

## **2.2 STAFF DISCIPLINE**

**Approved by:** Board of Trustees  
**Contact:** Headmaster  
**Group:** Leadership Team

**Date effective:** Sept 2017  
**Review date:** Sept 2020  
**Reviewed by:** Leadership Team

---

### **Policy Statement**

This policy provides a process to be followed when the Headmaster wishes to consider concerns related to the conduct of a member of the staff of Nelson College.

### **Policy Rationale**

The successful functioning of the College depends upon the partnership between the community (in particular parents) and the College staff, and involves mutual respect and trust. The community must have access to a process where it can voice concerns related to the conduct of the staff of the College. The school must also have a process to consider any concerns relating to the employment of any member of staff.

### **Responsibility for implementation**

#### **1. The Board of Trustees**

- Will ensure that fair and appropriate policies & procedures are in place, which comply with relevant legislation.
- Will ensure that policies & procedures are present which ensure parents / caregivers and the community have a clear avenue for communicating concerns or complaints about the conduct of staff.
- Will ensure that a process exists which enables concerns relating to the employment of any staff member to be investigated.
- Will delegate implementation of the policy to the Headmaster.
- Will delegate a disciplinary committee where the employer determines that disciplinary procedures should be initiated. Any conflicts of interest, personal or professional, will be taken into account when forming the disciplinary committee.
- Any conflicts of interest, personal or professional, will be taken into account when forming the disciplinary committee.

#### **2. Headmaster**

Will be responsible for promptly actioning the investigation and if necessary the disciplinary process with the exception of termination of the employee.

## Procedures for dealing with employment issues

### Initial Enquiries

1. Where a breach of discipline, concerns or complaint appears to have occurred, the employer shall determine whether disciplinary procedures should be initiated. Where the employer considers it appropriate, it shall make initial enquiries to establish whether the disciplinary procedures should be initiated. In some cases, where the facts are clear and acknowledged, resolution may be achieved informally by discussion between the parties without the need for initiating the disciplinary procedures. Questions of conduct or discipline should be handled in a manner which as far as possible protects the mana and dignity of the employee concerned. The employee may seek whanau, family, professional Association support and/or other support in relation to such matters.
2. The employee shall be informed of any allegation and of her/his right to consult the respective union and of the right to be represented by it at any stage.

### Formal Disciplinary Enquiry

1. Where an employer decides to initiate formal disciplinary procedures, the following principles are to be observed:
  - a. The employer or its agent shall advise the employee in writing of the reason for the disciplinary procedures being initiated, invite the employee to respond in writing and attend an investigation meeting, and advise the employee of her/his right to request union assistance and/or other representation at any stage.
  - b. Before any substantive disciplinary action is taken, an investigation must be undertaken by the employer. The employee shall be invited to attend any such investigation and to make a response concerning the matter either personally or through a representative.
  - c. Notwithstanding 1(b) above, if the employer is satisfied that the welfare and interests of any student attending the school or of any employee at the school so requires the employer may at any time before the matter has finally been disposed of either:
    - i. Suspend the employee (Note: suspension would normally be on pay except in exceptional circumstances); or
    - ii. Transfer the employee to other duties.
  - d. Where a breach of discipline is held to have occurred, the employer shall not impose any penalty on the employee without first:
    - i. Giving the employee the opportunity to make representations to it; and
    - ii. Taking into account any period of suspension already imposed;
  - e. In the case of a finding of serious misconduct the employer may dismiss the employee without notice. The employer may also consider other outcomes, taking into account all of the circumstances in each case.

Where an employee has been suspended, and subsequently a breach of discipline is held not to have been proved, the employee shall, unless the employee has resigned, be entitled forthwith to resume their duties. All business concerning the complaint or concern and action resulting from it will be held "in committee" during Board discussions. At the conclusion of the enquiry the Board of Trustees committee may consider:

First written warning

Final written warning

Dismissal

Other appropriate censures, relevant to the circumstances at the time.

**Definitions:**

Employee – includes all school personnel, including teaching and non-teaching, and any tutors in Community Education.

**References:**

Secondary Teachers Collective Employment Agreement

Part X Education Act (1989)

Support Staff in Schools CA

School Caretakers and Cleaners Voluntary Multi-employer Agreement

Any Individual Employment Agreement

Policies as may be applicable.