



St Hilary's School

Staff Disciplinary Policy

This Procedure has been agreed by the Governing Body of St Hilary's. Our School is dedicated to preparing our children for their adult life beyond formal education and ensuring that it promotes and reinforces British Values to all our children. We actively promote democracy, the rule of the law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. These are fundamental British Values which underpin all that we offer, as does our School Motto 'Not for oneself but for all.'

1. Introduction

- 1.1. The disciplinary procedure does not form part of your contract of employment or otherwise have contractual or legal effect. It is for guidance purposes only and may be amended from time to time. The procedure used by St Hilary's School (the School) is based on the ACAS Code of Practice and complies with statutory requirements.

2. Conduct

- 2.1. Situations may occur of a disciplinary nature where, for example, an employee's conduct, attendance or breach of any terms and conditions of employment (whether during working hours or not), is in question. The School's policy is to promote a constructive working environment and ensure the maintenance of required professional standards of conduct.
- 2.2. The School encourage prompt and fair resolution of the situation. In many cases, the issues can be resolved through informal discussions between the employee and his/her Head of Department/ Line Manager. This should be the first step and it is anticipated that most situations can be resolved at this stage. However, there are circumstances where attempts to find a satisfactory solution through informal procedures may fail and the School has a formal procedure to follow in these situations.
- 2.3. The School will not be obliged to follow a disciplinary procedure during the first three months of an employee's employment and/or whilst an employee is on his/her probationary period. All steps in the disciplinary procedure should be taken without unreasonable delay.
- 2.4. In instances when an employee's conduct (including attendance) has not conformed to acceptable working practices or standards, the procedure below will be followed.
- 2.5. No disciplinary action will be taken against an employee until the matter has been fully investigated. Such investigation will be conducted as soon as practicable in the circumstances.

- 2.6. The School will aim to complete the investigation within 10 working days, although a longer time frame may be appropriate depending on the nature and the circumstances of the investigation, for example the complexity of the case, or the availability of witnesses.
- 2.7. The employee may, in cases where it is considered necessary, be suspended on full salary before any disciplinary hearing so as to enable a full investigation of the allegations to be carried out. Suspension is a precautionary measure and is not a disciplinary sanction.
- 2.8. Following any investigation, if it appears that misconduct might have taken place, a formal disciplinary hearing will be held.
- 2.9. At every stage of the procedure:
- the School will set out, in writing, the employee's alleged conduct or other circumstance which has led the School contemplating taking disciplinary action against the employee and the basis of these concerns and the School will send this to the employee
 - the employee will be invited to a meeting to discuss the matter
 - both the employee and the School will be given the opportunity to state their case
 - the employee will have the right to be accompanied to the meeting by a work colleague or employee representative or recognised Trade Union representative of their choice
 - the employee will be informed of the decision after the meeting and of their right to appeal against the decision if they are not satisfied with it
 - if the employee wishes to appeal, the employee must inform the School in accordance with the procedure outlined in the Appeals section below.
- 2.10. The procedure has four stages. The School may, however, initiate the procedure at any stage, or jump stages, depending on the circumstances of the case and the seriousness of the misconduct.
- 2.11. At each stage of the procedure, an employee has the right to appeal against the disciplinary penalty imposed. Wherever reasonably practicable the appeal will be heard by a more senior manager than the manager who imposed the disciplinary penalty.
- 2.12. Should any new evidence emerge during the appeal, the employee will be given an opportunity to comment on this before the final decision is taken. The penalties which may be imposed, at any level, after a formal disciplinary hearing are as follows:

Stage 1 – Formal Verbal Warning

Stage 2 – First Written Warning

Stage 3 – Final Written Warning

Stage 4 – Dismissal

3. Stage 1 - Formal Verbal Warning

- 3.1. In less serious cases, the penalty on the first occasion will normally be a Formal Verbal Warning. Employees will be advised of the reason for the warning, of any improvement required and timescale, and that it constitutes the first step of the disciplinary procedure and their right of appeal. A note of the verbal warning will be entered on the employee's personal file and a copy will also be sent to the employee.
- 3.2. The employee will be asked to sign a copy of the warning as acknowledgement of receiving it. A record of the verbal warning will normally remain on the employee's personnel file for 3 months after which time it will be removed and disregarded for disciplinary purposes.

4. Stage 2 - First Written Warning

- 4.1. A First Written Warning may be issued if the employee has failed to improve or change behaviour during the currency of a written warning or a first breach of conduct is considered more serious. The employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A copy of this written warning will be kept in the employee's personal file and sent to the employee. The employee will be asked to sign a copy of the warning as acknowledgement of receiving it. A record of the first written warning will normally remain on the employee's personnel file for 6 months, after which time it will be removed and disregarded for disciplinary purposes.

5. Stage 3 - Final Written Warning

- 5.1. A Final Written Warning may be issued if the employee has failed to improve or change behaviour during the currency of a prior warning, or not satisfactorily complied with the School's requirements following a First Written Warning or a first breach of conduct is considered sufficiently serious. The employee will be given details of the complaint, warned that failure to improve or modify behaviour may lead to dismissal, the timescale allowed for this and the right of appeal. The employee will be asked to sign a copy of the warning as acknowledgement of receiving it. A record of the final written warning will normally remain on the employee's personnel file for 12 months, after which time it will be removed and disregarded for disciplinary purposes.
- 5.2. In exceptional circumstances depending on the seriousness and nature of the misconduct, the period in respect of any written warning may exceed the 6 or 12 month period specified above. If any warnings remain on file for a different time period, this will be confirmed in writing at the time of the warning.

6. Stage 4 - Dismissal

- 6.1. If there is any further misconduct by the employee following a Final Written Warning or if a first or subsequent breach of conduct is considered sufficiently serious, dismissal will normally result. The employee will be provided, as soon as reasonably practicable, with

written confirmation of the dismissal and the date on which the employment contract terminated or will terminate, and information on the right of appeal including how to make the appeal and to whom.

7. Examples of Misconduct

7.1. The type of misconduct that may lead to disciplinary action short of summary dismissal being taken includes:

- Poor timekeeping
- Failure to comply with School rules on notification and evidence of sickness absence
- Disruptive or inappropriate behaviour
- Failure to comply with the School's policies or codes of practice
- Failure to comply with a reasonable management request

7.2. This list is given by way of example and is not exhaustive. Each case will be considered entirely on its merits having regard to the gravity of the offence and any mitigating circumstances.

7.3. The School reserves the right to dismiss the employee without notice or pay in lieu of notice in cases of gross misconduct. The type of conduct which may be gross misconduct includes, but is not limited to:

- bringing the School into serious disrepute
- a breach of the Schools' Safeguarding protocol and policy
- competing with the business of the School on your own account or in association with others
- disloyalty or breach of confidentiality
- dishonesty in dealings with clients or other members of the School
- sexual or racial harassment or serious bullying of anyone in any way connected with the School, including: unwelcome physical contact, racist or suggestive comments or gestures, unwelcome or derogatory remarks to do with sex, marriage, gender reassignment, sexual orientation, race, colour, nationality, ethnic or national origin, religion or belief or disability or age
- conduct which interferes with dignity or privacy
- physical violence or aggressive/threatening behaviour towards pupils, or other members of the School
- damage to or theft of property of the pupils, the School or other members of staff
- irresponsible or destructive behaviour which seriously damages working relationships

- contravention or disregard of statutory requirements
- drunkenness or misuse of drugs and substances that would affect ability to carry out work duties
- persistent refusal to follow reasonable instructions and serious insubordination, except where employee safety may reasonably be in jeopardy
- theft, fraud and deliberate falsification of records
- failure to disclose acceptance of a gift of significant value
- unauthorised use of the School's assets and equipment
- serious breach of rules, policies or procedures, especially those designed to ensure safe operation
- unauthorised or inappropriate use of e-mail, Internet and/or computer systems
- falsification of records including reports, accounts, expenses claims or self-certification forms
- bringing unauthorised person(s) onto School premises.

7.4. It is not possible to list every event that may be gross misconduct. The above selection is therefore not exhaustive, and each case will be considered entirely on the seriousness of the offence and any mitigating circumstances.

8. Appeals

- 8.1. The employee has the right to appeal to the Chair of Governors, in writing, against any conduct disciplinary action taken against them, at any stage of the procedure. They should submit their appeal within 5 working days of the conduct decision specifying the main grounds of appeal. For the avoidance of doubt, any sanction will remain in place during the appeal process.
- 8.2. The employee will then be notified in writing of the date and place of the appeal hearing. The Chair of Governors may appoint a substitute. The employee has the right to be accompanied by a fellow worker or trade union representative at this hearing.
- 8.3. At the hearing the employee will be given an opportunity to state their case (and call any witnesses who may be relevant). The decision will be notified to them in writing within 3 working days (if reasonably practicable) of the Appeal Hearing.
- 8.4. Once an appeal is heard and a decision taken, this is final and there is no further right of review. If an appeal against dismissal is successful and the decision overturned, the employee will be reinstated and full payment will be made for the period between dismissal and reinstatement.

9. Right to Accompaniment

- 9.1. Employees may choose to be accompanied at a disciplinary hearing by a fellow employee (who is not connected with the disciplinary matter) and/or a trade union representative.
- 9.2. For the purposes of this policy, a trade union representative means either a full-time official employed by a trade union or a lay trade union official or workplace representative, i.e. employee representative, who can provide the relevant School with a certificate from the trade union evidencing his/her competence to represent employees. Only in exceptional circumstances may an employee be accompanied by any individual who does not work for either School (such circumstances including, for example, the need to accommodate an employee's disability or employees whose first language is not English).
- 9.3. Where an employee wishes to be accompanied at a disciplinary hearing, he/she must make the request to the Business Manager, including details of the person who it is proposed will accompany him/her. The letter inviting the employee to a disciplinary hearing will inform the employee of the timescale for any such requests.
- 9.4. The School reserve the right to refuse an employee's chosen representative where it determines the employee's choice is not reasonable. For example, where the employee's representative has a conflict of interest, or where his/her presence might prejudice the disciplinary hearing.
- 9.5. It is the employee's responsibility to secure the attendance of the fellow worker or trade union representative, who has the right to decline to attend. If an individual decides to be an employee's representative, the School confirms he/she will not suffer any detriment for acting in such a capacity.
- 9.6. Where the employee's representative is a worker of the School, he/she will be permitted a reasonable amount of paid time off during working hours to fulfil his/her responsibilities as the employee's representative.
- 9.7. If the employee's representative is unable to attend at the time proposed by the School, the employee may propose an alternative time for the hearing/meeting provided that the alternative time is reasonable, and it falls within a period of 5 working days beginning with the first working day after the day on which the School informed the employee of the time proposed for the meeting.
- 9.8. The companion should be allowed to address the hearing in order to:
 - put the employee's case
 - sum up the employee's case
 - respond on the worker's behalf to any view expressed at the hearing.
- 9.9. The companion can also confer with the worker during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses

questions. The companion has no right to answer questions on the worker's behalf, or to address the hearing if the worker does not wish it, or to prevent the employer from explaining their case.

- 9.10. Employee representatives are reminded of the confidential nature of the issues which may be discussed as a result of a disciplinary hearing. Matters should be kept confidential at all times. Failure to treat them as such may result in disciplinary action being taken against the employee representative (subject always to the provisions of the Public Interest Disclosure Act 1996).

10. Suspension of Employment

- 10.1. During disciplinary investigations involving serious allegations the School reserve the right to suspend an employee on full pay.

11. Resignations

- 11.1. If an employee hands in their resignation when a disciplinary hearing has been arranged or during an investigation, the investigation will continue until an outcome has been reached, with or without the person's cooperation.
- 11.2. They will be given full opportunity to respond to the hearing. A referral to the Disclosure and Barring Service and Secretary of State will also be made where the thresholds for referral are met.

12. Additional Support

- 12.1. The School has a duty of care to its employees and will do all it can to minimise the stress of the disciplinary process. The employee may need additional support and the school will consider what would be appropriate.
- 12.2. If there is a criminal investigation and the police are involved, they may provide this additional support.

13. Confidentiality

- 13.1. The School will make every effort to protect the privacy of all parties during and after an investigation into misconduct. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties. All employees must treat information communicated to them in connection with an investigation or disciplinary matter as confidential.
- 13.2. A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation or a disciplinary hearing before they are charged or summonsed.

13.3. Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

13.4. During informal action, formal investigation, and any subsequent stages of the procedure, the School will collect, process and store personal data in accordance with our Data Protection Policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with our Privacy Notice for Staff, and in line with the requirements of Data Protection Legislation.

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Person responsible: Mrs Jane Whittingham (Headmistress) and Mrs Hannah Wynn (Business Manager)