Staff Relations Policy

For All Staff of Catholic Education Diocese of Wollongong Systemic Schools

The Catholic education system in the Diocese of Wollongong seeks to develop and support environments in a workplace or school in which all work together in a way that builds towards experiencing an authentic Catholic community. The procedures used in the resolution of difficulties, conflicts and problems associated with the work of staff in Catholic schools in the Diocese of Wollongong will reflect this.

1.0 Underlying Assumptions

1.1 Catholic schools exist to provide a Catholic education to students at the request of their parents as well as the wider Catholic and parish community. All involved in this enterprise contribute to its effectiveness. Thus the performance and conduct of staff is of importance in ensuring the contribution made is of the highest quality. From time to time there are difficulties in a person's working life. Whatever those difficulties the principles of fairness and justice should guide any process to address the issues, along with ensuring compassion and honesty are at the heart of the process.

1.2 A Catholic school operates most effectively when all staff – Principals, teachers and support staff – work as a team. This can best be achieved by continuous dialogue on measures which are necessary to maintain the Christian and educational vitality of the school. This should include an understanding by staff of the Principal’s approach to staff member development and appraisal, as well as the processes and procedures for addressing concerns, and resolving difficulties and conflicts.

1.3 School Principals are responsible for ensuring that the school offers quality learning and teaching through a quality school environment, which is conducive to the total development of each child.

1.4 School Principals and managers have a responsibility to maintain a working environment in which quality education can be provided in a manner consistent with the objectives of Catholic schools.

1.5 Staff are responsible for their contribution to the learning and teaching environment. The Principal will assist in the professional development of staff to help them meet their responsibilities.

1.6 The School Principal has the responsibility as leader of the school community to meet with staff on an informal basis and to seek to address wherever possible any concerns the Principal may have before commencing due process.

2.0 Procedures

2.1 Before Due Process

2.1.1 Where there may be deficiencies in, or concerns about a staff member’s performance of their duties, or questions may arise over the appropriateness of the conduct or behaviour of a staff member, it is accepted it is in the best interests of the staff and the school community that action to address these issues is taken in a timely fashion.
2.1.2 Often the issue is specific to a particular performance issue, or specific behaviour or action. Action should be taken when the issue emerges, or at least as soon as the Principal or Principal’s representative becomes aware of it. The purpose is to facilitate a resolution and/or ongoing improvement.

2.1.3 Problems or concerns, which arise within a school, in relation to a staff member, would normally be discussed by the Principal and/or the Principal’s representative and the staff member with a view to the resolution of such problems. Thus it is not necessary in this context for all problems to be brought to the staff member’s attention in writing.

2.1.4 Where a staff member’s performance is an issue the process will operate on the basis that:

2.1.5 the staff member is recognised and treated as a professional who accepts that she/he is a person responsible for their performance and conduct.

2.1.6 the Principal may involve outside educational advisers to address professional development issues arising out of under performance.

2.1.7 it is an expectation that the Principal’s action will be the first and only action required to resolve any problem that arises.

2.1.8 continuing unsatisfactory performance is a serious matter that will be addressed through a formal process.

2.1.9 Addressing these issues promptly forms part of good management practice and should occur without the need to involve any other employee, an employee representative or an employer representative.

2.1.10 The general approach is for the Principal to discuss with the staff member any problem, and jointly to develop effective strategies seeking a resolution of the difficulty or addressing the concern within a reasonable period of time.

2.1.11 The Principal will address the issues in this way before considering commencing due process, unless the matter is so serious, or it is an ongoing problem, that due process is required in the interests of all parties.

2.2 School Due Process

2.2.1 School due process is the formal process at school level to address performance, behaviour or conduct issues.

2.2.2 At the commencement of a formal disciplinary process, where a Principal seeks to interview a staff member in relation to an identified problem, the staff member and the Principal may be accompanied by another person of their choice from the staff of the school, who may be the union chapter representative or delegate in the school if so desired.

2.2.3 In any such interview between a Principal and a staff member, the Principal will inform the staff member of the nature of the problem and the staff member is to be given an opportunity to respond.

2.2.4 Where the school due process arises from a matter that has been brought to the Principal’s attention through a complaint from parents, pupils or other staff members, the staff member will be provided with a detailed account of the complaint.

2.2.5 The staff member the subject of the complaint will not raise with the complainant directly or indirectly their concerns about the nature or manner of the complaint.

2.2.6 Any person present at an interview between the Principal and a staff member is free to take notes.
2.2.7 Where the meeting concludes with an agreed action plan including: instructions, any strategies to overcome the problem and the period of time (which shall be no more than two terms) in which those strategies are expected to lead to a resolution of the problem. This will be confirmed in writing to the staff member and a copy placed on the staff member’s file at the school. In many instances this will be according to the Performance Improvement Program Procedures Policy which is inclusive of a 10 week detailed Improvement Program.

2.2.8 Any written response by the staff member and/or the Independent Education Union of NSW/ACT (“the IEU”) representative will be placed on the staff member’s file.

2.2.9 Where a warning, censure or reprimand is issued by the Principal, this will be confirmed in writing, and a copy placed on the staff member’s file in the school.

2.2.10 Any such problem which is discussed within the school (whether regarded at that stage as having been satisfactorily resolved or not) may again become relevant where the problem continues to exist or if further problems develop.

2.2.11 Where, in the opinion of the Principal, the problem is so immediate and serious that the above procedures cannot be applied or where a problem remains unresolved after the application of these procedures, the Principal shall refer the matter to the Head of Human Resource Services at the Catholic Education Office (“the CEO”).

2.3 Catholic Education Office Due Process

2.3.1 Any matter referred to in 2.2 (School Due Process) that involves performance behaviour or conduct issues of a Religious Education Co-ordinator, Assistant Principal or Principal shall immediately be notified to the Head of Human Resource Services. Following discussion with the Principal (or the Head of Services or Director, where the matter involves the Principal) a decision will be made about whether the matter is handled according to 2.2, 2.3 or a joint process. This decision will be clearly relayed to the Religious Education Co-ordinator, Assistant Principal or Principal in writing.

2.3.2 The Head of Human Resource Services will advise the staff member in writing that the matter has been referred to the CEO.

2.3.3 The Head of Human Resource Services decides who will interview the staff member concerned, and then:
   (i) will advise the staff member that such an interview is to take place
   (ii) provide this advice in writing
   (iii) give an indication of the time and place of the interview
   (iv) give an indication of the nature of the matters to be discussed
   (v) give an indication of who may be expected to be present.

2.3.4 The staff member may be accompanied at such an interview by another person of their choice from the staff of the school who may be the chapter representative in the school or an officer of the IEU. Where this matter relates to the Religious Education Co-ordinator, Assistant Principal or Principal of the school the support person may not be a staff member of the school (but can be an officer of the IEU). This is in order to maintain the highest level of confidentiality for the REC, Assistant Principal or Principal and stability for the school.

2.3.5 Providing the staff member gives permission, the CEO will advise the IEU that the interview is to take place. Where the staff member chooses to inform the IEU of the interview, the IEU will advise the CEO that an officer of the IEU will be attending the interview to support the staff member.
2.3.6 Any person present at the interview is free to take notes.

2.3.7 During the interview, the staff member, if not informed in writing beforehand, will be informed of the nature of the problem referred by the Principal to the Head of Human Resource Services. Where the matter was brought to the Principal’s attention through a complaint from parents, pupils or other staff members, the staff member will be provided with a detailed account of the complaint.

2.3.8 The staff member the subject of the complaint will not raise with the complainant directly or indirectly their concerns about the nature or manner of the complaint.

2.3.9 The staff member will be given an opportunity and some reasonable time in which to respond.

2.3.10 If the matter is serious enough for the employer to consider disciplinary action that may result in a demotion, or dismissal, the staff member will be told of the possibility of this course of action and given an opportunity to respond.

2.3.11 As soon as practicable after the final interview, but normally not more than five (5) working days after that interview, the staff member will be informed in writing by the Head of Human Resource Services that:

(i) no further action is necessary; and/or
(ii) there is a need for improvement in the staff member’s performance and the matter will be reviewed at a later date; and/or
(iii) there are specific matters which have caused concern and that any reoccurrence of those matters may result in further action being taken by the employer; and/or
(iv) steps will be taken to make available to the staff member appropriate assistance

2.3.12 Where the staff member is advised that their performance is to be reviewed at a later date, she/he will be advised in writing of:

(i) the aspects of the staff member’s performance to be reviewed and the nature of the improvement required;
(ii) the method that will be used to conduct the review;
(iii) the name(s) of the person(s) who will conduct the review;
(iv) the approximate time(s) at which the review will be carried out;
(v) the nature of any special assistance that will be made available to the staff member during the course of the review.

2.3.13 At the end of the period of review, as mentioned in 2.3.11 above, the staff member will be advised in writing that:

(i) the process of review has been completed and that the required improvement in the staff member’s performance has been achieved; or
(ii) the process of review is to be extended; or
(iii) the process of review has been completed and that the required improvement in the staff member’s performance has not been achieved; or
(iv) other steps as regarded appropriate will be taken.
3.0 Confidentiality

All endeavours will be made by all parties to keep the issue confidential. This means confidential not only within a particular school where the matter arose but the wider diocesan system as much as possible. This is primarily to ensure that the dignity of the staff member, staff at the particular school or workplace, participants in an investigation, and of any person making a complaint or raising a concern, is maintained at all times. Further confidentiality assists in the protection of the reputation of the staff member and the school as well as the Diocese.

4.0 Child Protection Procedures

Nothing in this document replaces the procedures developed by the Catholic Commission for Employment Relations, the Wollongong CEO and the IEU of NSW/ACT in respect of the investigation of matters arising under the Ombudsman Act 1974.

5.0 Dismissal for Serious Misconduct

Nothing in this document undermines the right of the employer to summarily dismiss an employee for serious incompetence, significant misrepresentation, reckless neglect of duty or other serious misconduct. The Director of Schools of the Catholic Education Office, Diocese of Wollongong, acknowledges and respects that staff have legal entitlements under the relevant Award and Enterprise Agreement as well the Industrial Relations Act, which can impact on the implementation of this policy.

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