing on one or two of these factors, boards should examine the totality of the record to determine if it should disqualify an applicant.

- *How long ago the conduct occurred and the circumstances surrounding the conduct in question* - Crimes that occurred within the past year or two may be more reliable indicators than crimes that occurred several years ago. (Keep in mind, however, that any convictions for child sexual abuse, rape, or other sexually exploitative offences constitute an unacceptable level of risk extending throughout an individual's life.)
- *The age of an individual at the time of the offence* - Some records will not be available as they may be protected by confidentiality requirements.
- *Societal conditions that may have contributed to the nature of the conduct* - While societal conditions should not serve to excuse illegal behaviour, the context in which the illegal behaviour occurred may be considered (eg the 1981 tour).
- *The probability that an individual will continue the type of behaviour in question* - Criminal history records that document a continuing pattern of repeated criminal offences provide justification to believe that the individual represents a high risk for future criminal conduct.
- *The individual's commitment to rehabilitation and to changing the behaviour in question* - When an applicant has a criminal history record that includes potentially disqualifying offences, the board may consider the steps the applicant has taken towards rehabilitation.

Applicants' rights

Applicants have the right to be treated fairly and to have their privacy respected. Boards are responsible for protecting these rights and therefore may need to establish and implement policies and procedures that achieve these objectives. Criminal history databases are not perfect and sometimes a records check will falsely identify a person as having committed a crime. For this reason, applicants should be given a chance to challenge the accuracy of information that an organisation receives.

It is best to let the applicant resolve any disputes with the appropriate agency (usually the police in the first instance) from which the information is received. Until the board receives a correction from the police, it should assume that the information it received is correct.

Due to the sensitive nature of the information a school may receive pursuant to a criminal history records check and the fact that it could be incorrect, a school must take steps to prevent its accidental disclosure. Establish policies governing who has access to the information, how it is stored, and how it is to be destroyed once it is no longer needed by the organisation. Refer to NZSTA 2009 publication "Guidelines for Boards of Trustees: Privacy Act 1993".

Application forms and offers of appointment

All application forms should have reference to the fact that the appointment will be subject to a satisfactory police vet and have appropriate questions on matters relating to previous convictions. Use the NZSTA template form for this purpose.

Note: Copies of a suitable application form can be obtained from the NZSTA website.

If an offer of employment is made (either orally or in writing) before the police vet is completed then a statement should be made providing for this:

"Please note in addition, you are required to complete a police vetting check and the offer of employment remains conditional until such time as this has been completed and is satisfactory. To this end the attached form, which confirms your agreement to the necessary information being accessed, will need to be completed and returned."

Contractors

All contracts (existing and new) should be reviewed to ensure they contain provision for police vetting of those contractors and their employees who are likely to have unsupervised access to students during the normal school day.

Appendix 2 Vetting: Common Questions and Answers

Question	Answer
Who do we have to vet?	<p>All teachers.</p> <ul style="list-style-type: none">• All non teaching staff who work at the school during the normal school day. (Teachers are vetted through the Teachers Council when they issue practising certificates.) A vet must be applied for no later than two weeks after the person begins work at the school. A staff member must not have unsupervised access to students until a police vet has been obtained.• All contractors who will be working at the school during the normal school day and who are likely to have unsupervised contact with students.

	<ul style="list-style-type: none"> • Vets must take place every three years.
Who do we not have to vet?	<ul style="list-style-type: none"> • A person employed solely to provide classes that are usually held outside normal school hours and that are open to people not enrolled full-time at the school. • Those contractors that are not likely to have unsupervised access to students. • Volunteers. • Board members.
What does the legislation say to do where someone "fails" a police vet?	It doesn't. It is not a question of failing the test. All the vet does is show that there are matters which may indicate some question about the suitability of a person to be employed or be present at a school. This may be a criminal record or "red stamp" which indicates that the police have concerns about the person working with children.
Are there some offences that we will immediately dismiss an employee or remove a contractor over?	The police may stamp a vet with a recommendation that an individual does not have contact with children. You will need to talk to your NZSTA personnel/industrial relations adviser before taking any action. The person must be given the right to respond but it is likely an employee may need to be suspended or found alternative duties immediately if students are considered at risk.
Who requests the vet?	The person who has been delegated this task by the board.
Who pays for the vet?	There is currently no administrative charge attached to a police vet.
Who sees the vets?	<p>The board is responsible for police vetting.</p> <p>A board must establish appropriate policies for the vetting process and these should include who the responsibility is delegated to. To ensure the privacy of the individual is maintained as few</p>

	<p>people as possible in the school should have access to the vets. In most cases the principal would be the designated person.</p> <p>Any serious issues should be brought back to the board or personnel committee for consideration. In some circumstances the board or the chairperson may need to see the information if employment decisions are likely.</p>
What happens if an existing employee says NO?	It is a legislative requirement that the board undertakes the police vet. Employees need to be advised of this. If the employee will not undertake the vet then this could be failure to obey a lawful instruction and disciplinary action may be taken. Contact your NZSTA personnel/industrial relations adviser if this happens.
What happens if an existing contractor says NO?	It is a legislative requirement that the board undertakes the police vet. Refusal may cause frustration of contract. In the first instance contact NZSTA but you may need to get separate legal advice.
Do I have to have all applicants vetted?	<p>This could be very time consuming. Usually it is reasonable to have this as part of the final selection process when you have a preferred applicant.</p> <p>Application forms (available from NZSTA website) should have reference to this process.</p> <p>The offer of employment should be made subject to a satisfactory police vet.</p>
What happens if an applicant says NO?	It is a legislative requirement that the board undertakes the police vet. Refusal will mean that an application cannot proceed.
All our current employees have had a police vet. Do we have to do it again?	A vet needs to be done every three years.

<p>An employee has already told us of some problems with their past. Do we still need to vet them?</p>	<p>Yes. It is compulsory to vet all employees who work at the school during the normal school day.</p>
<p>An employee declared that they had no serious criminal convictions when they were appointed. Now the vet shows that they may have lied. What do we do?</p>	<p>Contact your local NZSTA personnel/industrial relations adviser for help.</p>
<p>We never asked an employee if they had any previous criminal convictions or charges pending. Now the vet shows some serious ones. What do we do?</p>	<p>Contact your local NZSTA personnel/industrial</p>

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DATE CONFIRMED: 2018

SUPPORT STAFF

No S3-328

Employment conditions for Support staff are covered by the NZ Area Schools Support Staff Collective agreement.

Wages are determined by the time support staff are at school completing tasks as outlined in individual job descriptions. The hours to be worked are clearly stipulated in individual job descriptions. Absence from school will eventuate in time being deducted from total take home pay.

Support staff must sign in daily at the main office on arrival at school and must sign out when leaving. This process will be supervised by the Office manager on a daily basis and monitored and signed at the end of each week by the Principal.

DATE CONFIRMED: 2018