

Serious Misconduct Policy

Rationale

That any allegation of serious misconduct, by any school employee, is dealt with promptly and in a fair and consistent manner in accordance with the school code of conduct, the Education Council rules and the Employment Relations Act 2000.

Definition

Examples of serious misconduct are outlined by the Education Council at:
<https://educationcouncil.org.nz/content/criteria-reporting-serious-misconduct>

Procedures

When an accusation of serious misconduct is made, the Principal / Chairperson will:

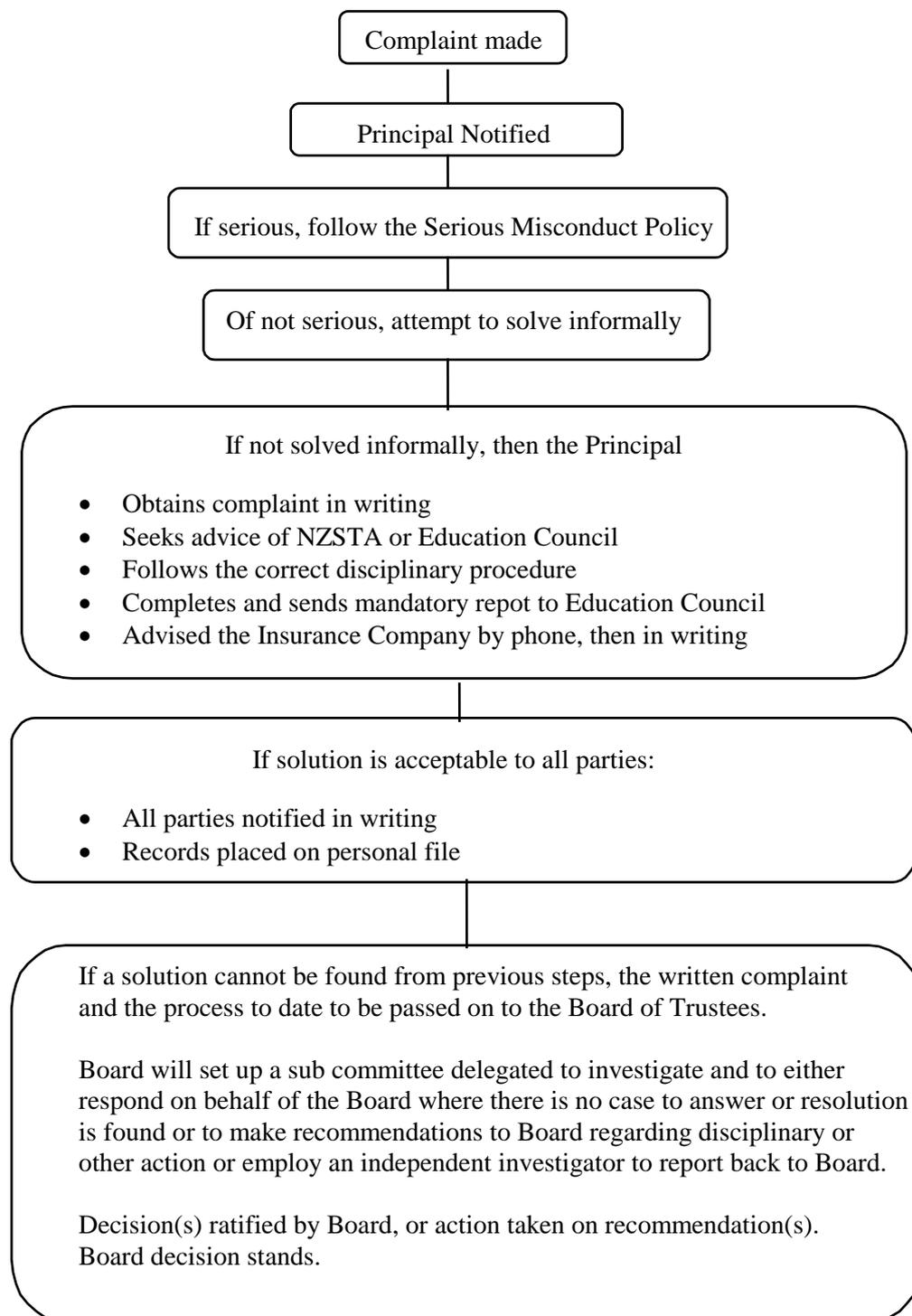
- Obtain the complaint in writing
- Follow the relevant Acts and Awards at all times
- Make initial investigations immediately
- Seek advice form the Education Council
- Make the mandatory report to the Education Council
- Seek the advice of NZSTA help desk when necessary
- Inform employee of the complaint in writing
- Give the employee the opportunity to explain the allegation of misconduct
- Notify the Board Chairperson
- Suspend the employee if the misconduct is deemed to be sufficiently serious according to their employment agreement - with or without pay
- Notify all Board members of the suspension
- Notify the Ministry of Education regarding pay
- Notify the police, where applicable
- Notify all Board members if the Police are involved and keep them informed of proceedings
- Reinstate the employee as soon as possible if the allegation of misconduct proves to be unfounded
- Document all steps of the process
- Notify the employee in writing if the allegation is substantiated and disciplinary action is to be taken
- Notify all the Board members of the outcome.
- Notify the Insurance Company of a possible Personal Grievance

If the accusation is against the Principal, the Board of Trustees Chairperson acts in the Principal's place.

Reviewed 17th October 2016

Chairperson

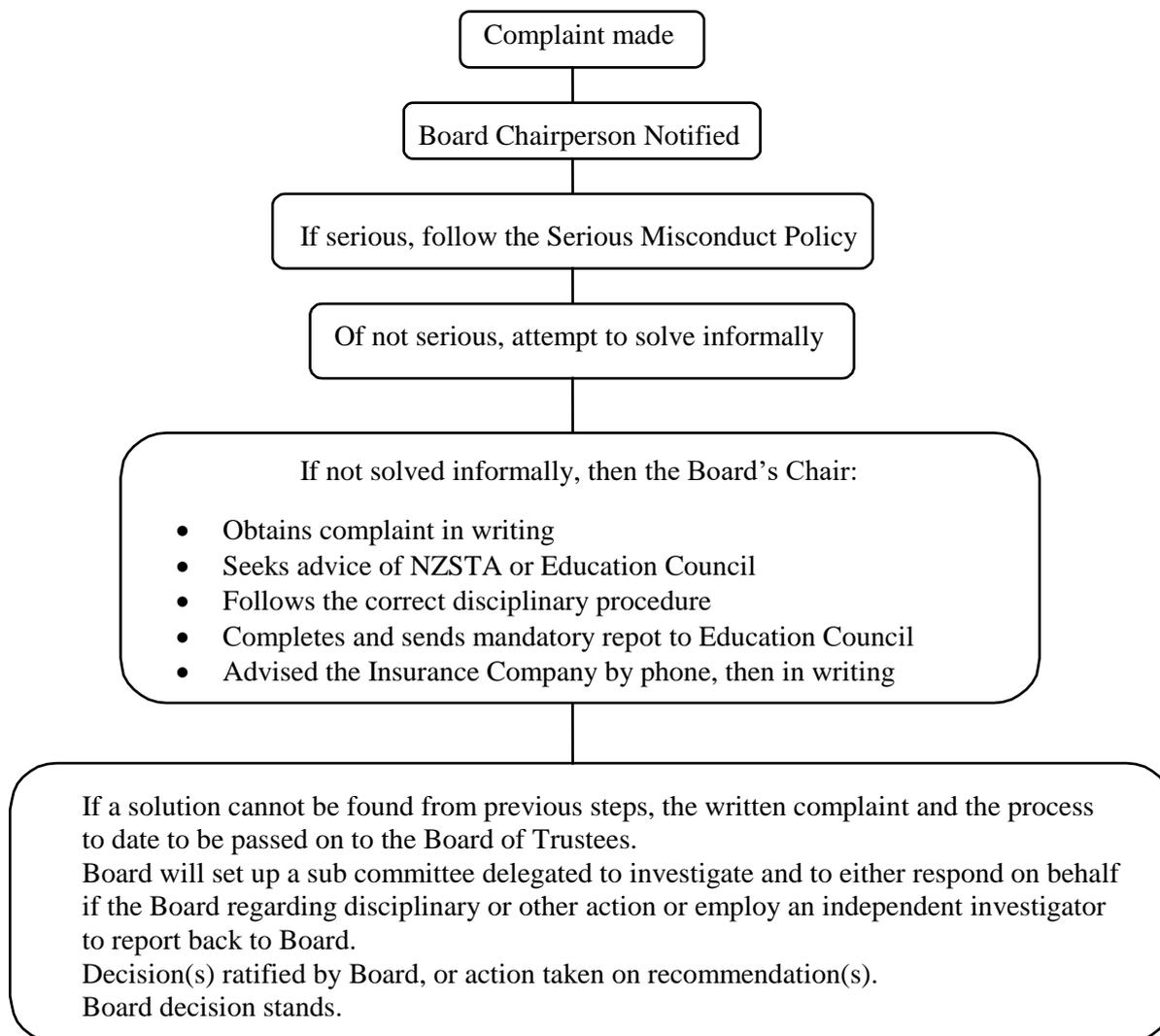
Complaints and Discipline Procedures



**Where a conflict of interest situation exists or may arise, the Chairperson (or any Board member so affected) will appoint a delegate being a Board member to take their place in any sub committee formed under this policy. Where any complaint involves the Principal or staff trustee either shall not be party to formal process nor decisions made relating to action under this policy.*

Complaints and Discipline Procedures

(If the complaint is made against the Principal)



**Where a conflict of interest situation exists or may arise, the Chairperson (or any Board member so affected) will appoint a delegate being a board member to take their place in any sub committee formed under this policy. Where any complaint involves the Principal or staff trustee either shall not be party to formal process nor decisions made relating to action under this policy.*

Personal Grievance and Liability Insurance Guidelines

As soon as the Board is aware of any circumstances which may result in a Personal Grievance

Contact Brett Borrell or Robyn Nation, from Crombie Lockwood - phone 358 7039. They will make a note on our file. Crombie Lockwood are the Insurance Brokers for HIR Casualty Insurance.

Contact NZSTA for advice and guidance.

Failure to notify the Insurance Company as detailed above will prejudice the Board's entitlement to indemnity.