

# ROSENEATH SCHOOL EMPLOYMENT POLICY

## CONTENTS:


Page:	Chapter:
2	Appointment of Staff/Kaimahi
6	Appointment of Principal/Tumuaki
9	Allocation of Units
11	Classroom Release Time
13	Complaints Against Staff/Kaimahi
17	Equal Employment Opportunities
19	Performance Appraisal of Staff/Kaimahi
21	Performance Appraisal of Principal/Tumuaki
23	Professional Development
25	Protected Disclosures
28	Secondary Employment
29	Staff/Kaimahi Discipline
34	Staff/Kaimahi Leave
Appendix A	Equal Employment Opportunity Programme
Appendix B	Model Principal/Tumuaki Performance Agreement
Appendix C	Staff/Kaimahi - Roseneath School Agreed Practices.

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

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

- *The School/Kura is a good employer and will meet all its legislative, contractual and equitable obligations to Staff/Kaimahi; and*
- *The School/Kura supports, develops and maintains a motivated and capable team of teaching and support Staff/Kaimahi, in order to provide the best learning environment for our students/ākonga (**Students/Ākonga**).*

**GENERAL STRUCTURE / CROSS-REFERENCES:** the Roseneath School Employment Policy comprises a number of Chapters dealing with different aspects of employment at the School/Kura. Each Chapter is to be read in conjunction with the other Chapters due to the interconnected nature of employment issues. Cross-references to other policies will generally be appropriate. Staff/Kaimahi must also take into account other applicable legislation (particularly the [Education and Training Act 2020](#), the [Public Service Act 2020](#) and the [Employment Relations Act 2000](#)), Codes of Practice, New Zealand School Trustees Association and Ministry of Education guidelines and, where appropriate, best practice.

APPROVED:	
DATE:	23 February 2023

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## APPOINTMENT OF STAFF/KAIMAHI

### Compulsory cross-reference documents

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

- any applicable individual or collective employment agreement;
- the applicable legislation, particularly, but without limitation, the [Employment Relations Act 2000](#), the [Public Service Act 2020](#), the [Education and Training Act 2020](#), the [Privacy Act 2020](#), the [Human Rights Act 1993](#), the [Immigration Act 2009](#), the [Equal Pay Act 1972](#), and the [Criminal Records \(Clean Slate\) Act 2004](#);
- Codes of Practice, and New Zealand School Trustees Association and Ministry of Education guidelines;
- the School/Kura Management Policy;
- the remainder of the Employment Policy (in particular, the Equal Employment Opportunity Chapter).

### Description and purpose of Appointment of Staff/Kaimahi Chapter

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

Our Appointment of Staff/Kaimahi Chapter aims to:

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

### Guidelines

#### *General*

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

#### *Job description and person specification*

5. The Principal/Tumuaki will write a job description reflecting the School/Kura Charter and associated policies. This will include the main functions and accountabilities of the role.
6. The Principal/Tumuaki will write a person specification setting out (without limitation):
  - qualifications required;
  - personal and/or performance qualities desired; and
  - pre-requisites, including skills, experiences and essential and/or preferred attributes.
7. The Principal/Tumuaki will decide upon a list of selection criteria and the weightings to be given to each criterion. These will be used consistently for all applicants. The Principal/Tumuaki, when considering selection criteria for relevant skills, will take into account the School's/Kura's obligation under the Education and Training Act 2020 (section 9 and [section 127\(1\)\(d\)](#)) to give effect to Te Tiriti o Waitangi, including working to ensure that the local curriculum reflects local tikanga Māori, mātauranga Māori and te ao Māori, taking all

reasonable steps to make instruction available in tikanga Māori and te reo Māori and achieving equitable outcomes for Māori students/ākonga.

#### *Appointments Committee*

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

#### *Selection criteria*

13. The Committee will decide upon a list of selection criteria and the weightings to be given to each criterion. These will be used consistently for all applicants. The Committee, when considering selection criteria for relevant skills, will take into account the School's/Kura's obligation under the Education and Training Act 2020 (section 9 and [section 127\(1\)\(d\)](#)) to give effect to Te Tiriti o Waitangi, including working to ensure that the local curriculum reflects local tikanga Māori, mātauranga Māori and te ao Māori, taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori and achieving equitable outcomes for Māori Students/Ākonga.
14. The Committee will deal fairly and transparently with all applications, particularly where a current Staff/Kaimahi member is applying. All applicants need to be considered on merit and assessed against the same criteria.

#### *Advertising position*

15. The Principal/Tumuaki will draw up an advertisement for the Education Gazette (and/or other relevant advertising medium) to include (without limitation):
  - School/Kura identification code;
  - School/Kura location;
  - job and brief outline of duties;
  - qualifications or desirable attributes;
  - name from which applications may be obtained;
  - address for written applications; and
  - closing date for receipts of applications

#### *Application procedure*

16. Prospective applicants will contact the School/Kura (or relevant agency) for an application form, job description, and person specification.
17. The School/Kura and community description, including a copy of the Equal Employment Opportunity Policy, will also be provided to each applicant.
18. The Committee will acknowledge receipt of all applications in writing.

### *Evaluation of applications*

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

### *Police vetting*

22. The Board/Poari must comply with the requirements under the [Education and Training Act 2020](#) in relation to Police vetting of employees at the School/Kura. All Staff/Kaimahi who are employed in our School/Kura, under the [Education and Training Act 2020 \(section 104 and Schedule 4\)](#), who are appointed to a position at the School/Kura and are to work at the School/Kura during normal school hours, and are not a registered teacher holding a current practising certificate or a holder of a limited authority to teach, must be police vetted before being employed or engaged. Teachers (including relievers) undergo safety checking by the Education Council as part of their ongoing registration and practising certificate process.
23. Where the Board/Poari applies for a police vet as set out above, it must ensure that strict confidentiality is observed for police vets and it may not take adverse action until the person has validated the information in the police vet or has been given a reasonable opportunity to validate the information, but has failed to do so within a reasonable period.
24. The information contained in a Police vet should be stored so that only those required to access the information are able to do so. Information contained in the vet should be destroyed when no longer required.
25. If the Police vet reveals criminal offences or concerns by the police, then the Board/Poari will consider whether the information should affect employment at the School/Kura. The Board/Poari will establish screening criteria with:
  - clear guidelines stating which offences are relevant;
  - what offences will disqualify an applicant;
  - what other factors will be considered (for example, how serious the offence was, and whether it was a one-off offence or a pattern of offending); and
  - how the rights of the applicant will be preserved.

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

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

### *Successful applicant*

30. The successful applicant will be advised of the conditional appointment subject to the Board's/Poari's approval. Unsuccessful applicants will be advised that they were unsuccessful.

31. The Principal/Tumuaki will inform the successful applicant of their appointment (subject to confirmation in writing).
32. The Principal/Tumuaki will notify the relevant School/Kura payroll administrator of details relating to the salary payment once bank account details have been supplied.
33. The presiding member of the Board/Poari (**Chair**) will write to the successful applicant welcoming them to the School/Kura and detailing the terms of their appointment. A copy of the employment agreement and School/Kura policies will also be supplied to the successful applicant.

*Conditions of employment*

34. All Staff/Kaimahi are employed under an individual or collective employment agreement.
35. The School/Kura will comply with all relevant agreements and statutes that affect the Staff/Kaimahi's employment conditions.
36. The School/Kura and all Staff/Kaimahi must comply with the requirement to conduct the employment relationship in good faith, as required under the [Employment Relations Act 2000](#). This involves (but is not limited to) both parties dealing with each other honestly and openly.
37. All Staff/Kaimahi must comply with the Staff/Kaimahi Roseneath School Agreed Practices.

## APPOINTMENT OF PRINCIPAL/TUMUAKI

### Compulsory cross-reference documents

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

- any applicable individual or collective employment agreement;
- the applicable legislation, particularly, but without limitation, the [Employment Relations Act 2000](#), the [Public Service Act](#), the [Education and Training Act 2020](#), the [Privacy Act 2020](#), the [Human Rights Act 1993](#), the [Immigration Act 2009](#), the [Equal Pay Act 1972](#), and the [Criminal Records \(Clean Slate\) Act 2004](#);
- Codes of Practice, and any relevant New Zealand School Trustees Association and Ministry of Education guidelines;
- the School/Kura Management Policy;
- the remainder of the Employment Policy (in particular, the Equal Employment Opportunity Chapter).

### Description and purpose of Appointment of Principal/Tumuaki Chapter

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

Our Appointment of Principal/Tumuaki Chapter aims to:

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

### Guidelines

#### *General*

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

#### *Job description and person specification*

5. The Board/Poari will write a job description for the Principal's/Tumuaki's role, which reflects the School/Kura Charter and associated policies. This will include the main functions and accountabilities of the role.
6. The Board/Poari will write a person specification setting out (without limitation):
  - qualifications required;
  - personal and/or performance qualities desired; and
  - pre-requisites, including skills, experiences, and essential and/or preferred attributes.

#### *Appointments Committee*

7. If the Board/Poari desires, it may create an Appointments Committee (**Committee**) for the purposes of appointment.

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

#### *Selection criteria*

11. The Committee will decide upon a list of selection criteria and the weightings to be given to each criterion. The Committee, when considering selection criteria for relevant skills, will take into account the School's/Kura's obligation under the Education and Training Act 2020 (section 9 and [section 127\(1\)\(d\)](#)) to give effect to Te Tiriti o Waitangi, including working to ensure that the local curriculum reflects local tikanga Māori, mātauranga Māori and te ao Māori, taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori and achieving equitable outcomes for Māori students/ākonga. These will be used consistently for all applicants.
12. The Board/Poari and Committee will deal fairly and transparently with all applications, particularly where a current Staff/Kaimahi member is applying. All applicants need to be considered on merit and assessed against the same criteria.

#### *Advertising position*

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

#### *Application procedure*

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

#### *Evaluation of applications*

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

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

20. Short-listed applicants may bring support person(s) to the interview if they wish but the applicant will inform the School/Kura at least 24 hours prior to the interview in order that arrangements can be made.



21. Prior to the interview, the Committee will formulate a set of questions to be asked consistently during all 2interviews. During the interview, each member of the interview panel will ask specific questions.
22. Applicants' referees may be contacted.
23. After the interview, each short-listed applicant will be evaluated based upon the selection criteria and weightings. The Committee will recommend its preferred applicant(s), with reasons, to the Board/Poari.
24. The Board/Poari will make its decision on the successful applicant.

#### *Successful applicant*

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

#### *Conditions of employment*

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

## ALLOCATION OF UNITS

### Compulsory cross-reference documents

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

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

### Description and purpose of Allocation of Units Chapter

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

Our Allocation of Units Chapter aims to:

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

### Guidelines

#### *General principles*

1. Units will only be allocated to teaching Staff/Kaimahi.
2. Units may be allocated on a permanent or fixed-term basis.
3. Units will be allocated in accordance with:
  - the applicable collective agreement; and
  - the *Unit Allocation Guidelines* issued jointly by the Ministry of Education, New Zealand Educational Institute, and New Zealand School Trustees Association.
4. There will be clear job specifications for positions with units attached. These will be made available in advance of the distribution of the units to teachers. The job description will form part of the future evaluation and appraisal of the performance of the unit holder.
5. Units will be allocated, and new roles created, on the basis of the identified needs of the School/Kura.
6. Units will be allocated to provide for leadership and management of teaching and learning, not simply workload.
7. Allocation of units is based on objective criteria; ie, to positions, rather than to specific people holding positions.
8. Teaching Staff/Kaimahi will be consulted in the development or regular revision of the unit allocation policy and procedures.

### *Responsibility for allocation*

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

### *Permanent Units*

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

### *Fixed-term Units*

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

## **CLASSROOM RELEASE TIME**

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

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

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

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

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

Our Classroom Release Time Chapter aims to:

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

### **Guidelines**

#### *Classroom release time policy*

1. The Board/Poari will delegate responsibility for deciding how classroom release time can be used to the Principal/Tumuaki.

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

2. This list of common uses for classroom release time is not exhaustive and may be amended through consultation with teachers, and between the Principal/Tumuaki and individual teachers.
3. In our School/Kura, classroom release time will be used for (but not limited to):
  - planning;
  - evaluation;
  - reporting;
  - personal professional development;
  - observing other teachers;
  - reading/research;
  - assessment;
  - marking student work;
  - carrying out curriculum responsibilities; and/or
  - any other use agreed to from time to time between the teacher and Principal/Tumuaki.
4. Classroom release time is not to be used for personal business or to leave the School/Kura. All teachers are required to remain on School/Kura grounds during the School/Kura day unless the Principal/Tumuaki has agreed otherwise.

#### *Allocation of classroom release time*

5. Allocation of classroom release time will be administered by the Deputy Principal/Tumuaki, taking into account (where possible) the requests of individual teachers.

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

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

*Review of classroom release time policy*

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

## COMPLAINTS AGAINST STAFF/KAIMAHI

### Compulsory cross-reference documents

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

- any applicable individual collective employment agreement;
- the applicable legislation, including (but not limited to) the [Employment Relations Act 2000](#), [Protected Disclosures Act 2000](#), the [Education and Training Act 2020](#), and the [Privacy Act 2020](#);
- Codes of Practice and Ministry of Education guidelines;
- the New Zealand Educational Institute and New Zealand Teachers Council guidelines;
- the School/Kura Management Policy;
- the remainder of the Employment Policy (in particular, the Protected Disclosures Chapter, and the Staff/Kaimahi Discipline Chapter).

### Description and purpose of Complaints Against Staff/Kaimahi Chapter

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

Our Complaints Against Staff/Kaimahi Chapter aims to:

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

### Guidelines

#### *Key Principles*

1. The relationship between the School/Kura, Staff/Kaimahi, and parents/caregivers/whānau is one of mutual respect and communication. Staff/Kaimahi and parents/caregivers/whānau must be committed to the wellbeing of Students/Ākonga and to their educational and social development. The School/Kura and parents/caregivers/whānau have the right to expect high professional standards.
2. In the case of a concern arising about a Staff/Kaimahi member from other Staff/Kaimahi members, Students/Ākonga, and/or parents/caregivers/whānau, all procedures to achieve resolution will be conducted in good faith and with an open mind.
3. The Principal/Tumuaki and Board/Poari will recognise the need to be aware of the differences between complaints, discipline and competency procedures, and will identify to relevant parties the nature of any of these procedures which is in operation.
4. At all points throughout the complaints and resolution process, confidentiality must be maintained.

#### *Coverage*

5. This policy covers the activities of all Staff/Kaimahi members:
  - within the School/Kura;

- involved in School/Kura activities either in the School/Kura or elsewhere, during or outside normal School/Kura hours; and
- undertaking other activities outside the School/Kura which might directly affect their professional role, or the well-being or safety of Students/Ākonga in the School/Kura.

#### *Complaints process at first instance*

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

#### *Making a formal complaint*

9. If the concern is not resolved through informal processes, or if the concern is of a serious nature, the person making the complaint should lodge a written complaint with the appropriate person/authority:
  - The Principal/Tumuaki is responsible for receiving, investigating and resolving complaints about the actions of Staff/Kaimahi.
  - If the Principal/Tumuaki is the subject of a serious complaint/unresolved concern, then the Board/Poari will assume responsibility for receiving, investigating and resolving complaints about the actions of Staff/Kaimahi.
  - If the Board/Poari is the subject of a serious complaint/unresolved concern, the next appropriate authority will assume responsibility. This could be one or more of a number of education authorities (for example, the Ministry of Education, the New Zealand Teachers Council, or the Public Services Commission).
  - If a complaint includes allegations and evidence of serious criminal activity by a Staff/Kaimahi member which might directly affect the well-being or safety of Students/Ākonga, then the Police will be informed by the Principal/Tumuaki and further investigations undertaken after consultation with the Police.
10. The complainant will verify the written complaint as accurate and sign the written complaint. The complaint will then be referred to the Principal/Tumuaki, Chair, or appropriate authority (as above).

#### *Responding to a formal complaint*

11. Upon receiving a written complaint, the Principal's/Tumuaki's or Board's/Poari's (as above) first responsibility is to make sure that the Students/Ākonga are safe and secure.

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

*When the Board/Poari is the "appropriate authority"*

16. If a complaint against a Staff/Kaimahi member (other than the Principal/Tumuaki) is not resolved through this process, or if they are dissatisfied with the Principal's/Tumuaki's findings, the Principal/Tumuaki will advise the concerned party/parties of their right to refer the complaint, in writing, to the Board/Poari. The Principal/Tumuaki will give the Board/Poari an account of the preceding events relating to the complaint.
17. The Board/Poari will consider whether the previous action taken by the Principal/Tumuaki was:
  - appropriate; and
  - sufficient.
18. If the action was both appropriate and sufficient, the Board/Poari will advise the complainant accordingly, and the matter is closed.
19. If the action was either not appropriate and/or not sufficient, the Board/Poari will consider what further action should be taken and what mechanism it will use to progress the case. The alternatives include (but are not limited to):
  - hiring legal and/or investigative expertise;
  - undertaking an investigation of its own; and/or
  - referring a case directly to the New Zealand Teachers Council.
20. If the Board/Poari decides to undertake its own investigation, it will:
  - set up an ad hoc Personnel Committee with responsibility for the task; and
  - design a brief for the Personnel Committee that states the purposes of the investigation, the terms and conditions of the investigation, and the mechanism for reporting on the outcome. Alternatively, it may ask the Personnel Committee to construct its own brief and refer it back to the Board/Poari for ratification.
21. The Personnel Committee will conduct a full enquiry, and give the complainant and/or their legal advisors to respond to the allegations. The Personnel Committee will submit its written report to the Board/Poari, which determines what action, if any, is required
22. During any investigation and resolution of a serious complaint the Principal/Tumuaki and Board/Poari will ensure that:



- the person who is the subject of the complaint is kept informed, in writing, on the progress of the resolution of the complaint at all times;
- the person's, who is the subject of the complaint, right to seek advice, support or counselling is protected;
- relevant provisions in legislation and employment agreements are adhered to;
- the investigation is full and fair;
- the principles of natural justice are observed, which include: the presumption of innocence (until proven guilty), the accused's right of access to charges, the right to legal help, the right of reply, the right of redress, and the exercise of principles of evidence;
- a full written record is kept of all significant discussions, decisions and actions during resolution of a complaint; and
- Students/Ākonga and their safety are kept as a prime consideration throughout the process.

*New Zealand Teachers Council*

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

## EQUAL EMPLOYMENT OPPORTUNITIES

### Compulsory cross-reference documents

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

- any applicable individual and/or collective employment agreement;
- the applicable legislation, in particular (but not limited to), the [Public Services Act 2020](#), the [Employment Relations Act 2000](#), the [Privacy Act 2020](#), the [Human Rights Act 1993](#), the [New Zealand Bill of Rights Act 1990](#), and the [Equal Pay Act 1972](#);
- Codes of Practice and Ministry of Education guidelines;
- the Curriculum Policy;
- the School/Kura Management Policy;
- the remainder of the Employment Policy (in particular, the Appointment of Staff/Kaimahi and Appointment of Principal/Tumuaki Chapters).

### Description and purpose of Equal Employment Opportunities Chapter

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

Our Equal Employment Opportunities Chapter aims to:

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

### Equal Employment Opportunity Programme

#### Guidelines

1. The School/Kura will implement a programme of equal opportunity and treatment in employment (**EEO programme**) in consultation with Staff/Kaimahi members and the Board/Poari. All School/Kura policies will comply with this commitment. The EEO programme is **attached at Appendix A**.
2. This EEO programme will be communicated to all Staff/Kaimahi and form part of the everyday management of the School/Kura.
3. The Board/Poari will make reasonably necessary resources available for the EEO programme's implementation and monitor its results.
4. The Board/Poari will regularly review employment-related policies and procedures to ensure compliance with the EEO programme.
5. The Appointments Committee will ensure that any employment-related decision does not discriminate against Staff/Kaimahi.
6. The Board/Poari should be familiar with:
  - the employment contracts of the School/Kura's Staff/Kaimahi;

- any applicable collective agreements; the minimum standards of employment under the applicable legislation; and
  - any other applicable legislation.
7. The Board/Poari will have a procedure in place in which Staff/Kaimahi are able to voice any concerns they have about being disadvantaged/discriminated against or treated unfairly by the School/Kura or their employment conditions.
- A checklist for Staff/Kaimahi to identify possible areas of disadvantage/discrimination is **attached** at **Appendix A**.
  - Staff/Kaimahi should be informed that they should approach the Chair if they have any concerns about disadvantage/discrimination or possible disadvantage/discrimination they, or another Staff/Kaimahi member, are/have been/may experience.

## PERFORMANCE APPRAISAL OF STAFF/KAIMAHI

### Compulsory cross-reference documents

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

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the [Public Service Act 2020](#), the [Privacy Act 2020](#), and the [Official Information Act 1982](#);
- Codes of Practice and Ministry of Education guidelines, particularly (but not limited to) the *Interim Professional Standards for Primary School Teachers*;
- the Curriculum Policy;
- the School/Kura Management Policy;
- the remainder of the Employment Policy (in particular, the Complaints against Staff/Kaimahi, Appointment of Staff/Kaimahi and Professional Development Chapters).

### Description and purpose of Performance Appraisal Chapter

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

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

Our Performance Appraisal Chapter aims to:

- establish an agreed performance appraisal process which is open and transparent;
- embody the relevant matters to be taken into account when assessing the performance of teachers, as required by the Chief Executive of the Ministry of Education under the [Public Services Act 2020](#);
- specify the participants in performance appraisals; and
- set out the procedures to be followed.

### Guidelines

#### *Procedures*

1. The Principal/Tumuaki is responsible for the overall process of Staff/Kaimahi appraisal and evaluation, and the Board/Poari will ensure that the Principal/Tumuaki carries out this responsibility.
2. An agreed set of performance expectations for Staff/Kaimahi will form the basis of appraisal. These will be reviewed on a regular basis. In addition, the Staff/Kaimahi member's job description and relevant guidance from the Ministry of Education or Teaching Council (for example [Our code, our standards](#)) may provide guidance on relevant performance expectations.
3. Performance appraisal is developmental in intent. Serious issues of competence are not dealt with under this Policy.
4. Each teacher will participate in the appraisal process at least once within a 12 month period.
5. Personal development objectives will be identified and written annually.
6. Performance expectations for teachers must relate to the key professional responsibilities and key performance areas of their position. These will include, as a minimum:
  - teaching responsibilities;
  - School/Kura-wide responsibilities; and

- management responsibilities.
7. The appraisal process will consist of, as a minimum:
- provision to the appraisee of written performance objectives, expected results and development objectives;
  - in-class observations of the appraiser;
  - self-appraisal by the appraisee;
  - appraisee/appraiser interviews; and
  - written records of the above.

*Records and privacy*

8. Records are to be kept confidential, and a copy is to be given to the appraisee. These records will be signed by both parties.
9. Records are confidential to the appraisee and appraiser (and the Principal/Tumuaki, if not the appraiser), unless the appraisee agrees others may have access to those records.
10. The Education Review Office (**ERO**) has the right to review such records; however, ERO is bound by the [Privacy Act 2020](#).
11. The Board/Poari has the right to see appraisal records if there is a dispute between a teacher and the Board/Poari or Principal/Tumuaki (see the Complaints Against Staff/Kaimahi Chapter). Any of a teacher's records by the full Board/Poari will be "in committee" and kept private to Board/Poari members. There is no need for any individual Board member to have access to any personal details.
12. Appraisal records will be kept by the Principal/Tumuaki in a secure place, and will not be available for photocopying, appointment applications by Staff/Kaimahi, perusal by potential employers of Staff/Kaimahi, nor any other uses, subject to compliance with the Privacy Act 2020 and/or consent of the relevant member of Staff/Kaimahi.
13. In the case of disagreement between appraiser and appraisee, a teacher has the right to request an independent review by another appraiser who is acceptable to all parties.

## PERFORMANCE APPRAISAL OF PRINCIPAL/TUMUAKI

### Compulsory cross-reference documents

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

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the [Public Service Act 2020](#), the [Privacy Act 2020](#), and [the Official Information Act 1982](#);
- Any relevant Codes of Practice, or New Zealand School Trustees Association and Ministry of Education guidelines
- the Curriculum Policy;
- the School/Kura Management Policy;
- the remainder of the Employment Policy (in particular, the Professional Development Chapter).

### Description and purpose of Performance Appraisal of Principal/Tumuaki Chapter

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

Our Performance Appraisal of Principal/Tumuaki Chapter aims to:

- ensure that the job of managing the School/Kura on a day-to-day basis is carried out as well as possible and in accordance with the Board's/Poari's requirements;
- embody the relevant matters to be taken into account when assessing the performance of Principals/Tumuaki, as required by the Ministry of Education under the [Public Service Act 2020](#);
- to provide feedback on the Principal's/Tumuaki's performance for both the Principal/Tumuaki and the Board/Poari on a regular basis; and
- to provide for the ongoing professional development of the Principal/Tumuaki.

### Guidelines

#### *Procedures*

1. The review process will occur annually, providing a written record of whether the Principal/Tumuaki has performed satisfactorily as per the terms of the performance agreement and identifying professional development needs.
2. The Principal/Tumuaki's performance will be formally reviewed on an annual basis by the Chair or delegate(s) and optionally, at the Board's/Poari's choice, an independent consultant who specialises in education.
3. Those delegated or contracted to perform the review process will have written formalised instructions specifying the responsibilities of the role.
4. There will be an interim mid-year review preceding the annual formal review, between the Principal/Tumuaki and Chair or delegate(s) to discuss progress.
5. The Principal/Tumuaki will be reviewed on the criteria set forth in the performance agreement, which may include: achieved objectives, professional standards, practising teacher criteria, learning and development objectives and fulfilment of additional duties which require concurrence payment. See **Appendix B** for the model performance agreement.

6. If the Principal/Tumuaki and the Board/Poari disagree on the performance objectives, the Board/Poari, after considering the Principal's/Tumuaki's input, will amend the disputed objectives or confirm the unchanged objectives. The Board's/Poari's decision will be final.
7. The Chair, delegate(s) and consultant may gather information from Staff/Kaimahi, parents, or any other relevant members of the larger School/Kura community who can provide feedback on how the Principal/Tumuaki has performed. Evidence may include surveys, self-review, teaching observation (if relevant), interviews, focus groups or documentary evidence.
8. The Principal/Tumuaki and delegate(s) will meet for a formal interview to discuss whether the performance agreement has been satisfied with the Principal/Tumuaki given the opportunity to discuss and comment on each criterion before a rating is given. The results will then be drafted into a report by the delegate(s) and sent to the Principal/Tumuaki. The Principal/Tumuaki can accept or dispute the report. If the report is disputed, the delegate(s) will consider the Principal/Tumuaki's views before deciding to either amend the report, in accordance with the Principal's/Tumuaki's views, or let the report stand, with the Principal's/Tumuaki's comments attached.
9. The Chair, delegate(s) or consultant will present a final mid-year and end of year report back to the Board/Poari. The Principal/Tumuaki may be present for the presentation, and will have the opportunity to address the Board/Poari. The Principal/Tumuaki will then exit and further discussion may continue among the Board/Poari.
10. The Principal/Tumuaki will be informed and in writing of the final outcome following the report discussion.
11. The performance agreement and results of the review are confidential to the Principal/Tumuaki, the Board/Poari and their agents (unless both parties agree to wider distribution).

## PROFESSIONAL DEVELOPMENT

### Compulsory cross-reference documents

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

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the [Public Service Act 2020](#);
- the Education and Training Act 2020, in particular [section 127](#) and the School's/Kura's obligations in respect of Te Tiriti;
- Codes of Practice and Ministry of Education guidelines;
- the Curriculum Policy;
- the Finance Policy;
- the remainder of the Employment Policy (in particular, the Performance Appraisal and Performance Appraisal of Principal/Tumuaki Chapters).

### Description and purpose of Professional Development

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

Our Professional Development Chapter aims to:

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

### Guidelines

#### *General*

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

#### *Staff/Kaimahi development plan*

4. Individual Staff/Kaimahi development plans will be negotiated between the Principal/Tumuaki and Staff/Kaimahi annually in November, in conjunction with the School/Kura Plan for the following year. These will be incorporated into an overall Staff/Kaimahi development programme.
5. Any Staff/Kaimahi member wishing to pursue a particular development focus will present their case of that Principal/Tumuaki for consideration at that time.
6. In finalising each Staff/Kaimahi development plan, the Principal/Tumuaki and Staff/Kaimahi member will consider the following criteria:



- the effect of the plan on the Students/Ākonga/class;
  - the effect of the plan on the Staff/Kaimahi member;
  - the frequency and duration of previous development opportunities;
  - the total length of service and experience of the teacher; and
  - budget limitations.
7. Where possible, the Ministry of Education professional development opportunities will be used in the first instance to support Staff/Kaimahi development plans.
  8. The Principal/Tumuaki may approve additional discretionary leave for teachers to attend te reo Māori, tikanga Māori and te ao Māori professional development courses.
  9. The Staff/Kaimahi Development Budget (which includes teaching and non-teaching Staff/Kaimahi) will also be presented annually by the Principal/Tumuaki and Staff/Kaimahi to the Board/Poari for consideration, and ideally together with the Staff/Kaimahi development programme for the next year.
  10. By the beginning of each following year, the proposed programme and Budget for that year will be prepared and agreed on by the Principal/Tumuaki, Staff/Kaimahi and Board/Poari.
  11. The Board/Poari is to be kept informed of expenditure from the Staff/Kaimahi Development Budget by the Principal/Tumuaki at Board/Poari meetings.
  12. The Principal/Tumuaki will ensure that the professional development undertaken by Staff/Kaimahi is recorded in Staff/Kaimahi files. This is to include a record of personally initiated Staff/Kaimahi development programmes undertaken by Staff/Kaimahi in their own time and/or at their own expense.

## PROTECTED DISCLOSURES

### Compulsory cross-reference documents

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

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#) and the [Employment Relations Act 2000](#);
- Codes of Practice and Ministry of Education guidelines;
- the remainder of the Employment Policy (in particular, the Complaints Against Staff/Kaimahi Chapter).

### Description and purpose of Protected Disclosures

The Protected Disclosures Chapter of the Roseneath School Employment Policy deals with Staff/Kaimahi members of the School/Kura who wish to report serious wrongdoing within the School/Kura. This Policy is to be read in conjunction with the requirements in the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#).

Our Protected Disclosures Chapter aims to:

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

### Guidelines

#### *Protected disclosure*

1. A protected disclosure is disclosure of information if the discloser believes on reasonable grounds that there is, or has been, serious wrongdoing by an organisation and discloses information about that in accordance with the Act and does not disclose it in bad faith (under [section 9](#) of the Act). Employees making disclosures will be protected against retaliatory action and will not be liable for civil, criminal and disciplinary proceedings relating to the disclosure.

#### *Serious wrongdoing*

2. Serious wrongdoing (under [section 10](#) of the Act) includes any act, omission or course of conduct of any of the following type:
  - an offence;
  - a serious risk to public health, safety, the health or safety of any individual or the environment;
  - a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to fair trial;
  - an unlawful, a corrupt, or an irregular use of public funds or public resources;
  - oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement and is done (or is an omission) by an employee of the School/Kura or a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of the School/Kura.

#### *Conditions for disclosure*

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

*Who can make a disclosure*

4. Any Staff/Kaimahi member of the School/Kura can make a disclosure. For the purpose of this policy, an employee includes:
  - current Staff/Kaimahi and Principal/Tumuaki;
  - former Staff/Kaimahi and Principals/Tumuaki; and
  - contractors supplying services to the School/Kura.

*Protection of Staff/Kaimahi members making disclosures*

5. A Staff/Kaimahi member who makes a disclosure and who has acted in accordance with the procedure outlined in this Policy:
  - may bring a personal grievance under the [Employment Relations Act 2000](#) in respect of retaliatory action from the School/Kura;
  - may access the anti-discrimination provisions of the [Human Rights Act 1993](#) in respect of prohibited action from the School/Kura (see [section 22](#) of the Act);
  - are not liable for any civil, criminal proceedings or to a disciplinary proceedings by reason of having made or referred to a disclosure (see [section 23](#) of the Act); and
  - will, subject to [section 17](#) of the Act, have their disclosure treated confidentially.
6. The protections provided in this section will not be available to Staff/Kaimahi members making allegations they know to be false or where they have acted in bad faith.

*Procedure for protected disclosures*

7. Any Staff/Kaimahi member of the School/Kura who wishes to make a protected disclosure will do so using the following procedure.
8. The Staff/Kaimahi member will submit the disclosure in writing and in a timely manner.
9. The disclosure will contain detailed information including the following:
  - the nature of the serious wrongdoing;
  - the name(s) of the people involved;
  - surrounding facts including details relating to the time and/or place of the wrongdoing if known/relevant; and
  - if available, confirmatory evidence from others involved/affected.
10. The disclosure will be sent in writing to either:
  - the person nominated by the Board/Poari; or
  - the Chair, if the Staff/Kaimahi member making the disclosure has reasonable grounds to believe:
    - that nominated person is involved in the wrongdoing;
    - that immediate reference to another authority is justified by urgency or exceptional circumstances; or

- that there has been no action/recommended action within 20 working days of the date of disclosure.
11. On receipt of a disclosure, the designated recipient must, within 20 working days, examine seriously the allegations of wrongdoing and decide whether a full investigation is warranted in accordance with section 13 of the Act.
- If not warranted, the designated recipient will inform the Staff/Kaimahi member why a full investigation is not warranted, with written reasons for the decision.
  - If warranted, a full investigation will be undertaken by the designated recipient or arranged by him / her as quickly as practically possible, through an appropriate authority.
12. All disclosures will be treated confidentially, subject to the exceptions in section 17 of the Act. When undertaking an investigation and writing the report, the designated recipient will use their best endeavours to keep confidential the identify the disclosing person, unless the person consents in writing or if the person receiving the protected disclosure has reasonable grounds to believe that the release of the identifying information is essential:
- for the effective investigation of the disclosure;
  - to prevent a serious risk to public health, public safety or safety of any individual or the environment;
  - to comply with the principles of natural justice; or
  - to an investigation by a law enforcement or regulatory agency for the purpose or law enforcement.

Before releasing identifying information there are conditions that need to be met under [section 17\(3\)](#) and after release under section 17(4) of the Act.

13. At the conclusion of the investigation, the designated recipient will prepare a report of the investigation with recommendations for action as appropriate, which will be sent to the Principal/Tumuaki, or if they are the subject of the disclosure, directly to the Board/Poari.

## **SECONDARY EMPLOYMENT**

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

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

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the [Public Service Act 2020](#), and the [Health and Safety at Work Act 2015](#);
- Codes of Practice and Ministry of Education guidelines;
- the Health and Safety Policy;
- the remainder of the Employment Policy.

### **Description and purpose of Secondary Employment**

The Secondary Employment Chapter of the Roseneath School/Kura Employment Policy deals with the responsibilities of Staff/Kaimahi and the School/Kura regarding secondary employment.

Our Secondary Employment Chapter aims to:

- provide guidelines for Staff/Kaimahi's engagement in secondary employment.

### **Guidelines**

14. Secondary employment is prohibited for all without the prior written consent of the Board/Poari. If Staff/Kaimahi wish to engage in secondary employment they must seek the consent of the Board/Poari in writing.
15. Staff/Kaimahi and the School/Kura have a responsibility to ensure that any secondary employment such as part time jobs do not affect Staff/Kaimahi health and safety at the School/Kura, for example, through fatigue or additional stress.

## STAFF/KAIMAHI DISCIPLINE

### Compulsory cross-reference documents

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

- any applicable individual and/or collective employment agreement;
- the applicable legislation, including (but not limited to) the [Employment Relations Act 2000](#), [the Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#), the [Education and Training Act 2020](#), and the [Privacy Act 2020](#);
- applicable Codes of Practice and Ministry of Education guidelines;
- the New Zealand Educational Institute and New Zealand Teachers Council guidelines (as relevant);
- the School/Kura Management Policy; and
- the remainder of the Employment Policy (in particular, the Complaints Against Staff/Kaimahi Chapter and the Protected Disclosures Chapter).

### Description and purpose of Staff/Kaimahi Discipline Chapter

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

Key principles underpinning this Chapter are:

- there must be a good reason for a dismissal and the dismissal must be carried out fairly. What is fair depends on the circumstances and the School/Kura must follow the dismissal provisions in the Staff's/Kaimahi's relevant employment agreement.
- there is an overarching principle in the Employment Relations Act 2000, which is to endeavour to resolve issues at the lowest level possible. This means as few people involved as necessary, maintaining confidentiality at all times, dealing with matters promptly, and any outcome must be balanced against the seriousness of the issue being addressed.

Our Staff/Kaimahi Discipline Chapter aims to:

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

### Guidelines

#### *Application*

1. Where a Staff/Kaimahi discipline procedure is outlined in an individual and/or collective employment agreement to which the Staff/Kaimahi member is a party, that procedure takes precedence.

2. However, where this is not the case, the process set out in this Staff/Kaimahi Discipline Chapter applies.

#### *Key Principles*

3. The relationship between the School/Kura, Staff/Kaimahi, and parents/caregivers/whānau is one of mutual respect and communication. Staff/Kaimahi and parents/caregivers/whānau must be committed to the wellbeing of Students/Ākonga and to their educational and social development.
4. The School/Kura and parents/caregivers/whānau have the right to expect high professional standards.
5. When a disciplinary procedure against a Staff/Kaimahi member has been initiated, all steps taken in conducting and concluding that disciplinary procedure will be made in good faith and with an open mind.
6. The Principal/Tumuaki and Board/Poari will recognise the need to be aware of the differences between disciplinary procedures and other complaints and competency procedures, and will identify to all parties the nature of any of these procedures which are in operation.

#### *Coverage*

7. This Policy covers the activities of all Staff/Kaimahi members:
  - within the School/Kura;
  - involved in School/Kura activities either in the School/Kura or elsewhere, during or outside normal School/Kura hours; and
  - undertaking other activities outside the School/Kura which might directly affect their professional role, or the well-being or safety of Students/Ākonga in the School/Kura.

#### **Procedures**

##### *Initiation*

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

##### *Serious Misconduct*

- Where the Principal/Tumuaki has reason to believe that a Staff/Kaimahi member has engaged in serious misconduct, the Principal/Tumuaki: issue summary dismissal without notice against the Staff/Kaimahi member concerned, provided that the Principal/Tumuaki has the Board's/Poari's approval and the Board/Poari considers summary dismissal to be a reasonable response in the circumstances; or
  - make a recommendation to the Board/Poari that one or more of the "final disciplinary actions" set out below is/are taken.
10. Serious misconduct by a teacher is defined in the [Education and Training Act](#) as
    - that adversely affects, or is likely to adversely affect, the well-being or learning of 1 or more Students/Ākonga;
    - reflects adversely on the teacher's fitness to be a teacher; or
    - may bring the teaching profession into disrepute; and

- is of a character or severity that meets the Teaching Council's criteria for reporting serious misconduct.
11. In instances of serious misconduct this may result in dismissal (including summary dismissal). Depending on the nature of the serious misconduct Staff/Kaimahi may be suspended pending the outcome of the disciplinary process.
  12. If the Principal/Tumuaki has reason to believe that a teacher employed by the School/Kura has engaged in serious misconduct, they must (in accordance with s [491 of the Education and Training Act 2020](#) ) immediately report this belief to the New Zealand Teachers Council.
  13. The report to the New Zealand Teachers Council must:
    - be in writing; and
    - include a description of the conduct of the teacher that the Board/Poari believes to be serious misconduct; and
    - include a description of what action (if any) the Board/Poari has taken in relation to its belief that the teacher has engaged in serious misconduct.

#### *Disciplinary procedure at first instance*

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

#### *Investigatory Procedure*

15. An unprejudiced investigation into the alleged misconduct of a Staff/Kaimahi member must be carried out before any disciplinary action is taken, except in circumstances where the Principal/Tumuaki considers that the matter will be resolved through a verbal warning alone, or where the Principal/Tumuaki has reason to believe that a teaching Staff/Kaimahi member has engaged in serious misconduct (in which case the Principal/Tumuaki must immediately report the matter to the New Zealand Teachers Council).
16. Investigatory actions that may be initiated by the Principal/Tumuaki in respect of a disciplinary matter include (but are not limited to):
  - hiring legal expertise;
  - hiring investigative expertise; and/or
  - the Board/Poari undertaking an investigation of its own.
17. Refer to the relevant paragraphs of the Complaints Against Staff/Kaimahi Chapter for the procedure to be followed if the Board/Poari decides to undertake its own further investigations.
18. During an investigative process, the Principal/Tumuaki must ensure that:
  - the process and results of any investigation are recorded in writing; and
  - a copy of any report made by the Principal/Tumuaki to the Board/Poari or to the Teachers Council is given to the Staff/Kaimahi member concerned;
19. Except in circumstances where the Principal/Tumuaki has reason to believe that a Staff/Kaimahi member has engaged in serious misconduct, the Principal/Tumuaki must ensure that:



- no action is taken on any report until the Staff/Kaimahi member concerned has had a reasonable time to respond to its contents or findings; and
- no recommendation as to a change of the Staff/Kaimahi member's employment status is made to the Staff/Kaimahi member (whether by the Principal/Tumuaki, or by any Staff/Kaimahi member or Board/Poari member).

#### *Verbal Warning*

20. To commence this process, the Principal/Tumuaki will send a letter that outlines the concern and requests a meeting with the member of Staff/Kaimahi.
21. Following discussion between the Principal/Tumuaki and the Staff/Kaimahi member and their support person, if any, (outlined above), the Principal/Tumuaki may consider it appropriate to give the Staff/Kaimahi member a verbal warning (for example, if the Staff/Kaimahi member fails to provide any explanation for the alleged misconduct).
22. If the Principal/Tumuaki gives the Staff/Kaimahi member a verbal warning, the Principal/Tumuaki will:
  - advise the Staff/Kaimahi member in writing of the right to request representation at any stage;
  - advise the Staff/Kaimahi member in writing of their right to bring a support person with them to further meetings in relation to the disciplinary matter at hand; and
  - give the Staff/Kaimahi member a letter summarising the meeting and the agreed actions.
23. After giving a written warning, the Principal/Tumuaki will, from that point onwards in respect of the disciplinary matter concerning that Staff/Kaimahi member:
  - keep written records of all meetings and discussions with the Staff/Kaimahi member concerned;
  - keep the Board/Poari and the Staff/Kaimahi member concerned informed throughout the process; and
  - continue to monitor the matters causing concern, in consideration of whether to give the Staff/Kaimahi member a written warning (see the "Written Warning" section below).

#### *Written Warning*

24. After verbal warning is given, and following investigation into the matters causing concern, if the Principal/Tumuaki considers that no improvement has been made, the Staff/Kaimahi member should be advised, in writing, of:
  - the specific matter(s) causing concern;
  - the corrective action still required to be taken and the timeframe allowed (the timeframe should be determined by the Principal/Tumuaki as appropriate to give the Staff/Kaimahi member opportunity to respond and/or amend their conduct);
  - the status and progress of any investigations (if not yet completed);
  - any further assistance to be provided to the Staff/Kaimahi member to enable them to take corrective action; and
  - the fact that the correspondence constitutes a written warning, and that failure to remedy the concerns set out could result in further disciplinary action, including dismissal.
25. Such written warning will be signed by the Staff/Kaimahi member, and the Principal/Tumuaki. A copy of the warning shall be given to the Staff/Kaimahi member and another copy will be placed on the Staff/Kaimahi member's file.

26. The Principal/Tumuaki may, where they think it appropriate in the circumstances, notify the Board/Poari and recommend that one or more of the final disciplinary actions set out in the section below are taken in relation to that Staff/Kaimahi member.

*Final disciplinary action*

27. If the disciplinary matter has not been resolved by informal or formal means (through verbal and written warnings), or in cases of serious misconduct where the Principal/Tumuaki has not issued summary dismissal without notice, the Principal/Tumuaki will make a recommendation to the Board/Poari that one or more of the following actions are to be taken:
- a disciplinary committee (which shall not include the Principal/Tumuaki) be created to consider and, if appropriate, implement formal disciplinary action such as suspension or dismissal;
  - the case is to be referred directly to the Police for further investigation; or
  - the case is to be referred directly to the New Zealand Teaching Council, which, after consideration of a report from a competence assessor, may impose conditions on the teacher's practising certificate or authority to teach, or order that the teacher's registration or authority be cancelled (as set out in the [Teaching Council \(Rules 2016\)](#) and by reference to the [section 500 of the Education and Training Act 2020](#) and [clause 6 of Schedule 3 of the Education and Training Act 2020](#)).
28. After considering the Principal/Tumuaki's recommendation, the Board/Poari will:
- adopt and implement the recommendation made;
  - decline to adopt the recommendation and take no further disciplinary action; or
  - decline to adopt the recommendation and implement a different disciplinary action from those set out in the list above.

*The Board's/Poari's obligations*

29. The Board/Poari will endeavour to maintain its obligation of non-disclosure. However, following a dismissal it may be necessary to disclose certain information about the dismissal to reduce damage to the School/Kura, the Staff/Kaimahi member, or remaining Staff/Kaimahi members, subject to the [Privacy Act 2020](#).
30. The Board/Poari must report to the New Zealand Teachers Council if it dismisses a Staff/Kaimahi member in a teaching position or if the Board/Poari has reason to believe that a teacher has engaged in serious misconduct. Templates for these mandatory reports can be found on the New Zealand Teachers Council website, [www.teacherscouncil.govt.nz](http://www.teacherscouncil.govt.nz).
31. The Board/Poari will hold Professional Liability Insurance at all times and the insurer will be promptly notified of any actual or potential claim against the Board/Poari.

## STAFF/KAIMAHI LEAVE

### Compulsory cross-reference documents

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

- any applicable individual or collective employment agreement;
- the applicable legislation, including (but not limited to) the [Public Service Act 2020](#), the [Holidays Act 2003](#), the [Parental Leave and Protection of Employment Act 1987](#), and the [Education and Training Act 2020](#);
- Codes of Practice and Ministry of Education guidelines;
- Personal Development Chapter;
- the remainder of the Employment Policy.

### Description and purpose of Staff/Kaimahi Leave

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

Our Staff/Kaimahi Leave Chapter aims to:

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

### Guidelines

1. Staff/Kaimahi leave conditions are covered by the relevant collective or individual employment agreements.
2. In reviewing each leave application on merit, the following criteria will be considered (without limitation):
  - the effect of the leave on the Students/Ākonga/class;
  - the effect of the leave of the Staff/Kaimahi member;
  - the frequency and duration of prior leave / leave applications; and
  - the total length of service.
3. Written applications for leave will be submitted to the Principal/Tumuaki. Supporting documents will be included if appropriate. Applicants will be referred to the Board/Poari for consideration.
4. The Board/Poari will recommend that the leave be approved or declined.
5. If a leave of application is declined, the Staff/Kaimahi member will be advised of the reasons why.
6. The approval or non-approval of leave in a given circumstance does not set a precedent for similar applications at a later date.
7. As set out in the Personal Development Chapter, the Principal/Tumuaki may approve additional discretionary leave for teachers to attend te reo Māori, tikanga Māori and te ao Māori professional development courses.

## Appendix A

### EQUAL EMPLOYMENT PROGRAMME

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

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

#### EEO Checklist for Board/Poari members

How familiar are you with the employment agreements of your Staff/Kaimahi?

For instance:

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

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

#### EEO Checklist for Employees

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

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

## APPENDIX B

NZSTA, in collaboration with the Teaching Council and in consultation with principal professional groups, has developed an example [performance agreement template](#) and guides that include all the required elements.

**APPENDIX C – Refer to Roseneath School Agreed Practices**