

DOVE HOUSE SCHOOL ACADEMY TRUST

Staff Discipline Policy

Policy issued July 2015
Approved by Colin House, Headteacher, Annie Benton, Chair of Governors
SignedColin House & Annie Benton.....
Approved by Governing Body on 2 nd July 2015 Next Review to be July 2016

Policy Statement

The following Staff Discipline Policy should be read and used to assist in identifying and reviewing specific arrangements and responsibilities for Staff Discipline at Dove House School and adapted as necessary.

Introduction

Model disciplinary rules

The governing body of this school is committed to ensuring that all staff at the school should be treated in a consistent, fair and sensitive manner. This approach requires that the governors should specify those aspects of misconduct which may warrant consideration under the terms of the school's disciplinary procedure. The following disciplinary rules have therefore been drawn up in consultation with the staff. It is expected that, wherever possible, problems of indiscipline will initially be dealt with through informal counselling. Where such counselling has not led to the desired improvement, or the matter is sufficiently serious to warrant immediate formal action, the disciplinary procedure will be operated.

The lists below are not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorisation and consideration as either 'misconduct' or 'gross misconduct'. Gross misconduct occurs when the actions complained of are sufficiently serious to destroy the relationship between the employee and employer and in particular the trust and confidence that the employer holds in the employee. In cases of alleged gross misconduct it is likely that it will not be feasible to tolerate the continued presence of the employee at the place of work while the matter is being investigated. For the purposes of the disciplinary procedure, the terms 'misconduct' and 'gross misconduct' are also taken to include 'negligence' and 'gross negligence' where the occurrence amounts to a breach of duty.

Misconduct which may warrant action under the appropriate stage of the disciplinary procedure includes:

- poor timekeeping or persistent lateness
- unauthorised absence from work
- unauthorised or inappropriate use of school facilities (including the internet, e-mail, IT hardware or software)
- wilful failure to comply with a reasonable instruction from a member of senior management
- persistent minor breaches of health and safety requirements
- foul or abusive language
- unauthorised disclosure of examination material or unauthorised assistance to pupils prior to or during examinations
- discrimination, harassment, victimisation or bullying on any grounds which are not sufficiently serious to fall into the category of 'gross misconduct'

Gross misconduct which, due to its nature, may lead to a suspension from post prior to consideration of dismissal, includes:

- unauthorised removal of the school's property
- serious discrimination, harassment, victimisation or bullying on any grounds
- offences of dishonesty
- serious breaches of health and safety requirements
- sexual offences
- serious criminal offences which undermine the employee's ability to perform his/her job
- sexual misconduct at work
- persistent wilful failure to comply with a reasonable instruction from a member of senior management
- fighting
- physical assault
- actions which bring the school into serious disrepute
- drunkenness or serious misconduct at work brought on by misuse of alcohol, drugs or any other substance misuse
- falsification of timesheets, subsistence and expenses claims etc
- theft
- malicious damage to the school's property
- serious breach of confidence
- causing loss, damage or injury through serious negligence
- accessing and/or downloading (via school resources) and/or possession at school of inappropriate material (i.e. pornographic, offensive or obscene material)
- deliberately accessing and/or downloading via personal, school or other resources, and/or possession of obscene material containing images of children
- inappropriate relationships with pupils, young people or vulnerable adults
- other actions which are incompatible with the expectations of staff working with children and young people

Refer to Appendix 1 for Discipline and Grievance Procedure.

DOVE HOUSE SCHOOL ACADEMY TRUST

Staff Discipline Policy

Appendix 1

Disciplinary and Grievance Procedure

1. Purpose and Scope

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The Code of Conduct and this procedure apply to all academy employees. The aim is to ensure consistent and fair treatment for all in the school.

2. Principles

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until the case has been fully investigated.

For formal action the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or work colleague.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

3. Procedure

First stage of formal procedure

This will normally be either:

An improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for six months, but will then be considered spent – subject to achieving and sustaining satisfactory performance.

Or

A first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is not sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after six months.

Final written warning

If the offence is sufficiently serious or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded after six months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the appropriate senior manager and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is not satisfactory improvement and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after six months subject to achievement and sustenance of satisfactory conduct or performance.

Gross misconduct

The following list (as detailed with the Staff Disciplinary Policy) are examples of offences which are normally regarded as gross misconduct:

- unauthorised removal of the school's property
- serious discrimination, harassment, victimisation or bullying on any grounds
- offences of dishonesty
- serious breaches of health and safety requirements
- sexual offences
- serious criminal offences which undermine the employee's ability to perform his/her job
- sexual misconduct at work
- persistent wilful failure to comply with a reasonable instruction from a member of senior management
- fighting
- physical assault
- actions which bring the school into serious disrepute
- drunkenness or serious misconduct at work brought on by misuse of alcohol, drugs or any other substance misuse
- falsification of timesheets, subsistence and expenses claims etc
- theft
- malicious damage to the school's property
- serious breach of confidence
- causing loss, damage or injury through serious negligence
- accessing and/or downloading (via school resources) and/or possession at school of inappropriate material (i.e. pornographic, offensive or obscene material)
- deliberately accessing and/or downloading via personal, school or other resources, and/or possession of obscene material containing images of children
- inappropriate relationships with pupils, young people or vulnerable adults
- other actions which are incompatible with the expectations of staff working with children and young people

If you are accused of an act of gross misconduct you may be suspended from work on full pay, normally for no more than five days while the alleged offence is investigated. If on completion of the investigation and the full disciplinary procedure the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.