

STAFF COMPETENCY

Reviewed Nov/Dec 2013 (Tracy/Donal)

Although individual or collective agreements (Primary Teachers' Collective Agreement and Support Staff in Schools Collective Agreement) have statements covering staff competency, it is necessary for the school to have clearly defined processes to ensure that such agreements are implemented and that any processes are fair to all those involved.

Section 10.7.1 of the NZEI Collective Agreement state ("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.") When this ongoing assistance has not remedied the matters of competency causing concern they should be addressed with this policy governing the action to be taken.

ACTION

1. To ensure that the normal, acceptable areas of an individual's development needs as identified by the School Staff Appraisal Policy are not misconstrued as questioning that staff member's competency.
2. To ensure that the staff member is alerted early to any question of their professional competency.
3. To identify the specific elements of the staff member's performance causing concern.
4. To identify the corrective action which the Principal requires and the date by which that action is to occur.
5. To ensure all those involved in the process receive adequate and appropriate support.
6. To ensure the Board of Trustees (or its delegated Personnel Committee) is kept informed of the process.
7. To protect the employee against any unjustified or vindictive action.
8. To ensure that any disciplinary action taken by the Board is fair and appropriate to the circumstances and is carried out in such a way as not to leave themselves susceptible to a personal grievance claim by the employee.

GUIDELINES

1. A procedure for addressing competency issues shall be developed having regard to the relevant employment contract and these procedures will be available to all staff.
2. Each staff member's Job Description should be reviewed on an annual basis.
3. Matters causing concern should in the first instance, attempt to be resolved by informal discussion, counselling and support.
4. If the concerns are not resolved informally the Principal shall follow the procedures adopted for the purpose.

PROCEDURES

1. The staff member is to be advised in writing by the Principal that they may have representation throughout this process and to be told in advance of the purpose of any meeting convened in accordance with this procedure.
2. The Principal is to have a second person as a witness present throughout this process.
3. **First Warning (verbal)**
The staff member must be advised of the specific matter(s) causing concern and have an opportunity to respond. If corrective action is required the staff member must be advised of the corrective action required and the time frame allowed. This time frame is to be determined by the Principal and signed by his/her witness. The employee is to be advised that failure to perform to the required standard will result in a written warning.
4. Any specific assistance provided to the staff member concerned will be documented.
5. **Written Warning**
The teacher's performance will continue to be monitored and if no improvement is found the matter is to be discussed at a formal meeting with the employee and an explanation sought. If the explanation is unsatisfactory then a written warning is to be given advising them that their employment is in jeopardy. (Further investigation may need to be carried out first to clarify points of disagreement).
6. The staff member must be advised in writing of the specific matter(s) causing concern, of the corrective action required in the time frame allowed. This is to be signed by the Staff Member, Principal and his/her witness. The employee is to be advised that failure to perform will lead to the Principal recommending to the Board of Trustees that they review the employee's continued employment and possible termination of that employment.
7. The process and results of any evaluation are to be recorded in writing, signed by the Principal and staff member. One copy is to be given to the staff member, one is to be placed on the staff member's personal file.
8. Where insufficient improvement occurs a further meeting is to be held and if the employee has no satisfactory explanation for the failure to meet the requirements the Principal may notify the employee that she/he will recommend to the Board of Trustees that they review the staff member's continued employment and the possible termination of that employment.
9. No action shall be taken by the Board of Trustees on the report until the teacher has had the opportunity to respond in writing to the Board of Trustees and be heard by them if the staff member so wishes.
10. At no time during this process is the Principal, any other senior staff member or any member of the Board to recommend to the staff member any change to their employment status.

11. Final Action

- Principal to make a recommendation to the Board
 - The Principal is to remove him/herself from the final decision. This fact and a record of the Board's discussion are to be minuted
12. Board of Trustees will need to decide whether to consult with/and at what stage, the School Trustees Association and/or the Auckland Employers Association.
13. The Board will hold Professional Liability Insurance at all times.

14. Serious Misconduct

If there is misconduct that is sufficiently serious it may warrant instant dismissal as per section 10.6 of both contracts and 7.13.3 of the Support Staff Contract, irrespective of the steps laid down in this procedure.

Principal's Competency

Should the Principal's competency be questioned the Board will follow the procedure outlined in this policy with the Board of Trustees Chairperson acting in the position where the policy refers to the Principal.