

CHAIR



Patrick Walsh, Principal, 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). He 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 Education Council.

SPEAKERS



Melanie Brooks, Special Education Advisor, Learning Support, Ministry of Education, Otaki

Melanie has been in the education system for 30 years in the UK, Australia and NZ. She provides advice and guidance for learners who are eligible for Ongoing Resource Service, as well as supporting schools who refer to the Severe Behaviour Service. Melanie delivers workshops for schools including “Understanding Behaviour, Responding Safely” which relates to MOE physical restraint guidelines for schools. She is a Managing Actual and Potential Aggression (MAPA) instructor, accredited to demonstrate physical restraints as a last resort intervention. Specialist practitioners consult with MAPA instructors if behaviour plans requires additional support that may involve physical restraint.



Rob Gold, General Manager, Operations, New Zealand School Trustees Association

Rob joined NZSTA in 2016 as the Principal Adviser, Employment and took over the General Manager role in April 2017. Before NZSTA, Rob was a sole practitioner and before that he worked for Police for a number of years.



John Hannan, DLA Piper, Auckland

John specialises in employment law, education law and commercial litigation. John has appeared in leading employment law cases in the Employment Court and Court of Appeal. He 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. He is a sitting Member of the Disciplinary Tribunal.



Simon Judd, Barrister, Auckland

Simon practises civil litigation. He represents a wide range of clients in relation to civil disputes of all kinds in the mainstream courts and in specialist tribunals. He has acted as counsel in the High Court and Court of Appeal on applications for judicial review of suspension, exclusion and expulsion decisions and has represented students at suspension meetings. Simon is also a PhD candidate at the University of Auckland, researching the law relating to suspensions, exclusions and expulsions from school.

SPEAKERS



Julia McCook-Weir, Lead Lawyer, Education Council, Wellington

Julia works in the Professional Responsibility team at the Education 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.



Simon Mitchell, Barrister, Auckland

Simon is a barrister based in Auckland. He specialises in acting for unions and employees with a special interest in bargaining issues.



Rachael Schmidt-McCleave, Barrister, Wellington

Rachael has worked in public and private practice in NZ and the UK since mission in 1996 and joined the Independent Bar in 2014. Rachael 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*. She 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.



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).



Liz Winfield, National Specialist Service Lead, Service Support, Ministry of Education, Wellington

Liz has previously been a primary school teacher and SENCo before training as an educational psychologist in the UK. Since emigrating to Aotearoa in 2010 she has had a number of roles ranging from a psychologist in the Severe Behaviour Service, a Positive Behaviour for Learning School-Wide practitioner to a National Specialist Service Lead for Behaviour. Liz has been heavily involved in the development of a number of resources for schools and practitioners to support behaviour management practices as well as facilitating a range of workshops at a local and national level. She is passionate about using her experience to promote solution focused practice to eliminate barriers and build on strengths.

CONTENTS

In session order

Management and Governance 1 – Health and safety

Health and Safety 1

John Hannan

Management and Governance 1 - Employment

Management and Governance 1 – Employment 17

Gretchen Stone

Management and Governance 2 – Education Council update

Education Council Update 27

Julia McCook-Weir

Management and Governance 3 – What are the boundaries? – working together for the benefit of the child student

Management and Governance 3 – What are the boundaries? – working together for the benefit of the child student 37

Simon Mitchell

Management and Governance 4 – Dealing with the tricky issues

Management and Governance 4 – Dealing with the tricky issues 53

Rob Gold

Student Issues 1 – Jurisdictional issues

Jurisdiction – when does the school have jurisdiction over students? 61

Rachael Schmidt-McCleave

Student Issues 2 – Human Rights/Bill of Rights

Student Rights 71

Simon Judd

Student Issues 3 – Restraint and seclusion – a panel discussion

Restraint and Seclusion – a panel discussion scenarios 85

John Hannan, Patrick Walsh, Gretchen Stone, and Melanie Brooks and Liz Winfield from Ministry of Education

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Brooks	Melanie	Restraint and Seclusion – a panel discussion <i>Joint scenarios with John Hannan, Patrick Walsh, Gretchen Stone and Liz Winfield</i>	85
Gold	Rob	Management and Governance 4 – Dealing with the tricky issues	53
Hannan	John	Health and Safety	1
Judd	Simon	Student Rights	71
McCook-Weir	Julia	Education Council Update	27
Mitchell	Simon	Management and Governance 3 – What are the boundaries? – working together for the benefit of the child student	37
Schmidt-McCleave	Rachael	Jurisdiction – when does the school have jurisdiction over students?	61
Stone	Gretchen	Management and Governance 1 – Employment	17
Winfield	Liz	Restraint and Seclusion – a panel discussion <i>Joint scenarios with John Hannan, Patrick Walsh, Gretchen Stone and Melanie Brooks</i>	85