

## EMPLOYEE GRIEVANCES

PROCEDURE

**SCRIPTURAL GUIDANCE**

*“If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over.**But if they will not listen, take one or two others along, so that ‘every matter may be established by the testimony of two or three witnesses.’**If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector.” Matthew 18:15-17*

**PURPOSE**

The following procedure shall be used in addressing grievances against employees and matters of employee discipline and competence to ensure that such matters, in the interest of all parties, can be fully and fairly addressed. Many grievances will be able to be resolved by discussion between the Principal and employee concerned without a need to take the matter further.

**SCHOOL COMMUNITY PROCEDURES**

1. In all issues where a student, parent, trustee or staff member has a grievance, an appointment should be made to discuss the issue with the person involved, where appropriate.
2. If the matter remains unresolved or where the procedure described above is not appropriate, an appointment should be made to discuss the issue with the Principal.
3. If the Principal is unable to resolve the grievance within a reasonable period from the time he/she is informed of the grievance, the concerned person should put the grievance in writing, signed and addressed to the chairperson of the Board of Trustees, at which time the chairperson of the Board of Trustees will advise the Board to enable the grievance to proceed to and be heard by the Board. Unsigned or anonymous letters shall be disregarded.

**PRINCIPAL’S DUTIES ON RECEIPT OF A GRIEVANCE**

The principal will deal with the grievance by:

1. Acknowledging the receipt of the grievance in writing;
2. Enquiring into the issue and resolving the issue to the satisfaction of all parties; ***or*** after considering all the relevant information, making a decision about the grievance and informing the parties; ***or*** by
3. Referring the grievance to the Board, providing a written report with all the relevant information affecting the grievance;
4. Noting the grievance in the grievances register;
5. Advising the employee **in writing** of the grievances against them.

Where parents/caregivers are dissatisfied with the principal’s actions or decisions concerning any grievance, they should place their concerns in writing to the Board of Trustees chairperson.

**BOARD’S DUTIES ON RECEIPT OF A GRIEVANCE**

Any grievance to the Board shall be dealt with in the Public Excluded session by the whole Board and will be:

1. Considered on the information presented in writing;
2. Either concluded with no further action, referred back to the principal with or without recommendations, or referred for investigation;
3. Based on the principals of natural justice which require that all parties have the opportunity to present their views in writing and/or orally;
4. Answered by the Board by writing to the complainant with appropriate information as to how the grievance was resolved or what action is to be taken next;
5. Referred back to the principal for further information or mediation as appropriate.

In addition:

1. The procedure outlined in the appropriate collective employment contract will be followed.
2. The process and any disciplinary action are to be recorded, sighted and signed by the employee and relevant information placed on their personal file.
3. The BOT will seek advice.

**GRIEVANCES AGAINS TEACHING AND/OR SUPPORT STAFF**

In addition to the preceding procedures the board shall have regard to the following principles when addressing grievances (either serious or otherwise) against staff:

1. All grievances against staff shall be dealt with in accordance with the relevant Employment Agreement. All grievances against staff are to be referred in the first instance to the principal.
2. Copies of the letter of grievance should be given to the staff member for a written response.
3. The staff member should be advised that they can seek representation from a professional and/or union representative.
4. In the case of allegations that may have disciplinary implications, the board should investigate and report on the substance of the grievance. An independent investigator may be appointed or this may be delegated to a committee of three members. The committee should seek advice on process.
5. The Board will establish the terms of reference for the Grievances committee and/or the independent investigator as required.

**GRIEVANCES AGAINST THE PRINCIPAL**

Grievances against the principal shall be in writing and referred to the board chairperson who will inform the board and where appropriate initiate mediation.

All grievances against the principal will be dealt with in accordance with the relevant employment agreement and the procedures for grievances against staff members.

**DOCUMENTATION**

1. All grievances will be recorded in the grievances file.
2. If documentation is to be placed on the personnel file the employee will be advised.
3. All material received in the Public Excluded part of a Board meeting will be collected by the Chairman and the original document will be included as part of the minutes of the meeting. All other copies of the documents will be destroyed unless the Board specifically determines otherwise.
4. Any copies of documents made available to staff/affected persons and any investigator or person who is appointed to a Grievances Committee, will be marked “confidential”.
5. The Board will undertake reporting to the NZ Teachers’ Council as required by Legislation.

**SUSPENSION**

1. If the alleged conduct is deemed sufficiently serious an employee may be either suspended with or without pay or transferred temporarily to other duties.
2. The Board shall not, unless there are exceptional circumstances, suspend the employee without first allowing the employee a reasonable opportunity to make submissions to the Board about the alleged misconduct and the appropriateness of the suspension in all of the circumstances. The Board shall take into account any submission made by the employee before determining the matter of suspension.
3. The Board shall work to ensure that the period of suspension is kept to the minimum possible time consistent with ensuring that the allegations of misconduct are properly investigated and that the employee is treated fairly at all times.
4. If the allegation that led to suspension is without substance the employee shall be reinstated effective from the date of suspension.

**INSTANT DISMISSAL**

Nothing in the sections above prevents instant dismissal without notice in the case of serious misconduct.

**COMPETENCY**

Where there are matters of competency which are causing concern in respect of any employee, the Principal shall put in place appropriate assistance and personal guidance to assist that employee. Refer to: **Appropriate steps as per of the NZEI/MOE/STA collective agreement on competency.**

When this assistance and guidance has not remedied the situation, the following provisions should govern the action to be taken.

1. The employee must be advised in writing of the specific matter/s causing concern, the corrective action required and the time-frame allowed. This time-frame should be relevant to the matters causing concern.
2. The process and the results of any evaluation are to be recorded in writing, sighted and signed by the employee.
3. A copy of any report made by the Principal to the Board or to the ***EDUCANZ*** shall be given to the employee.
4. No action shall be taken on a report until the employee has had a reasonable time to comment in writing or verbally or both.
5. **If the above steps (1-4) fail to resolve the matter of concern, the Board may** **dismiss the employee.**

**Review Responsibility:  *Board Chairperson, Deputy Chair, Principal, DP & Staff Rep.***

**Date Ratified: ……………………………………………….**

**Principal: …………………………………………………………..**