

3.11. TEACHER COMPETENCY

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 Questions of competence 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"
- 2 Where there are matters of competency which are causing concern in respect of any employee, (including non teaching administrative and support staff) the Principal shall put in place appropriate assistance and personal guidance to assist that employee and to:
 - a. ensure that the employee is alerted early to any question of their professional competency;
 - b. identify the specific elements of the employee's performance causing concern;
 - c. identify the corrective action which the Principal requires and the date by which that action is to occur;
 - d. ensure all those involved in the process receive adequate and appropriate support.

PROCEDURES

- 3 These competency procedures concerning employees may only be initiated by the Principal.
- 4 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 corrective action required;
 - c. the assistance and guidance to be made available to the employee; and
 - d. the timeframe allowed.
- 5 The Principal shall:

- a. document all assistance and guidance provided to the employee concerned to pre-empt any future accusation of lack of support;
 - b. have a second person from the relevant management team present throughout this process.;
 - c. if appropriate, call upon the assistance of a member of the New Zealand Principal's Federation Consultancy Panel to support him/her throughout this process.
6. The Principal will continue to monitor the employee's performance 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 be relevant to the matters causing concern);
 - d. that they may have representation throughout the process;
 - e. that failure to remedy the matters of competency could result in action under the relevant provisions of the Collective Agreements and referral to the Board.

Such written notice 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.

7. During the investigative/corrective process:
- a. the process and results of any evaluation 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.
8. Where there is no improvement within the timeframe specified in the written notice:
- 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.
9. 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.
10. When the Principal is the subject of action under this policy, the Board of Trustees shall employ outside professional support to carry out any investigation on behalf of the Board.

There are Confidentiality provisions/ process if competency issues are resolved See Privacy policy)

References: Primary Teachers Collective Agreement 12/12/2007 – 30/6/2010: Section 10
Support Staff in Schools Collective Agreement 1/9/07- 1/3/2009 Section 7.13
("the Collective Agreements")

Reviewed : October 2008