

Correct Wording for Advertisements regarding Vacancies in Our Schools

As you may well know, last year the Government passed the Education (Update) Amendment Act 2017, and the provisions which were in the Private Schools Conditional Integration Act (PSCIA) were incorporated into Part 33 (State Integrated Schools) of the 1989 Education Act, as part of the process. Although there were some minor changes to update the conditions that were contained within the PSCIA, the content and partnership that was enshrined within it, are now an integral part of the updated 1989 Education Act, as Part 33.

As part of this process the S65 form has been replaced by the S464 form, and the S66 form is replaced by the S467 form. These changes only relate to the naming of the forms, and the process for determining acceptability through the S464 and S467 process remains the same. Equally the changes need to be reflected in the required wording for advertisements as per below.

Advertisements For General, Non-Tagged Positions:

The advertisement needs to be open and unconditional. We want an applicant that will support the special character of the school, but this needs to be worded carefully. Otherwise it is legally seen as conditional and not open for all to apply. For example the wording "applicants <u>must</u> be....." is conditional. An example of an open phrase which still allows you to include the special character could be:

"The successful applicant will be expected to support the ethos and special character of the school".

Advertisements For S464 Tagged Positions:

The minimum wording, legally required under Part 33, Education Act 1989 is:

"A willingness and ability to take part in the Religious Instructions appropriate to the Special Character of the school shall be a condition of appointment."

Advertisements For S467 Tagged Positions:

Deputy Principal – Secondary School: The minimum wording, for an advertisement for a Secondary School Deputy Principal, if the school has one, as required by Part 33 of the Education Act 1989 (was PSCIA) is:

"Capabilities to assist in planning and organising the courses and programmes at the school to ensure they reflect the Special Character of the school shall be a condition of appointment".

Deputy Principal – Primary School: The minimum wording, for an advertisement for a Primary School Deputy Principal, if the school has one, as required by Part 33 of the Education Act 1989 (was PSCIA) is: "Capabilities to maintain programmes and activities that reflect the Special Character of the school shall be a condition of appointment".

These might appear technical issues but legally the distinctions are important. Under Part 33 of the Education Act 1989 for an advertisement to be legal it requires specific wording. Incorrect wording may make the consequent appointment illegal and opens the way for the possibility of an appeal and judicial review of challenged. It is important to safeguard schools and the Archdiocese from this.

For further reference The Handbook for the Board of Trustees of New Zealand Catholic Integrated Schools Appendix 4.3 and Appendix 4.4 outlines the issues well. www.nzceo.org.nz/resources/

For any further information, or queries regarding this process please contact our CSES Leadership Consultant, Frank Wafer on: 04 496 1738 or f.wafer@wn.catholic.org.nz



PRIMARY SCHOOL STAFFING - SECTION 464, PT 33, EDUCATION ACT 1989

- 1. For Catholic integrated primary schools with a staff of two or more teachers 60 percent of the total Staffing Entitlement shall normally be staff appointments under Section 464 of the Education Act 1989, (previously section 65 of the Private Schools' Conditional Integration Act 1975 (PSCIA)), unless the Proprietor specifies otherwise.
- 2. The Principal is appointed under Section 464 of the Education Act 1989.
- 3. Where there are five or more staff the Director of Religious Studies (DRS) is appointed under Section 464 b of the Education Act 1989.
- **4.** Consequently, in accordance with each primary school's Integration Agreement, the number of positions under Section 464 of the Education Act 1989 shall be as follows for the **Archdiocese of Wellington**.

Required Number of S464 Tagged Position Table Total **DRS Salary** Other S464 Tags Principal DRS Total Tagged Staffing S464 S464 Unit(s) (number) (number) Entitlement (number) 1* 1 (incl DRS if any) optional optional 1 (incl DRS if any) optional optional optional optional optional 1 or more

- **5.** Variations to the above require both application in writing from the school's Board of Trustees, and also approval in writing from the Proprietor.
- **Note 1:** In the situations where the Total Staffing Entitlement is much higher than the actual number of teachers due to release time and other extra entitlements, and with the approval of the Proprietor, the Roll Based Staffing Entitlement (RBSE) can be used for the calculations.
- **Note 2:** A S464 position is one in which the person is representing the Catholic community in the role of catechist. Therefore, it is the policy of the NZ Catholic Bishops that the person appointed must be a baptized Catholic, active and in full communion with the faith community.
- **Note 3:** The * relates to the Proprietors right, in primary schools, to determine or vary the number of S464 positions within the school. (Section 4.51 of the Handbook for Boards of Trustees of New Zealand Integrated Schools 2016).





Secondary Calculation for the Number of S464 Positions

(NZCEO Handbook for Boards of Trustees, Principals and Staff of New Zealand Catholic Integrated Schools)

- 6.4.1 The number of these other S464 tagged positions was originally set down in each agreement at about 40% of what was then the staffing entitlement of the school, excluding Principal and DRS. Most Integration Agreements also determined a ratio to be used with the current core staffing entitlement to calculate the number of tagged positions if the staffing has changed.
- 6.4.2 To find how many of these other positions must be S464 tagged positions:

Take the ratio from the Integration Agreement and multiply by the Staffing Entitlement (excluding Principal and DRS). The result, corrected to the nearest whole number is the number of these other S464 tagged positions.

Example:		
		*
	Staffing Entitlement at Integration (excluding Principal and DRS)	28.5
· ·	Number of tagged positions at Integration	12
	So the ratio is:	12/28.5 (42%)
	Current core staffing (excl Principal)	33.36
	Current core staffing (excl Principal and DRS)	32.36
		*
	12/28.5 x 32.36 = number of current tagged positions:	13.7
	(42% x 32.36 = number of current tagged positions:	13.7)
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So there should be 14 tagged positions, other than those for the Principal and DRS. The Deputy Principal, has a specific and separate S467 tagged position.

S464 FORM

Education Act 1989, Section 464 (Previously – Private Schools Conditional Integration act 1975, Section 65)

APPLICATION FOR A POSITION RELATED TO SPECIAL CHARACTER IN A CATHOLIC SCHOOL

School:	
Address:	
B. PERSONAL	
First Names:	
Surname:	
Address:	
Religion:	
Telephone Number Day:	Evening:
e-mail:	
2.0 Are you involved in parish ministry Hospitality, Service, Liturgy) If yes, name of Ministry or Service	? (eg. Youth Ministry, Ministry of Word, Eucharist, Yes No
Hospitality, Service, Liturgy) If yes, name of Ministry or Service QUALIFICATIONS OR COURSES (See Notes) Qualification/Course Attended	
Hospitality, Service, Liturgy) If yes, name of Ministry or Service QUALIFICATIONS OR COURSES	Yes No

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If yes, name and address of school(s):

I acknowledge and accept that the information I have supplied will be used by the Proprietor (Board of Trustees in secondary schools) in terms of Education Act 1989, Section 464 to

assess my acceptability for the position as defined Trustees to determine my suitability for the position information in this document that explains acceptability	as defined in the Act. I have read the
Signed:	Date:

"S" Form Process for S464 or S467 Tagged Positions in Our Primary Schools

As you may well know, last year the Government passed the Education (Update) Amendment Act 2017, and the provisions which were in the Private Schools Conditional Integration Act (PSCIA) were incorporated into Part 33 (State Integrated Schools) of the 1989 Education Act, as part of the process.

Although there were some minor changes to update the conditions that were contained within the PSCIA, the content and partnership that was enshrined within it, are now an integral part of the updated 1989 Education Act, as Part 33 (State Integrated Schools).

As part of this process the S65 form has been replaced by the S464 form, and the S66 form is replaced by the S467 form. These changes only relate to the naming of the forms, and the process for determining acceptability through the S464 and S467 process remains the same. Now seems an appropriate time to remind you of, and update, the "S" Form process.

- Please send completed "S" forms to the Administrator of Catholic Schools Education Services, at cses@wn.catholic.org.nz. Please note confidentiality can only be assured if sent to this address.
- Please put in the subject line, "S" form urgent.
- Please note office hours are currently Monday Thursday, 9.15am 2.45pm, so the forms may not be
 picked up until the next business day. Acknowledgement of the receipt of your "S" forms will be made once
 cleared.
- Upon receipt "S" forms are forwarded to an independent reviewer for the Special Catholic Character referee process to be carried out.
- Note that delays can occur due to the availability of the referee(s), but be assured every effort will be made to process them as quickly as possible (we aim for five-seven days). Please be aware that given there are 42 primary schools in the Archdiocese there are periods when many "S" forms arrive concurrently.
- Please identify this desired and realistic timeframe to the Board of Trustees.
- Please include any pertinent information such as the nature of the position, e.g. re-graded position and your desired timeframe in the correspondence accompanying the "S" forms.
- A letter with the outcome is sent to the Chairperson of the Board of Trustees and Principal concurrently.
- If the position being advertised is for a Principal we will only report back to the Chairperson of The Board of Trustees.
- Any queries by Boards of Trustees/Principals, but particularly those around the acceptability process by applicants, are to be directed to the Office of the Vicar for Education: ph: 04 496 1735 or j.gordon@wn.catholic.org.nz

For further reference we recommend you read **Part 4 of The Handbook for the Board of Trustees of New Zealand Catholic Integrated Schools** https://www.nzceo.org.nz/resources/

FOR SECONDARY COLLEGES:

The "S" form Catholic Character referee process is available for secondary colleges, but by law the Board of Trustees need to mandate the office of the Vicar for Education to carry this out on their behalf.

The process that needs to be followed for a S464 tagged position under the Private Schools Conditional Integration Act is:

Advertisement:

- The advertisement needs to have the correct legal wording. (See Appendix 1)
- The application pack must have an "S" form for the candidate to complete along with the normal documents for a position. (See Appendix 4)

Acceptability:

- In a secondary college it is the Appointments Committee which must have a Proprietor's Appointee on it who determines acceptability and/or with assistance from the Diocesan office, i.e. who would be acceptable in terms of the Catholic Character.
- The Appointments Committee elects a Chair who will co-ordinate the process.
- This determining of acceptability is through the "S" Form Catholic Character Referee process.
- Full and thorough Catholic Character referee process then follows.
- It is essential that one of the referees is a priest/Lay Pastoral Leader.
- Relevant documentation is kept. (see template for ADW as an example.)

Suitability:

• Once the pool of applicants deemed acceptable for this particular position is identified it is then the Board or Appointment Committee's responsibility to determine the most suitable candidate.

Interview process:

- This is usually done through an interview process and the following steps usually occur.
- The Appointment Committee shortlist from the pool of acceptable candidates the ones that they believe to be suitable.
- The identified applicants are given an interview time and the interviews are carried out.
- The Appointments Committee select the preferred candidate.
- The whole Board may then be involved at this stage depending on the level of responsibility in the position and/or Board policy.
- The preferred candidate is offered the job –time for a response is variable depending on the circumstances.
- If the preferred candidate accepts the job the Appointments Committee decide on a method and communication to the unsuccessful candidates and decide who will be responsible for this communication.
- The communication is carried out and relevant documentation created.
- The "S" Form is then attached to the file of the successful candidate.

Letter of Appointment - TEACHER [Name of School] Section 464, Education Act 1989 (Part 33) Religious Instruction appropriate to Special Character of the School

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[Name & Address of Applicant]

Dear

- 1. LETTER OF APPOINTMENT OFFER OF THE PERMANENT [FULL-TIME OR PARTTIME] POSITION OF TEACHER AT [NAME OF SCHOOL] ("School")
 - 1.1 **Appointment**: It is with pleasure that I offer you on behalf of **[Name of Board of Trustees]** ("**Board**"), the following Position at the School:
 - (a) **Position: Teacher**
 - (b) Starting Date: [

This offer of the Position supersedes any previous negotiations, communications and commitments whether written or oral.

- 1.2 **Duties:** Your duties are set out in **schedule one** of this letter of appointment.
- 1.3 **Special Position**: The Position as advertised, requires that a willingness and ability to take part in Religious Instruction appropriate to the "**Special Character**" of the School shall be a condition of appointment, as provided in the School's Integration Agreement and section 464 of the Education Act 1989 (Part 33). On your acceptance of the Position, this condition of appointment shall be incorporated as part of your "Terms and Conditions of Employment". A definition of "Religious Instruction" is provided at **schedule three** of this letter of appointment.
- 1.4 **Education with a Special Character**: One of your obligations is to support and uphold the School's "Special Character", which is defined in its Integration Agreement. **Schedule two** of this letter of appointment provides an overview of the School's "Special Character" and the expectations for staff.
- 1.5 **Handbook:** To the extent that it applies to staff, you are expected to comply with the

Handbook for Boards of Trustees, Principals and Staff of New Zealand Catholic Integrated Schools ("the Handbook"). The Handbook can be downloaded from http://www.nzceo.catholic.org.nz

2. TERMS AND CONDITIONS OF EMPLOYMENT

- 2.1 Your remuneration on appointment will incorporate these elements of the Choose an item.(CA) that apply to your position as assessed by the Salary Assessment Unit of the Ministry of Education.
- 2.2 Your hours of work will be as set out in the CA
- 2.3 The work to be undertaken is covered by this offer of employment and the CA, a copy of which is available at www.education.govt.nz.

The terms and conditions of the CA.

- + Will apply to you directly from the date of the appointment if you are a member of Choose union "the union".
- + Will apply to you directly upon the date of joining the union.

Joining this or any other union is your choice. If you choose to join the union, the CA will apply directly to you as long as you remain a union member.

If you are not a union member nor wish to join the union, the terms and conditions of your employment are those of the CA with the necessary modifications applicable to an Individual Employment Agreement (IEA) promulgated by the Ministry of Education.

A copy of this IEA is available at www.education.govt.nz.

3. PRACTISING CERTIFICATE

The board may only permanently appoint a teacher who has a current practising certificate issued by the Education Council. This offer is made on the basis that you have the appropriate certificate and it is produced to the board. The offer of employment is conditional until such time as that occurs. Continued employment is contingent on you maintaining a current practising certificate.

4. CODE OF ETHICS FOR CATHOLIC SCHOOLS

- 4.1 Attached you will find a copy of the Code of Ethics for Catholic Schools which outlines the standards of conduct and behaviour expected of you as an employee of the [school name] Board.
- 4.2 Catholic schools also adhere to the Education Council's Code of Professional Responsibility and Standards for the Teaching Profession.

5. RETIREMENT SAVING

5.1 You will be automatically enrolled into KiwiSaver if you are between 18 - 64 years of age and employed for more than 28 days. If you are already in KiwiSaver your current options will continue. Further information, including options for opting out is available on the following websites: www.kiwisaver.govt.nz and www.novopay.govt.nz.

6. CONFIRMATION OF ACCEPTANCE

- 6.1 Please sign and return the enclosed Acceptance form letter acknowledging your acceptance of the Position. If you are not a member an appropriate Union, upon receipt of your confirmation of acceptance you will be provided with and required to sign an Individual Employment Agreement.
- We look forward to having you join the staff of the School. If you have any questions please do not hesitate to contact me.

Yours sincerely

[Chairperson/Principal] [school name] Board of Trustees

SCHEDULE ONE - POSITION DESCRIPTION

[For guidance in putting together a position description, please see appendix 4.1 of the Handbook]
TITLE:
STATUS:
SALARY RANGE:
THE SCHOOL:
PURPOSE:
REQUIREMENTS: The position, as advertised, requires a willingness and ability to take part in Religious Instruction appropriate to the Special Character of the school (Section 464 of the Education Act 1989 (Part 33)). A definition of "Religious Instruction" is provided at schedule three of this letter of appointment.
EDUCATION WITH A SPECIAL CHARACTER: The appointee shall support and uphold the school's "special character" as defined in the school's integration agreement and meet the expectations outlined in schedule two of the letter of appointment and appendix 4.2 of the Handbook for Boards of Trustees, Principals and Staff of New Zealand Catholic Integrated Schools.
WORKING RELATIONSHIPS:
EXTENT OF AUTHORITY:
FINANCIAL
STAFF/STUDENTS
PROPERTY
RESULTS:
KEY TASKS:

EXPECTATIONS FOR STAFF EMPLOYED IN A CATHOLIC SCHOOL

- 1.0 This statement is to be read in association with the School Charter, a copy of which is available from the school.
- 2.0 The Catholic Church has developed an international network of schools because it believes the Church has a pivotal single intention: "that God's kingdom may come, and that the salvation of the whole human race may come to pass." (Gaudium et Spes, 45a: Second Vatican Council.)
- 3.0 The Special Character of a Catholic school is defined in the school's Integration Agreement as follows:

'The school is a Roman Catholic School in which the whole school community, through the general school programme and in its religious instructions and observances, exercises the right to live and teach the values of Jesus Christ. These values are as expressed in the Scriptures and in the practices, worship and doctrine of the Roman Catholic Church, as determined from time to time by the Roman Catholic Bishop of the Diocese.'

- 3.1 Most schools also have a particular charlsm, which may be specified in the school's Integration Agreement.
- 4.0 A person applying for a position in a Catholic school needs to understand the commitment this involves.
 - 4.1 All staff, whether Catholic or not, are part of the whole school community. Each staff member is therefore expected to use his or her specific strengths and skills to support the mission of the school.
 - 4.2 A Catholic school shares the mission of the Church by developing students with knowledge, faith and values, all of which are in harmony. It is expected that teaching will be infused with a Catholic world view.
 - 4.3 The curriculum and specific subjects are taught for their own value and with their own objectives. Seeking truth, wherever it is found, is fundamental to a Catholic school.
 - 4.4 The Religious Education programme is an integral part of the curriculum. The principles, truths and ethics of this programme permeate the whole life of the school. The students are taught that:
 - God is creator
 - Jesus Christ is God-made-man
 - Humankind's ultimate goal is heaven
 - Authority to teach and interpret God's revelation was entrusted to the Church by Christ, and is exercised by the Pope and Bishops.
 - The school as a whole subscribes to the Apostles' Creed which is the oldest of the formulas used by the Christians to express their faith. It accepts the two-fold commandment of Christ, love of God and neighbour and the other values expressed by Christ as norms for living. The focal point of the whole school is Christ.
- 5.0 No staff member will be required to act against their own conscience or personal philosophy of life. Such a requirement would not be in keeping with Catholicism and is contrary to the aims of the school.
- 6.0 However, in accepting a position in a Catholic school it is assumed that staff members realise that:
 - Staff work as a team. Therefore all staff are expected to contribute, according to their individual strengths and within their personal convictions, to the total purpose of the

school. No school can operate successfully if any staff member undermines the positive efforts of others.

- Staff are expected to support, uphold and be actively involved in the total life of the school and its special character irrespective of their personal beliefs.
- Staff are role models for students, colleagues and parents/caregivers in living the mission and values of the school.
- Staff who do not profess Catholicism are expected to promote the Catholic Character of the school, and to refrain from doing or saying anything that would be antithetical to the school's Catholic Character.
- Staff are expected to abide by the Code of Ethics for Staff and Boards of New Zealand Catholic Schools, a copy of which can be found at Appendix 3.1 of the Handbook.
- In schools with a particular charism staff are also expected to uphold that charism.
- New staff will find others who are willing to assist them in gaining a fuller understanding of the school and its Catholic Character, and in solving any difficulties that may arise in the course of their work. In addition the following resources which can be obtained from your School's Diocesan Catholic Education Office will be helpful:
 - Sharing the Gospel Today: NZ Catechetical Directory (NZ Catholic Bishops Conference, 2012)
 - o The Catholic School (Congregation for Catholic Education, 1977)
 - Lay Catholics in Schools: Witnesses to Faith (Congregation for Catholic Education, 1982)
 - o The Church's Confession of Faith: A Catholic Catechism for Adults (German Bishops' Conference, St Ignatius Press, 1987, San Francisco)
 - The Religious Dimension of Education in a Catholic School (Congregation for Catholic Education, 1988).
 - Understanding Faith Religious Education curriculum for Catholic Secondary Schools Year 9-13 Aotearoa New Zealand (NCRS, revised 2010)
 Catechism of the Catholic Church (June 1994)
 - Religious Education Curriculum Statement for Catholic Primary Schools in Aotearoa New Zealand (NCRS)
 - The Catholic School on the Threshold of the Third Millennium (Congregation for Catholic Education, July 1998)
 - The Declaration (New Zealand Council of Proprietors of Catholic Integrated Schools, 1997, revised 2007)
 - The Catholic Education of School-Age Children (New Zealand Catholic Bishops Conference, 2014)

SCHEDULE THREE - FURTHER COMMENTS ON THE DEFINITION OF RELIGIOUS INSTRUCTION AND TAGGED POSITIONS

Religious Instruction is evangelisation ~ it is the passing on of faith, through the ongoing establishment and support of a Christian community which lives out its faith, witnessing to the Gospel in daily action and attitudes. It includes teaching or explaining the doctrines and practices of the faith, not only through Religious Education classes but also through the indirect teaching which occurs through role modelling and witness to Catholic values, behaviour, and generally Catholic life. All teachers in tagged positions carry out religious instruction outside the Religious Education curriculum, and are effective in so far as they contribute to the whole evangelizing function of the school, assisting in promoting the faith education of those in the school community. They teach "what it means to be human. ... A teacher who has a clear vision of the Christian milieu and lives in accord with it will be able to help young people develop a similar vision, and will give them the inspiration they need to put it into practice." (The Religious Dimension of Education in a Catholic School, pp 76-77). Teachers in tagged positions respond to a call: to witness to the Gospel, to continue and deepen their commitment to the Church, to foster Christian community, to seek out ways to serve the Christian community and to continue acquiring the knowledge, skills and abilities needed to communicate the Gospel message effectively.

	ACCEPTANCE OF TEACHER POSITION AT [NAME OF SCHOOL]
1.	Acceptance: I am pleased to accept appointment to the Permanent [Full-time or Part-time] Teacher Position as advertised at the School on the basis of the offer made in this Letter of Appointment.
2.	Special Position : I acknowledge and accept that the Position as advertised and referred to in this Letter of Appointment, requires that a willingness and ability to take part in Religious Instruction appropriate to the Special Character of the School is a condition of my appointment and shall be part of my "Terms and Conditions of Employment".
3.	Education with a Special Character : I acknowledge and accept that the Position requires me to support and uphold the School's "Special Character", which is described in the Integration Agreement for the School and schedule two of this Letter of Appointment.
4.	Duties and Responsibilities : I acknowledge and accept that duties and responsibilities of the Position are as set out at Schedule One of this Letter of Appointment.
5.	Independent Advice : Before accepting the Position, I confirm that I have had the opportunity to obtain appropriate independent advice on the Terms and Conditions of Employment as detailed in this Letter of Appointment.
6.	Employment Agreement : I understand from this Letter of Appointment, that I have a choice between being employed under a Collective Employment Agreement or an Individual Employment Agreement. " Tick the box " indicating your choice.
	Collective Employment Agreement
	Individual Employment Agreement
7.	Union Membership: "Tick the box" indicating your position.
	I am a member of [INSERT APPLICABLE UNION]
	I am not a member of [INSERT APPLICABLE UNION]
8.	I AM/AM NOT A MEMBER OF KIWISAVER.
9.	I acknowledge receipt of the Code of Ethics for Staff and Boards of Catholic Schools.
Name:	[Employee - Full Name]
	ure Date:
-	