The Greens

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Staff disciplinary procedures

Approved by:	Melanie Entwistle
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1. Aims

This policy aims to:

- Help and encourage all employees to achieve and maintain satisfactory standards of conduct
- Set out the procedures for when an employee's conduct falls below the expected standard
- Ensure that all employees are treated fairly and consistently when a disciplinary issue is being dealt with

2. Legislation and guidance

We are required to set out our disciplinary procedures under general employment law.

These disciplinary procedures are based on the Disciplinary and grievance code of practice from Acas.

3. Definitions

- **A disciplinary issue** will arise when a staff member has not behaved to the standard expected of them
- Appendix 1 sets out a non-exhaustive list of examples of what we define as **misconduct and gross misconduct.** For the purpose of this policy, misconduct does not cover staff capability or poor performance issues. These are addressed in our capability of staff policy

4. Disciplinary procedures

Minor disciplinary issues will be dealt with informally at first, and will be escalated only where:

- There has been no resolution
- The issue is more serious
- There are repeated or multiple instances of misconduct
- There is suspected gross misconduct

When dealing with an issue informally, the employee's line manager will organise a brief meeting with the employee and set out the concerns. They will remind the employee of the expected standard of behaviour and consider what support is needed to help them improve. Notes will be taken and retained.

If the issue cannot be dealt with informally, formal procedures will begin. The employee will be notified of this in a face-to-face meeting with a member of SLT, to be held in person or over video conferencing if necessary. This will be followed up in writing.

4.1 Suspension

In some circumstances it will be appropriate to suspend a member of staff temporarily, for example, where there is suspected gross misconduct. This in itself does not amount to guilt or constitute disciplinary action.

Where this is necessary:

- The headteacher must authorise the suspension. If it is the headteacher who is the subject of the disciplinary procedure, the governors must authorise the suspension
- The staff member will be informed of the suspension in a face-to-face meeting, held in person or over video conferencing, if necessary, followed by a notification in writing within 10 working days
- The employee will be permitted to be accompanied to the meeting by either a colleague or trade union representative
- The staff member will be suspended on full pay

4.2 Investigation

An independent investigating officer will be appointed.

Before a disciplinary hearing takes place, the investigating officer will gather the facts of the case and evidence. The investigating officer will, if necessary, hold investigatory meetings (in person or over video conferencing).

The employee will be informed of the outcome of the investigation in writing.

If the investigating officer determines that the matter should move forward to a formal disciplinary hearing a disciplinary officer will be appointed. This will be a person independent from the investigating officer.

4.3 Notification

If it is decided that there is a disciplinary case to answer, the employee will receive a written notification 5 working days before the hearing. The meeting could be sooner if it is agreed by both parties. The notification will include:

- Details of the alleged misconduct and its possible consequences
- Copies of any written evidence, including witness statements
- The time, date and location of the disciplinary meeting (including the details if the meeting is to be held over video conferencing, if relevant)
- A statement that the employee has the right to be accompanied by a colleague or a trade union representative
- Notification that the employer intends to call witnesses (if relevant)

If the employee intends to call a witness, they should notify the employer.

Members of SLT will conduct the hearing.

4.4 Disciplinary hearing

Before the hearing, the employee will receive a copy of all evidence that will be relied upon during the procedure.

At the hearing, the person conducting the hearing will explain the case against the employee and go through the evidence that has been gathered. The person may choose to have the investigating officer present the management's case.

The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.

Employees have a statutory right to be accompanied at a meeting that may result in a formal warning being issued, disciplinary action being taken, or the confirmation of either of these.

The employee has the right to be accompanied by a colleague or a trade union representative. Employees must make the request in advance of the meeting, to allow the school to prepare and to ensure the employer knows who the companion will be.

If an employee's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 5 working days after the original date.

The companion can address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

4.5 Taking appropriate action

The hearing will be adjourned and a decision about whether further disciplinary action is necessary will be taken. The employee will be informed of the decision in writing within 10 working days.

Actions taken may be:

- **A verbal or informal warning** where it is decided that the action was not serious enough to warrant a formal written warning. This may be accompanied by a notification that arrangements will be put in place to improve the staff members' behaviour, such as a training course or occupational health support
- **A first written warning** for a first instance of misconduct. A further instance may result in a final written warning. A first written warning will remain on the employee's personnel file for 6 months. The written warning will explain that a further instance of misconduct or no change in behaviour within a given timeframe will result in a final warning
- **A final written warning** where the employee has already received a first warning, or where the employee's misconduct was sufficiently serious. A further instance may result in demotion or dismissal
- **Dismissal** where there has been gross misconduct, or a final written warning has already been given

We will refer a case of teacher gross misconduct to the National College for Teaching and Leadership (National College) if we believe the case is so severe that the National College should consider whether the teacher should be prevented from teaching. We will also refer cases to other relevant authorities where appropriate.

4.6 Dismissal

The power to decide that members of staff should no longer work at this school has been delegated to the Head of School, Melanie Entwistle.

The power to dismiss staff in this school has been delegated to the Head of School, Melanie Entwistle.

Once the decision to dismiss has been taken, Melanie Entwistle will dismiss the staff member with notice.

4.7 Appeals process

The employee has the right to appeal any sanction. Appeals must be made in writing within 10 working days of the decision, setting out at the same time the grounds for appeal.

A disciplinary appeals officer/panel will be appointed.

Appeals will be heard without unreasonable delay and at an agreed time and place (in person, or over video conferencing if relevant). Employees' statutory right to be accompanied by a companion will apply as with formal disciplinary hearings. Notes will be taken, and a copy sent to the employee.

The appeal will be dealt with impartially and by senior leaders or governors who have not previously been involved in the case.

The employee will be informed in writing of the results of the appeal hearing within 14 working days.

4.8 Special cases

If the employee involved in a disciplinary procedure is also the trade union representative, we will notify the union and discuss the matter with an official employed by the union before action is taken, after obtaining the employee's agreement. The procedure will continue as normal.

If the employee who is subject to disciplinary procedures raises a grievance about the disciplinary allegations or the procedure itself, the grievance procedure will run concurrently.

If the employee who is subject to disciplinary procedures raises a grievance about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

5. Record keeping

Minutes will be kept of all interviews and meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.

Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices.

If disciplinary action is taken, a record of this will be added to the employee's personnel file.

We will disclose any proven disciplinary offences by a staff member if a reference is requested by a future employer.

6. Monitoring arrangements

This policy will be reviewed every 2 years but can be revised as needed.

This policy will be approved by the Head of School / SLT.

7. Links with other policies

This policy links with our policies on:

- Staff code of conduct
- Staff grievance procedures
- Equality and Diversity
- Safeguarding
- Online Safety

Appendix 1: instances and behaviours classed as misconduct

The following lists are not exhaustive.

Instances of misconduct include:

- Unauthorised absence or persistent lateness from work
- Using bad language in front of pupils
- Failure to follow the policies, practices and requirements of the school
- Unsatisfactory standards of work (not related to capability)
- Inappropriate use of school facilities
- Failure to comply with reasonable instructions from senior staff

Instances of gross misconduct include:

- Physical violence or assault
- Discrimination, harassment, victimisation and/or bullying of pupils, colleagues or visitors
- Theft
- Sexual offences or misconduct
- Inappropriate relationships with pupils or any other actions that would be classed as a serious safeguarding issue
- Serious breaches of confidentiality
- Deliberately acting in a way that will cause damage to the school's reputation
- Deliberately damaging school property

Teacher misconduct guidance from the National College explains that, among other things, the following offences will be serious enough to warrant prohibition of teaching:

- Serious departure from the personal and professional conduct elements of the Teachers' Standards
- Misconduct seriously affecting the education and/or wellbeing of pupils, and particularly where there is a continuing risk
- Actions or behaviours that undermine fundamental British values
- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- Sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues