

# Queen Elizabeth's Grammar, Alford

## A Selective Academy



### Staff Disciplinary Procedure

#### Introduction

Where an employee's conduct is in question the Headteacher, or other Line Manager, should make arrangements for an investigation to take place and to collect evidence. In circumstances where the Headteacher's conduct is in question the Chair of Governors must make arrangements for this to be done.

The aims of the procedure are to:

- Provide the school with a fair and consistent approach to dealing with misconduct issues
- Help and encourage employees achieve a high standard of conduct

This procedure has been agreed following consultation with the trade unions.

#### Informal Procedure

Where an issue of conduct is of a relatively minor nature then it should, wherever possible, be resolved informally.

The Headteacher/Line Manager may still have to carry out a brief investigation and would then have a discussion with the employee to state the concerns and resolve the matter. If at this time the Headteacher/Manager believes this issue is of a more serious nature then this will be dealt with under the formal procedure.

The employee should be given the opportunity to explain his/her actions including any possible mitigating circumstances. At the end of the discussion the employee should understand what standard of conduct is expected of them and that the matter will go no further.

A record should be kept of the discussion and the employee provided with a copy. If in the future there are further issues then this may be used as evidence and it may also mean that it will be considered under the formal procedure. In accordance with formal procedures this should be disregarded for disciplinary purposes after a reasonable period of time.

#### Formal Procedure

Where an issue is of a more serious nature then it should be dealt with within the formal procedure. In certain cases, suspension from duty may be considered and the appropriate procedures should be followed.

Where the matter concerns a safeguarding issue i.e. there is concern regarding the conduct of an employee in respect of a child, the Headteacher must ensure that the Safeguarding Team are aware.

#### Investigation

Where there is an allegation of misconduct, arrangements should be made for the issue(s) to be investigated thoroughly.

Last reviewed May 2021

Next date due to be reviewed by the Governors – June 2022



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In each case either the Headteacher or Chair of Governors will appoint an Investigating Officer. This may be the Headteacher, another senior member of staff or an independent person who will take overall responsibility for the investigation even though other parties may have been initially involved. In addition to any earlier interview with the individual, the final part of the investigation will be an interview with the employee.

Following completion of this investigation, the expectation will be that the case be referred to a formal disciplinary hearing unless the Investigating Officer decides, on the evidence available, that there is no substance to the allegation(s). This recommendation will be communicated to the Headteacher/Chair of Governors, who will inform the employee concerned.

### **Disciplinary Hearing**

In cases where it has been possible for the Headteacher to remain untainted the hearing will be held before the Headteacher. Where this has not been possible then the hearing will be before committee of Governors with the case presented by the Headteacher regardless of whether s/he was the Investigating Officer. The Investigating Officer may act as a witness in the proceedings.

Where it has been decided to hold a disciplinary hearing, the employee will be given at least 10 working days' notice and be provided with a copy of the paperwork to be used as evidence at the hearing and the opportunity to be accompanied by a work colleague or their trade union representative but cannot be a qualified legal adviser or relative. Witnesses may also be asked to attend to provide evidence.

An electronic recording of any meetings or hearings may not be made.

The Headteacher or Governors' Disciplinary Committee Chair will conduct the hearing and should be advised by an HR Adviser.

The complete history and background of a disciplinary case may be requested at an appeal hearing or at an employment tribunal. It is therefore essential that comprehensive records are made of any level of disciplinary action. The note taker will be either the academy's Clerk to Governors or an appropriate member of the administration team. These notes will not be verbatim.

The purpose of the hearing will be for the Headteacher/Governors' Disciplinary Committee to consider the evidence presented in respect of the employee's conduct and for the employee to have an opportunity of putting his or her side of the case.

The outcomes of a disciplinary hearing may be:

- (i) A decision to take no action.
- (ii) Informal written advice.
- (iii) A first formal written warning.
- (iv) A final formal written warning.
- (v) Dismissal.

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The outcome will be dependent upon the seriousness of the matter and taking into account any mitigating circumstances.

The decision will be communicated to the employee orally immediately after it has been reached and will then be confirmed in writing. The letter confirming the decision will inform the employee that he/she can appeal against the decision to the Disciplinary Appeals Committee of the Governors. The employee will be given ten working days from the announcement of the decision date of the letter to lodge an appeal with the Clerk to the Governors.

Any warnings given will be issued with an appropriate timescale for them to remain 'live' on the employee's file and may be taken into account as regards any future instances of misconduct within the set timescale.

**In reaching this decision, consideration will be given to the nature and severity of the incident(s) which have resulted in the warning. Warnings are never expunged from an employee's file. They must, however, be disregarded for future disciplinary purposes after the time period has expired. In the case of gross misconduct the employee may be summarily dismissed.**

In other cases of dismissal the effective date will be proposed in accordance with statute and the appropriate terms and conditions of service.

Following any initial dismissal determination, notification of the termination of the contract will be issued by the school. If a subsequent appeal reverses the dismissal decision the termination notice will be rescinded.

### **Appeal Process**

The employee will be given ten working days from the announcement of the decision to lodge an appeal with the Clerk to the Governors. The letter from the employee must set out the basis for any appeal (see i to iv below). The employee will be given at least one working weeks' notice of the date of an appeal hearing.

The appeal process will consider disciplinary decisions on one or more of the following grounds:

- (i) The procedure: the procedure was not followed.
- (ii) The decision: the conclusions of the Headteacher/Disciplinary Committee were unreasonable.
- (iii) The penalty: the penalty is considered to be too harsh.
- (iv) There is relevant new evidence.

The appeals committee can disregard any new evidence if they decide that it is unreasonable for it to be raised for the first time at the appeal.

The hearing will not constitute a full rehearing of the case and will address the specific grounds of appeal set out in the notice given to the Clerk to Governors.

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There may, however, be circumstances where it is appropriate for a re-hearing to take place and in such cases, the procedure to be followed will be that for the original disciplinary hearing. This will be a decision for the Chair of the Appeal Committee.

The Disciplinary Appeal Committee must be a properly constituted committee of governors. Members of the committee will be untainted and will not normally include staff governors. The committee will normally be made up of three Governors, one of whom will be nominated as Chair.

The management representative at the hearing will be the person who was responsible for the decision taken at the disciplinary hearing.

The committee will be advised by a HR Adviser on matters of procedure. The HR Adviser will also be able to participate in the meeting, but the decision regarding the action to be taken will be taken by the committee members only although the HR Adviser will be present in an advisory capacity throughout their deliberations.

The committee can confirm the original disciplinary decision; impose a lesser penalty or overturn the original disciplinary decision completely. Where a dismissal decision is overturned then the original notice from the Authority or academy will be rescinded.

