



## **Staff Performance and Misconduct Procedure**

### ***Rationale/Purpose***

Agape Christian Preschool will endeavour to assist staff members to perform to a high standard.

### ***Te Whaariki***

Belonging - Goal 4. Teachers experience an environment where they know the limits and boundaries of acceptable behaviour.

### ***Procedures***

#### ***1. Performance Expectations***

Agape Christian Preschool will endeavour to assist staff members to perform to a high standard through regular feedback, and the provision of professional development opportunities.

#### ***2. Conduct Expectations***

Agape Christian Preschool's conduct expectations are specified in the Teachers Code of Conduct and the Centre Policies. A copy of these are available in the centre staffroom.

#### ***3. Managing under-performance and misconduct***

- Where a staff member is not able to demonstrate performance or conduct to a satisfactory standard, action will be taken to address the under-performance or misconduct.
- Such action will occur in a timely manner.
- Measurable goals will be set and any training and support needed will be provided. A time frame will be agreed upon. If the staff member fails to improve within a reasonable time further disciplinary action will be taken.
- The expected outcome of the under-performance or misconduct process is that a staff member will improve his or her performance or conduct and continue to contribute to the ongoing success of Agape Christian Preschool.

#### ***4. Dismissal for Serious Misconduct***

A staff member may be dismissed for serious misconduct without warning. Serious misconduct includes, but is not limited to:

- compromising the safety or well-being of a child or young person in the care of Agape Christian Preschool;
- being convicted of a crime involving violence against the person, sexual offending or dishonesty; or
- Any action that may bring the reputation of the Trust into disrepute.

#### ***5. A staff member:***

- will be afforded fairness and impartiality throughout any process to manage under-performance or

misconduct;

- may seek procedural advice from the Employment Relations Service
- have the right to representation; and
- may seek a review of decision.

## Definitions

### ***'Disciplinary action' means:***

- formal counselling of a staff member by an appropriate supervisor;
- giving a staff member a written warning (including, where appropriate, a final warning);
- withholding an increment;
- demotion of a staff member;
- other action as recommended by a trustees; or
- termination of a staff member's employment.

***'Misconduct' means dereliction of duty or wilful conduct that is unsatisfactory. In deciding whether conduct is in fact misconduct, decision makers and the Board of Trustees will have regard to the Teachers Code of Conduct. Examples of behaviour which may be examined as possible misconduct include:***

- a) conduct which is an impediment to the satisfactory performance of the work of the staff member or other staff members in the Childcare Centre;
- b) failure to comply with a reasonable instruction given by the Principal Teacher in line management of the staff member;
- c) bullying behaviour that may be reasonably perceived as harassing, intimidating, overbearing or physically or emotionally threatening, or other unsatisfactory conduct which breaches the Code of Conduct;
- d) an action of the staff member which is prejudicial to the health or safety of other staff, children, parents or members of the public;
- e) a conviction, sentence or other order imposed by a court which restricts the activities of a staff member in a manner that constitutes an impediment to the staff member carrying out their duties.

### ***'Serious misconduct' means:***

- a) recurrence or continuation of conduct which has been previously found to be misconduct on the part of the staff member; or
- b) serious misbehaviour, which may be a single occurrence, of a kind which constitutes: a serious impediment to the carrying out of a staff member's duties, or to other staff carrying out their duties; a serious risk to the Preschool's property; serious misconduct by the intentional harming of a child/ren; a serious dereliction of duties; or, a conviction by a court of an offence which constitutes a serious impediment to the carrying out of the duties. Behaviour that constitutes serious misconduct can take many forms but could include serious and/or persistent harassment or bullying, or a criminal offence such as theft, fraud or assault.

### ***'Under-performance' means:***

failure to meet the performance standards of the position.

## ***Lines of Responsibility:***

Trustees, Licensee, Principal Teacher

Date: April 2010

Signed:

Review Date: April 2011

Responsibility for Review: Licensee