

3.10.2

John Paul College Policy

LEVEL 2: FORMAL COMPLAINTS, ON COMPETENCY, CONDUCT AND DISCIPLINE

RATIONALE:

This policy is designed to represent a set of guidelines and procedures for dealing with formal complaints related to competence, misconduct and discipline of employees of John Paul College so that all parties are assured of fair and equitable treatment and that John Paul College maintains its integrity as a fair and equitable employer.

PURPOSE:

1. To address formal written complaints in a fair and consistent manner in accordance with the principles of natural justice.
2. To facilitate resolution of complaints and of competency and conduct issues and ensure outcomes that enhances the learning of students at John Paul College.

GUIDELINES:

1. A formal written complaint must be submitted to the Principal or DP Human Resources in the first instance. It must be specific with clear reference to incidents and evidence and be signed by the complainant.
2. It must be immediately acknowledged in writing by the Principal or his/her delegated authority.
3. The principal or his/her nominated delegate must investigate the validity of the complaint before taking further action and:
 - a) decide whether the complaint is best dealt with by him/herself, by other appropriate personnel, or by the Board.
 - b) investigate fully the facts of the matter.
 - c) inform the person against whom the complaint has been made of the complaint and the disciplinary process as quickly as possible.
 - d) conduct an initial problem-solving interview with the person concerned, if appropriate, as soon as possible and ensure the person has the opportunity of having a support person present. Where the facts are clear and acknowledged resolution may be achieved informally.

4. If the complaint is about the Principal it should be referred to the Board of Trustees Chairperson to carry out any necessary investigation and action.
5. A report on the complaint and its investigation shall be compiled by the Principal and copy given to the employee:
 - a) Where there is substance to the complaint any barriers to performance, resource problems, management and personal problems must be taken into account.
 - b) Any agreed plan of action and decisions made to resolve the issue must be put in writing and both the respondent and complainant notified in writing of the actions taken. Documentation of the issue must be retained on file and kept confidential.
 - c) Where the complaint relates to an issue of teacher competence and can be substantiated, the Principal shall establish an appropriate support and guidance programme in accordance with the provisions of the employee's employment agreement.

Such a report should include:

- identification of the breach of discipline or misconduct and /or specifically what has been done wrong or inadequately
- the processes that have been followed to verify the complaint or incompetence
- identification of what changes are required and the specific performance/ behaviours expected
- a statement making the person fully aware of the consequences should their performance/ behaviour not improve as required
- an opportunity for the staff member to respond in writing
- clearly established performance/behaviour improvements required with observable and/ or measurable results
- clearly stated standards
- a precise statement of a time frame that is adequate for improvement to take place.

Regular feedback between the teacher/ student and principal is essential within the agreed time frame.

6. Responsibility for the implementation of initial Disciplinary Procedures or a competency process is the Principal's, who will in turn keep the Board informed of actions taken. After investigation of the issues the Principal may invoke:
 - Oral warning in the presence of one other senior staff member
 - Written warning(s)
 - Formal Competency and Conduct and Discipline Procedures as outlined in the relevant Collective Contract (see section 3.3 'Teacher Competence' and 3.4 'Teacher Conduct and Discipline' of the Secondary Teachers' Collective Employment Contract; Staff Competency, Conduct and Disciplinary Procedures Policy)
 - Action by the Board of Trustees (see Staff Competency, Conduct and Disciplinary Procedures Policy)

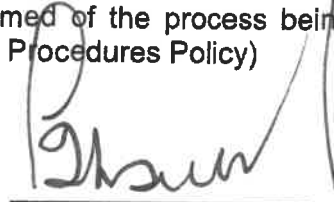
The Principal will have delegated authority to carry out these actions under section 66 of the Education Act 1989.

Implementation of disciplinary action will demonstrate the following characteristics:

- Promptness
- Consistency
- Fairness
- Reflection of the seriousness of the problem
- Consideration of extenuating and mitigating factors
- History of Board of Trustee discipline practices
- Implications for other employees

7. The fact an oral warning has been given will be recorded on an employee's file and where possible a written statement of what has been discussed, is agreed to and signed by the employee.
8. The Board should only become actively involved when the issue continues as a problem and is unresolved between the Principal and the employee and is of a sufficiently serious nature. It will be referred to the Board of Trustees and the teacher or student informed of the process being taken. (See Staff Competency, Conduct and Disciplinary Procedures Policy)

Ratified by Board



Signed B.O.T Chair

25.10.2016

Date

Next Review

Signed for B.O.T

2019