

CHRISTCHURCH RUDOLF STEINER SCHOOL

BOARD OF TRUSTEES

Board

NAG 3 Policy **Employer Responsibility**

Procedure **.3 COMPETENCE**

Goals

1. To ensure that issues, complaints or allegations regarding competence are dealt with effectively, with regard to natural justice, good faith, good time, and in a procedurally correct and confidential manner.
2. To endeavour to resolve such issues through mediation or arbitration where possible and appropriate.
3. To protect staff rights, in particular in cases of false, vexatious or frivolous allegations.

Guidelines

1. **In all questions relating to the competence of any staff member the procedures incorporated in the relevant employment contract shall be followed.**
2. Be aware of possible conflict of interest situations arising between staff members, parents, College Principal Group (CPG), Legal Principal, and/or and/or Trustees.
3. Issues or complaints about the Principal's competence shall be received by the Board of Trustees Chairperson, and further dealt with by the Board of Trustees.
4. Issues of or complaints about a staff member's competence shall in first instance be dealt with by the CPG, unless the CPG, giving reasons, decides to pass the matter straight to the Board of Trustees.
5. The staff member or Principal will be made aware that a complaint has been made against them and a copy of the complaint will be made available to them for a response. They will be made aware of their right of support and representation.
6. The Board of Trustees Chairperson shall be informed beforehand, and always before any investigation is started by the CPG. The Chairperson together with the legal Principal shall decide whether and at which stage to inform the Board of Trustees 's insurer and to seek legal or procedural advice.
7. This investigation shall be led by the Principal who can be assisted by a qualified senior staff member, preferably one who has had experience of the grade and/or subject in question.
8. A written confidential report shall be submitted to the CPG by the Principal and shall be passed to the Board of Trustees for information only, with the CPG's comments and any recommendation(s) for action. The parties involved will be informed in writing of the outcome of the investigation, and will have the opportunity to clarify the content and recommendation(s) of action. The CPG may then make any changes. The Principal will then act on the report's finalised recommendations.
9. If the above does not satisfy any of the parties involved and the issue of the complaint is taken to the Board of Trustees, either by one of the complainants, by the staff member involved or by the CPG, the Board of Trustees will consider the report and its

recommendations, and will decide whether to accept the report, and whether to endorse or follow the recommendations.

10. If the report and the recommendations are not accepted by the Board of Trustees, the Board of Trustees can:
 - (a) make its own recommendations for further action, or
 - (b) ask the CPG to re-open the investigation, stating the terms of reference
11. In dealing with an issue itself, the Board of Trustees shall seek legal and/or employment contract and procedural advice, with co-option also a possibility, especially if the complaint is regarding the Principal. The Board of Trustees should also consider whether a committee would deal with it more effectively in the first instance.
12. Irrespective of the Board of Trustees' acceptance of the report and/or recommendations, the Board of Trustees can dismiss the complaint:
 - a. if Board of Trustees considers the issue to be of minor consequence or if it can be remedied informally between parties
 - b. if the Board of Trustees has reason to believe that the complaint is trivial, frivolous or vexatious or not made in good faith
13. The parties involved shall be advised why no further action has been taken.
14. Finally, after seeking legal and/or procedural advice, and after satisfying itself that all other steps that could reasonably be expected to resolve the issue have been taken, the Board of Trustees, through the Principal, can start competency procedures under the relevant employment contract.

Conclusion

By following the appropriate procedures the staff member will be treated fairly, and the Board of Trustees will protect itself from unnecessary personal grievance proceedings.

Date approved: 12 August 2015

Signed

Responsibility for review: Board

Responsibility for administering this procedure: Management

Review Date: August 2019