



## PROCEDURE 3.1.4

### STAFF DISCIPLINARY PROCEDURE

#### PRINCIPLE

These disciplinary Procedures are to comply with the requirements of the relevant Employment Agreements. They are designed so that staff are accorded procedural fairness under the concept of natural justice and are aware of the procedure the Board of Trustees will follow.

The Board or Principal will advise the school's insurer at the earliest possible time of any potential employment related claims and seek the advice of a New Zealand school Trustees industrial relations adviser or a lawyer approved by the school's insurer.

#### PROCEDURES

##### A. Misconduct

For matters other than serious misconduct the following warning procedures applies. The Principal is delegated the power to apply this procedure as Chief Executive of the School. On the initiation of each step of the procedure the staff member shall be advised of their right to request the assistance of the NZEI or other representative at any stage. After the conclusion of the Principal's investigation, but before the issuing of any warning, the Presiding Member of the Board of Trustees must be notified and the Principal will notify the BOT at the next meeting of his/her intent to issue a warning. This will be 'in committee'. At the following Board meeting the Principal will notify the Board (while 'in committee') that a warning has been issued and to whom. The employer has the discretion to determine at which step the matter will be dealt with.

#### STEP ONE: VERBAL WARNING

1. The Principal shall, outline the matter(s) of concern to the staff member. Documentation will be kept and signed by both.
2. The staff member shall be given a reasonable period of time to provide an explanation.
3. The staff member shall be advised of the right to representation and or support at any stage of the process.
4. The Principal may need to make further inquiries to clarify the facts of the specific matter(s) causing concern before making a final decision.
5. If the Principal is satisfied that the matter(s) of concern are proven then they may issue a verbal warning to the staff member. The verbal warning shall outline the corrective action required and the staff member will be given a reasonable opportunity to do so. The staff member shall have it explained to them that failure to take the corrective action will result in further disciplinary action being taken.
6. The Principal has the discretion to make the verbal warning valid for a period up to six months. The fact that a verbal warning has been given plus acknowledgment that the process has been followed is to be recorded, shown to the staff member, signed by the staff member and placed on the staff member's personal file. This warning will be removed at the conclusion of six months.

#### STEP TWO: WRITTEN WARNING

1. Where a verbal warning fails to result in the required improvement the Principal may wish to proceed with a written warning.
2. The Principal shall, in writing, outline the matter(s) of concern to the staff member who shall be given a reasonable period of time to provide an explanation.
3. The staff member shall be advised of their right to representation and or support at any stage of the process.
4. If the Principal is satisfied that the matter(s) of concern are proven then they may issue a written warning to the staff member. The written warning shall outline the corrective action required to amend their conduct and the staff member shall be given a reasonable opportunity to do so.

5. The staff member shall have it explained to them that failure to take the corrective action will result in further disciplinary action being taken.
6. The written warning plus acknowledgment that the process has been followed is to be recorded, shown to the staff member, signed by the staff member and placed on their personal file.

### **STEP THREE: FINAL WRITTEN WARNING**

When a written warning fails to result in the required improvement the Principal may wish to proceed with a final written warning. This is to follow the procedure in Step Two but the staff member must be specifically advised that continued unsatisfactory behaviour could result in dismissal.

NB. In some circumstances it may be appropriate to move straight to Step Three for misconduct that does not constitute serious misconduct but is of sufficient concern to justify a final written warning. This shall occur with the authorisation of the Board.

### **STEP FOUR: DISCIPLINARY PROCEDURE BEFORE THE BOARD**

1. Where the Principal believes the staff member behaviour may constitute serious misconduct or he/she has continued to behave in an unsatisfactory manner after receiving a final written warning, the matter will be resolved by referring it to the Board of Trustees.
2. A sub-committee will review the data and recommend a course of action to the Board unless that committee is given full-delegated authority to investigate, make recommendations and take disciplinary action up to and including dismissal.
3. When the recommendation goes to the Board for it to decide on what disciplinary action to take, the staff member or their representative shall be given the right to make a representation at the Board meeting before the decision is made.

#### **B. Serious Misconduct**

The Board may dismiss without notice in the case of serious misconduct.

#### **C. Suspension**

Attention is drawn to the appropriate Collective Agreement. No suspension will occur without the employee being given the right to make submissions (unless it is impracticable to do so). The Principal and Presiding Member (or in his/her absence the Deputy Presiding Member) are given the delegated authority to suspend or transfer to other duties where that is appropriate.

#### **D. Discipline of Principals**

When an allegation of misconduct is directed at the Principal of the school, the Board of Trustees will have to undertake Steps One, Two and Three itself. The Board as a whole or through a sub-committee can do this.

#### **E. Confidentiality**

The Board should be aware that following through a disciplinary procedure can be stressful for all parties concerned. It is important that Board members are aware that the Board's role as an employer in relation to the potential discipline of its employees is not a matter for public debate. Such debate may limit the staff members right to a fair hearing and damage the reputation of the school.

The Board has the right to go 'into committee' to discuss disciplinary matters. The content of such discussions is confidential. Breach of such confidentiality is a breach of the Board of Trustees Code of Conduct.

**REVIEWED:** August 2023  
**NEXT REVIEW DATE:** August 2026