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## Disciplinary Policy

Approved Summer 2016

All school policies are reviewed by Governors annually

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### 1 Purpose and scope

This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees. The aim is to ensure consistent and fair treatment for all those employed in the school.

### 2 Principles

- Informal action will be considered, where appropriate, to resolve problems.
- No disciplinary action will be taken against an employee until the case has been investigated.
- For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary hearing.
- Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary hearing.
- At all stages of the procedure, which does not include the investigatory stage, the employee will have the right to be accompanied by a trade union representative, or work colleague.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty maybe dismissal without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary action.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

### 3 The Formal Procedure

#### 3.1 First stage of formal procedure

This will normally be either:

- An improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept but will then be considered spent subject to achieving sustained satisfactory performance over 12 months.

Or

- A first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a period of 12 months.

### **3.2 Final written warning**

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of the written warning will be kept but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

### **3.3 Dismissal**

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal. Dismissal decisions can only be taken by the Headteacher or a person acting with the Headteacher's delegated authority. The employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

If the employee is the Headteacher then the Chair of Governors assumes the role of the Headteacher in the disciplinary process.

## **4 Gross misconduct**

The following list provides some examples of offences which are normally regarded as gross misconduct. This list is not exhaustive:

- Theft or fraud
- Physical violence, bullying, verbal abuse.
- Deliberate and serious damage to property
- Serious misuse of an organisation's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material or circulating such material or possessing such material.
- Serious insubordination or a serious undermining of School management or a serious breach of confidentiality.
- Unlawful discrimination or harassment
- Bringing the organisation into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs

- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- Inappropriate physical ,emotional or sexual contact with a student or an abuse of trust
- Inappropriate use of social media.

If the employee is accused of an act of gross misconduct, they may be suspended from work on full pay while the alleged offence is investigated. If, the school is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

## **5 Appeals**

An employee who wishes to appeal against a disciplinary decision must do so in writing within five working days of the date of the outcome letter. The employee must clearly specify the full grounds of their appeal including why and in what respects the decision of the original hearing was unreasonable.

At the appeal any disciplinary penalty imposed will be reviewed.

The Headteacher or a person acting with the Headteacher's delegated authority not previously involved will hear appeals, other than dismissal appeals. Dismissal appeals will be heard by a panel of three Governors, not previously involved in the process. The appeal decision will be final.