

Personnel

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Allocation of Units Policy

Purpose: to allocate units to teaching positions within the school

Guidelines:

1. Units are associated with specific responsibilities accepted by teachers although they are also available for recruitment, retention and reward of teachers.
2. The allocation of units is consistent with the terms and provisions of the relevant collective employment contract for the teachers concerned.
3. Units are allocated for a fixed term of up to one year only.
4. Units may be awarded to a teacher in a subsequent year, but such an allocation is not automatic.
5. All teaching staff other than the Principal are eligible to receive units.
6. All available units are allocated within each year.
7. Teachers are consulted in the preparation each year of a School Development Plan (Strategic Plan, Vision Statement, Target Emphasis).
8. Teachers are invited to submit a Statement of Interest clarifying their ability and plans to provide significant leadership in one aspect identified in the School Development Plan.
9. Units are paid as part of regular fortnightly remuneration to the teacher(s) concerned throughout the fixed term of the allocation eg. one year.
10. Teachers will be consulted regarding proposed changes to this policy.

Appointment of Staff Procedure.

Donovan Primary has a policy of employing only New Zealand registered teachers.

Purpose:

To provide clear guidelines for the principal and board in making staff appointments.

Guidelines:

1. Vacant positions will be advertised in the Education Gazette or any other such publication as determined by the Principal/Board.
2. An Appointment Committee will be set up to select
 - The Principal
 - An Associate Principal
 - Acting Principal
 - Teacher
 - Office Staff
 - Caretaker/Cleaner
3. For the following positions the Appointments Committee membership will consist of:-
 - Principal - Full Board and Specialist Advisor
 - Associate Principal - BOT Chair, Principal, selected Board members where appropriate and other members of the management team, provided they did not apply for the position.
 - Permanent Teacher - Principal, selected Board members and Leadership Team.
4. The principal is delegated the responsibility to employ all other staff.
5. The principal will set timelines for the appointments process that includes times for interviewing.
6. Applications will be made on an appropriate application form contained in the information pack sent to applicants. (If applicable)
7. Interviews will be conducted at a time and place notified to applicants following a selection process that takes account of the information supplied and statements made by referees. BOT members will be advised to ratify all appointments
8. A full meeting of the Board of Trustees will ratify all permanent appointments.

In carrying out this procedure the Board of Trustees will have due regard to all regulations that apply – Contracts, Privacy Act etc.

Beginning Teacher Development Policy

RATIONALE:

That the Beginning Teacher, as well as their training at the College of Education, receive in-school practical assistance so that at the end of their second year they receive full registration and become a 'Registered Teacher'. Our BOT supports Beginning Teachers through the NZEI BT Charter.

PURPOSE:

1. Be provided with a tutor teacher who will be their guide.
2. Be provided with a group of children and a classroom where they can develop their own individual styles.
3. Be given assistance in planning programmes of work, teaching strategies, and finally how to evaluate the children's progress.
4. Be provided with the resources to enable the classroom unit to operate effectively and efficiently.
5. Provide .2 release in first year and .1 in second year.

GUIDELINES / TRAINING PROGRAMME

- Keeping the school roll on Edge and other necessary records.
- School policy
- Delegation of responsibility
- Avenues of communication
- Planning preparation
- Brief knowledge of school scheme and curriculum framework
- Discipline
- PAT tests and testing
- In-school class visits
- Observation and teaching throughout the school – READING, MATHS, LANGUAGE
- Evaluation of planning
- Opportunity to extend special interests
- Individual differences
- Preparation of pupil reports/ National Standards and parent interviews
- Extend evaluation of planning and pupil's progress
- Professional questions
- The Appointments system
- The Superannuation system
- The EBS/NZEI
- Visits to outside schools
- Refer to Donovan Primary Advice and Guidance Programme
- Professional Growth Cycles

Tutor Teacher/Beginning Teacher Guidelines

A Tutor Teacher has one of the biggest responsibilities in a school. The Principal acknowledges the expertise of a Tutor Teacher and appreciates the huge demand on time and energy needed to fulfil this position.

The following guidelines are designed to ensure that the Tutor Teacher is able to access the time, support and guidance necessary, and to ensure that a Beginning Teacher receives a high standard of support and guidance.

Meetings

Tutor and Beginning Teachers are to meet weekly on a formal basis during the first year. In the second year, meetings will be held every week for the first five weeks in Term 1 then become fortnightly, dependent on the progress the Beginning Teacher has made towards meeting the indicators from the Registered Teacher Criteria.

As the year progresses, agendas for these meetings will include the following:

- Discussion of progress towards meeting set goals
- Revision of plans as necessary
- Setting of new goals and plans for this as necessary
- Discussion of success/celebrations
- Discussion of concerns/issues
- Discussion of children's achievements and progress
- Discussion of children's concerns – learning, behaviour, social etc
- Support for specific school tasks such as report writing.

The Tutor Teacher needs to be accessible on a day to day basis during the first few weeks of a school year, for informal conversations and the support and guidance needed. The Tutor Teacher needs to be available at least weekly for informal conversations etc as the Beginning Teacher becomes established.

Minutes are to be kept of all formal meetings, and of any significant decisions or discussions made during informal meetings.

The Tutor and Beginning Teacher work together to identify goals, prioritise these, and then plan how to meet them. It is expected that the focus for the 0.2/0.1 time, and the observations etc during this time is on a particular goal, unless there are specific school tasks such as report writing that demand an excess of time. Documentation must clearly show the planned use of the 0.2/0.1 time and how this relates to the goal (or major school tasks).

Feedback and Feed forward

The Tutor Teacher must provide honest feedback and feed forward to the Beginning Teacher. Positive teaching attributes and successes must be identified, celebrated and built upon. Areas needing to be developed need to be clearly identified, prioritized, and plans put into place to help address these. When identifying areas that need to be addressed, careful consideration of the experience of the teacher, and the Beginning Teacher Performance Standards continuum ensures that expectations are reasonable and realistic.

Expectations

Tutor and Beginning Teachers are to meet at least once before the start of a school year to begin the development of a 'relationship based on trust, respect and honesty.' During this time support and guidance is to be given to help the Beginning Teacher;

- Set up the classroom
- Develop a daily and weekly plan for Week One
- Discuss ways to develop/establish interpersonal relationships, routines and expectations
- Familiarise them with school routines and expectations, and with resources and equipment etc

A Beginning Teacher will focus initially on developing the Learning Environment expectations:

- Developing positive interpersonal relationships
- Developing clear routines
- Establishing high expectations for learning and behaviour
- Getting to 'know each individual in the classroom'

And then on

- Getting to know each individual in the classroom by:
- Analysing previously gathered data
- Gathering and analysing further data through observations
- Discussions with individuals
- Written tasks
- School dictated summative and diagnostic assessment
- Discussions with parents, both informal and formal parent – teacher conferences
- Other as appropriate.

As a consequence, the Beginning Teacher will not be released during Week One, Term One.

It is important to note that it is not possible to teach curriculum effectively if routines and expectations of behaviour and learning are not clearly established. During this initial time, it is acceptable that children are doing some 'busy' work. The Tutor Teacher will closely monitor this establishment and offer guidance on when to introduce specific, explicit teaching of curriculum.

Interim groups for Reading, Writing (if possible) and Mathematics need to be established by Week Two.

As routines and expectations become firmly established, specific explicit teaching of Writing, worlds Alive, Reading and Mathematics will be the first curriculum areas to become established.

Teacher Support Time

Each Beginning Teacher generates Teacher Support Time, 0.2 for a Year One Teacher, and 0.1 for a Year Two Teacher.

- This time is to be used for:
- Tutor Teacher to observe beginning Teacher for a specific purpose related to an identified goal
- Tutor Teacher to complete paperwork as a result of observing Beginning Teacher
- Tutor Teacher and Beginning Teacher to meet to discuss results of observations
- Beginning Teacher to observe other teachers for a specific purpose related to an identified goal.
- Beginning Teacher to develop resources, planning etc
- Beginning Teacher to gather and analyse data
- Other as identified as necessary as a result of planning to meet specific goals.

N.B It is important to note that the generated time is allocated to a school for the Support and Guidance for a Beginning Teacher. This does not automatically relate to 0.2 or 0.1 classroom release for a Beginning Teacher.

Attestation

A Beginning Teacher needs to expect many observations.

- Within the first 2 weeks (Year 1) or first 3 weeks (Year 2) the Tutor Teacher will observe to get a general feel about any needs or support needed, as well as to identify strengths. A Beginning Teacher may also request a focus for observation at this or any other time.
- Early in Term One there will be an observation by the Tutor Teacher.
- There will also be observations each term for effective pedagogical practice with Literacy and Mathematics, with a particular focus on the area being developed.

The Principal has ultimate responsibility in attesting whether or not a Beginning Teacher has met the Registers Teaching Criteria, therefore the Principal needs to be involved and informed of the Support and Guidance programme.

The Tutor Teacher must keep the Principal informed of the Beginning Teacher's progress through:

- Informal updates one-to-two times a term, and more often if there are areas of concern, and for celebration.
- Presentation of written documentation at the end of each term. .

The Principal meets informally with the Beginning Teacher at least twice a term.

- Ensure Beginning Teacher feels supported, and is receiving appropriate guidance
- Discuss progress, successes and any concerns
- Discuss any other appropriate matters, such as planning check results.

Guidelines for Advice and Guidance Programmes

Record Keeping

A record of goal setting action plans is to be kept in accordance with school procedures. In most cases, first year PRT's will have shorter-term goals. The goals set will form a major focus for planning for the release time.

There is to be a full record kept of how the 0.2/0.1 time is spent. Professional development is a large portion of this time. Tutor teachers will use the release teacher during these times while performing observations, reporting and organization.

Copies of formal observation notes will be kept.

Copies of agenda/ notes of meetings held, formal and informal are to be kept.

PRT's are to keep a record of their professional development, including notes on observations of other practitioners.

The Tutor Teacher needs to be given copies of goal setting action plans, the record kept of how the 0.2/0.1 time is spent, formal observation notes, agenda /notes of meetings held, and the record of their professional development term by term.

The Tutor Teacher will collect planning to check once a term as a minimum. The Planning Checklist will be filled in at this check.

Reporting Procedures

The end of term report procedure is as follows:

- The PRT writes their reflections on meeting the standards, giving specific examples, and on their progress towards meeting their goals.
- The Tutor Teacher writes their comments underneath those of the PRT.
- They meet and discuss the report, signing it as a shared agreement.

Courses

There are courses for PRTs and Tutor Teachers spread throughout the year. Attendance is at the discretion of the Senior Leadership team in accordance with school needs.

Classroom Release Time – Policy

This is an operational policy designed in consultation between the principal and teaching staff of Donovan Primary. This policy has been written in conjunction with the relevant clause of the current Primary Teachers Collective Agreement.

Intent and Purpose

The intent of classroom release time (CRT) is to address teacher workload while maximizing benefits for student learning. The use of classroom release time will be professionally useful for the school's teaching and learning programmes, the teacher's professional growth and the learning needs of the students.

Use of CRT

This policy contains a list of the most common uses for classroom release time in our school. The list may be amended from time to time through consultation with teachers. Principal and individual teachers may also agree to other uses from time to time.

In our school classroom release time will be used for:

- Planning
- Evaluation
- Reporting
- Personal professional development
- Observing other teachers
- Reading/Research
- Assessment

Any other use agreed to from time to time between teacher and principal.

Allocation of CRT

Each teacher will be allocated 10 hours per term. The roster will be generated by Management, taking into account where possible the requests of individual teachers. They will be pre-informed with reasonable notice.

When CRT cannot be provided for genuine reasons

Where for genuine reasons, during term planning or at short notice, it is not possible to provide CRT to an individual or group of teachers the school will:

- Record the reason for non-delivery
- Endeavour to reallocate the CRT at a later date in that school year
- Review the CRT policy if required
- Use a record of non-delivery when reviewing the policy

Review of this policy

This policy will be reviewed annually or as required in the following instances:

- Staff turnover
- Recruitment/Retention Issues
- New Education initiative eg. introduction of specialism
- Concern about benefits to student learning
- Any other genuine issue or concern

Revised 1 February 2022

Concerns / Complaints Policy

Purpose:

To provide a framework for the satisfactory resolution of concerns/complaints/conflict.

Guidelines:

1. Concerns/complaint/conflicts will be dealt with according to approved procedures as outlined on the attached Concerns/Complaints Procedure flowchart.
2. Board members and staff will be made aware that the appropriate action for them upon receiving a verbal or written concern/complaint from a parent / family or member of the school community is to refer the complainant to the first step of the schools procedures – i.e. to go and discuss the matter with the teacher concerned if it is a classroom matter, or with the principal if it is a school matter. No other response would be given, or involvement entered into.
3. Concerns/complaints about the Principal will be directed to the BOT Chair.
4. Concerns/complaints in relation to a BOT member and/or BOT Chair will be directed to the Principal.

"The New Zealand Bill of Rights Act (1990) provides for every person to have the right to the observance of the principles of natural justice by a public authority."

All procedures must follow the Principles of Natural Justice (see attached).

Principles of natural justice

The rights of both parties to a formal complaint should be protected by the principles of natural justice. These are:

- freedom from bias on the part of the person making the decision/judgment; and
- transparency and fairness of the procedure.

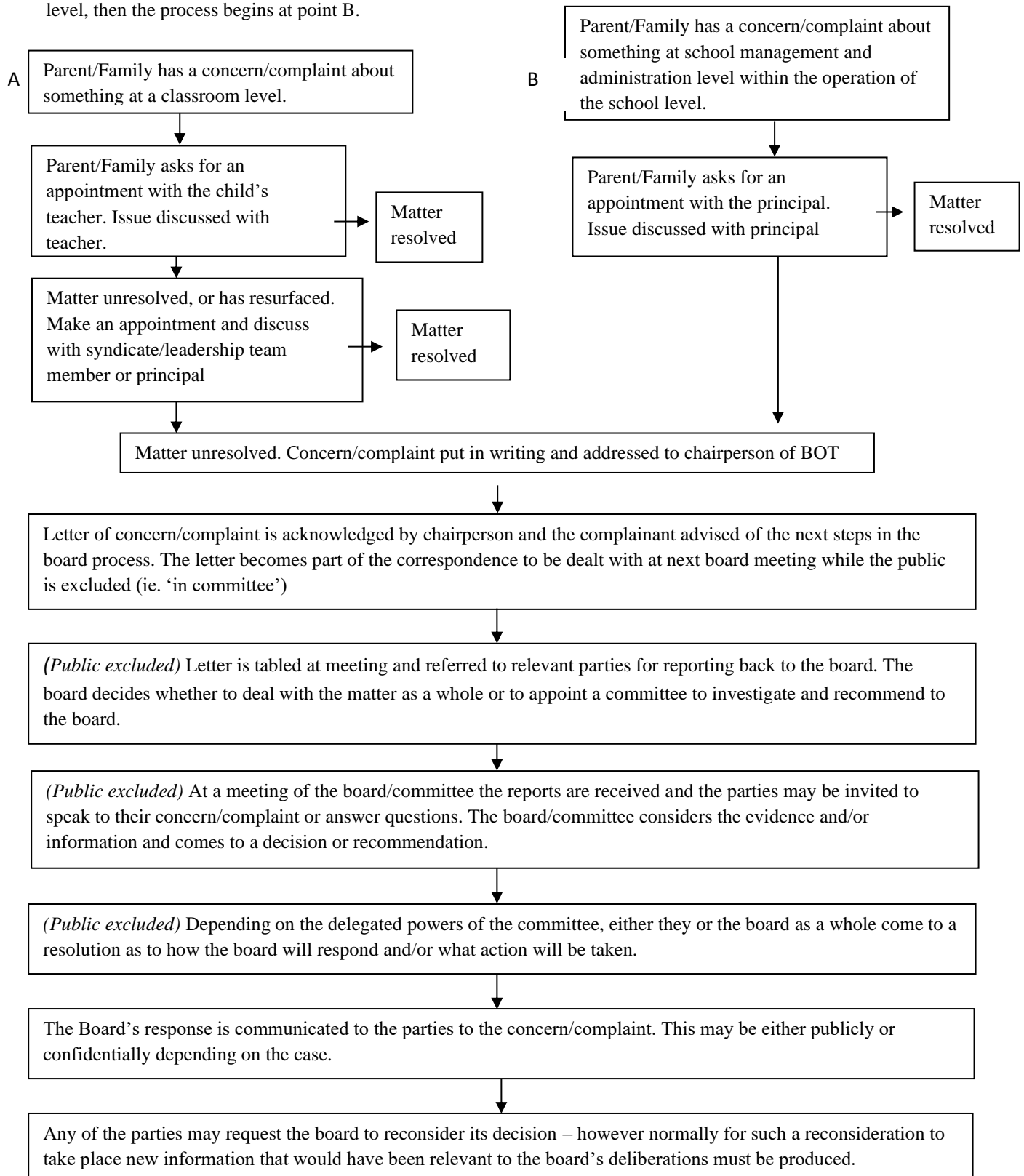
Guidelines for a fair process include:

- take a complaint seriously and act on it immediately;
- maintain confidentiality;
- give the problem resolution procedure priority and respond in a timely manner;
- inform a respondent of the allegations against them;
- give a respondent the opportunity to respond to the allegation;
- do not ask irrelevant questions;
- keep both parties informed about progress of an investigation;
- ensure the parties' safety is protected during an investigation, including protection from retaliation or victimisation;
- give both parties a full opportunity to read/see and respond to all evidence collected in an investigation before a decision is made;
- consider all the evidence and weigh it carefully before deciding whether there is substance to the complaint;
- provide both parties with a copy of the decision and the reasons for the decision, and their options in terms of settlement, review, etc.;
- ensure any disciplinary action is proportionate to the level of behaviour complained of; and
- offer right of appeal or review .

(copied from State Services Commission <http://www.ssc.govt.nz/node/7839>)

Concerns / Complaints Procedure

Note: If the concern/complaint is of a classroom nature, the process begins at point A. If it is at a school/management level, then the process begins at point B.



Acknowledgement: School Trustees Association

Employer Responsibility Policy

Introduction:

Donovan Primary develops and implements personnel and industrial policies within policy and procedural frameworks set by Government from time to time promoting high levels of staff performance, using educational resources effectively and recognising the needs of students.

Purpose:

Donovan Primary acts as a good employer as defined in the State Sector Act 1988 and complies with the conditions contained in employment contracts for teaching and non-teaching staff.

In order to meet these requirements the BOT develops and implements:

1. An appointment procedure
2. A complaints procedure
3. A protected disclosure procedure
4. Principal Appraisal/Performance Agreement/Job Description (via Chairperson)
5. An Equal Employment Opportunities Programme (*EEO*)
6. Police vetting procedures
7. Teacher Registration – (as part of initial employment)
8. Leave of absence procedure

The Principal and Staff (*Management*) develop and reviewed: (in conjunction with the BOT when appropriate)

1. A staff responsibility schedule
2. Appraisal
3. Job Descriptions
4. Staff development programme
5. Performance agreements
6. Staff induction programmes

Through the development and implementation of Good Employer programmes and procedures, the BOT ensures staff of Donovan Primary enjoy employment conditions of the highest possible standards.

Equal Employment Opportunity Policy

Rationale:

This school has a commitment to removing inequality from the workplace and will make continuing efforts towards becoming an Equal Employment Opportunities (EEO) employer.

Purpose:

The school and Board of Trustees recognises:

1. The need to establish and maintain affirmative action policies on behalf of women, Maori, Pacific Island staff, or other ethnic minorities, and persons with disabilities.
2. The need for all school policies and procedures to incorporate EEO requirements and reflect a commitment to the Treaty of Waitangi.
3. The need to identify and address discriminatory practices and policies.
4. The need to provide opportunities that enhance the value and career opportunities of individual staff members, particularly those of the target group (ie women, Maori, Pacific Island staff, staff with disabilities and ethnic minorities)
5. The need to provide a non-discriminatory, culturally sensitive and safe working environment for all staff.

Guidelines:

1. The appointment policy and procedures will ensure that there will be no discrimination in the areas of recruiting and selection, or in promotion and career development.
2. The Board of Trustees as employer, will ensure that all employees maintain proper standards of integrity, conduct, and concern for the community's interest.
3. The school will develop guidelines for handling sexual harassment grievances, and discrimination on the basis of sexual preference.
4. The school will develop and implement the EEO programme in consultation with staff members (particularly staff in target groups)
5. The school will implement ongoing staff appraisals in a positive and supportive way that leads to the development of the abilities of individual teachers.
6. An EEO committee (which will also act as support group) will be elected by the staff. This committee may contain a BOT representative.
7. The BOT will annually review all Personnel policies and procedures.
8. EEO reports will be written by the appointments committee after each appointment and be submitted to the BOT at a meeting of the Board to confirm the appointment. The Principal will report annually to the Board of Trustees on Staff Development.
9. These reports will provide:
 - a. A summary of the EEO programme for the year.
 - b. An account of the extent to which the BOT was successful in its continuing efforts towards becoming an EEO employer

Conclusion

The Board of Trustees and the school will aim to identify and eliminate any aspects of policies or procedures, and other conditions existing within the school, that might cause or perpetuate (or tend to cause or perpetuate), inequalities of any person, or group of people.

Equal Employment Opportunity Programme

The aims of the EEO programme for Donovan Primary are:

1. To ensure that all employees know that they are valued and treated fairly through positive communication at staff meetings and on an individual basis.
2. To inform and discuss EEO matters at staff meetings when applicable
3. To ensure that the EEO programme is flexible to allow for changes if staff change within the school
4. This programme to be discussed at least annually at a full staff meeting
5. To communicate through as many channels as possible, personnel matters pertaining to the staff
6. To ensure that a staff professional development programme to suit all needs has been discussed and ratified by the staff
7. To ensure that all staff attending staff professional development course feel that it will be of benefit to them professionally, and to the school. Also that knowledge gained at such course is readily available to the rest of the staff
8. To review personnel policies annually, to ensure that they are fair and free of any bias of gender, race, creed, or disability
9. To encourage all staff members to be members of the relevant union, by explaining the professional and legal advantage of joining such a union
10. To acquaint the staff with their rights, privileges and procedures by referring to the appropriate union award in relation to appeals, appointments, etc
11. To inform all staff members of procedures for complaints and or personal grievances
12. To ensure that all staff have equal opportunity to know about the operation of the school in relation to their position. This is especially important for staff with specific position of responsibility
13. To acquaint teachers with the correct procedures when a school roll is upgraded or down-graded

All these aims/objectives will be met through:

- a. Discussion at staff and syndicate meetings, and BOT meetings
- b. As necessary, visitors will be invited to speak at staff meetings, as part of an on-going staff training. This has already happened with the use of the NZEI Liaison Officer speaking with the staff
- c. Having lines of communication always open through Principal, BOT Chair, Union Reps, and BOT staff representative

Professional Growth Cycle and Staff Development Policy

Rationale:

Professional Growth Cycle will support, assist and encourage staff to achieve a high level of performance in all areas of their work.

Purpose:

Professional Growth Cycle of staff will:

- a. Identify desired work performance
- b. Evaluate performance
- c. Assist personal development
- d. Ensure the meeting of the school's curriculum goals
- e. Support the establishment of effective teaching programmes
- f. Recognise personal achievement
- g. Provide staff with support and development opportunities.

Guidelines:

1. The job description/performance goals will be the foundation document for staff growth cycle
2. The appraisals will be positive, acknowledging achievements to date and setting targets for the future
3. The responsibility for the appraisal of all other staff is delegated to the principal who in turn may delegate further to appropriate staff
4. Performance is monitored under an agreed set of indicators developed in consultation with the staff
5. The appraisal of the principal is the responsibility of the board Chairperson noting input from peer appraisal meetings refer 'Principals Appraisal Cycle'
6. The appraisals are confidential to the appraisee, the appraiser and the principal The appraisee may use the result of the appraisal if they so wish
7. Every staff member is entitled to the professional development time required to meet the objectives of his/her personal development plan as agreed to in consultation with his/her appraiser and within the budget approved for staff development
8. The BOT's responsibilities are confirmed within its governance role. The board will ensure that this policy is carried out as defined, that there is a staff development budget, and that the performance appraisal policy and process is reviewed on a regular basis
9. Dealing with disputes. This process will be used should a dispute or disagreement arise as a result of the appraisal process.

Principal notified

(or if it is the principal, the BOT chair/appraiser notified)

Discussion with participants determining the grounds for a review

Positive outcome

- Review not necessary - Review needed

- Different reviewer evaluates (same content)
- Negotiated conclusion between appraiser/appraisee
- Joint report signed and forwarded to principal (Any disagreements will be documented. Independent review may be required to clarify any outstanding issues.)

Principal Performance Appraisal Policy

Purpose

To appraise the Principal's performance on an annual basis, with the objective of ensuring high quality education opportunities for the students of the school.

Guidelines

- 1 The appraisal process will result in a written assessment of the Principal's performance on an annual basis, identifying any training/professional development needs for the Principal to undertake.
- 2 The Principal's performance will be formally appraised on an annual basis by the Board Chairperson or delegate(s) and, at the Board's choice, an independent consultant who specialises in education and is able to review the effectiveness of the education provided.
- 3 There will be at least two informal meetings during the review period between the Principal and Chairperson or delegate(s), to discuss progress.
- 4 The criteria for appraisal will be the objectives set in the Performance Agreement, the objectives being drawn from the school's strategic and annual operating plans, the Principal's job description, and professional standards.
- 5 If there is any disagreement between the Principal and the Board as to the objectives, the Board, after considering the Principal's input, will amend and confirm the amended objectives or confirm the unchanged objectives. The Board's decision will be final.
- 6 The Board Chairperson or delegate(s) may seek feedback on the Principal's performance from staff, parents, or any other person/s who are in the position of providing feedback on how the Principal has performed.
- 7 The Chairperson or delegate(s) will provide a summary to the Board after the appraisal. The Chairperson will decide if this is discussed with the Principal absent.
- 8 The Chairperson or delegate(s) will provide a summary to the Board after the appraisal. The Chairperson will decide if this is discussed with the Principal absent.
- 9 In the event of a dispute relating to the appraisal results, the Board may choose to exercise its right to make a final decision or appoint an independent mediator to mediate. Ultimately its right to make a final decision or appoint an independent mediator to mediate. Ultimately the Board will have responsibility of any final decision.
- 10 The Principal's Performance Appraisal summary will be given to the Board 10 days prior to a meeting and any concerns should then be raised with the Chairperson prior to that meeting.

It is the responsibility of the Board of Trustees to review the performance of the Principal on an annual basis with the objective of ensuring high quality education opportunities for the students of the school.

The performance of the Principal is the responsibility of the board. A delegated board member/s and the Principal set the time frame for the year's appraisal. The initial meeting is held early in the first term. The board may use an independent appraiser, a subcommittee, or consultant, but the Standards for the teaching Profession component must be assessed by a Registered Teacher.

The Education Council states that all Principal positions are 'teaching positions' regardless of whether the Principal has a teaching role, as principals are responsible for all learning in the school.

The delegated board member reports the outcome to the Board of Trustees (in committee). The Principal will have any opportunity to respond to the report and address the board before it discusses or makes any decision on the adoption of the report. The report remains confidential to the Principal and board and their agents unless both parties agree to wider distribution.

Appraisal of the Principal has two elements:

1. Accountability – in leading the school and managing and improving the quality of teaching.
2. Development – objectives relating to both organisational goals and personal professional development goals

Privacy Policy

INTRODUCTION:

The Board of Trustees of Donovan Primary is required to comply with the Privacy Act 1993 in all aspects for employees, and in its role as the body with the overall responsibility for the running of the school.

Purpose:

The purpose of this privacy policy is to promote and protect individual privacy with regard to:

- a. the collection, use and disclosure of information relating to individuals
- b. access by each individual to information relating to information held by the school

POLICY:

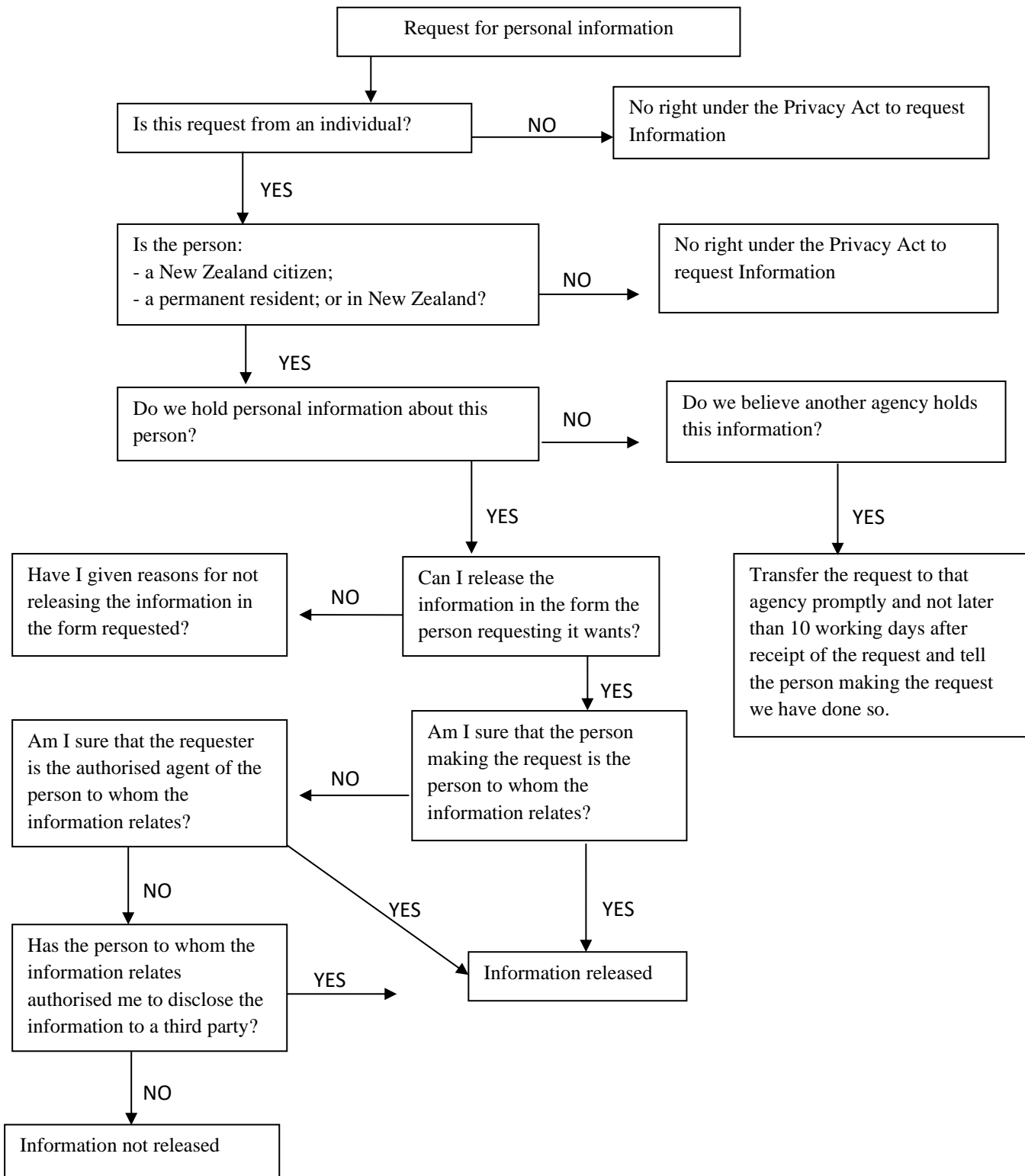
In complying with the provisions of the Privacy Act 1993, the Board will appoint one Privacy Officer. Procedures will be developed by the board to assist the Privacy Officer in his/her task and ensuring that Board and Staff adhere to the principles contained in the Act in all aspects of their work for the Board.

The procedures will be designed to comply with the principles contained in the Privacy Act 1993 which specify requirements in terms of:

1. Purpose of collection of personal information
2. Source of personal information
3. Collection of information from subject
4. Manner of collection of personal information
5. Storage and security of personal information
6. Access to personal information
7. Correction of personal information
8. Accuracy, etc of personal information to be checked before use
9. Agency not to keep personal information for longer than necessary
10. Limits on use of personal information
11. Limits on disclosure of personal information
12. Unique identifies.

See Breach of Privacy Procedures attached.

This policy should be read in conjunction with the checklist, which follows.



Breach of Privacy Procedures

Whether it is a case of bad luck or bad management, any agency may suffer a privacy breach. Proper breach management, including notification where warranted, will assist agencies in retaining the trust of the individuals whose information is improperly released and help them to protect themselves. Where poorly handled, the damage to customer, staff or citizen trust can be serious and irreparable.

This information paper introduces the *Key Steps for Donovan Primary in Responding to Privacy Breaches*, and the *Privacy Breach Checklist*.

1. What is a privacy breach?

A privacy breach is the result of unauthorised access to, or collection, use or disclosure of, personal information.

Privacy breaches can occur in a number of ways. Some examples are:

- Individuals can deceive agencies into improperly releasing the personal information of another.
- Laptops, removable storage devices, or physical files containing personal information can be lost or stolen.
- An agency could mistakenly provide personal information to the wrong person, for example by sending details out to the wrong address
- Databases containing personal information can be hacked into or otherwise illegally accessed by outsiders.
- Employees could access personal information outside of the requirements of their employment.

2. What is privacy notification?

Privacy breach notification is the practice of notifying affected individuals when their personal information has become available to unauthorised individuals or organisations. This enables affected individuals to take steps to prevent misuse of their details.

3. Does New Zealand law require breach notifications to be made?

The Privacy Act does not say anything specific about breach notification.

However, information privacy principle 5 requires all agencies that hold personal information, in both the public and private sectors, to take reasonable steps to protect that information. Conceivably, there might be circumstances where notification is part of those reasonable steps.

If an individual's physical safety, reputation, or financial security has been put at risk by an unauthorised improper release of personal information known to an agency, it may be advisable for that agency to inform affected individuals. This may enable individuals to take steps to protect themselves from any harmful effects and if need be seeking redress. Individuals themselves may be best-placed to assess the need for action.

In some cases, quick and effective notification may prevent harm to the individual or provide an individual with the opportunity to mitigate harm. The Privacy Commissioner can receive complaints on breaches of the Information Privacy Principles. For a complaint to succeed, a complainant must show that a principle has been breached, and that they have suffered, or may suffer, harm as a result. If an individual harmed by a privacy breach is given an opportunity, through notification, to mitigate the effects, this may limit an agency's potential liability.

- ### 4. What does the Privacy Commissioner suggest for privacy breaches?
- The Privacy Commissioner has released guidance material for managing privacy breaches. It is not mandatory to follow the guidance material, although agencies have duties to safeguard personal information under information privacy principle 5 and are encouraged to follow the guidance.

The guidance material recognises that managing a privacy breach has 4 stages:

- a) Containing the breach and preliminary assessment;
- b) Evaluating the risks;
- c) Considering or undertaking notification; and
- d) Putting in place future prevention strategies.

More information on these steps can be found in the *Key Steps* documents.

5. When should individuals be notified of a breach?

Not all privacy breaches will warrant notification. Agencies need to consider a number of factors when considering whether or not to notify affected individuals. Some examples of points to consider are:

- What personal information was released or otherwise compromised?
- Who received the personal information?
- Will notification assist affected individuals to mitigate harmful consequences?

For example, information, such as an address database, may in error be sent out of a company to a trusted mail house used by the company. However, the error may be quickly discovered and the database be retrieved safely. This may be a case where there would be little point in notification.

6. What would notification involve?

The *Key Steps* document recognises that the approach to notification may vary depending on the type and scale of the breach, as well as the availability of the contact details of affected individuals.

Direct notification, by telephone, email, or post is usually the most appropriate means of communication. However, this may not always be appropriate, or an agency may not hold contact details for affected individuals. In these circumstances, public notification may be appropriate. Agencies contemplating that approach might need to consider whether public notification could alert the person in possession of the information to the possible uses of the data they possess, and consider these risks prior to publication.

Agencies also need to consider what information to include in the notification. A description of the information that was breached should be preferred over including the actual details that were breached. The *Key Steps* document covers this, and other issues in more detail.

7. How can privacy breaches be prevented?

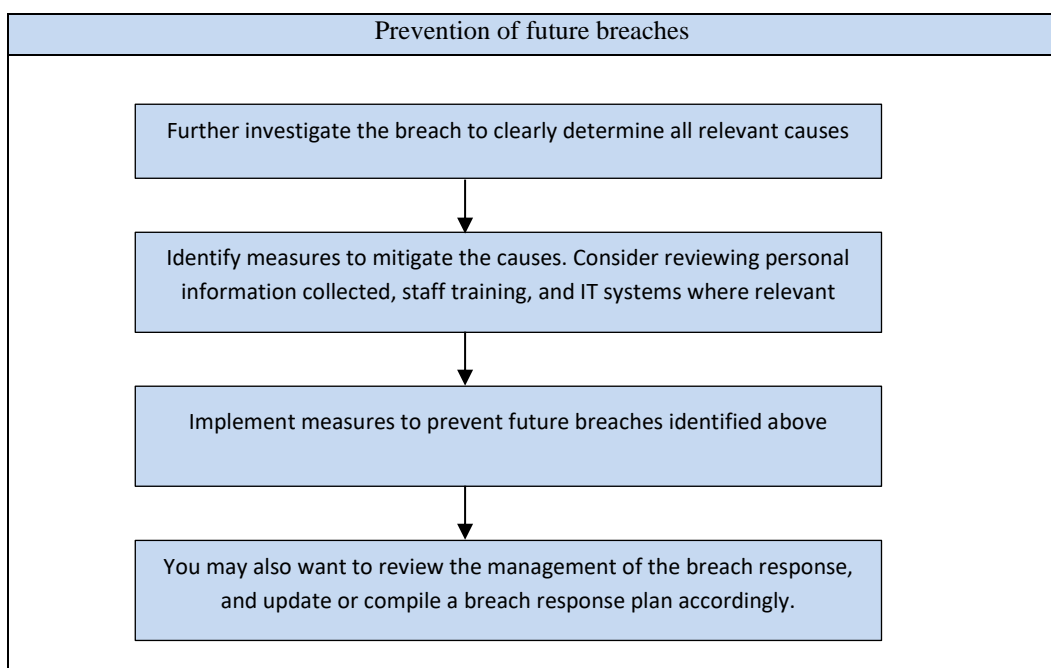
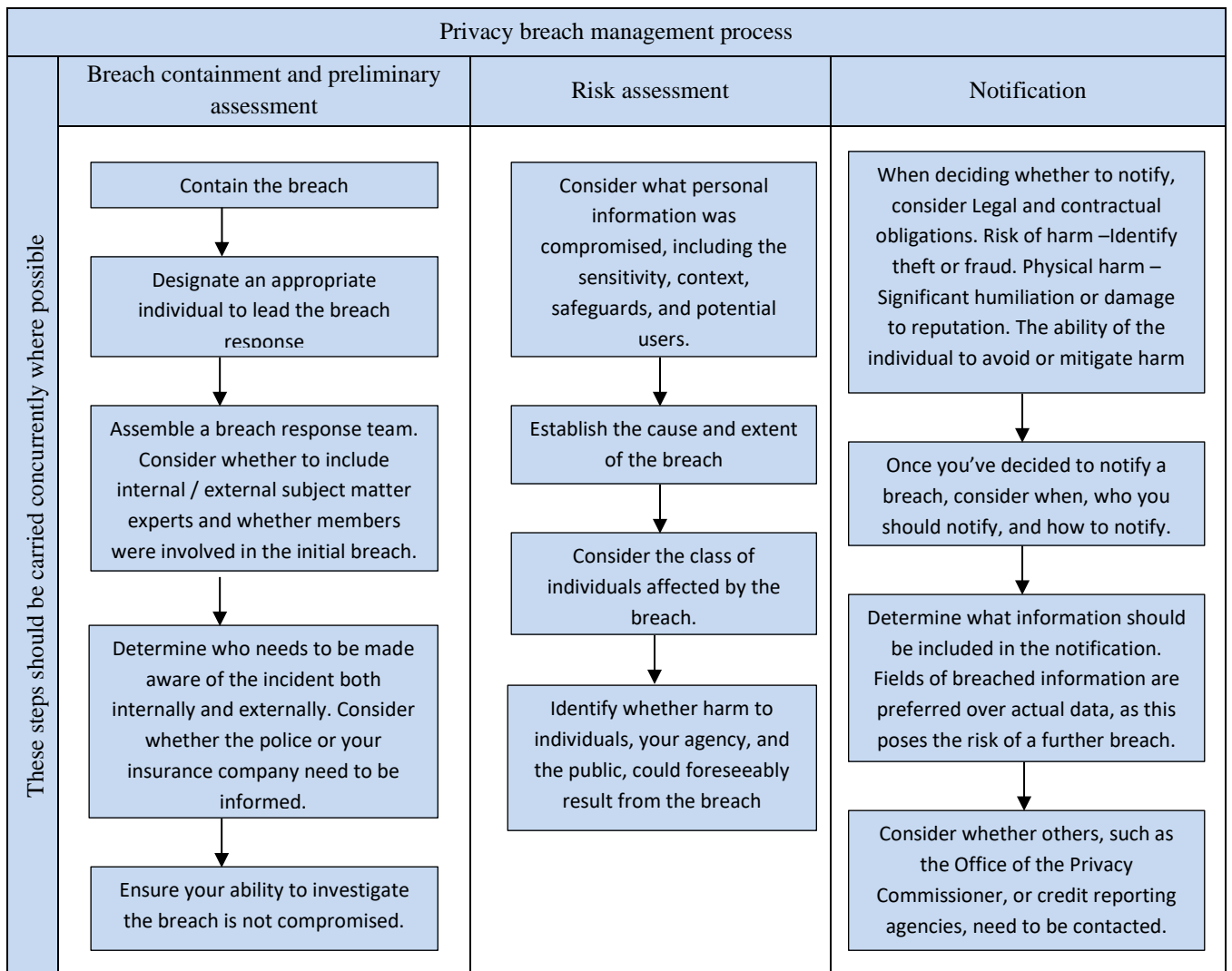
There are a number of steps agencies can take to minimise privacy breaches. The most effective is having a well thorough and effectively implemented information security plan for all personal information held. Agencies are encouraged to apply the International Standards Organisation Information Security Management Standard (AS/NZS ISO/IEC 27001:2006)

Agencies can also consider measures such as reflecting on policies to minimise the collection and retention of personal information.

The *Key Steps* document addresses matters that should be worked into an agency's information security and privacy management policies.

8. Do other jurisdictions have breach guidelines or notification requirement?

Yes. More than 30 US states have mandatory breach notification laws as do some Canadian provinces. Regulators in North America have given guidance on the subject and the New Zealand guidance material is directly modelled on voluntary guidelines adopted by the Privacy Commissioner of Canada



Privacy Act & Codes

A thumbnail sketch of the privacy principles.

The Privacy Act has twelve information privacy principles.

Principle 1, Principle 2, Principle 3 and **Principle 4** govern the collection of personal information. This includes the reasons why personal information may be collected, where it may be collected from, and how it is collected.

Principle 5 governs the way personal information is stored. It is designed to protect personal information from unauthorised use or disclosure.

Principle 6 gives individuals the right to access information about themselves.

Principle 7 gives individuals the right to correct information about themselves.

Principle 8 and **Principle 9, Principle 10** and **Principle 11** place restrictions on how people and organisations can use or disclose personal information. These include ensuring information is accurate and up-to-date, and that it isn't improperly disclosed.

Principle 12 governs how 'unique identifiers' – such as IRD numbers, bank client numbers, driver's licence and passport numbers – can be used.

For more information go to <https://www.privacy.org.nz/the-privacy-act-and-codes/privacy-principals>

Protected Disclosures Policy

Purpose:

The purpose of this policy is to provide information and guidance to employees of the school who wish to report serious wrongdoing within the school.

This policy is issued in compliance with the Protected Disclosures Act 2000 and will apply from 1 January 2001.

The policy consists of:

1. A definition of a protected disclosure
2. A definition of serious wrongdoing that can be the basis for a protected disclosure by an employee
3. Conditions for disclosure
4. Information on who can make a disclosures
5. Protections for employees making disclosures
6. A procedure by which an employee can make a disclosure.

What is a Protected Disclosures?

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 disclosures.

Definition of Serious Wrongdoing

Serious wrongdoing includes any serious wrongdoing of any of the following types:

- a) An unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- b) An act or omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- c) An act or omission or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to fair trial; or
- d) An act or omission or course of conduct that constitutes an offence; or
- e) An act or omission or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

Whether the wrongdoing occurs before or after the commencement of any acts mentioned in a-e above.

Conditions for Disclosure

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

1. The information is about serious wrongdoing in or by the school; and
2. The employee believes on reasonable grounds the information to be true or is likely to be true; and
3. The employee wishes the wrong doing to be investigated and

4. The employee wishes the disclosure to be protected.

Who can make disclosures

Any employee or Board member of the school can make a disclosure. For the purposes of this policy an employee includes.

1. Current employees and principal
2. Former employees and principals
3. Contractors supplying services to the school.

Protection of employees making disclosure

1. An employee who makes a disclosure and who has acted in accordance with the procedure outlined in this policy.
2. May bring a personal grievance in respect of retaliatory action from their employers;
3. May access the anti-discrimination provisions of the Human Rights Act in respect of retaliatory action from their employers;
4. Are not liable for any civil or criminal proceedings, or to a disciplinary hearing by reason of having made or referred to a disclosure;
5. 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.

Protected Disclosures Procedure

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

1. How to submit a disclosure

The employee should submit the disclosure in writing.

2. Information to be contained.

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

A disclosure must be sent in writing to the principal who has been nominated by the Board of Donovan Primary 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 Trustees Chairperson.

4. Decision to investigate

On receipt of a disclosure, the Principal/BOT chairperson must within 20 working days examine seriously the allegations of wrong doing made and decide whether a full investigation is arranged. If warranted, a full investigation will be undertaken by the Principal/BOT Chairperson or arranged by him/her as quickly as practically possible, through an appropriate authority and will then follow The Principles of Natural Justice (see attached).

5. Protection of disclosing employee name

All disclosures will be treated with the utmost confidence when undertaking an investigation, and when writing the report, the Principal/BOT Chairperson 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.

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

6. Report of investigation

At the conclusion of the investigation the Principal/BOT Chairperson 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 Principal /Board of Trustees Chairperson responsible for handling the complaint is or may be involved in the wrong doing; 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.

8. Disclosure to Ministers and Ombudsman

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

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

Sexual and Racial Harassment Policy

Purpose:

To uphold the right of all members of the school community to work and learn in an environment free from sexual and racial harassment.

To have procedures that allow any member of the school community who believes they have cause for concern or complaints, to approach another person within the school in confidence, knowing that the person has a level of skill and understanding, and the concern will be settled in a confidential manner which is fair and humane.

Objectives:

1. The board adheres to the following definition of sexual harassment.

Sexual Harassment is defined as any verbal or physical act of a sexual nature, which is unsolicited, unwelcome and offensive, or might reasonably be perceived by the complainant as being unwelcome and offensive, detrimental and/or persistent.

The behaviour included unwelcome and deliberately physical conduct/contact; verbal comments of abuse, requests for contact or activities of a sexual nature, either overt or subtle, which may be accompanied by threats, the open display of sexist material.

Racial Harassment is defined as any verbal or physical act of a racial nature, which is unsolicited, unwelcome and offensive, or might reasonably be perceived by the complainant as being unwelcome and offensive, detrimental and/or persistent.

The Board encourages the prevention of sexual harassment through promoting a non-sexist curriculum and role models.

2. Instances of sexual harassment are dealt with at three levels for adults and students.

Self Help:

If an act of sexual harassment occurs the complainant immediately makes it clear to the offending person that their behaviour is unacceptable and offensive. This may be done face to face or in the presence of a third party chosen by the complainant.

Informal Intervention:

If self-help is not possible, or the behaviour persists, the complainant approaches the school's Sexual & Racial Harassment Co-ordinator or one of the designated 'contact persons' of their choice. The co-ordinator must

- a. Let the harasser(s) know about and give explanation to any allegations
- b. Involve all parties in a decision on a working solution
- c. Check independently with all parties that they feel comfortable with the solution
- d. Ensure that any member of school community has guidance and counselling available to them
- e. Monitor progress to ensure the solution is working to everyone's satisfaction.

Formal Complaint:

If self-help and informal intervention have not worked or if the allegation is, in the complainant's view, sufficiently serious to warrant formal disciplinary action, the complainant submits a written detailed complaint in accordance with the Concerns/Complaints Policy Procedures.

Smoke/Vape Free Workplace Policy

Purpose:

1. To comply with the Smoke/Vape-Free Environment Act 1990 requirements for a smoke-free/vape free workplace.
2. To promote a healthy smoke-free/vape free school environment.
3. To provide effective role models for the children.

Guidelines:

1. Smoking/vaping shall not be permitted in any of the school's buildings at any time by any person.
2. Smoking/vaping shall not be permitted in any part of the school grounds at any time by any person.
3. The Health and Physical Education programme will include where appropriate the health consequences of smoking/vaping.
4. The procedures for making complaints will be followed as outlined in S15 of Requirements for a Smoke-Free Vape-Free workplace.

Staff Leave Policy

Rationale:

The granting of leave under the current employees awards is a condition of being a good employer. The BOT will recognise their obligations to their employee's conditions of service.

Purpose:

1. The BOT will observe the Primary Teachers Collective Agreement. Leave with pay will be considered by the Board in accordance to these regulations.
2. The BOT has discretion in granting:
 - a. Special leave (as in the relevant award)
 - b. Special leave without pay (as in the relevant award)
3. Application for leave will not be unreasonably withheld. All decisions made will be fair, equitable, and consistent.
4. All leave is approved by the Principal or for longer periods of time by the BOT, except for sporting and cultural leave on full pay. These are approved by the Ministry of Education Office according to specified criteria, which include the length of time sought.
5. The Principal has authority to approve leave applications up to duration of 3 days on full pay. The BOT will consider applications for longer periods.
6. The Principal has the right to approve applications for special leave without pay for a period of up to three weeks. Special leave provisions will apply to full time and long term relieving teachers.
7. Except in cases of sudden illness, or accident, no teacher shall be absent from duty without the authority of the Principal, or Board for periods longer than five days.
8. The Principal or delegated person retains the sole right of appointment of the required relievers.
9. Ancillary staff may be granted special leave without pay, for any period during the school year on such terms or conditions, as the Principal may approve.