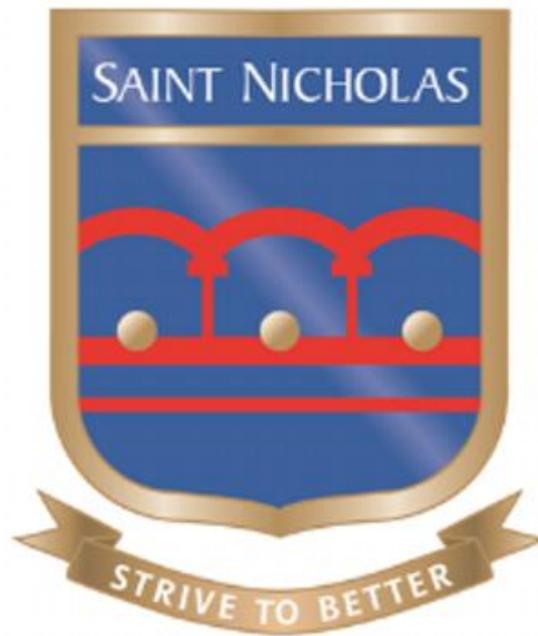


Staff Disciplinary Policy

Saint Nicholas School



Approved by:	 Headmaster Chair of Governors	Date: 26/09/2022
Last reviewed on:	08/09/2021	
Next review due by:	08/09/2024	

Introduction

This policy:

1. Is non-contractual in nature;
2. Applies to all members of staff except those who have not completed their probationary period;
3. Can be adjusted by the School to suit specific circumstances;
4. Can be varied unilaterally by the School.

The staff code of conduct and the disciplinary policy, with which all employees have a responsibility to familiarise themselves, is designed to promote fairness and consistency in the treatment of employees and to assist the School to function effectively. This procedure will apply to any disciplinary situation which includes misconduct but excludes poor performance which will be dealt with under the capability policy. If the Headmaster's conduct is being managed in line with this policy then the Chair of the Governors will be responsible for overseeing the procedure.

Minor disciplinary issues will be dealt with informally in an attempt to achieve the required improvement. Informal discussions will be held to explain the area of concern, identify any training or supervision needs and the required improvement and setting a date by which the matter will be reviewed.

In cases where informal discussion with the employee does not lead to a satisfactory improvement within a stated timescale, or where the conduct issues are more serious, the disciplinary procedure set out below will normally be followed.

No action (other than suspension) will be taken until the case has been investigated and the employee has had the opportunity to respond to the allegations in accordance with the procedure set out below. All disciplinary situations will be dealt with without unreasonable delay.

In the event of absence of any of those involved, except for the employee who is the subject of the procedure, a deputy may take their place provided that this will not jeopardise the likelihood of a fair outcome.

Audio and video recording of meetings is not permitted.

1. Suspension

Where an employee is accused of an act of serious or gross misconduct, or where the circumstance otherwise warrant it, after careful consideration he/she may be suspended from work on full pay pending the outcome of the disciplinary procedure. Such suspension will only be taken to protect the interests of all or any of the parties and will not prejudice the outcome of any investigations and will not be considered a presumption of guilt.

Where appropriate, during any disciplinary investigation or suspension, the Headmaster will appoint a senior member of staff, who is not involved in the disciplinary procedure, to provide guidance and support to the member of staff under investigation or suspension.

2. Formal Disciplinary Procedure

Investigation

When a disciplinary situation arises a member of the senior leadership team will, as soon as reasonably practicable, carry out an investigation into the matter. The investigation will be confined to establishing the facts and gathering any relevant documentation including, where necessary, obtaining statements from any relevant individuals. An investigatory meeting with the employee may take place if considered appropriate by the investigating member of the senior leadership team.

Notification

If, as a result of the investigation, it is decided that there is a disciplinary case to answer, the employee will be invited on not less than ten days' written notice to attend a disciplinary meeting.

The employee will be informed in writing of the nature of the complaint and where appropriate, will be provided with copies of any written evidence gathered during the investigation.

Where either party intends to call any relevant witnesses at the disciplinary meeting, advance notice of their intention to do so must be given.

3. Disciplinary Meeting

A disciplinary meeting will be conducted by the Headmaster (or an appropriate senior member of staff appointed by him who has no prior involvement). The employee may be accompanied by a trade union representative or colleague if desired and is expected to make all arrangements for such trade union representative or colleague to attend. The employee and their companion should make every effort to attend the disciplinary meeting. Where the chosen companion cannot attend on the date proposed, the employee can propose an alternative time and date so long as it is reasonable and is within ten days of the original date of the meeting. In the event that the employee fails to attend the disciplinary meeting, it will usually be rearranged once, but should he/she fail to attend the rearranged meeting then a decision may be reached in his/her absence.

The employee will be given the full opportunity at the disciplinary meeting to explain the matter and respond to the allegations.

A note taker will usually be present but will not be involved in the decision-making process.

If following the disciplinary meeting it is decided that disciplinary action is warranted, the employee will be advised of the decision in writing, normally within five working days, and will specify the details of:

- the failure to meet the required standard of conduct;
- any action required by the employee to remedy the situation;
- any relevant review period /duration of warning and the consequences of continued or subsequent failure to reach and sustain the required standard or conduct him or himself to the required standard;
- the possible outcome of the disciplinary process, including that it may result in dismissal (if that is the case);
- the right of appeal.

In the event that disciplinary action is warranted one of the sanctions below may be issued. A sanction may be imposed at any level including summary dismissal depending on the circumstances.

- **Level One – Formal Written Warning**

In the case of a relatively minor or less serious act of misconduct or a repetition of earlier minor offences or a failure to improve, the employee will be given a written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. A copy of the letter will be retained on the employee's personal file for a period of six months.

- **Level Two - Final Written Warning**

In the case of a sufficiently serious offence or a repetition of an earlier offence in respect of which a warning has previously been given, the employee will be given a final written warning, setting out the precise nature of the offence, the likely consequences of a further offence and specifying, if appropriate, the improvement required and over what period. This may include a statement that any recurrence or no improvement may lead to a dismissal or to some other action short of dismissal. A copy of the letter will be retained on the employee's personal file for a period of twelve months.

- **Level Three - Dismissal**

This stage will normally result from continued failure by the employee to act on previous warnings. If the decision to dismiss is made the employee will be informed in writing of the reason for dismissal, the date on which the contract between the parties will terminate and the appropriate period of notice (if any).

Alternatives to Dismissal

In exceptional circumstances, the following actions short of dismissal may be considered as an alternative to dismissal:

- demotion;
- to withhold an increment of salary;
- to remove any title or office held in addition to the substantive appointment.

4. Gross Misconduct

In exceptional circumstances, an employee may be dismissed without notice if it has been established to the reasonable satisfaction of the disciplinary committee, after investigation and after hearing the employee's explanation at a disciplinary meeting, that there has been an act which constitutes gross misconduct.

Examples of actions which constitute gross misconduct include (but are not limited to):

- gross insubordination;
- serious breach of health and safety rules;
- serious breach of the email and internet use policy;
- theft or fraud from either the School or co-workers or deliberate damage to School property or that of co-workers;
- being under the influence of drink or illegal drugs at work;
- disorderly or threatening conduct on School premises;
- contravention of the equal opportunities and discrimination policy;
- negligence resulting in serious loss, damage, or injury;
- assault or attempted assault;
- falsification of records;
- conviction on a criminal charge;
- breach of School policies or procedures;
- bullying or harassment of colleagues, pupils or parents;
- abuse or suspected abuse of your position of trust in relation to pupils at the School
- bringing the School into disrepute

6. Appeals

An employee may appeal against a decision within ten days of receipt of the written decision. Such appeals are to be made in writing to the Headmaster and should state the grounds on which any appeal is based.

The appeal hearing will be convened as soon as is reasonably practicable giving at least five working days' notice. The appeal hearing will be held by a Governor at Level 1 and Level 2 of the process (different Governors at each stage with no prior involvement) and by a panel of up to three Governors (who have had no prior involvement) at Level 3. Where new evidence arises prior to or during the appeal the employee will be given access to any relevant information or evidence and will have the opportunity to make representations. The employee will have the right to be accompanied at any appeal hearing by a colleague or trade union representative. The employee will be informed in writing of the decision of the appeal hearing following the conclusion of the hearing. Such decision will be final. In the event of an unsuccessful appeal against a decision to dismiss the original dismissal date shall stand.

7. Record-Keeping

The employee's conduct is dealt with under this procedure, a record will be kept of the shortfall or failure, the employee's defence or mitigation, minutes of the disciplinary hearing, the action taken and reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records are confidential and will be retained on the employee's personal file for the relevant period of time specified in this policy in accordance with the Data Protection Act 1998.

8. Relationship with Capability and Grievance Procedure

The employee may be dismissed following completion of the formal disciplinary procedure and in such circumstances have no separate right to have the capability and grievance procedure followed prior to dismissal.

If an employee raises a grievance during the disciplinary process, that process may be temporarily suspended in order to deal with the grievance. Live warnings issued under the capability procedure may, if appropriate, be taken into consideration when considering the level of warning to be given under the disciplinary procedure, and vice versa. Where, during the course of the disciplinary process the employee raises a grievance about any aspect of the disciplinary process, e.g. the fact the employee has been suspended, that disciplinary action is being taken against them, the procedure being applied, or any of the individuals involved in the disciplinary process, the employee's grievance will be dealt with as part of the disciplinary hearing and will not be treated as a separate grievance under the School's grievance procedure