

3.1 Personnel Policy

Statement of Intent

Onslow College will be a good employer.

A 'good employer' is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring;

- Good and safe working conditions; and
- An equal employment opportunities programme; and
- Selection of suitably qualified persons for appointment through a fair and transparent process; and
- Opportunities for the enhancement of the abilities of individual employees.

Onslow College will be an equal opportunity employer recognising;

- a. The aims and aspirations of the Maori people; and
- b. The employment requirements of the Maori people; and
- c. The need for greater involvement of the Maori people in the Education service; and
- d. Recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
- e. Recognition of the employment requirements of women; and
- f. Recognition of the employment requirements of persons with disabilities.

Board's Expectations

The board's expectations in this area are that:

1. The school complies with all current employment legislation (Appendix 1)
2. The school complies with the conditions of collective agreements for teaching and support staff, and of any individual employment agreements that are in place
3. Annual appraisals are completed for all staff
4. Professional development is undertaken by all staff annually
5. Guidelines and procedures for appointments and promotion, leave and staff grievances are fair transparent and documented

Supporting Documents

The Board expect that the following guidelines and procedures are in the school and regularly reviewed by school management. These documents are available to the Board on request.

1. Appointments guidelines and procedures
2. Performance management guidelines and procedures
3. Annual professional development plan
4. Guidelines and procedures to manage staff complaints and personal grievances
5. Protected Disclosures
6. EEO guidelines and procedures
7. Timetable policy
8. Guidelines and criteria for taking Special Leave
9. Guidelines and procedures for handling employee stress
10. Privacy guidelines and procedures
11. Procedures for dealing with complaints about staff
12. Staff Induction Procedures

13. Procedure for allocation of management units
14. Police Vetting Procedures
15. Community Education personnel policies and procedures

Delegations

- a) The Board is responsible for the appointment of the principal and involved in the appointment of the deputy principals and the business manager
- b) The Principal is responsible for the appointment of all other staff
- c) Requests for leave of more than five days are considered and decided by the Board

Appendix 1

The Personnel Policy is intended to be consistent with the requirements of the following Acts and agreements and subsequent amendments:

- Human Rights Commission Act 1977
- Employment Relations Act 2000 Contracts Act 1991
- Education Act 1989
- Race Relations Act 1971
- Health and Safety in Employment Act 1993
- Privacy Act 1993
- Protected Disclosures Act 2000
- Current employee collective agreements and individual employment agreements.

The State Sector Amendment Act 1989 covered conditions for senior staff and principals. It was repealed in 1991 and not replaced.

What Is A Protected Disclosure?

A protected disclosure is a declaration made by an employee where they believe serious wrongdoing has occurred. Employees making disclosures will be protected against retaliatory or disciplinary action and will not be liable for civil or criminal proceedings related to the disclosure. This is in accordance with the Protected Disclosures Act 2000.

Definition of Serious Wrongdoing

Serious wrongdoing for the purposes of this policy includes any of the following;

- Unlawful, corrupt, or irregular use of public funds or resources.
- An act or omission or course of conduct:
 - which seriously risks public health or safety or the environment; or
 - that constitutes an offence; or
 - that is oppressive, improperly discriminatory, grossly negligent or constitutes gross mismanagement; or
 - constitutes serious risk to the maintenance of law.

Conditions for Disclosure

Before making a disclosure the employee should be sure the following conditions are met:

- the information is about serious wrongdoing in or by the College; and
- the employee believes on reasonable grounds the information to be true or is likely to be true; and
- the employee wishes the wrongdoing to be investigated; and
- the employee wishes the disclosure to be protected.

Who Can Make A Disclosure?

Any employee of the College can make a disclosure. For the purposes of this policy an employee includes:

- Current employees and principal.
- Former employees and principals.
- Contractors supplying services to the College.

Protection of Employees Making Disclosures

An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy:

- may bring a personal grievance in respect of retaliatory action from their employers;
- may access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers;
- are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
- will, subject to Clause 5 of the Procedure, have their disclosure treated with the utmost confidentiality.

The protections provided in this section will not be available to employees making allegations they know to be false or where they have acted in bad faith.

Procedure

Any employee of the Onslow College who wishes to make a protected disclosure should do so using the following procedure.

1. How to submit a disclosure

(e.g. The employee should submit the disclosure in writing.)

2. Information to be contained

(e.g. The disclosure should contain detailed information including the following:

- the nature of the serious wrong doing
- the name or names of the people involved
- surrounding facts including details relating to the time and/or place of the wrong doing if known or relevant.)

3. Where to send disclosures

(e.g. A disclosure must be sent in writing to The Principal who has been nominated by the Board of Onslow College under the provision of Section 11 of the Protected Disclosures Act 2000 for this purpose.)

OR

(If you believe that the Principal is involved in the wrong-doing or has an association with the person committing the wrongdoing that would make it inappropriate to disclose to them, then you can make the disclosure to the Board of the Board of Trustees.)

4. Decision to investigate

(e.g. On receipt of a disclosure, the Principal must within 20 working days examine seriously the allegations of wrongdoing made and decide whether a full investigation is warranted. If warranted a full investigation will be undertaken by the Principal or arranged by him/her as quickly as practically possible, through an appropriate authority.)

5. Protection of disclosing employees name

(e.g. All disclosures will be treated with the utmost confidence. When undertaking an investigation, and when writing the report, the Principal will make every endeavour possible not to reveal information that can identify the disclosing person, unless the person consents in writing or if the person receiving the protected disclosure reasonably believes that disclosure of identifying information is essential:

- to ensure an effective investigation
- to prevent serious risk to public health or public safety or the environment
- to have regard to the principles of natural justice.)

6. Report of investigation

(e.g. At the conclusion of the investigation the Principal will prepare a report of the investigation with recommendations for action if appropriate, which will be sent to the Board of Trustees.)

7. Disclosure to an appropriate authority in certain circumstances

A disclosure may be made to an appropriate authority (including those listed below) if the employee making the disclosure has reasonable grounds to believe:

- the (last resort person) in the College responsible for handling the complaint is or may be involved in the wrongdoing; or
- immediate reference to another authority is justified by urgency or exceptional circumstances; or
- there has been no action or recommended action within 20 working days of the date of disclosure.

Appropriate Authorities include (but are not limited to)

- Commissioner of Police
- Controller and Auditor General
- Director of the Serious Fraud Office
- Inspector General of Intelligence and Security
- Ombudsman
- Parliamentary Commissioner for the Environment
- Police Complaints Authority
- Solicitor General
- State Service Commissioner
- Health and Disability Commissioner
- The head of every public sector organisation.

8. Disclosure to Ministers and Ombudsman

A disclosure may be made to a Minister or an Ombudsman if the employee making the disclosure:

- has made the same disclosure according to the internal procedures and clauses of this policy;
- reasonably believes that the person or authority to whom the disclosure was made:
 - has decided not to investigate; or
 - has decided to investigate but not made progress with the investigation within reasonable time; or
 - has investigated but has not taken or recommended any action; and
 - continues to believe on reasonable grounds that the information disclosed is true or is likely to be true.