CHAIR



Gretchen Stone, Harrison Stone, Auckland

Gretchen specialises in employment and education law, and works with secondary principals through the Secondary Principals' Association of New Zealand (SPANZ) and with primary principals as the Honorary Solicitor for Auckland Primary Principals' Association (APPA).

SPEAKERS



Whetu Cormick, New Zealand Principals' Federation (NZPF), Wellington

Whetu joined NZPF in 2011 and six years later took up the challenge to front NZPF as President, a role to which he has recently been re-elected for a third term for 2019. Whetu is a primary school principal and has over twenty years of school and sector leadership experience. During his tenure, Whetu has overseen the development of Te Ara Hou – The Māori Achievement Collaboratives (MACS). MACS is a unique leadership programme designed to grow the cultural competence and intelligence of New Zealand leaders to better support Māori students in mainstream New Zealand schools.



Sue Cotter, New Zealand School Trustees' Associations, Wellington

Sue has 18 years of governance experience on Boards of Trustees in the primary, secondary and early childhood education sectors. During that time, she held a range of positions within NZSTA. Currently, Sue is one of two Senior Advisors providing governance support and mentoring to advisers across the country. The team is also responsible for developing governance resources for NZSTA's professional development programme and for its website.



John Hannan, DLA Piper, Auckland

John specialises in employment law, education law and commercial litigation. He has appeared in leading employment law cases in the Employment Court and Court of Appeal. John has acted for many Boards of Trustees and their insurers on employment, governance, privacy, human rights and student discipline matters. He is a Council member of Manukau Institute of Technology. John is a sitting Member of the Disciplinary Tribunal.



Shirley Maihi QSM, Finlayson Park School, Manurewa

Shirley is the principal of Finlayson Park School Manurewa, a large multicultural primary school in South Auckland. She has experienced large roll growth in a school which nurtures First language. Shirley is passionate about bilingual learning and promotes achievement through several language immersion streams. She is the past President of the local Principals' Association, past part-time university lecturer in bilingualism, community leader, and chairperson of several community groups.

SPEAKERS



Julia McCook-Weir, Teaching Council of Aotearoa New Zealand, Wellington

Julia works in the Professional Responsibility team at the Teaching Council. This is the section of the Council that responds to complaints and mandatory reports about teacher conduct and competence. It was previously called Teacher Practice.



Fiona McMillan, Anderson Lloyd, Dunedin

Fiona specialises in employment and education law. She advises governmental and private sector employers, and a number of local schools as well as members of the NZ Principals' Federation. Fiona has practical experience in schools as she previously worked as a primary school teacher, and completed a PG Dip in Child Advocacy before her law degree. Fiona is a Board member of Knox and Salmond Colleges in Dunedin.



Simon Mitchell, Hobson Chambers, Auckland

Simon is an experienced litigator specialising in family and employment law. He has a special interest in education law issues including dispute resolution and mediation.



Rachael Schmidt-McCleave, Barrister, Wellington

Rachael has worked in public and private practice in NZ and the UK since admission in 1996 and joined the Independent Bar in 2014. She has extensive expertise in public law and judicial review, and is an experienced investigator, mediator, and the co-author of *Health and Safety in NZ: Know the Law*. Rachael has advised both the Ministry of Education and schools on a range of issues including employment law, health and safety, contractual disputes and duty of care, as well as administrative law and process issues.



Patrick Walsh, John Paul College, Rotorua

In addition to being a principal, Patrick is also a qualified lawyer. He is the author of *Educational Management and the Law* and co-author of *Schools Go To Court* (Pearson Education). Patrick is also a former President of The Australia New Zealand Education Law Association (NZ Chapter) and the Secondary Principals' Association of New Zealand. He is a current member of the Disciplinary Tribunal of the Teaching Council and Board Chair of The Schools International Education Business Association.

CONTENTS

In session order

Adjusting to Change
There is no paper for this session
Whetu Cormick, Shirley Maihi QSM, Gretchen Stone and Patrick Walsh
Employment Law – 2019 update and practical guidance
There is no paper for this session
John Hannan
Employment Law – The role of the Board and Principal
Employment Law – The role of the Board and Principal
Fiona McMillan
Management and Governance – Relationships and the potential for conflicts of interest
Management and Governance – Relationships and the potential for conflicts of interest
Sue Cotter
Teaching Council Update
Teaching Council Update
Julia McCook-Weir
Student Issues
Student Issues
Rachael Schmidt-McCleave
Parent and Guardian Related Issues
There is no paper for this session
Simon Mitchell

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Cormick	Whetu	There is no paper for this session	1
Cotter	Sue	Management and Governance – Relationships and the potential for conflicts of interest	17
Hannan	John	There is no paper for this session	3
Maihi QSM	Shirley	There is no paper for this session	1
McCook-Weir	Julia	Teaching Council Update	29
McMillan	Fiona	Employment Law – The role of the Board and Principal	5
Mitchell	Simon	There is no paper for this session	61
Schmidt- McCleave	Rachael	Student Issues	41
Stone	Gretchen	There is no paper for this session	1
Walsh	Patrick	There is no paper for this session	1

CONTENTS

ADJUSTING TO CHANGE	1
EMPLOYMENT LAW – 2019 UPDATE AND PRACTICAL GUIDANCE	3
EMPLOYMENT LAW – THE ROLE OF THE BOARD AND PRINCIPAL	5
THE BOARD AND THE PRINCIPAL	
COMPLIANCE WITH STATUTORY OBLIGATIONS	9
COMPLIANCE WITH CONTRACTUAL OBLIGATIONS	
COMPLIANCE WITH SCHOOL POLICIES	
CASE REVIEW	
OVERVIEW AND OBSERVATIONS	15
MANAGEMENT AND GOVERNANCE – RELATIONSHIPS AND THE POTENTIAL FOR	
CONFLICTS OF INTEREST	17
WHAT IS A CONFLICT OF INTEREST?	19
RELEVANT LEGISLATION	21
COMMON EXAMPLES OF SITUATIONS THAT CAUSE SCHOOL BOARDS OF TRUSTEES CONCERN	24
SUMMARY	28
TEACHING COUNCIL UPDATE	29
STUDENT ISSUES	41
Introduction	43
LGBQTI STUDENT RIGHTS	
SUSPENSIONS AND OTHER DISCIPLINARY ACTION	
SCHOOL'S DUTY OF CARE	
HISTORICAL SEXUAL ABUSE CLAIMS	56
PARENT AND GUARDIAN RELATED ISSUES	61