

Reading Girls' School



Disciplinary Policy



**Business &
Enterprise**

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Review Within Three Years

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This policy has been agreed between representatives of the School Unions, Local Education Authority and representatives of the Headteachers' Forum

SECTION 1: POLICY STATEMENT

This policy is derived from the Model Disciplinary Procedure recommended by Reading Borough Council November 2002.

The Governing Body expects all its employees to act within the acceptable conduct expected of adults involved in the education of children. The School firmly believes in 'Mutual Respect' between all adults and children. Any unsatisfactory conduct is dealt with following procedures outlined in this document.

Section 1: Policy Statement

Section 2: The purpose, scope and principles of the policy

This sets out the reason for the procedure, describes who is covered by it and the principle of natural justice contained in it.

Section 3: Preamble

This section sets out definitions of some of the key terms and processes described in the Procedure.

Section 4: Disciplinary Policy

This sets out the procedure to be followed to ensure fairness and consistency.

Section 5: Appeals Process

This sets out the process for appeal against disciplinary action.

Section 6: Disciplinary Rules

These set the standards of conduct at work and identify some breaches in standards which constitute misconduct and gross misconduct.

SECTION 2: PURPOSE, SCOPE AND PRINCIPLES

2.1 Purpose

- To provide a fair and consistent method of dealing with any unsatisfactory conduct of employees
- To give examples of unacceptable conduct
- To meet statutory requirements

2.2 Scope

Employees Covered by the Policy:

ALL employees of **Reading Girls' School** are covered by this procedure, EXCEPT Newly Qualified Teachers in their Induction Period and other employees during their probation period. Separate procedures apply in these cases.

The procedure **does not** apply to matters relating to an employee's capability, as assessed by reference to skill, aptitude, health or other physical or mental quality. See separate capability procedures covering ill health and performance.

Disciplinary matters involving the Headteacher will be dealt with under this procedure. In the event that such a situation occurs, it will be for the Chair of Governors to process the matter using the Governing Body Panel and Appeal Panel processes described within this procedure. The Chair of Governors will work in conjunction with the Personnel Advisor and the Local Authority in ensuring that the disciplinary process applied is consistent with the principles of this procedure as well as good practice and the relevant ACAS Code of Practice.

Equal Opportunities

The Disciplinary Policy will be applied fairly and consistently to all staff employed by Reading Girls' School regardless of gender, race, colour, marital status, national or ethnic origin, nationality, disability, sexuality, age, religion, status or number of hours worked.

2.3 Core Principles of a Disciplinary Procedure

The following important principles are encompassed within this policy:

- (a) it incorporates the provisions of the ACAS code of practice; Discipline and Grievance Procedures 2000 and has been agreed between the School and its recognised trade unions;
- (b) it will not contradict any current or future national agreement;
- (c) employees will be informed of the School's disciplinary rules and procedure;
- (d) employees will know the nature of the allegations made against them;
- (e) employees will be given an opportunity to state their case before any disciplinary decision is reached;
- (f) there will be a full and proper investigation and presentation of the facts;
- (g) an employee may be accompanied and represented by a trade union representative or a representative of their choice;
- (h) there will be a right of appeal against a formal disciplinary decision.

- (i) an employee would not be dismissed for a first act of unsatisfactory conduct except in a case of gross misconduct.

2.4 **Review of Procedure**

The content and operation of this policy will be reviewed by the Governing Body. The first review will be undertaken one year after formal adoption by Reading Girls' school.

SECTION 3: PREAMBLE

3.1 **Background**

It is good personnel and employment practice to have disciplinary rules and a procedure for dealing with disciplinary matters. In addition, there is a legal requirement placed upon School Governing Bodies under the Schools Standards and Framework Act 1998 to have appropriate mechanisms in place to deal with disciplinary and dismissal issues. This procedure will satisfy the requirements of that Act as well as reasonable expectations that staff and employment tribunals may have that schools and Governing bodies will behave according to good practice and the relevant ACAS Code of Practice.

3.2 **Authority to Take Disciplinary Action**

Every employee with managerial or supervisory responsibilities is authorised to verbally reprimand employees within the scope of their responsibility in the normal course of managing an employee's performance.

More serious disciplinary action may only be taken by the Headteacher as the 'Designated Officer' in this procedure. The 'Designated Officer' will have the authority to make a disciplinary award up to, but not including, dismissal.

The decision to dismiss an employee (with or without notice) can only be taken by a Panel of the Governing Body which has been set up to receive a recommendation for dismissal from the Designated Officer.

3.3 **Designated Officers**

Only the Headteacher or Chair of Governors, as declared by the Governing Body to be 'Designated Officer' shall have the right to suspend a member of staff pending a disciplinary investigation or hearing or to conduct disciplinary hearings up to, but not including, a decision to dismiss.

Whilst it is clearly inappropriate to pre-judge the outcome of any disciplinary action, if there is a possibility, due to the nature of the unsatisfactory conduct, that dismissal may be the outcome then the case should be referred immediately to the designated officer who has the authority to suspend the member of staff. It should be noted, however, that suspension is not always necessary or appropriate and each case should be judged on its merits (see below).

The designated officer post approved by the Governing Body for the School shall be publicised upon the adoption of a Disciplinary Procedure by the Governing Body and should be reviewed and updated to reflect changes in staff and structure from time to time.

3.4 Investigating Officers

The investigating officer in any particular case will normally be the line manager responsible for the service where the employee concerned works. However, it is open to the Headteacher to nominate an alternative person where they consider it is in the interest of the application of the disciplinary procedure to do so. It is considered to be good practice for the investigating officer and designated officer to be different people.

The Designated Officer in any particular case will normally be the line manager responsible for the service where the employee concerned works. However, it is open to the relevant Director or Head of Service to

3.5 Training

It is expected that all managers will have had appropriate training in dealing with conduct issues. Where a designated officer/investigating officer has not yet had training, then advice and guidance in following this procedure must be sought from the Personnel Advisor.

3.6 Trade Union Representatives

Where the disciplinary procedure is to be applied to accredited trades union representatives (stewards), no formal action will be taken until the case has been discussed with a full-time official of the recognised trade union. Removal from the workplace may occur without this prior discussion, in exceptional circumstances and in the absence of a full time official (eg outside normal office hours). The Local Authority and the Personnel Advisor must be informed of these cases and the appropriate Designated Officer must ensure the trade union official is informed as quickly as possible.

3.7 Disciplinary Rules

Disciplinary rules shall contain all those rules outlined in section 6 of this document in addition to any additional specific rules relevant to the School. Any 'additional rules' should be the subject of consultation with recognised trades unions and staff and publicised.

3.8 Time Limits

'Working day' in this procedure refers to Monday to Friday (excluding weekends and public holidays). Unless there are exceptional circumstances, no member of staff shall be expected to attend a meeting under this procedure on a day when they are

not contracted to work. These limits may be varied by agreement between the parties and such agreement shall not be unreasonably withheld by either side.

Where a period for improved conduct (including attendance) is set, this period shall have regard for the circumstances of the individual's contract of employment and the pattern and frequency of days on which the employee is contracted to work. Such periods for improvement must be reasonable in all the circumstances of the case.

Timescales may be varied by agreement between the parties, and a request for deferment by either side will not be unreasonably refused.

3.9 Suspension

Where there is an allegation, or potential allegation of gross misconduct, ie conduct which may result in dismissal, the employee should be suspended from duty. In exceptional circumstances, an employee may be temporarily relocated to an alternative workplace where there is an allegation of misconduct and it is considered unsuitable or inappropriate for the employee to remain at their place of work. Managers should note that an employee should not be suspended other than for potential **gross** misconduct, and should bear in mind the employers duty of care in respect of the potential impact of suspension from duty on the individuals personal and career prospects and the difficulties arising with reintegration to the workplace following a period of suspension.

Whilst only the Designated Officer can formally suspend from duty, in the absence of the Designated Officer (eg outside normal working hours) an employee's line manager/team leader may remove them from their place of work immediately, where they consider it is appropriate to do so in the interest of the School or other staff with whom the employee works. The removal from work should be confirmed in writing as suspension by the Designated Officer within two working days. The employee should be advised of the reasons for the suspension, any conditions relating to it, the proposed action of the Designated Officer and an estimate of the time the process will take.

The suspended employee should remain available to assist with, or participate in the disciplinary process. A suspended employee will not be able to take annual leave without the agreement of the Designated Officer, with the exception of pre-booked annual leave, which must be notified to the Designated Officer.

An employee can be suspended at any stage in the disciplinary process where it is considered appropriate, eg where further information comes to light. An employee will receive full pay whilst on suspension. This will be 'normal pay' (which will take account of non-contractual payments if they are regular in their nature and deemed to be appropriate to include) averaged over the previous 12 week period.

If an employee commences a period of sick leave after disciplinary allegations or during a disciplinary investigation this will not prevent the operation of the disciplinary procedure. It is in the interests of the school and the employee that any

disciplinary allegations are resolved within a reasonable timescale. At least two attempts will be made to convene a hearing that the employee can attend. If the employee is still unable to attend, the hearing can proceed with a representative of his/her choice. If the employee does not wish any other person to attend as his/her representative and he/she confirms this in writing, the hearing can proceed without the presence of the employee or representative.

3.10 Verbal Reprimands and Verbal Warnings

Any team leader or manager with supervisory responsibility may have occasion to verbally reprimand an employee in the normal course of managing an employee's performance. A **verbal warning** may be given, which would need to be authorised by a Designated Officer and should be recorded as part of the supervision record or in a confidential work diary. A verbal warning may similarly be given at the end of an investigation that is not to be formally pursued onto stage 3 of the procedure. The employee will be informed that further unsatisfactory conduct following a verbal warning would leave them open to further, formal, action being taken under the disciplinary procedure.

There will be no right of appeal to a verbal warning as they are given outside the formal procedure. Similarly, although an employee **may** be given the opportunity to be accompanied or represented when a verbal warning is given this is not an **entitlement** at this stage under this procedure. However, the employee should be advised that they may seek advice from their trade union representative. The employee may record a response to be kept with the record of the verbal warning. Verbal warnings will not be given as a sanction as a result of a disciplinary hearing, unless it is apparent to the Designated Officer, following a hearing that a **formal** sanction is not appropriate.

Verbal warnings should be recorded on a supervision file or secure diary.

3.11 Disciplinary Records

Records of disciplinary action will be kept on the employee's personal file held in the Finance and Personnel Office. Managers must ensure that records of disciplinary action are reviewed, in the light of the employee's subsequent conduct and performance. A disciplinary sanction may be reviewed no earlier than 6 months and no later than 12 months after being applied. This review will take account of how the employee has met any standards and guidelines for improvement, and the sanction may be removed from file at this time. Records will be automatically disregarded (ie not counted in any future disciplinary action) and expunged from the personal file after 15 months satisfactory conduct, unless already removed on review. Records will not be kept for more than 15 months before being disregarded and expunged from the file, except in exceptional circumstances when the records may be retained. In such cases the employee must be informed and told of the reason.

The records will be kept under confidential conditions. Employees can examine their own personal file records on request.

3.12 Criminal Offences Outside work

The School will treat seriously any employee who is charged with a criminal offence, although being charged with, or convicted of a criminal offence away from work should not automatically lead to dismissal. It would depend on the offence, its seriousness and the effect on the employee's ability to continue in the job, or on the School's credibility with the public, pupils and parents. Because employment law is based on different principles from criminal law, the School can take disciplinary action before the outcome of a criminal case, but is advised to seek personnel advice before embarking upon such action.

3.13 Refusal to take Part in the Procedure

If an employee refuses to take part in the disciplinary procedure, the School will write to the employee explaining that disciplinary action may have to be taken against them in their absence, based on the information available.

It is in the interest of all parties involved in any allegation of unsatisfactory conduct to co-operate as fully as they can, to ensure the process is completed as quickly and fairly as possible.

3.14 Use of Grievance Procedure

It will not be possible for an employee to raise a grievance relating to a disciplinary matter, once the disciplinary procedure has been invoked. Where an employee raises a concern about the conduct of the Designated Officer, however, then the disciplinary procedure may be suspended for this concern to be considered.

3.15 Role of the Personnel Advisor

Personnel help is available at all times and managers are encouraged to seek it, especially in more complex cases. The Designated Officer will decide whether they wish to be accompanied at a hearing by a Personnel Advisor. However, for cases where final written warnings and dismissal are a potential sanction, a Personnel Advisor must be present. Similarly, appeals to the Appeals Panel of the Governing Body will also require a Personnel Advisor to be present.

It is important to note that the Personnel Advisor will attend any disciplinary or appeal hearing in an advisory capacity only. All disciplinary or appeal decisions remain the responsibility of the Designated Officer or Panel. The Personnel Advisor is there to assist the Designated Officer or the Appeals Panel to deal with the hearing in a proper manner and to advise on matters such as employment law, precedent and good personnel practice and procedure.

The School has a legal duty to discuss the circumstances of the case with the LA when considering whether to make a recommendation to dismiss and before such a decision is taken.

A wide range of model letters are available from the Personnel Advisor (Croner) with the use of flowcharts, guidance notes and checklists (see separate document 'Disciplinary Policy Guidance Notes'.

Section 4: The Disciplinary Policy

4.1 Stage 1 – Allegation of Unsatisfactory Conduct

- a) Whenever there is an allegation of unsatisfactory conduct about an employee, that allegation will be put to the member of staff concerned by his/her line manager/team leader, and an explanation requested. If the allegation is likely to lead to formal disciplinary action being taken, ie other than a verbal reprimand or warning (but see Section 3, paragraph 10), the employee should be informed of his/her right to be accompanied and represented by a trade union or other representative of their choice.
- b) The immediate team leader or manager must then decide, as a result of this initial discussion whether the matter should be referred to a Designated Officer, or whether action short of such a referral is appropriate.
- c) If the matter is referred to a Designated Officer, he or she will discuss the matter with the employee (and their representative) and the team leader or manager as soon as possible and shall decide whether stage 2 of the procedure is to be invoked.
- d) If the Designated Officer feels that it is not appropriate to invoke stage 2 of the procedure, then he or she can decide not to pursue the case, or, if appropriate, to give the employee a verbal warning. They should make it clear that repeated unsatisfactory conduct could result in action being taken under the disciplinary procedure.

4.2 Stage 2 – The Investigation

- a) It is important that an investigation is carried out before a decision is to be made regarding any formal action, other than suspension, within the procedure. Consideration will need to be given as to whether it is appropriate to suspend the employee if this has not already happened.
- b) The Designated Officer will inform the employee that an investigation will be carried out. The Designated Officer will appoint someone to carry out this investigation. This will usually be the employee's manager, although the Designated Officer may ask another person to carry out the investigation if this is more appropriate. **Quick but thorough investigation is important.**
- c) As part of the investigation, the investigating officer will interview the employee and any other relevant witnesses regarding the incident/allegation and where possible obtain written statements and collect relevant documentation. The employee should be clear that the interview is part of the investigation, not part of a disciplinary hearing. The person carrying out the investigation should be satisfied that they have all the relevant facts and that they have been as thorough as possible. The findings and conclusions should be presented to the Designated Officer. At this stage it is still possible that the

Designated Officer may feel that the case should not be pursued to stage 3 of the procedure, in which case they may dismiss the allegation and/or issue a verbal warning.

- d) Where the Designated Officer believes there is a case to answer and that the outcome could (not will) lead to an outcome short of dismissal, the employee will be informed of this decision and that a disciplinary hearing is required under stage 3. The Designated Officer will arrange for this to take place as soon as it is reasonably practical and will (subject to the next paragraph) hear the case.

Where the Designated Officer feels that, as a result of the investigation, that the outcome could (not will) lead to dismissal (either with or without notice), then the matter will be dealt with under stage 3 of this Procedure, but the matter will be heard by a Panel of the Governing Body. In these circumstances the management case will be presented by the Headteacher or other Designated Officer.

4.3 **Stage 3 – The Disciplinary Hearing**

- a) The employee should be informed in writing of the intended disciplinary hearing, giving at least 5 working days notice. More notice should be given in complex cases to enable the employee to prepare a response. A formal request by the employee for the deferment of a hearing may be considered and will not be unreasonably refused. Such a deferment will not normally be for longer than five working days. The letter giving notice of the hearing should contain the following details:-

- the date, time and location of the hearing
- the fact that the hearing is within the disciplinary procedure
- the nature and details of the allegation
- identity of the person/body conducting the hearing and any personnel advisor
- employees rights to representation
- any accompanying documents and witnesses to be called by the manager
- whether the allegation(s) (or any of them) fall within the categories of gross misconduct and may therefore result in dismissal
- a reminder of (a) the employees right to produce any witnesses or documents in support of their case and (b) that details must be copied to the manager not less than 3 working days before the hearing takes place (in exceptional circumstances, genuinely new evidence may become available which the Designated Officer may accept at the hearing)
- a copy of the disciplinary procedure and the relevant disciplinary rules.

- b) It is the employee's responsibility to inform their trade union representative and witnesses of the date, time and place when they are required to give evidence.

c) Whilst the conduct of the hearing is the responsibility of the Designated Officer/Chair of the Panel he or she will ensure that the general format is as follows:

- notes will be taken and kept on file
- the Designated Officer/Panel Chairperson will chair the hearing, introducing those present and state the purpose of the hearing
- the employee's line manager/team leader will then put the case against the employee and present the supporting facts and material and may call witnesses in support of the case.
- the employee and/or their representative will be given an opportunity to ask questions of the line manager/team leader and any witnesses appearing to support the management case
- the employee, or employee's representative will state their case, calling any supporting evidence and witnesses,
- the line manager/team leader shall be given an opportunity to ask questions of the employee / the employee's representative and any witnesses appearing on behalf of the employee
- the Designated Officer/Panel Members may ask any questions as they consider appropriate of any of the parties present
- the line manager/team leader will summarise management's case and supporting evidence and facts
- the employee, or employee's representative will summarise their case, including any relevant mitigating circumstances.

d) **Before reaching a decision the Designated Officer/Panel should:**

- adjourn the hearing to ensure that the Designated Officer/Panel is clear about the facts
- if the facts are disputed, decide on the balance of probability which are correct, remembering that any decision should be reasonable taking all circumstances into account
- consider any mitigating circumstances
- consider the employee's service and disciplinary record
- consider penalties applied to similar cases in the past, with a view to ensuring so far as reasonable, consistency of decision making
- consider the appropriate penalty.

e) The following courses of action are available to a Panel/Designated Officer (note that Dismissal decisions/recommendations can only be taken by a Panel of the Governing Body):

- **Dismiss the case**, take no action or issue a **verbal warning** outside the formal disciplinary procedure (see section 3, para 10)

- **First warning, written warning or final warning.** A first warning will be appropriate for minor offences, a written warning will be given for more serious cases of misconduct or for persistent minor offences. Where the offence is serious but does not justify summary dismissal, a final warning may be given. A final warning may also be given when a written warning is on record. Final warnings should make clear that further misconduct could lead to dismissal. It is important to note that warnings do not have to be sequential, if an instance of misconduct is sufficiently serious in itself to justify a higher level warning.
- **Written and Final Written** warnings may be accompanied by other sanctions such as loss of pay
- **Dismissal.** This may occur if the employee has failed to comply with a previous final warning or if gross misconduct is found. In cases of gross misconduct, dismissal will be without notice

- f) The Designated Officer/Panel will reconvene the hearing to:
- inform the employee of the decision and the penalty
 - inform the employee of their right of appeal
 - if appropriate, explain what improvement is expected and how this will be monitored.
- g) If any new facts emerge as a result of the hearing, the Designated Officer/Panel must decide whether the information warrants further enquiries. If so, the hearing should be adjourned and reconvened when the information is available. Other adjournments may be necessary during the hearing, eg to restore a calm atmosphere, or for the Designated Officer/Panel and personnel adviser to consider/clarify certain points.
- h) At the end of the hearing, after the adjournment, the Designated Officer/Panel would normally reconvene the hearing to give the employee the decision on the same day. If this is not possible because of exceptional circumstances then the hearing should be reconvened within 2 working days.
- i) If the Designated Officer/Panel, when considering what decision to make, requires clarification about any evidence, facts or other matters put forward at the hearing, it is essential that **all** parties are recalled to clarify the point.
- j) **Written Confirmation of Disciplinary action**

The Designated Officer/Panel will confirm disciplinary warnings and other disciplinary action in writing within 5 working days of the disciplinary hearing. The letter should include details of:

- The allegation(s) of misconduct considered and the decision as to whether the allegation was established / proved, in relation to each one

- A summary of the findings, evidence and facts which led to the decision in respect of each allegation found to be established / proved
- The disciplinary sanction applied as a result of the findings (eg first warning, written warning, final written warning, dismissal, including summary dismissal, and any other disciplinary sanction)
- Where warnings are given, standards and guidelines for improvement and the period after which the record of disciplinary action can be reviewed. This would not be earlier than 6 months, nor later than 12 months
- The period of time after which the record will be disregarded and expunged from the file, including reasons for retention of the record as appropriate
- Clear advice to the employee about the consequences of any future misconduct
- Any rights of appeal, to whom the appeal should be made, within what timescale

SECTION 5: APPEALS

5.1 General

Appeals can be made against first, written and final warnings and dismissal, and other disciplinary sanctions which may have been applied. An appeal must be made in writing and addressed to the Clerk of the Governing Body, within 5 working days of the decision of the disciplinary hearing. The letter requesting an appeal hearing must state **clearly and in full** the grounds on which the appeal is being requested, in relation to the findings and decisions confirmed in writing to the employee following the disciplinary hearing.

Employees have the right to be accompanied and represented at any stage in the appeal process by a Trades Union Representative or other representative of their choice. The officer or panel hearing the appeal may be accompanied by a personnel adviser who will act in an advisory capacity only. The appeal decision will rest with the Appeal Officer or Panel.

5.2 Grounds of Appeal

An appeal may be presented on the grounds that the employee contends one or more of the following:

- (a) The procedure - eg the procedure was not followed and a procedural failure affected the decision
- (b) The decision - eg the Designated Officer did not come to the right conclusion because the evidence did not support the finding
- (c) The penalty - eg the penalty was too harsh taking into account the type of unsatisfactory conduct, the mitigating circumstances and/or the employee's previous service.

5.3 The Appeal

The appeal will be arranged by the Designated Officer who conducted the disciplinary hearing and will be heard by an Appeals Panel of the Governing Body. The employee will be notified, within 10 working days of receipt of the appeal request, of the date and arrangements for the appeal, which will be heard as soon as is reasonably practicable.

The Appeals Panel shall consist of at least 2 and no more than 4 members of the Governing Body who were not involved in any previous stages of the disciplinary process.

The appeal hearing will not be a re-hearing of the whole disciplinary case. However, if the employee contends that the earlier disciplinary proceedings were fundamentally flawed, the Chair of the Panel will have discretion to arrange for a re-hearing of the case at appeal stage. It will be for the employee and/or their trade union representative to state clearly why they believe the proceedings were fundamentally flawed if this is alleged.

The response to the appeal should be presented by the Designated Officer who made the original decision or who, in the case of an appeal against a decision to dismiss by a Panel of the Governing Body, presented the original recommendation to dismiss to a Panel.

The employee and management side must supply any relevant documents to be used in the process not less than 5 days before the appeal date. New documents will not normally be admissible unless new information has come to light which was not available at the original hearing. In exceptional circumstances, genuinely new evidence may become available which the Appeal Officer may accept at the hearing.

5.4 The Appeal Hearing

Whilst the conduct of the appeal hearing is the responsibility of the Designated Officer/Chair of the Panel he or she will ensure that the general format is as follows:

- The Chair of the Appeal Panel will introduce all parties and state the purpose of the hearing. They will then summarise the order of proceedings and answer any issues with regard to procedure. Notes must be taken of the appeal hearing.
- The employee or their representative may present their case based on the grounds of the appeal, calling any witnesses.
- The Designated Officer, the Panel or the personnel adviser may ask questions of the employee and any witnesses, including any questions on the documents presented.
- The Designated Officer will then present the response, call any witnesses and use relevant documents.
- The employee or their representative and the Appeal Panel or personnel adviser may then ask questions of the Designated Officer and any witnesses.
- The Designated Officer will summarise his/her case.
- The employee and/or their representative will summarise their appeal case.
- The appeal hearing will then be adjourned for the Panel members to consider their decision.
- The parties will be recalled and given the decision. The decision must state whether the employee's appeal has been upheld or not upheld, in full or in part. If the employee's appeal has been upheld in full or in part, the decision must also state whether the disciplinary sanction is upheld or overturned. If the original disciplinary sanction is overturned, the employee must be advised whether a different sanction is substituted (although this cannot be a more severe sanction than originally imposed). The Appeal Panel retains the right to overturn the decision(s) of the Designated Officer/Panel at the original disciplinary hearing.

5.5 The decision of the Appeals Panel is final.

SECTION 6: DISCIPLINARY RULES

Disciplinary rules and procedures help to promote fairness and outline standards of conduct which are considered necessary for the satisfactory performance of duties in the employment contract.

These disciplinary rules should be read in conjunction with the School's disciplinary procedure (section 4). **It is not** intended that these rules provide an exhaustive or exclusive list, as there may be other acts of misconduct that result in disciplinary action.

Reference should be made to the disciplinary procedure to find out the forms of disciplinary action that can be taken.

When satisfactory standards are not met, regard will be given to previous employment records, the nature of the offence and the circumstances of each particular case (reference will not be made to previous disciplinary actions which have been disregarded).

6.1 Examples of Misconduct

Although it is impossible to determine what disciplinary action to take without investigating an allegation first, action against misconduct could include verbal or any type of written warning. The majority of cases involving misconduct will not normally warrant dismissal without previous warning, unless these are persistent acts of misconduct following other warnings.

1. Unauthorised or casual absence from work, including repeated late attendance.
2. Persistent failure to comply with sickness absence reporting procedures.
3. Failure to comply with the provisions of the Data Protection legislation.
4. Failure to comply with the School's Standing Orders or Financial Regulations.
5. Using threatening or abusive language/behaviour towards colleagues or members of the public/pupils or parent(s).
6. Being unfit for work through the influence of alcohol or other drug misuse.
7. Failure to observe safety rules and regulations.
8. Failure to comply with a reasonable instruction, or provide information that is needed by a manager.
9. Wilful inefficiency or neglect of duties and responsibilities.
10. Failure to observe Equal Opportunity policies and acts of discrimination against or harassment of employees, clients or members of the public on any grounds.
11. Improper disclosure of confidential information.
12. Failure to comply with general office rules eg smoking policy.
13. Unauthorised additional employment.
14. Inappropriate use of School time, property, telephones and other equipment.
15. Breach of the school's guidelines for the use of email/internet.
16. Harassment and/or bullying.

6.2 Examples of Gross Misconduct

These are breaches of discipline considered to be a matter of gross misconduct which fundamentally breach the contract of employment. An allegation of gross misconduct may lead to suspension from work and summary dismissal.

1. Persistent and wilful refusal to carry out a reasonable management instruction.
2. Serious or deliberate failure to comply with financial regulations and standing orders.
3. Physical violence or assault of, or towards, a member of the public, pupils, parent(s) or staff.
4. Theft or attempted theft of cash or property belonging to the School or an employee of the School.
5. Cash shortage by reason of negligence in relation to money within your responsibility.
6. Serious or persistent acts of discrimination or harassment against employees, pupils, parent(s) or members of the public on any grounds.
7. Conduct of a fraudulent nature, including falsification of time sheets, claim forms or inappropriate application of the school services or financial/physical resources.
8. Wilful and irresponsible actions or omissions which would endanger people or property.
9. Acts of professional negligence or grossly inadequate standards of work due to neglect or wilful failure to perform.
10. Conduct liable to cause serious loss of confidence in the School or considered contrary to the interests of the School, in addition to those mentioned in the Code of Conduct, this includes criminal offences outside of work, which may affect the continued performance of your contract of employment.
11. Interference with, or misuse of, School computer systems, hardware, software or data, in such a way as to threaten the continued operation, integrity or security of the School's systems or those belonging to the Local Authority or other organisations.
12. Unauthorised removal and use of School property.
13. Sexual offences / misconduct at work.
14. Improper use of an official position for private gain, including seeking and accepting bribes.
15. Unauthorised use and/or disclosure of information relating to the School's business, its members, staff or clients.
16. Serious failure to discharge obligations in accordance with statute or contract of employment.
17. Sleeping on duty unless expressly permitted.
18. Serious incapability through the result of the influence of alcohol or other drug misuse.
19. Breach of the Code of Conduct in respect to Safeguarding.

Peter Kayes
Chair of Governors