

Heathmont College

Staff rights and responsibilities, and processes for addressing concerns or complaints.

Operational Policy

Adopted
To be reviewed

Purpose

The purpose of this policy is to recognise the rights and responsibilities of all Teaching Service employees located at Heathmont College, and to provide guidance toward the resolution of concerns or complaints.

Foundations

The college principal has responsibility for all operational areas of the school.

An essential element is to ensure that staff concerns or complaints that inhibit an individual's capacity to work in a safe and supportive environment are addressed in a timely manner.

Legislation

This policy relates to:

Ministerial Order 199 (*Version incorporating amendments made by Orders 381, 553, 575, 632 and 685 made under the Education and Training Reform Act 2006*);

'Guidelines for Managing Complaints, Misconduct and Unsatisfactory Performance in the Teaching Service' (DET, January 2015).

Occupational Health and Safety Guidelines.

The policy also relates to:

Australian Professional Standards for Teachers (AITSL)

Victorian Teaching Profession Codes of Conduct and of Ethics (VIT, 2015)

DET guidelines (January 2015) refer (Pg. 33) to Part 11 of Ministerial Order 199 which has previously provided a comprehensive list of the conduct and duties expected of employees.

For example, employees are required to:

- *Be civil, courteous and observe fairness and equity in all official dealings with students, the public and members of the school community.*
- *Refrain from obstructing, preventing or deterring the principal/manager from carrying out his or her duties.*
- *Comply promptly with all lawful instructions given to him or her by the principal.*
- *Carry out the duties as required by the principal of the school such as:*
 - *Comply with the timetable at the school*
 - *Perform their official duties with reasonable skill, care and diligence*
 - *Maintain a record of procedure and instruct students accordingly*
 - *Maintain proper order and discipline among the students*
 - *Give full cooperation to the principal and other employees in the development and implementation of the course of study to be followed and in the performance of their respective duties*
 - *Assess the educational development of students and provide reports to parents*
- *Promote the general welfare of students.*
- *Observe safe working practices so as not to endanger themselves or others.*

Previous Heathmont College code of conduct policy that has been in place over a long period is as follows, and is retained. For the purposes of this document, those elements that have been asterisked are now deemed to also apply to Education Support Staff.

Teachers at Heathmont College will work in accordance with [Department] guidelines and policy, which have in the former policy been expressed as follows:

General Expectations of the role of the teacher are that they will:

- *Be a positive role model and demonstrate commitment to School Policy.**
- *Attend all scheduled meetings, be punctual and carry out administrative and extra duties.*(ES as appropriate)*

The teachers at the school have professional responsibilities to:

- *Provide instruction in accordance with school curriculum guidelines.*
- *Have a well developed knowledge of the curriculum they deliver, a sound understanding of the ways students learn and assist in the development of all aspects of the curriculum, including their own professional development.*
- *Exercise their duty of care towards the students.**
- *Use a range of teaching strategies and provide a positive learning environment in which students are:*
 - *treated equitably and justly.*
 - *encouraged to achieve their full potential and with increasing responsibility for their own learning.*
- *Monitor progress in students' learning by using a range of assessment strategies and recording students' progress in accordance with school assessment and reporting policies. Encourage and teach students to self assess and monitor their progress.*

Teachers at the school have the right to:

- *Be treated as a professional in a respectful manner.**
- *Work in a co-operative and supporting environment.**
- *Implement the school's discipline policy.*
- *Be provided with the necessary resources to effectively carry out their professional responsibilities.**
- *Participate in appropriate decision making and review processes in the school by membership or representation.**
- *Teach in areas consistent with their professional training and experience.*
- *Be provided with support and opportunities to facilitate personal professional development.**
- *Work in a safe, healthy, non-discriminatory environment where they are able to carry out their professional duties without undue interference, intimidation or disruption.**
- *Their personal privacy.**

Evaluation

- *Ongoing evaluation will take place in accordance with School Policy.**

Processes

It is acknowledged by the college leadership that, while there are established expectations around the performance and behaviours of staff, all staff members have the right to register concerns or complaints and the associated parties have the right to see those matters dealt with in a timely manner.

It is expected that most concerns or complaints will be addressed through consultation between relevant parties in order to reach an understanding of the way forward. This discussion may or may not need to involve a member of the senior leadership team, or the principal in particular.

Resolution would then not require formal procedures to be adopted. Non resolution at a particular level may lead to a formal complaint being lodged, but this should only be needed in extreme cases.

Processes (continued)

Serious concerns or complaints regarding inappropriate behaviours or conduct must be addressed in accordance with Department guidelines. In such cases, the principal must, after due consideration, judge as to the required course of action to be taken:

Unsatisfactory Performance Procedures; Complaints Procedures; or Misconduct Procedures.

Formal complaints are investigated within a code of confidentiality, and the right of any person against whom a complaint is lodged to be informed of the complaint. Clear guidelines are provided in the associated Department documentation referred to above.

In the event that at any stage formal mediation is needed as a pathway to workplace harmony within a team, it is anticipated that this would occur in a timely fashion.

Conduct and Ethics Branch can provide advice to the principal at any time, but the Branch must be contacted in the case of 'Unsatisfactory Performance' or 'Misconduct'. Senior Department officers are also available for consultation through regions.

A formal complaint against a principal must be addressed to the relevant regional manager by the complainant(s).

Occupational Health and Safety

With regard to health and safety matters, the associated policy and guidelines must be followed. The OHS Issue Resolution Flowchart must be displayed in a prominent position in the workplace, usually in the staffroom on the Occupational Health and Safety notice board.

END

Appendix

Ministerial Order 199 (*Version incorporating amendments made by Orders 381, 553, 575, 632 and 685 made under the Education and Training Reform Act 2006*)

PART 11 – CONDUCT AND DUTIES

Division 1 – Conduct

11.1.1 An employee must at all times observe the provisions of and carry out the duties imposed on him or her by the Act, **Public Administration Act 2004**, other relevant legislation, any regulations and ministerial orders made from time to time under those Acts and any instructions, directions or policies issued by the Secretary or any person authorised by the Secretary.

11.1.2 An employee must be civil, courteous and observe fairness and equity in all official dealings with students, the public, other employees at the school and other persons employed by the Department or a School Council.

11.1.3 Whilst on duty an employee's dress and appearance should be neat, clean and appropriate to the employee's duties.

11.1.4 An employee must not:

- (1) borrow money from his or her subordinates; or
- (2) engage in any monetary transactions with other employees, whereby any interest or other return in money or kind is charged or paid.

11.1.5 An employee must not, without reasonable excuse, contravene or fail to comply with a lawful direction given to the employee by a person with authority to give the direction.

11.1.6 An employee must not, without the express permission of the Secretary or as otherwise required by law, use or disclose, for any purpose other than for the discharge of the employee's official duties, any official information or documents acquired in the course of his or her employment. The employee must ensure that, unless otherwise required by law, confidentiality is observed in relation to any official information or documents acquired during the course of his or her employment.

11.1.7 (1) An employee must not:

- (a) behave in any way which would impair the employee's influence over students or standing in the community generally, or
 - (b) during or outside the hours of duty, act in any manner unbecoming his or her position.
- (2) An employee must avoid any conflict of interest, financial or otherwise, that might affect, or may be seen to affect, the performance of the employee's official duties;
- (3) An employee must not seek, accept or obtain any financial or other advantage (including gifts, rewards or benefits) for himself/herself, his/her family or any other person or organisation if that advantage does or might compromise the employee's integrity.

11.1.8 When collecting or paying public monies, an employee must conform strictly with the provisions of the **Financial Management Act 1994** and the regulations thereunder and to such instructions and directions as may from time to time be issued by order of the Treasurer.

11.1.9 (1) An employee must not at any time consume alcohol or restricted or dangerous drugs in such a manner as to adversely affect his/her performance of duties or official conduct.

(2) An employee must not consume alcohol while on duty except where such consumption is reasonable and in connection with an official school function or activity.

11.1.10 (1) An employee must not use, directly or indirectly, the resources of the Department, school or students of the school for any activity other than for official school purposes or other activities as authorised by the Secretary. Ministerial Order 199 (as amended by Orders 381, 553, 575, 632 & 685) 87

(2) An employee must not use his/her official position, the resources of the Department, school or students of the school to produce and/or distribute material that is not in connection with his/her official duties as an employee of the Teaching Service.

11.1.11 An employee must not –

- (1) obstruct the principal of a school in the performance of his/her duties; or
- (2) attempt by means of threat or otherwise to prevent or deter the principal of a school from performing any of the duties required of him or her.