

### **3.13. STAFF DISCIPLINE**

#### **POLICY**

**This policy is to be read in conjunction with and subject to the provisions of all relevant legislation including current Collective Agreements (see References)**

#### **PURPOSES**

1. The Board expects all employees to act in a manner consistent with the School's vision statement as stated in the School Charter, the NZEI Code of Conduct and all relevant legislation.
2. Questions of discipline should be handled in a manner which as far as possible protects the mana and dignity of the employee concerned and having regard to the Board's responsibilities to be a "good employer".
3. Where there are matters of discipline which are causing concern in respect of any employee, (including non teaching administrative and support staff) the Principal shall act clearly and fairly and put in place appropriate procedures to ensure that:
  - a. the employee is alerted early to any disciplinary matter(s);
  - b. the employee is given a reasonable opportunity to provide an explanation and/or amend their conduct;
  - c. all those involved in the process receive adequate and appropriate support.
4. Nothing in this policy prevents summary dismissal without notice in the case of serious misconduct. Examples of serious misconduct include:
  - a. physical, sexual or verbal abuse;
  - b. failure to carry out lawful instruction(s);
  - c. failure to comply with school regulations, policies or agreed practices;
  - d. misappropriation of school money or property;
  - e. any action or lack of action considered serious having regard to the circumstances at the time.

However, even in such cases an unprejudiced investigation will be carried out and the employee given an opportunity to answer any allegations or results of any investigation.

#### **PROCEDURES**

5. These disciplinary procedures concerning employees may only be initiated by the Principal.

6. The Principal should, in the first instance, attempt to resolve matters by discussion between the Principal and the employee concerned as to:
  - a. the specific matter(s) causing concern;
  - b. the employee's explanation;
  - b. the corrective action required;
  - c. any assistance and guidance to be made available to the employee; and
  - d. the timeframe allowed.
  
7. The Principal shall:
  - a. advise the employee in writing of the right to request representation at any stage;
  - b. give the employee written advice of any verbal warning given;
  - c. keep a written record of all meetings and discussions with the employee concerned;
  - d. have a second person from the relevant management team present at all meeting with the employee concerned;
  - e. if appropriate call upon the assistance of a member of the New Zealand Principal's Federation Consultancy Panel to support him/her.
  - f. keep the Board informed throughout the process.
  
8. The Principal will continue to monitor the matters causing concern and, if no improvement is found the employee should be advised in writing:
  - a. of the specific matter(s) causing concern;
  - b. the corrective action required:
  - c. the timeframe allowed (this timeframe should be determined by the Principal and give the employee a reasonable opportunity to provide an explanation and/or amend their conduct);
  - e. that a written warning is being given and, failure to remedy the matters of discipline could result in action under the relevant provisions of the Collective Agreements and referral to the Board.

Such written warning shall be signed by the employee, the Principal and his/her witness. One copy of the notice shall be given to the employee and another copy shall be placed on the employee's file.

9. During any investigative/corrective process:
  - a. the process and results of any evaluation or investigation are to be recorded in writing, sighted and signed by the employee;
  - b. a copy of any report made by the Principal to the Board or the Teachers Council shall be given to the employee;
  - c. no action shall be taken on any report until the employee has had a reasonable time to comment (in writing or orally or both);
  - d. the Principal, any employee or Board members shall not recommend to the employee concerned any change to their employment status as this may lead to accusations of constructive dismissal.
10. If the matters of discipline cannot be resolved or, in cases of serious misconduct:
  - a. the Principal shall make a recommendation to the Board;
  - b. a standing committee (which committee should not include the Principal or the Staff Trustee) is set up and empowered to implement formal action as provided in the Collective Agreements.
11. In special circumstances the Board empowers the Principal to redeploy an employee until such time as the Board or disciplinary committee has had time to meet and consider the action to be taken.
12. The Board will
  - a. determine whether and at what stage it should consult with the School Trustees association and/or the Auckland Employers Association;
  - b. hold Professional Liability Insurance at all times and the insurer will be notified promptly of an actual or potential claim against the Board. (*Is our insurance up to date?*)
13. When the Principal is the subject of action under this policy, the Board shall employ outside professional support to carry out any investigation on behalf of the Board.
14. 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 the employee or other employees (advice should be sought before any disclosure). **Note** From September 2004 all employers must immediately report to the Teacher's Council if they dismiss a teacher or if a teacher is convicted of an imprisonable offence. Refer to the Teachers Council website for further information.

**References:** Primary Teachers Collective Agreement 12/12/2007 – 30/6/2010: Section10

Support Staff in Schools Collective agreement 1/9/07- 1/3/2009 Section 7.13 (“the Collective Agreements”)

**Reviewed : October 2008**