



Blyton cum Laughton CE Primary School

Policy on Standards of Conduct, Disciplinary Rules and Grievance Procedures

Monitoring responsibility	K Duke (Headteacher)
Review date	January 2025
Head teacher's signature	
Chair of Governor's signature	
Date ratified	January 2022

Blyton cum Laughton Church of England Primary School

1. STANDARDS OF CONDUCT

In any organisation, it is necessary to maintain high standards of conduct if it is to function in a harmonious, orderly and effective manner. It is the policy of the school to ensure that lawful, fair and effective arrangements exist for dealing with disciplinary matters. Usually, discipline is voluntary and self-imposed, but occasionally, an employee may fall short of the expected standards. The disciplinary procedure provides a consistent framework for informing you of such shortcomings, and for developing ways of correcting the problem whenever possible.

2. DISCIPLINARY RULES

The rules given below are intended to help employees understand the standards required of them by the Governing Body of the school. No set of rules can cover all disciplinary matters and this list is therefore illustrative and not exhaustive.

2.1. Attendance at Work

Examples of unacceptable standards:

- deliberate provision of false or misleading information on applications for employment or promotion
- failure to wear or use appropriate equipment/attire made available or necessary for the job (including safety equipment)
- unauthorised absence
- poor timekeeping: late starting, early finishing, excessive break periods
- failure to comply with sickness absence procedures
- falsification of official accounts or documents e.g. overtime/additional hours claims, travel/expenses claims
- incapacity at work, due to the effects of alcohol or non-prescribed drugs

2.2. Behaviour

Examples of unacceptable standards:

- physical violence
- indecent behaviour, action or language that is likely to cause offence, including racial or sexual abuse
- harassment, bullying or victimisation of others, including racial or sexual intimidation or prejudice
- disruption of others by unruly or disorderly behaviour
- discourteous or improper treatment of members of the public, colleagues, pupils, governors or parents
- acceptance of bribes or involvement in similar corrupt practice
- lack of integrity that would damage public confidence in the school or a member of school staff

2.3. Behaviour out of Work

Examples of unacceptable standards:

- unauthorised employment, e.g. engaging in unauthorised employment during hours when contracted to work for the school/County Council, or engaging during off-duty hours in employment that is detrimental to the interests of the school/County Council
- engaging in political activity whilst occupying a politically restricted post, as defined in the Local Government and Housing Act 1989 (e.g. acting as a party election agent or sub-agent, failure to give notice of an intention to stand in a pending general or parliamentary by-election)
- neglect of health (e.g. activities or conduct which seriously affect your recovery during sickness)
- conviction of a criminal offence that is inconsistent with the position held by you
- inappropriate or offensive 'posts' including pictures on social networking sites, or other aspects of the internet, where they may be viewed the public
- talking about 'school business' as defined in the Staff Handbook
- Misconduct relating to attitude towards authority, employees, visitors, pupils or parents

2.4. Care of Property

Examples of unacceptable standards:

- use of the school's time or property for personal reasons without permission
- misuse of property or equipment to which you have access through your work
- damage to or neglect of property in the course of an employee's work
- theft

2.5. Neglect

Examples of unacceptable standards:

- failure to report actual or suspected abuse of any pupil by another member of staff or any other person who has contact with a pupil
- disregard for the health and safety of others, including reckless driving or operation of vehicles or equipment, and smoking in prohibited areas
- conviction of a criminal offence that is inconsistent with the position held by the employee

2.6. Standards of Work

Examples of unacceptable standards:

- failure to follow operating instructions and procedures
- failure to achieve required levels and/or quality of performance, through carelessness or lack of application
- maladministration
- failure to carry out a reasonable instruction
- work not completed on time or at all

3. *DISCIPLINARY ACTION AS A CONSEQUENCE OF BREACH OF RULES*

This is a guide to the main types of disciplinary action that the school may take in accordance with its Disciplinary Procedure. The level of disciplinary action taken will depend on how serious the employee's behaviour is viewed, whether it is a first or repeated breach of rules, the nature of the employee's work, the employee's position, work record and performance, and all the circumstances surrounding the case. We will always consider our Christian values especially those around forgiveness, truth, high standards and supporting those in need.

3.1. Informal Advice from Headteacher or line manager

It is accepted that professionally employees may receive advice on different matters from those in a senior role, these may be around areas of improvement or areas that if not modified may require discipline. It is accepted that in certain cases these informal conversations may still be recorded in order for future reference, however these will not be recorded as 'formal'. See also 4.2.

3.2. Informal Written Advice, First and Final Written Warnings

Where informal advice and guidance has not resulted in sufficient improvement in an employee's behaviour, or if the offence is more serious, a formal disciplinary hearing will be convened.

If the case is found to be proved, an appropriate level of warning will be issued, which may be a first and final warning in serious cases. The employee has the right of appeal against any level of formal warning.

The warning will be placed on file for a specified period.

3.3. Dismissal with Notice

Where an employee's conduct or behaviour continues to be significantly below acceptable standards, despite previous warnings and appropriate support, advice and guidance his/her employment may be terminated by giving the appropriate period of notice in accordance with statute and conditions of service.

3.4. Summary Dismissal

This is dismissal without notice or pay in lieu of notice, normally as a result of gross misconduct. This sanction will only apply where the employee's conduct is so serious that all trust and confidence has been lost.

Examples of conduct or behaviour for which summary dismissal is the normal penalty are as follows:

- theft;
- fraud and deliberate falsification of records;
- fraudulent misuse of the school's property or name;
- serious physical violence;
- serious sexual or racial harassment/misconduct;
- malicious damage to property;
- serious breaches of health and safety regulations which would endanger other people;
- serious acts of insubordination;
- corrupt or improper practice;
- serious breach of confidence.

This list is neither exclusive nor exhaustive.

4. DISCIPLINARY PROCEDURE

4.1. Introduction

Where an employee's conduct is in question the Headteacher or other Line Manager should make arrangements for an investigation to take place and to collect evidence. In circumstances where the Headteacher's conduct is in question the Chair of Governors must make arrangements for this to be done.

The aims of the procedure are to:

- provide the school with a fair and consistent approach to dealing with misconduct issues
- help and encourage employees achieve a high standard of conduct.

4.2. Informal Procedure

Where an issue of conduct is of a relatively minor nature then it should wherever possible be resolved informally.

The Headteacher may still have to carry out a brief investigation and would then have a discussion with the employee to state the concerns and resolve the matter. If at this time the Headteacher believes this issue is more of a serious nature then this will be dealt with under the formal procedure.

The employee should be given the opportunity to explain his/her actions including any possible mitigating circumstances. At the end of the discussion the employee should understand what standard of conduct is expected of them and that the matter will go no further.

A record should be kept of the discussion and a copy given to the colleague if requested. If in the future there are further issues then this may be used in evidence and it may also mean that it will be considered under the formal procedure. In accordance with formal procedures this should be disregarded for disciplinary purposes after a reasonable period of time.

Multiple 'informal' discussions about conduct may be seen as a reason to move to formal investigation under the criteria of insubordination (or other).

4.3. Formal Procedure

Where an issue is of a more serious nature then it should be dealt with within the formal procedure.

In certain cases suspension from duty may be considered and the appropriate procedures should be followed (see guidance notes).

4.3.1. Investigation

Where there is an allegation of misconduct, arrangements should be made for the issue(s) to be investigated thoroughly.

In each case either the Chair of Governors or Headteacher will appoint an Investigating Officer. This may be the Headteacher, another senior member of staff or an independent person who will take overall responsibility for the investigation even though other parties may have been initially involved. In addition to any earlier interview with the individual, the final part of the investigation will, be an interview with the employee. (see guidance notes and sample letter in the Local Authority's Personnel Handbook, Section L).

Following completion, the expectation will be that the case be referred to a formal disciplinary hearing unless the Investigating Officer decides, on the evidence available, that there is no substance to the allegation(s). This recommendation will be communicated to the Headteacher, who will inform the employee concerned.

4.3.2. Disciplinary Hearing

In cases where it has been possible for the Headteacher to remain untainted (see Appendix 6) the hearing will be held before the Headteacher. Where this has not been possible then the hearing will be before a committee of Governors with the case presented by the Headteacher regardless of whether he/she was the Investigating Officer. The Investigating Officer may act as a witness in the proceedings.

Where it has been decided to hold a disciplinary hearing the employee will be given at least 10 working days notice and be provided with a copy of the paperwork to be used as evidence at the hearing (see sample letter 3) and the opportunity to be accompanied by a work colleague, workplace representative or their trade union representative **but cannot be a qualified legal adviser or relative**. Witnesses may also be asked to attend to provide evidence.

The Headteacher or Governors' Disciplinary Committee Chair will conduct the hearing and should be advised by a HR Adviser.

The complete history and background of a disciplinary case may be requested at an appeal hearing or at an employment tribunal. It is therefore essential that comprehensive records are made of any level of disciplinary action. The note taker will be either the Schools Clerk to Governors or an appropriate member of the administration team. These notes will not be verbatim.

The purpose of the hearing will be for the Headteacher/Governors' Disciplinary Committee to consider the evidence presented in respect of the employee's conduct and for the employee to have an opportunity of putting his or her side of the case.

The outcomes of a disciplinary hearing may be:

- (i) A decision to take no action.
- (ii) Informal written advice.
- (iii) A first formal written warning.
- (iv) A final formal written warning.
- (v) Dismissal.

The outcome will be dependent upon the seriousness of the matter and taking into account any mitigating circumstances.

The decision will be communicated to the employee orally immediately after it has been reached and will then be confirmed in writing. The letter confirming the decision will inform the employee that he/she can appeal against the decision to the Disciplinary Appeals Committee of the Governors. The employee will be given ten working days from the announcement of the decision date of the letter to lodge an appeal with the Clerk to the Governors.

Any warnings given will be issued with an appropriate timescale for them to remain 'live' on the employees file and may be taken into account as regards any future instances of misconduct within the set timescale as follows:

Informal Written Advice – Between 6 months and 1 year.

First Warning – Between 6 months and 1 year.

Final Written Warnings – Between 1 year and 18 months.

In reaching this decision, consideration will be given to the nature and severity of the incident(s) which have resulted in the warning. Warnings are never expunged from an employee's file. They must, however, be disregarded for future disciplinary purposes after the time period has expired.

In the case of gross misconduct the employee may be summarily dismissed.

In other cases of dismissal the effective date will be proposed in accordance with statute and the appropriate terms and conditions of service.

Following any initial dismissal determination, notification of the decision must be sent to the Authority who will within 14 days issue notification of the employment contract. If a subsequent

appeal reverses the dismissal decision the termination notice will be rescinded. See sample letter 5a in Local Authority's Personnel Handbook, Section L.

4.3.3. Appeal Process

The employee will be given ten working days from the announcement of the decision to lodge an appeal with the Clerk to the Governors. The letter from the employee **must** set out the basis for any appeal (see i to iv below). The employee will be given a least one working week's notice of the date of an appeal hearing.

The appeal process will consider disciplinary decisions on one or more of the following grounds:

- i. **The procedure: the procedure was not followed.**
- ii. **The decision: the conclusions of the Headteacher/Disciplinary Committee were unreasonable.**
- iii. **The penalty: the penalty is considered to be too harsh.**
- iv. **There is relevant new evidence.**

The appeals committee can disregard any new evidence if they decide that it is unreasonable for it to be raised for the first time at the Appeal.

The hearing will not constitute a full rehearing of the case and will address the specific grounds of appeal set out in the notice given to the Clerk to Governors.

There may, however, be circumstances where it is appropriate for a re-hearing to take place and in such cases, the procedure to be followed will be that for the original disciplinary hearing. This will be a decision for the Chair of the Appeal Committee.

The Disciplinary Appeal Committee must be a properly constituted committee of governors. Members of the committee will be untainted and will not normally include staff governors. The committee will normally be made up of three Governors, one of whom will be nominated as Chair.

The management representative at the hearing will be the person who was responsible for the decision taken at the disciplinary hearing.

The committee will be advised by a HR Adviser on matters of procedure. The HR Adviser will also be able to participate in the meeting but the decision regarding the action to be taken will be taken by the committee members only although the HR Adviser will be present in an advisory capacity throughout their deliberations.

The committee can confirm the original disciplinary decision; impose a lesser penalty or overturn the original disciplinary decision completely. Where a dismissal decision is overturned then the original notice from the Authority or School will be rescinded.

5. LOCAL AUTHORITY PROCEDURE FOR SCHOOLS' CONDUCT CASES – SUPPLY TEACHERS AND RELIEF EMPLOYEES.

Where it is brought to the attention of the Authority that there is an issue surrounding the conduct of a supply teacher or relief employee it will arrange for the matter to be investigated thoroughly and take action accordingly.

In some cases it may be appropriate for an individual to be suspended from the panel whilst an investigation is carried out and because of the nature of employment this will be without pay.

The individual will be notified that they should not seek employment within the Council until the matter has been concluded.

On completion of the investigation the Schools Supply and Relief Disciplinary Panel will hear the case. The panel will consist of the Head of Strategic HR for Children's Services (Chair), another member of the Directorate's Senior Management Team and a representative from Legal Services. A HR Adviser will advise the panel.

The procedure for any hearing will be as detailed below.

The Panel will consider the individual's suitability to remain on the Authority's supply teaching and relief employees' panel and for further employment in schools.

The LEA has a responsibility to consider any such cases for possible referral to the Department of Education and Skills (Teachers' Misconduct Section) and this will form a part of their deliberations.

Where it is deemed that an individual is not suitable this will be confirmed in writing to them and will be given the opportunity to challenge this decision in writing.

Where it is challenged a member of the Directorate Management Team who took no part in the original decision will review the decision.

5.1. Possible outcomes:

- A decision to take no action.
- A first formal warning.
- A final formal warning.
- Removal from supply or relief panel and referral to DCSF Teachers Misconduct team.

6. **DISCIPLINARY PROCEDURE - ALTERNATIVE ARRANGEMENTS**

The Headteacher will normally be expected to lead in determining staff dismissals including those where the reason is conduct.

The disciplinary procedure therefore delegates this responsibility to the Headteacher although in certain circumstances in accordance with the provisions of the Education Act 2003 the governing body should apply alternative arrangements if the process reaches the potential dismissal stage.

These arrangements may include decisions being taken by an individual governor or a group of governors with or without the Headteacher. Regardless of the approach adopted the Headteacher has the right to attend to offer advice.

The circumstances are as follows:

- A Headteacher who is unwilling to perform these functions and whose previous history of service at the school did not include any such responsibilities.
- A Headteacher subject to suspension, disciplinary procedures (including capability), or disciplinary action.
- Where the LA has made representations to the chair of the governing body on grounds of serious concerns about the performance of the Headteacher.
- Where the Headteacher has failed to abide by financial limits agreed by the governing body for any school purpose.
- Where the governing body of a faith school has agreed staffing policies, which provide for governor involvement in the interests of preserving the school's religious character.

Where any of the above circumstances apply, school will consult the Head of Strategic HR, Children's Services and/or HR Adviser.

Updated Spring 2022

This policy will be reviewed every 3 years or sooner if deemed necessary.