

## Examples of why you need the NZPF Legal Support Scheme

No matter how well a Principal thinks he or she gets on with the Board of Trustees, the Principal is always at risk of a change in attitude when Board membership changes. A couple of years ago there were four cases of Boards appearing to suddenly "turn" on the Principal and require explanations for events and conduct which had caused previous Boards no concern. In two of those cases, the Boards' change of attitude was triggered by reports from educational consultants. Two of the Principals were relatively new in their positions; the other two were long-serving. The two cases involving educational consultants were both characterised by the consultants actively seeking complaints against the Principal while purportedly carrying out a more general review of areas in which the School could improve. Both schools had had positive ERO reports but like students, any school can do better. Both reports reached negative conclusions about the Principal, one of them it seemed solely on the basis that the consultant had different views from the Principal on day to day management matters. The consultant had never been a principal. One common issue was allegations from staff that they were being bullied by the Principal, when the obvious response is that the incidents complained of are simply the Principals doing their job.

The third case involved a long-serving Principal who was handed a list of Board concerns while boarding a bus to attend school camp. In many cases the concerns raised went back some years into the tenure of previous Boards, and raised issues about what could reasonably be described as previous Board decisions. The fourth Principal refused to engage with Board's planned process and simply resigned in return for an exit package.

In all these cases the Principals have had legal representation provided by Principals' Advice and Support Limited. Without that representation the probability is that two out of the three Principals would have been dismissed, and the third would be in significant danger of dismissal. In each of the three cases the Board has attempted to finalise its "investigation" with entirely inappropriate haste, and in apparent ignorance of the provisions relating to correct process in the Principals' employment agreements. In the cases involving consultants, the consultants' reports were immediately followed by one or more Board Members advising the Principal there was no option but to resign. Neither followed this advice. As an example of unfair procedure, one Principal was then offered the "choice" of taking paid leave, or being suspended during the investigation. When the Principal refused to take leave the Board called a meeting supposedly to discuss "possible" suspension. The Principal was advised late one night that this meeting was to be held at 9:00 am the following morning and that the Principal was entitled to be represented at the meeting. For obvious reasons this could never amount to a reasonable opportunity to take advice or arrange representation which is a fundamental requirement of fair procedure.

The Board is always entitled to investigate any genuine concerns it has about a principal's conduct or performance. In these cases the investigations which all started with an unfair procedure by the Board needed to be conducted properly, and the Principals must have confidence that there will not be a finding that the allegations are justified unless such a finding is reasonable.

For further information please contact us at 0800 222 222 or email [info@nzpf.co.nz](mailto:info@nzpf.co.nz)

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