Staff disciplinary procedures

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Woodfield School

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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 and scope

- **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 the principal 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 principal must authorise the suspension. If it is the principal who is the subject of the disciplinary procedure, the proprietor must authorise the suspension
- The staff member will be informed of the suspension in a face-to-face meeting, by telephone or over video conferencing if necessary, and confirmed by a notification in writing
- The staff member will be suspended on full pay

4.2 Investigation

The purpose of a disciplinary procedure is to:

- Encourage improvement in the employee's performance and/ or conduct
- Ensure the employer treats the employee fairly.

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, on the telephone, 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 meeting 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 2 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, and they must advise the investigating officer who this will be

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

The Principal or delegated members of the Leadership Team will conduct the hearing with an independent notetaker present. The Principal will seek advice from HR as required.

4.4 Disciplinary meeting

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

At the meeting, the person conducting the meeting 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 7 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 verbal warning will be disregarded after 12 months unless the offence is repeated.
- **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 12 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.

  When issuing a first written warning the employer will outline:

  - The performance problem or misconduct
  - The improvement that is required
  - The timescale for achieving this improvement (usually six months)
  - Details of any support, including any training, that the employer will provide

A further act of misconduct or failure to improve performance within six months will normally result in another disciplinary meeting and possible further sanctions.

- **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. A final written warning will be disregarded after 12 months unless the offence is repeated.

When issuing a final written warning the employer will outline:

- The performance problem or misconduct
- The improvement that is required
- The timescale for achieving this improvement (usually six months)
- Details of any support, including any training, that the employer will provide.
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The employee will be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final written warning e.g. that it may result in 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 Teacher Regulation Agency (TRA) if we believe the case is so severe that the TRA 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 dismiss staff in this school rests with the Proprietor

Once the decision to dismiss has been taken, Senior HR will dismiss the staff member with notice.

Unless the employee is dismissed for reasons of gross misconduct, they will receive the appropriate period of notice or payment in lieu of notice. Dismissal without notice will only be considered in proven cases of gross misconduct.

In all other circumstances the employee will only be dismissed if;
(a) despite first and final written warnings, conduct or performance does not improve, or
(b) the employee commits an additional offence whilst at another stage of this process

Dismissal will always be reasonable considering all the circumstances.
Dismissal for Gross Misconduct renders the offender liable to termination without notice. In exceptional circumstances suspension without pay for up to 7 days may be considered as an alternative to dismissal.

The employee will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal. Employees will be given a written statement of reasons for their dismissal within 7 days of the dismissal.

OFFENCE	1st OCCASION	2nd OCCASION	3rd OCCASION	4th OCCASION
Unsatisfactory Conduct	VERBAL WARNING on file	WRITTEN WARNING on file	FINAL WRITTEN WARNING on file	*DISMISSAL*
Misconduct	WRITTEN WARNING on file	FINAL WRITTEN WARNING on file	*DISMISSAL*	
Serious Misconduct	FINAL WRITTEN WARNING on file	*DISMISSAL*		
Gross Misconduct	*DISMISSAL*			

4.7 Appeals process

The employee has the right to appeal any sanction. Appeals must be made in writing within 14 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 members of the Proprietary Body who have not previously been involved in the case.

The employee will be informed in writing of the results of the appeal hearing within 5 working days.

The results of the hearing will be considered final.

4.8 Special cases

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 and records management policy/record retention schedule.

Should the matter of concern relate to a child, the information will be stored in professional storage indefinitely.

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 approved by the Proprietor and then reviewed every 2 years, but can be revised as needed.

7. Links with other policies

This policy links with our policies on:

- Capability of staff policy
- Data protection policy
- E-safety
- Staff code of conduct
- Equality
- Staff grievance procedure
- Privacy notice for the school workforce

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

- 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
- Gross insubordination or the use of aggressive behaviour or excessive bad language.
- Failure or refusal to carry out a reasonable, direct instruction given by the Principal or Senior staff member during the working day.
- Theft of, or wilful damage to, any property belonging to the school, pupil, visitor or other employee.
- Deliberate fraud, including fraudulent abuse of the Statutory Sick Pay Scheme and Absence Policies. This will include abandoning contracted duties without notification or prior permission.
- Consuming alcohol whilst on duty. Arriving at work intoxicated will also lead to summary dismissal.
- Abuse of drugs, solvents and other mind-altering substances.
- Breach of safety rules and/or other actions that places at serious risk the health and safety of another person.
- Abuse or maltreatment of a pupil
- Deliberately falsifying written records in the school.
- Unauthorised disclosure of confidential information.
- Using Woodfield's School for personal gain

Teacher misconduct guidance from the TRA 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

GRIEVANCE PROCEDURE

A grievance is any concern, problem or complaint that you raise with your employer. It may be about your work, working environment or relationships with others in the workplace.

You should initially aim to resolve any problems you have informally with the employer. It is hoped that most problems can be raised and settled during the course of the everyday working relationship to the satisfaction of both parties.

However, if you are unhappy with a particular aspect of the job and you feel unable to resolve the problem informally with the employer this is a grievance. If you feel you have a grievance you should follow the procedure outlined below.

Write a letter to the employer outlining your grievance

As soon as you believe you have a grievance, you should write to the employer giving them details of your grievance. You may find it helpful to say in your letter how you would like your employer to resolve the problem. You should make sure your letter is dated and that you keep a copy.

Grievance meeting

Once the employer has received your written grievance, they will investigate the matter and write to you within 14 calendar days to invite you to a meeting to discuss your grievance. The location and time/date of the meeting will be agreeable to both parties. You have the right to be accompanied by a colleague, trade union representative or other person agreeable to both parties at this meeting. The intention of this meeting is to establish the facts and find a way to resolve the problem.

After the meeting the employer will write to you without unreasonable delay with their decision. The employer will set out, where appropriate, what action they intend to take to resolve your grievance.

Appealing the employer's decision

You have the right to appeal against any decisions that are made during this grievance procedure. If you wish to appeal, please make this request in writing to the employer. The employer will usually seek advice from other employers/advisers before coming to a final decision.