

# **ST. BARTHOLOMEW'S SCHOOL, NEWBURY**

## **DISCIPLINARY PROCEDURE FOR STAFF**

**Approved by Learning Resources Committee, Spring 2010**

**Approved by Full Governing Body, Spring 2010**

**To be reviewed Spring 2013**

### **1. PURPOSE**

- a) These rules and procedures are intended to ensure that all members of staff are treated fairly and are aware of the procedures that will be followed in the event that they fail to achieve and maintain the standards of conduct and performance expected by the school.
- b) Nothing in this procedure shall inhibit the headteacher from discussing concerns or advising members of staff as to their conduct or performance informally and without recourse to disciplinary procedures.

### **2. PRINCIPLES**

- a) No disciplinary penalty will be imposed against a member of staff until the matter has been fully investigated and until the member of staff has been advised of the nature of the complaint against him/her and given the opportunity to state his or her case in person at a disciplinary meeting or hearing before a decision is reached (with the assistance of a trade union representative or workplace colleague if he/she so wishes).
- b) At least five working days' notice of the nature of the complaint and of the disciplinary meeting or hearing shall be given in writing to the member of staff. This notice shall inform the member of staff of his/her right to attend the meeting with the assistance of a trade union representative or workplace colleague if he/she so wishes.
- c) A member of staff will not normally be dismissed for a first breach of discipline except in cases of gross misconduct (when the penalty may be dismissal without notice in accordance with paragraph 5f) below).
- d) A member of staff shall have the right to appeal against any disciplinary warning to the appeal committee (established in accordance with the school's Instrument of Government).

Any such appeal must be requested in writing within ten working days of the notification of the disciplinary penalty and will be heard in accordance with the school's procedures for Appeal Hearings.

- e) Where a complaint is raised against an accredited trade union representative, the disciplinary meeting or hearing shall not be convened until the complaint has been discussed as soon as possible, and so far as is practicable, with a full-time official of that trade union.
- f) Warnings given to members of staff and placed in their files shall be disregarded after the following periods have elapsed without further misconduct or unsatisfactory performance taking place:

Oral warning

6 months

Written warning	1 year
Final written warning	2 years

### **3. PROCEDURE**

#### *Stage 1: Oral Warning*

In cases of complaints of unsatisfactory performance or alleged minor misconduct the headteacher may consider the matter in accordance with paragraphs 2a) and 2b) above and may then give the member of staff an oral warning.

This warning shall inform the member of staff of the complaint and of any improvement or action required, and advise him/her that this constitutes the first stage of the disciplinary procedure. It shall also inform him/her of the possible consequences of any further misconduct or unsatisfactory performance and of his/her right of appeal. A note of the oral warning shall be placed in the member of staff's file in accordance with paragraph 2f) above.

#### *Stage 2: Written Warning*

If further complaints about the member of staff's performance or conduct arise, or in cases of more serious alleged misconduct, the headteacher may refer the matter to the staff committee of the governing body constituted in accordance with the school's Instrument of Government.

This committee shall convene a disciplinary hearing to consider the complaint in accordance with paragraph 5 below. The committee may then give the member of staff a written warning.

This warning shall inform the member of staff of the complaint and of any improvement or action required and advise him/her that this constitutes the second stage of the disciplinary procedure. It shall also inform him/her of the possible consequences of any further misconduct or unsatisfactory performance and of his/her right of appeal. A copy of the written warning shall be placed in the member of staff's file in accordance with paragraph 2f) above.

#### *Stage 3: Final Written Warning*

If further complaints about the member of staff's performance or conduct arise, or in cases of very serious alleged misconduct, the headteacher may refer the matter to the staff committee of the governing body constituted in accordance with the school's Instrument of Government.

This committee shall convene a disciplinary hearing to consider the complaint in accordance with section 5 below. The committee may then give the member of staff a final written warning.

This warning shall inform the member of staff of the complaint and of any improvement or action required and advise him/her that this constitutes the third stage of the disciplinary procedure. It shall also inform him/her that any further misconduct or unsatisfactory performance may lead to dismissal and of his/her right of appeal. A copy of the final warning shall be placed in the member of staff's file in accordance with paragraph 2f) above.

#### *Stage 4: Dismissal*

If further complaints about the member of staff's performance or conduct arise, the head teacher may refer the matter to the staff committee of the governing body. This committee shall convene a hearing to consider the complaint in accordance with paragraph 5 below and

shall inform the member of staff that his/her dismissal is to be considered. The committee may then give the member of staff notice of dismissal in writing. This notice shall inform the member of staff of the reasons for the dismissal and shall advise him/her of the right to appeal.

#### **4. GROSS MISCONDUCT**

- a) Gross misconduct is misconduct so serious that it would constitute a fundamental breach of the member of staff's contract of employment and justify dismissal without previous warnings and without notice.
- b) Where gross misconduct has been alleged, the headteacher or the staff committee shall have power to suspend the member of staff from his/her duties pending investigation. Suspension itself is not a disciplinary penalty and the member of staff shall not suffer any loss of salary while he/she is suspended. The period of suspension shall be as short as is reasonably practicable for the consideration of the issue.
- c) The headteacher shall at once report the suspension to the governing body. He/she shall inform the member of staff of the complaint and that the matter will be considered at a hearing of the staff committee of the governing body convened in accordance with paragraph 5 below.

#### **5. GOVERNORS' STAFF COMMITTEE HEARING**

- a) For all disciplinary hearings, the staff committee shall comprise at least three members of the governing body. The head teacher and any member of the governing body who has been previously involved shall not be a member of this committee.
- b) The member of staff shall be given the following notice in writing of the hearing and of the complaint(s) against him/her:

in the case of a disciplinary hearing: at least five working days.

in the case of a hearing at which his/her dismissal is to be considered: at least ten working days.

The notice shall inform the member of staff of the stage in the disciplinary procedure under which the complaint is to be considered.

- c) The member of staff shall be entitled to a personal hearing, with the assistance of a trade union representative or workplace colleague if he/she so wishes, to call witnesses in his/her defence and to question any witnesses bringing evidence against him/her.
- d) In the case of a disciplinary hearing, the staff committee may:
  - i) dismiss the complaint and impose no disciplinary penalty or
  - ii) give the member of staff a warning (which may be an oral, written or final written warning in accordance with the appropriate stage in the disciplinary procedure).
- e) In the case of a hearing under Stage 4, the staff committee may:

- i) dismiss the complaint and impose no disciplinary penalty or
  - ii) give the member of staff a warning (which may be an oral, written or final written warning) or
  - (iii) give the member of staff notice of dismissal.
- f) In the case of a hearing for alleged gross misconduct, the staff committee may:
- i) dismiss the complaint and reinstate the member of staff with no disciplinary penalty or
  - ii) reinstate the member of staff with a warning (which may be an oral, written or final written warning)
  - iii) dismiss the member of staff with or without notice.

## 6. APPEALS

Any such appeal must be requested in writing within ten working days of the receipt of the notification of dismissal.

The appeal will be heard in accordance with the Procedures for Governors' Appeal Committee Hearings.

.....  
Signed by Chairman

.....  
Date

## **THIS LIST IS NOT PART OF THE DISCIPLINARY PROCEDURES**

**GROSS MISCONDUCT** shall include but not be limited to the following list which 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 Governing Body'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.