

Board of Trustees minutes

Special meeting
5 December 2021



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| Present: Mike, Paul, Aimee, Vanessa | |
| Apologies: Nil | |
| Declaration of interest: | |
| Motion: That the above items be accepted. Moved: Seconded: Carried | |
| Agenda items: Retraining/redeployment process as a consequence of roll drop. Prize giving | |

| Discussions and decisions: | Action by: |
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| <p>Special business:</p> <p>After correspondence with NZSTA a number of issues have arisen from the decision made to identify Alison as Surplus Staffing. The following is the advice received from Suzanne Thompson, employment advisor from NZSTA:</p> <ul style="list-style-type: none"> • Following receipt of the staffing entitlement notice, which indicated that the school needed to reduce by 0.9 FTTE, the Board wrote to your full time Teacher to advise her that her position had been identified as needing to be disestablished, and that she was entitled to the surplus staffing options in the CEA; • At that stage you had not realised that the MoE would not fund the surplus staffing entitlements, (as per their normal practice of only funding reductions of 1.0 FTTE); • The Board has committed to continue to fund yourself and 1 other FTTE for at least the next 2 years, and had intended to do this on a fixed term basis; • The reason for the fixed term appointment is that the Board wishes to retain the 2 classes but does not have the funds to support the full-time position on an ongoing basis. • To complicate matters, your Teacher is not vaccinated and is currently on sick leave. <p>I have set out below the concerns/risks if you continue with your current approach (ie. Disestablishing your full time Teacher's position):</p> <ol style="list-style-type: none"> 1. The MoE may not cover the surplus staffing costs in which case the Board will be liable for these (eg. 30 weeks salary while retraining); 2. The Board had indicated to your full time Teacher that there is no longer a full-time position, when in fact there is – your Teacher could raise a grievance against the school that disestablishing her role was disingenuous; 3. Proposed fixed term appointment. In the past, uncertainty of funding was a regular reason for making a position fixed term, however, with more recent case law, from what you have described, you do not | |

appear to have a genuine reason based on reasonable grounds to make the position fixed term. If you progressed with this any Teacher you appoint, could have a claim that their position is permanent.

Option 1:

That you indicate to your teacher that her position is no longer disestablished and that there is a full-time position for her next year.

You would then need to address the concern that she isn't vaccinated, at the point when she is no longer on sick leave. On the assumption that she returned to her full-time position next year, the Board would be responsible for funding any shortfall to her salary on an ongoing basis. If, in the future, you needed to reorganise and disestablish this position (because the roll and your staffing entitlement had not increased) the Board would have to fund those surplus staffing costs.

With this approach, there is a risk that your full time Teacher could raise a grievance around distress caused by the handling of the process.

Option 2:

Continue with your process to disestablish your full time Teacher's position (being prepared for the possibility of having to fund the surplus staffing entitlements) but do not make another full-time appointment within the school (ie. That you operate the school within the MoE staffing entitlement ie. 1.45 FTTE).

I have copied in your Board Chair because the decision moving forward need to be considered by the Board. If you would like to discuss further, or if you have any queries, please come back to me."

Option 1:

Cost to the school would be 30 school weeks (i.e.: 17 Pay Periods) at \$3092.01. Total \$52564.17.

- Risk that Alison would take action is low as she has no intention of returning - indicated by house sale and intent to leave the community.
- LRS would still be liable for retraining/redeployment at LRS cost, if Alison came back and we had to go through this again as she would no longer be fully funded by the MOE.

Option 2(a):

Needs further discussion with Suzanne re:

- PTCA (9A.9(c)): "If a vacancy occurs at the school after confirmation of the retraining option, the position may be offered to the teacher. The teacher may elect to accept the position or continue with the retraining option."

Mike to contact.

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| <ul style="list-style-type: none"> • Long term Inequity falling on LRS because of partial loss of staffing leading to redeployment. <p>Based on Suzanne's advice either way, if the MOE refuse to fund retraining, the school is up for \$52564.17 now or in the future.</p> <p>Motion: That we continue with Option 2.</p> <p>Moved: Aimee Second: Vanessa</p> <p>Passed</p> <p>Prize giving. We are allowed 50 people. To be as inclusive as possible offer 50 tickets. All parents to contact and apply for tickets. Allocations to parents in the first instance. Keep it short. National Anthem, performance, 1 song. BBQ and swim at pool.</p> | |
| <p>Agenda items for the next meeting: 2022 draft budget November/December Financial report. Principal's appraisal.</p> | |
| <p>Meeting closure: Time: 6:30. Next meeting on 18 December at 6pm.</p> | |

