

## Model disciplinary procedure

### (i) Purpose

These rules and procedures are intended to ensure that all employees 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. Nothing in this procedure shall inhibit the headteacher from discussing concerns or advising employees as to their conduct or performance informally and without recourse to disciplinary procedures.

### (ii) Principles

No disciplinary penalty will be imposed against an employee until the matter has been fully investigated and until the employee has been advised of the nature and details of the complaint against her/him and given the opportunity to state her/his case in person at a disciplinary meeting or hearing, before a decision is reached (with the assistance of a friend or trade union rep if s/he so wishes).

At least 10 working days' notice of the nature and details of the complaint and of the disciplinary meeting or hearing shall be given in writing to the employee, together with copies of all relevant documents. This notice shall inform the employee of the stage of the procedure under which the meeting or hearing is being convened and of her/his right to attend with the assistance of a friend or trade union rep if s/he so wishes.

An employee 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 (iv) below).

An employee shall have the right to

appeal against any disciplinary warning to the appeals committee (established in accordance with the school's instrument of government).

Any such appeal must be requested in writing to the chair of governors within 10 working days of the notification of the disciplinary penalty and will be heard in accordance with paragraph (v) below.

Where a complaint is raised against an accredited trade union rep, the disciplinary meeting or hearing shall not be convened until the complaint has been discussed with the branch secretary or a full-time official of that trade union.

Warnings given to an employee and placed in their files shall be disregarded after the following periods have elapsed without further misconduct or unsatisfactory performance taking place:

- oral warning: six months
- written warning: one year
- final written warning: two years.

Where the complaints against an employee relate to her/his competence, the stages of the procedure will be preceded by appropriate advice, guidance, assessment, review and consideration of training needs.

### (iii) 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 paragraph (ii) above and may then give the employee an oral warning.

This warning shall inform the employee of the complaint and of any improvement or action required, and advise her/him that this constitutes the first stage of the

disciplinary procedure. It shall also inform her/him of the possible consequences of any further misconduct or unsatisfactory performance and of her/his right of appeal. A note of the oral warning shall be placed in the employee's file in accordance with paragraph (ii) above.

**Stage 2: Written warning**

If further complaints about the employee's performance arise, or in cases of more serious alleged misconduct, the headteacher may consider the matter in accordance with paragraph (ii) above and may then give the teacher a written warning.

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

**Stage 3: Final written warning**

If further complaints about the employee's performance arise, or in cases of very serious alleged misconduct, the headteacher may consider the matter in accordance with paragraph (ii) above and may then give the employee a final written warning.

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

**Stage 4: Dismissal**

If further complaints about the employee's performance or conduct arise, the headteacher may, after investigation, 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 (iv) below and shall inform the employee that her/his dismissal is to be considered. The governing body may then give the employee notice of dismissal in writing. This notice shall inform the employee of the reasons for the dismissal and shall advise her/him of the right to appeal to the appeals committee for a hearing in accordance with paragraph (v) below.

A notice of dismissal shall not have effect until either any appeal has been determined or the period for making an appeal has expired.

Any such appeal must be requested in writing, setting out the grounds for the appeal within 10 working days of the receipt of the notification of dismissal.

**Stage 5: Gross misconduct**

Gross misconduct is misconduct so serious that it would justify dismissal without previous warnings and without notice.

Where gross misconduct has been alleged, the headteacher or the staff committee shall have power to suspend the employee from her/his duties pending investigation. Suspension itself is not a disciplinary penalty and the employee shall not suffer any loss of salary while s/he is suspended. The period of suspension shall be as short as is reasonably practicable for the consideration of the issue.

The headteacher shall at once report the suspension to the governing body.

She/he shall inform the employee in writing of the suspension and the nature of the complaint and inform her/him that the matter will be considered at a hearing of the staff committee of the governing body, convened in accordance with paragraph **(iv)** below.

The governing body may then give the employee notice of dismissal in writing. This notice shall inform the employee of the reasons for the dismissal and shall advise her/him of the right to appeal to the appeals committee for a hearing in accordance with paragraph **(v)** below.

A notice of dismissal shall not have effect until either any appeal has been determined or the period for making an appeal has expired. Any appeal must be requested in writing, setting out the grounds for the appeal within 10 working days of the receipt of the notice of dismissal.

#### **(iv) Governors' staff committee hearing**

For disciplinary hearings, the staff committee shall comprise at least three members of the governing body. The headteacher, and any member of the governing body who has been previously involved, shall not be a member of this committee.

The employee shall be given at least 10 working days' notice, in writing, of the hearing and of the nature and details of the complaint(s) against her/him.

The notice shall inform the employee of the stage in the disciplinary procedure under which the complaint is to be considered and of her/his right to be represented, and shall enclose copies of any documents to be considered at the hearing.

The employee shall be entitled to a personal hearing, with the assistance of a

friend or trade union rep if s/he so wishes, and to call witnesses in her/his defence and to question any witnesses bringing evidence against her/him. The headteacher shall be entitled to attend the hearing and give advice.

In the case of a hearing under stage 4, the staff committee may:

- dismiss the complaint and impose no disciplinary penalty
- give the employee a warning which may be an oral, written or final written warning
- give the employee notice of dismissal.

In the case of a hearing under stage 5, the staff committee may:

- dismiss the complaint and reinstate the employee with no disciplinary penalty
- reinstate the employee with a warning that may be an oral, written or final written warning
- dismiss the employee with or without notice.

#### **(v) Governors' appeals committee hearing**

For appeal hearings, the appeals committee shall comprise at least five members of the governing body. The headteacher and any member of the governing body who has been previously involved shall not be a member of the appeals committee.

The employee shall be given at least 10 working days' notice in writing of the appeal hearing.

The employee shall be entitled to a personal hearing, with the assistance of a friend or trade union rep if s/he so wishes, to call witnesses in her/his defence and to question any witnesses bringing evidence against her/him.

The headteacher shall be entitled to submit written and/or oral representations to the appeals committee.

The appeals committee may:

- accept the appeal and remove the penalty imposed
- accept the appeal and impose a lesser penalty
- reject the appeal and confirm the penalty imposed.

The outcome of the hearing shall be notified to the employee in writing without delay.

## Model grievance procedure

### (i) Purpose

Grievances can arise from a variety of sources. They can arise among members of staff, with the headteacher or with the governors. They can be of a relatively simple nature or of fundamental importance.

This procedure is designed to enable the school governors, headteacher and staff to foster good relations by:

- discouraging the harbouring of grievances
- assisting the resolution of individual grievances in an atmosphere of trust and confidentiality
- enabling grievances to be settled as near as possible to their point of origin
- ensuring that grievances are dealt with fully, promptly and fairly.

The procedure sets out:

- an informal process through which most grievances may be resolved without recourse to any subsequent stage
- a formal procedure to be invoked when the first stage has failed, or is inappropriate.

### (ii) Representation

At all stages, the staff involved are entitled to be accompanied and/or represented by a friend (who may be a colleague, professional association/trade union rep or other adviser). During the formal procedure, witnesses may be called and questioned by either side.

### (iii) Procedure

#### **Informal stage**

Where a member of staff has a grievance that involves another member (or members) of staff, s/he should first of all

endeavour to resolve it by direct approach to the person(s) concerned.

If considered necessary, the employee should then request a personal interview with the head of department, a senior manager or the headteacher, as appropriate.

The interview should take place within five working days of the request. The manager should seek to resolve the problem personally in consultation with any other member(s) of staff involved and may, by mutual agreement, seek consultation with the headteacher, the chair of governors or reps of professional associations/trade unions, as appropriate.

Where an employee has a grievance with the headteacher or the governing body which does not involve any other member of staff, s/he should advise or consult with the headteacher before making an approach to the chair of governors.

#### **Formal stage**

Where the matter has not been resolved informally as above, the employee should submit a formal written notice of the grievance to the chair of governors, with a copy to the headteacher and any other person(s) concerned. The written notice should:

- include full details of the grievance, together with any supporting documents
- set out the steps already taken to resolve the issue
- state the resolution now requested.

Any other person(s) concerned in the grievance may make a formal written response (together with any supporting documents) to the chair of governors,