

DISCIPLINARY PROCEDURE FOR

Holy Trinity School, Sunningdale.

1 PURPOSE AND SCOPE

The Governing Body's policy is to ensure that fair and effective arrangements exist for dealing with disciplinary matters and that as far as possible common standards are observed for all employees.

Separate procedures apply in respect of capability and grievance.

2 EMPLOYEES COVERED BY THIS PROCEDURE

This procedure is applicable to all employees at a school.

3 PRINCIPLES

No disciplinary action will be taken against an employee until any allegation has been fully investigated. At all stages of the Procedure Section below, the employee will have the right to be accompanied by a trade union representative, employee representative, work colleague or some other person of his/her choice during the disciplinary interview.

Where an employee is required to attend a disciplinary hearing under the Procedure Section, there will be seven calendar days' notice to the employee explaining clearly the grounds for that hearing.

No formal disciplinary action will be taken against a trade union representative until the circumstances have been discussed with a full-time official of the union concerned.

A formal request by an employee or representative for a deferment where further time is required to prepare for a hearing will not be unreasonably refused, but such deferment will not normally exceed seven calendar days.

The procedure may be implemented at any stage, dependent upon the nature of the complaint.

4 SUSPENSION

The Governing Body or Headteacher may suspend an employee on full contractual pay, for the minimum period possible while the responsible manager investigates the alleged offence. Immediate notification shall be given to the Local Authority and the Headteacher or Governing Body, as the case may be. A suspension may only be ended by the Governing Body. On ending such a suspension the Authority and Headteacher shall be informed.

5 GROSS MISCONDUCT

The following list provides some examples of offences which are normally regarded as gross misconduct, depending on the circumstances of the case:-

Theft, misappropriation of property, fraud, deliberate falsification of records.

Fighting, assault on another person or threats of violence, including corporal punishment of pupils.

Deliberate damage to school property.

Serious incapability through alcohol.

Being under the influence of illegal drugs.

An act or omission at work which causes unacceptable loss, damage or injury.

An act or omission at work which puts at risk people in the school's care.

Serious act of wilful disobedience including failure to carry out a reasonable instruction, or offensive behaviour of a serious nature.

Refusal to undertake duties in accordance with contract of employment.

Deliberate disregard to a safety regulation or requirement. Serious breach of confidentiality.

Sleeping on duty except when expressly permitted.

Conduct at work likely to offend decency, including improper relationship with pupils.

Improper use of the employee's position for his/her own or another's private advantage, or an attempt to do so.

Deliberate contravention of the Council's standing orders or financial regulations.

Criminal activities outside work where, in the opinion of the Governing Body, such conduct is incompatible with the individual's employment.

It is stressed that this list is not exhaustive, but it does give an indication of the type of offence which would be regarded as gross misconduct and render an employee liable to summary dismissal.

6 PROCEDURE

Minor faults will be dealt with informally and appropriate counselling arranged, but where the matter is more serious, the following procedure will be used.

A disciplinary hearing will be held in every case before formal disciplinary action is taken, and at least seven calendar days' notice of the hearing will be given unless an earlier date is mutually agreed. The headteacher or chair of governors will consult with the H.R. unit of the Local Authority as soon as practicable and before any formal action is taken.

Stage 1 : Oral Warning

Where conduct does not meet acceptable standards, following a hearing the employee will normally be given an oral warning by the Headteacher, or if authorised to do so by the Governing Body, a Deputy Headteacher. A brief note of the oral warning will be kept on file and copied to the employee. If no further action is taken against the employee within 12 months, the file note will be disregarded for disciplinary purposes, but this period may be reduced by the Headteacher.

Stage 2 : Written Warning

If the offence is more serious, or a further offence occurs while a file note remains on record, a written warning will normally be given to the employee by the Headteacher, or if authorised to do so by the Governing Body, a Deputy Headteacher. It will give details of the complaint, the findings of the disciplinary hearing, the improvement required and the time scale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of the letter and associated documentation will be kept on file but it will normally be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance but in appropriate circumstances this period may be extended to a maximum of 2 years.

Stage 3 : Final Written Warning

If the offence is more serious, or a further offence occurs while a written warning remains on record, a final written warning will normally be given to the employee by the Headteacher. It will give details of the complaint, the findings of the disciplinary hearing, the improvement required and the time scale. It will warn that action under Stage 4 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of the letter and associated documentation will be kept on file but it will normally be disregarded for disciplinary purposes after 2 years, subject to satisfactory conduct and performance. In exceptional circumstances, this period may be extended to such longer period as the Headteacher considers appropriate, and this decision will be made known to the employee at the time the warning is issued.

Stage 4 : Dismissal

If conduct remains unsatisfactory and the employee still fails to reach the prescribed standards, or for gross misconduct, dismissal will normally result. Only the Disciplinary Committee of the Governing Body can take the decision to dismiss. At any hearing at which dismissal is to be considered the Director of Education, or his representative, shall attend to advise the Governors. The Headteacher is also entitled to attend to advise the Governors unless he or she is present for some other purpose.

The employee will be given details of the complaint, the findings of the disciplinary hearing, the reasons for dismissal, and the right of appeal.

Other Penalties

In some cases, the person or body taking disciplinary action may consider it necessary to impose additional penalties as follows:-

a) **Written Warnings**

The withholding of a benefit or privilege

The withholding of an annual increment or experience point

b) **Final Warning**

The withholding of a benefit or privilege

The withholding of an annual increment or experience point

Reduction of status

Disciplinary suspension without pay for up to a maximum of five working days.

7 APPEALS

An employee may register an appeal with the Clerk to the Governors. The appeal must be in writing and must set out the grounds for appeal.

Appeals should be registered within seven calendar days of the notification of the decision. Unless having been party to the original decision, the Headteacher will hear appeals against oral or written warnings. The Disciplinary Appeals Committee of the Governing Body will hear appeals against final warnings or dismissal, or in other circumstances where the Headteacher cannot hear an appeal ideally within 14 days. At any hearing at which an appeal against dismissal is to be considered the Director of Education, or his representative, shall attend to advise the Governors. The Headteacher is also entitled to attend to advise the Governors unless he or she is present for some other purpose.

Anyone who has been involved in the original decision to take disciplinary action shall not be permitted to hear an appeal and shall only take part in appeal proceedings as a respondent to the appeal or a witness.

8 NOTIFICATION TO THE EDUCATION AUTHORITY

Details of any disciplinary warnings given or other disciplinary action taken under these procedures will be supplied to the Local Authority. In the case of dismissals, the Clerk to the Governors will supply, in writing, to the Local Authority details of the complaint, the findings of the disciplinary hearing, the reasons for the dismissal and the outcome of any appeal. The chair of governors is responsible on behalf of the Local Authority for terminating the contract of employment with or without notice as the circumstances require.