



Disciplinary Policy

1. Purpose

This Policy is designed to:

- a) Assist manager with the responsibility to ensure consistent and fair treatment of all employees.
- b) Help and encourage all employees to achieve and maintain satisfactory standards of conduct.

2. Scope

In deciding what principles to follow, Governors will need to decide which, if any, powers they wish to delegate to the manager. This responsibility should not be delegated to other members of staff.

The procedure is recommended for all employees in Schools/Colleges for whom Governors have delegated personnel responsibility. This does not include contractor's employees.

Principles

- a) No disciplinary action should be taken until the case has been fully investigated. The manager will need to consider the appropriateness of their role in the investigatory process because of any subsequent disciplinary action that may follow.
- b) At every stage in the procedure the employee must be advised of the nature of the allegations against him/her and must be given the opportunity to state his/her case before any decision is made.
- c) At all stages, the employee has the right to be accompanied by his/her Trade Union representative or a work colleague, at any disciplinary hearing or investigation.
- d) No employee should be dismissed for a first breach of discipline except in the case of gross misconduct.
- e) An employee has the right to appeal against any disciplinary penalty imposed beyond oral warning stage.
- f) Although normal disciplinary standards should apply to their conduct as employees, disciplinary action against a Trade Union official can be construed as an attack on the Union. Such problems can be avoided by early discussion with another senior or full time official of the appropriate Trade Union.
- g) Disciplinary and appeal hearings should take place within the normal working day of the employee.
- h) If the disciplinary hearing is adjourned, the newly arranged hearing should be arranged within 5 working days unless otherwise agreed by both parties.



(NB In cases where there are child protection issues, the child protection procedure must be followed. In these circumstances, Head Teachers/Principals initially seek advice about child protection procedures from the Access and Welfare Service).

3. The Procedure

It is often appropriate for minor misconduct to be dealt with on an informal basis. In serious cases it may be necessary to consider suspending the employee while an investigation is conducted if that is necessary to make the investigation effective. In all circumstances the suspension will be on full pay. It must be made clear that suspension is a neutral act. Please also see additional advice about suspension of staff which is shown as an appendix to the Notes of Guidance.

Stage 1 – Oral Warning

If conduct does not meet acceptable standards the employee will be given written notification of a disciplinary hearing at least 10 working days prior to the meeting.

Following the hearing, a warning may be issued by the manager and the employee notified of their right of objection.

Stage 2 – Written Warning

If the offence is a serious one or if a further offence occurs following an oral warning a hearing will be convened and the employee notified in writing of the hearing no later than 10 working days prior to the hearing.

At this stage the manager will consider the case.

If following the hearing a written warning is issued by the manager, a copy of the warning will be kept on the employee's personal file and should be removed after a pre-determined period by the manager subject to satisfactory conduct. The maximum period for the duration of a warning will normally be one year. The right of appeal must be clearly notified to the employee.

Stage 3 – Final Written Warning

If the conduct continues to be unsatisfactory or if the misconduct is sufficiently serious to warrant only one warning, the employee shall be notified of the disciplinary hearing no later than 10 working days prior to the hearing. At this level, the hearing will be by a panel of Governors.

It may be necessary, following the hearing, to issue a final written warning. However, the committee could decide to issue a lower level warning if that is considered appropriate. If a final written warning is issued, the warning must clearly state the details of the complaint that dismissal may result if there is no satisfactory improvement and also advise of the right of appeal. The appeal process will require the employee to identify in writing the grounds for appeal.

Stage 4 – Dismissal

If the conduct of an employee is so serious that dismissal is considered, the Dismissal Committee of the Governing Body should be called to allow the employee to make



representation. If the decision of the Dismissal Committee is to recommend dismissal, they must consider whether the dismissal is:

With notice, or payment in lieu of notice, in accordance with the employee's contract of employment.

Or

In cases of gross misconduct, without notice (summary dismissal).

At this stage the employee will be issued with the appropriate notice of the ending of employment. The Appeal Hearing will be held during the period of notice or in the case of dismissal without notice after the ending of the employment.

4. Appeals

An employee who wishes to appeal against dismissal to an Appeals Dismissal Committee of the Governing Body following a disciplinary decision should inform the Chair of Governors in writing with the grounds for appeal clearly identified.

5. General Teaching Council

If a teacher is dismissed under the terms of the disciplinary procedure, the General Teaching Council must be informed by the Director of the Children and Young People's Service of the dismissal.

To be reviewed: July 2021



DISCIPLINARY PROCEDURE

Informal Meetings
Manager

Formal Procedure Stage 1

Formal Meeting
Oral warning may be issued
Manager
(Director informed)

Stage 2

Written Warning Meeting
Manager
(Director informed)
Appeal to Directors' Appeals Committee

Stage 3

Final Written Warning Meeting
(Director)
Appeal to Directors' Appeals Committee

Stage 4

Dismissal
Dismissal Committee

Notice
Notice of Dismissal Issued

Appeals
Appeals Dismissal Committee