



## Policy

The School aims to ensure that there will be a fair and systematic approach to the enforcement of standards of conduct and performance affecting all members of staff. Discipline and capability are effectively maintained by example, training, informal advice or reprimand and through observance of accepted standards of conduct and conditions of employment. The following procedures exist for dealing with unsatisfactory performance or conduct on the part of staff members.

## Principles

1. No disciplinary action will be taken against a member of staff until the allegation against that individual has been thoroughly investigated and the member of staff has had the opportunity of stating his or her case. The appropriate Head of Department or any other senior member of staff nominated by the Headmaster will normally undertake such investigation. Depending on the circumstances, it may be appropriate to suspend an employee on full pay. Suspension on full pay does not amount to a disciplinary sanction.
2. In advance of any disciplinary meeting the member of staff will be given written notice of the complaint against him or her. This notice will advise the member of staff of the stage of the disciplinary procedures under which the hearing will take place and the School reserves the right to enter procedures at any stage depending on the nature of the conduct. In addition, before the meeting the member of staff will be provided with copies of all documents to be relied upon in the meeting sufficiently ahead of the meeting to allow them a reasonable time to prepare their case: they will also be advised of the procedure to be followed.
3. A member of staff will be entitled to be accompanied and represented at any disciplinary or appeal meeting by a work colleague or a representative of his or her trade union or professional association. He or she will also have the right to call witnesses. The names of any witnesses to be called must be given in advance of any disciplinary meeting, and the member of staff will be advised of the procedures that will be followed during the hearing.
4. The Headmaster may at any stage of the disciplinary process substitute for himself any other senior member of staff who he considers would be appropriate to chair the relevant disciplinary meeting, or hold any subsequent appeal. Ordinarily, disciplinary hearings will be chaired by a Deputy Headmaster.
5. Save in exceptional circumstances (of which members of staff will be notified at the time) warnings will be regarded as spent for disciplinary purposes after the following periods have elapsed:  
  

Formal verbal warning	six calendar months
First written warning	one calendar year
Final written warning	two calendar years
6. Where complaints relate to lack of competence, clear guidance must be given and support in the form of training, guidance, review and supervision will normally be made in conjunction with any warnings issued.



## Procedures

Minor breaches of discipline, misconduct, poor timekeeping, lack of competence etc. can normally be dealt with by counselling, advice, guidance and training by the Line Manager. If minor problems continue or are repeated it is expected that there will be a formal verbal warning given by the individual's immediate superior, and/or a senior member of staff. It is expected that a formal verbal warning will quickly resolve most difficulties. To issue such a warning, a meeting must be held at which the right to be accompanied by a work colleague or a representative of his or her trade union or professional association will be given. A minimum of five days' notice of the meeting will be given. You will have the right of appeal against the decision.

Where there is a more serious case of misconduct or unsatisfactory performance or a member of staff fails to improve and maintain that improvement with regard to conduct or job performance, the Headmaster can decide that an investigation is warranted. He will authorise a Senior Member of staff to conduct it. The investigation should be conducted fairly and expeditiously to establish the exact nature of the complaint(s) and the nature of the evidence to substantiate it (them). Once the full details are known the following steps will be taken.

### Stage 1: First Written Warning

In cases of unsatisfactory performance or minor misconduct, ordinarily the Deputy Headmaster (or a nominated substitute; from hereon read Deputy Headmaster/substitute) will invite the member of staff to a disciplinary meeting to consider the complaint against him/her, and providing the opportunity to explain, giving not less than five days' notice of that meeting. If the Deputy Headmaster decides that a first written warning is appropriate a letter of warning will be issued to the member of staff concerned. This warning shall inform the member of staff, of the finding against him or her and advise him or her of any action or improvements required together with timescales (if appropriate). A copy of the warning will be placed on the employee's file and will be read and signed by the member of staff. You will have the right of appeal against the decision.

### Stage 2: Final Written Warning

In cases of continuing unsatisfactory performance or misconduct or where the unsatisfactory performance or misconduct is of a more serious nature such as to warrant a Stage 2 sanction, a Deputy Headmaster will conduct a disciplinary interview under Stage 2 without undue delay, giving not less than five days' notice of that interview.

If it is decided that a final written warning should be given, the member of staff will be told of the final warning and later given a written confirmation, which will contain no substantive matter or detail not previously brought under mention.

The written confirmation will state:

- a) details of the unsatisfactory performance or misconduct that has warranted the final warning;
- b) details of the necessary action to remedy the situation and any period of review decided upon;
- c) that any further unsatisfactory performance or misconduct will result in:
  - i) dismissal with appropriate notice; or
  - ii) such other lesser disciplinary action as the Deputy Headmaster shall deem appropriate in the circumstances.



A copy of the written confirmation of the final warning will be placed on the employee's file and will be read and signed by the member of staff. You will have the right of appeal against the decision.

### **Stage 3: Dismissal**

Where the member of staff has received a final written warning under Stage 2 and there has been further unsatisfactory performance or misconduct Stage 3 will apply. Stage 3 will also apply in cases of gross misconduct where summary dismissal will be considered.

The Deputy Headmaster will conduct a disciplinary interview under Stage 3 without undue delay, giving not less than five days' notice of that interview. The invitation letter will summarise the case against the member of staff and detail documents to be relied upon at the meeting. Copies of the documents will also be provided. The letter will explain the possible sanctions available to the School. After hearing the staff Member's case the Deputy Headmaster may decide to take no action or to dismiss, or to take any other disciplinary action short of dismissal as considered appropriate in the circumstances (eg. alternative employment, demotion, a further final warning). If the member of staff is dismissed he or she will be given due notice. This does not apply in cases of summary dismissal.

Any notice of dismissal will be in writing, will give reasons for the dismissal, and will inform the member of staff of his or her right of appeal to the Headmaster and of the time limit for making an appeal, which is five working days.

### **Summary dismissal**

In rare circumstances a member of staff may be dismissed without previous warning(s) if it is established on the balance of probabilities, after investigation and hearing the member of staff's version of events, that there has been an act of gross misconduct, involving a major breach of duty or conduct seriously detrimental to the School. Such cases will be dealt with at Stage 3 of the disciplinary procedure above.

Examples of gross misconduct which may result in summary dismissal are:

- a) Violent, threatening or bullying behaviour
- b) Incapacity on duty due to drink or non-prescribed drugs.
- c) Fraud or theft, accepting or offering a bribe
- d) Wilful damage to School property.
- e) Gross insubordination.
- f) Wilful failure to carry out a reasonable direct instruction
- g) Unauthorised absence.
- h) The bullying and harassment of colleagues on grounds of sex, race, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, sexual orientation, age, religious or political beliefs (see School's policy on Bullying and Harassment).
- i) Improper use of the School's computer systems or accessing inappropriate material which is in violation of the School's ICT rules.
- j) Deliberate and serious breach of any of our School policies.

This list is not (nor is it intended to be) exhaustive.



### **Suspension**

While considering a teacher's case at any stage of the procedures the Deputy Headmaster may at any time suspend the teacher on full pay but will, if possible, in that circumstance first consult the Chairman of Governors or failing him the Deputy Chairman, or the Chairman of one of the Governing Body's sub-committees.

**NB.** Suspension in these circumstances is not in itself a disciplinary act: it is a neutral act giving time for a thorough investigation and does not prejudice the outcome of any disciplinary investigations or proceedings.

### **Appeal Procedures**

There shall be a right of appeal against any formal disciplinary sanction. The member of staff will be informed of the right of appeal in writing following any disciplinary hearing where a sanction has been given. Any appeal must be in writing and must set out fully the grounds of appeal, accompanied by all relevant supporting documents. It must be lodged with the Headmaster within five working days after the member of staff has been informed in writing of the disciplinary sanction. The Headmaster will convene an appeal hearing and provide a written decision. The employee will have the right to be accompanied by a work colleague or a representative of his or her trade union or professional association. The Headmaster has the right to substitute himself with a panel of Governors should he believe it right to do so. The appeal decision is final.

### **Status of this policy**

This policy does not give contractual rights to individual employees. The School reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.