



# **The John Fisher School Staff Discipline and Conduct Policy**

**Responsible:** Governors' Resources Committee

**Next Review Date:** October 2022

The John Fisher School is a values-led institution, which means we have a culture of high standards for everyone who learns and works in our school. We are not interested in low expectations, fixed mind-sets, or making excuses. Our work is underpinned by the school's lively Christian ethos and our strong positive values, which are carefully applied. As a Catholic Christian school community, we value each individual as a unique person and endeavour to promote Christian values in all aspects of the school life. Our ethos of care and consideration for others are guided by acting with **selflessness** and **integrity** in unlocking the God-given potential of every individual. Through our **acceptance** and **respect** for each other we will ensure everyone overcomes any barriers to success.

In order to concentrate on our strategic priorities of 'culture', 'character' and 'currency' we must have the highest expectations and work together in unity as a team with a shared vision. It is also vital that to ensure the smooth running of the school, all staff are clear about what is expected of them and that they follow the guidelines that are set out in this policy and any other policies/procedures.

The John Fisher School is not for the faint-hearted. 'High Expectations', 'No Excuses' and 'No Islands' are our mindset and behavioural beliefs which underpin all we do and guide our actions. To this end we adopt an unequivocal stance in implementing our standards and are uncompromising around our expectations. All members of our community have to take responsibility for their actions and all adults have a duty to uphold the Christian and shared values of the school.

## **Absence and Cover – Teaching Staff**

### **What to do if you are ill? Reporting your absence.**

All sickness absence must be reported to school each day by telephoning 020 8763 3717.

A call must be made before 7.30am on the morning of absence. This means that your cover will be the responsibility of the cover supervision team. If you call after 7.30am your cover could fall under rarely cover when a member of teaching staff may be asked to cover your lessons. For this reason, the timing of the telephone call is particularly important.

You should also inform your subject leader/line manager and email detailed and appropriate cover work to the relevant colleagues.

For each subsequent day of absence, you must follow the same procedure.

Please do not text colleagues to report your absence – you must adhere to the system detailed above.

**On your first day back to work you should complete the sickness/absence certificate and a Return to Work form and hand this in person by lunch time to the Headteacher's PA.**

Some return to work meetings will take place depending on the length and/or nature of the absence.

### **Context to Cover arrangements**

In September 2009, all state maintained schools in England implemented the 'rarely cover' policy for all teaching staff. This followed the workforce remodeling reforms that were first introduced in 2003.

The implications were significant for schools and we have taken the following steps to ensure that 'rarely cover' is implemented properly:

- Cover is arranged from 7.30am each morning and cover is emailed electronically before 8.00am each day. All colleagues need to take responsibility to check the cover board in the staffroom.
- A calendar is published that outlines all planned trips, examinations, and other school events in advance to help plan for busier times in the school year.
- Year 12 classes are to be covered in-line with other year groups and Year 13 classes where possible.

### **Rarely Cover – implications for Teaching Staff**

Teachers are expected to do cover only in exceptional circumstances – meaning that they will only carry out a cover **rarely**.

Some of the exceptional circumstances where general staff may be required to do cover could include:

- A colleague does not follow the established routines for reporting cover before 7.30am meaning colleagues may be called on to provide cover.
- A colleague is delayed by the transport system and may not be able to contact school and a **voice message** is not received until after 7.30am – they may need cover for period 1 and this may need to be a teacher.
- A colleague is taken ill during the school day or is required to leave due to family or personal circumstances – **a teacher may then be required to cover that colleague's lesson or lessons at short notice**.
- An incident occurs in school that has an impact on a number of staff such as a child protection case and they may need to be out of class for a period of time – a teacher may be required to cover a lesson at short notice.

The examples cited above are 'exceptional circumstances' and wherever possible the cover supervisors would be allocated if they were available.

### **Absence due to illness**

Where possible cover work should be emailed through to your line manager. Departments should have relevant cover work to use when cover work is needed urgently.

### **Planning your known absence**

All pre-planned absence requests must be authorised by your line manager.

Please ensure that you complete the form accurately before submitting it to your line manager for initial authorisation. All forms should then be submitted to the Headteacher's PA. Requests for personal absence will be passed on to the Headteacher, with school business absence being passed to Mr Jones, Assistant Headteacher (school trips/visits) or Mr Dean, Assistant Headteacher (CPD/professional meetings), for authorisation. Requests for personal absence may necessitate a meeting with the Headteacher.

All requests for personal absence should be submitted along with supporting evidence i.e. appointment cards or letters.

Please ensure that for known absence a minimum of one weeks' notice is given. It is understood that there may be exceptional emergency circumstances where forms may need to be submitted with short notice – but these circumstances should be exceptional. Sufficient notice with forms helps us to manage the school diary in terms of cover more effectively. **All requests for school trips/fixtures require a minimum of 4 weeks' notice where possible. Residential experiences will require a minimum of half a term's notice as outlined in our policy.**

#### **Leaving work for your class**

All classes must be left with sufficient work to do whilst you are away. This should be relevant to their current class work wherever possible.

You must leave the work in advance with your subject leader/line manager and you are responsible for ensuring that this is completed carefully and thoroughly. It is an expectation that work is left for all year groups needing cover – **including Sixth Form**. You need to leave clear instructions for the class in terms of what is expected of them and what they should have achieved by the end of the lesson. It is expected that for known absences resources are photocopied and prepared in advance.

Where necessary leave a class list/seating plan.

For colleagues that are tutors, if you are planning to be absent please ensure that registration requirements are included on your request for absence form. It is crucial that colleagues who do not have a tutor group need to check the cover board each day.

**Please can all colleagues ensure that they check the cover sheet every morning.**

**This is particularly important for colleagues who are not Form Tutors as you may be needed to cover a tutor group.**

#### **Return to work after a period of illness**

All colleagues are required to complete a staff sickness form on return to work – this should be collected from the Headteacher's PA. This form should be signed by your line manager and returned to the Headteacher's PA upon completion. A meeting may be required when returning this form.

Medical certificates from a doctor are required for absences longer than 5 working days. These should be sent and/or given to the Headteacher's PA. They should be provided

throughout the duration of your absence, and after a long absence, show that you are fit to return to work.

Remember, if you are ill on the first or last day of term or half term, you will require a medical certificate from a doctor. This will count as continuous absence and may affect your pay if you are absent for a long period.

### **Long Term Absence**

After a period of 5 working days your absence will be considered long term. This will require you to provide a certificate from your GP showing that you are fit to work. This will also result in a meeting with the Headteacher. If the illness is protracted beyond 2 weeks, you may be referred to Occupational Health. Your fitness to return to work will be assessed and recommendations made to the school concerning any adjustments needed to your working conditions.

A meeting will be arranged with the Headteacher to discuss, if appropriate, a phased return to work. This will help you return to full time work at an agreed time. You should not come in to work during this time, unless invited, although you may sign in as a visitor with permission. This is to protect you under Health and Safety and other employment regulations.

Depending on your length of service, your pay may be affected by long term absence.

### **Other Leave of Absence**

There may be times when you wish to apply for a leave of absence for personal reasons, such as compassionate leave, paternity leave, moving house etc. No precedents are ever set, as each case will be considered on its own merits. You should talk to your line manager about it first. You may, of course, approach the Headteacher directly if that seems more appropriate.

You should do this prior to submitting a form, giving as much notice as possible.

The Headteacher will need to consider whether any of the leave is to be with or without pay.

The decision will be made known to you and your confidences respected. At this point, you should complete a form and give it to the Headteacher's PA.

### **Additional Employment**

It is not acceptable for staff to use school time, equipment, resources, or the school name in connection with any other paid activity including external marking. This is particularly relevant to tutoring jobs. If in doubt, please seek clarification from the Headteacher.

## Behaviour

The adults encountered by the students at school have an important responsibility to model the highest standards of behaviour at all times. This includes both in their dealings with the students and with each other, as their example has an important influence on the student.

### *As adults we should aim to:*

- Have the highest expectations of all students and of ourselves.
- Create a positive climate with realistic expectations.
- Emphasise the importance of being valued as an individual within the group.
- Promote, through example, honesty and courtesy.
- Provide a caring and effective learning environment.
- Encourage relationships based on kindness, respect and understanding of the needs of others.
- Ensure fair treatment for all regardless of faith or of no faith, age, gender, race, sexuality, ability, and disability.
- Show appreciation of the efforts and contribution of all.

## Dress Code

The John Fisher School is a uniform school. The way in which we dress as professionals should reflect this. Clothes should be those appropriate for maintaining this expectation and is particularly important during spells of hot weather.

The following dress code is an expectation:

- Collared shirt and tie (jacket optional).
- Trousers, no jeans of any colour.
- Shoes and no trainers or flip-flop style shoes.
- Bare midriffs and low necklines not acceptable.
- Shorts should not be worn except by those teaching physical activities.
- Staff who run extracurricular activities are expected to be dressed professionally during the day and then get changed. In addition, staff are only permitted to dress in sportswear if the majority of their day involves teaching PE/Sport.
- Colleagues are reminded that skirts/dresses be kept at an appropriate length.
- Staff should not wear vests/strappy tops – please be mindful of exposing shoulders.
- Please be mindful of floaty skirts/dresses as these could be unintentionally revealing when around the building and particularly on stairs.
- Staff are expected to model professional standards of dress to include non-overt display of body art and excessive piercings.

This dress code will prevent misunderstandings and not cause embarrassment to students or other adults.

## E-Safety

Please read the following in conjunction with the social media section below and in conjunction with the school e-safety policy. If you have any questions regarding e-safety please contact Mr Dave Mawer (AHT).

- Only under exceptional circumstances should staff use their own personal devices to contact students or Parents/Carers either in or out of school time.
- If photos or videos are being taken as part of the school curriculum or for a professional capacity, the school equipment will be used for this.
- The school expects staff to lead by example. Personal mobile phones should be switched off or on 'silent' in the classroom or teaching areas.
- Any breach of school policy may result in disciplinary action against that member of staff. More information on this can be found in the **child protection and safeguarding policy**, or in the staff contract of employment.

### **Staff should be aware of the following when using email in school:**

- Staff should only use official school-provided email accounts to communicate with students, parents/carers. Personal email accounts should not be used to contact any of these people and should not be accessed during school hours.
- Emails sent from school accounts should be **professionally and carefully written**. Staff are representing the school at all times and should take this into account when entering into any email communications.
- Staff must tell their manager or a member of the senior leadership team if they receive any offensive, threatening or unsuitable emails either from within the school or from an external account. They should not attempt to deal with this themselves.
- Only SLT are permitted to send 'all staff' emails unless permission has been given to a member of staff from the Headteacher.
- The Headteacher should not be copied into emails unless he/she has requested this. All members of staff have a line manager who they can raise any concerns with in the first instance. If a resolution cannot be sought, then the SLT link can then be involved.
- *Please consider the content of emails before forwarding chain messages.*

## Facebook, Twitter and other social media devices

Staff are reminded to be mindful that public media devices are personal to themselves and should ensure that they have the highest security settings on them, thus preventing access from students. Staff who have open profiles may be spoken to for their own security and safety.

Staff are also reminded to be circumspect about comments that can be read by a large number of people. Any derogatory comments relating to the school or to individuals can

result in disciplinary proceedings or dismissal. Please refer to our e-safety policy for more detail relating to e-safety expectations and procedures for staff and students.

## **Inclusion/Mindfulness**

Inclusion and mindfulness are an integral and important part of the life of The John Fisher School that aligns itself to the social and emotional aspects of learning. The John Fisher School is an inclusive school, and at all times we look to support each student through whatever problems and difficulties they may be experiencing. Inclusion has been continually identified as a strength of our school. Colleagues are reminded that this aspect of school life permeates many different areas such as behaviour, equal opportunities and all aspects of teaching and learning.

All colleagues have a responsibility to be mindful of inclusion no matter what our role or responsibility in school. Inclusion covers a variety of different aspects of school life and is supported by a range of colleagues.

## **Mobile Phones**

Staff are asked to refrain from using their phones publicly around the school buildings and are reminded that they should keep their own phones locked away, or about their person, at all times.

## **Punctuality and Signing Out and In Procedures**

Please call the school if you know you are going to be late, using the same procedure as for absence notification. Any teacher late on a regular basis will receive a letter from the Headteacher asking for an explanation. This letter will be held on the teacher's personal file. Continued concerns with punctuality may result in further referral to HR to consider appropriate action. Teachers should always aim to be in their classrooms **before** the students whatever the time of day.

**Staff who have been off school must complete a Return to Work form with the Headteacher's PA by lunch time on their first day back at work.**

All staff are reminded that they should be in school by 8.30/8.35am. Staff briefing is 8.30am on a Monday morning in the Main Hall– all colleagues should attend this on time and a register is taken in line with our safeguarding procedures. There will also be a weekly meeting.

If you need/want to leave the school premises during lesson time, you must inform your line manager and sign out at the office for fire safety purposes. Sign back in on your return.

All staff must ensure that they arrive promptly for the start of all lessons. The timings are as follows:



Lesson 1	8.45am until 9.35am
Lesson 2	9.40am until 10.30am
<b>Break</b>	10.30am until 10.50am
Lesson 3	10.50am until 11.40
Lesson 4	11.45 until 12.35pm
<b>Lunch1</b>	<b>12.35-1.20pm</b>
Registration1	1.20-1.40
Registration2	12.35-12.55
<b>Lunch 2</b>	<b>12.55-1.40pm</b>
Lesson 5	1.40pm until 2.30pm
Lesson 6	2.35pm until 3.25pm
End	3.25pm

## Relationships

As a member of staff at The John Fisher School, **there is an expectation that we will treat each other with courtesy and respect at all times.** Each of us has a right to be treated respectfully, whatever role we occupy in the school as a teaching or non-teaching member of staff. Actions which ignore this could result in grievance procedures and should be avoided.

### Relationships with students

The Child Protection Policy makes it clear how we should behave in situations where a student clearly has a problem. However, there are other situations of which to be aware.

#### For example:

- Making reference to a student's social context is inappropriate – this can be distressing for a student.
- Commenting on how a student looks can be upsetting for some students.
- Touching students, perhaps by putting your arm around their shoulders when they are upset, can be misunderstood.
- Standing too close in a confined space can be threatening.
- Shouting directly into a student's face is aggressive and frightening.
- Giving students personal information can be misinterpreted.
- Allowing comments on your appearance etc. can be confusing.

These are only a few examples, but it is important to be aware of the messages that are being given. The law will always protect the student and it is therefore your responsibility to protect yourself by preventing any misunderstanding.

## **Relationships with Parents and Carers**

Having a positive relationship with home is very important. However badly behaved their son has been parents/carers usually support us in the way in which we deal with the situation. It is important to get their support from the start and work together to solve the problem. How we react to them when they are distressed or angry is important, as it is this message that is carried out into the community.

## **Security**

It is incumbent upon all of us to ensure that we keep our personal belongings safe and secure and not leave things around to tempt the opportunist. Classroom and office doors must be kept locked at all times when not in use.

## **Scope**

This policy does not apply where there are matters of:

- minor misconduct that should be settled informally by means of counselling or informal reprimand in order to improve conduct
- grievance which is dealt with under the Grievance Policy
- competence or capability which is dealt with under the Capability Policy (included with the 'Teaching and Learning Policy'), unless it is clear that the employee is capable of reaching the required standard and has actively not done so
- ill health which is dealt with under sickness absence procedures unless there is good reason to believe that the absence or ill health are not genuine
- bullying, harassment, discrimination and/or victimisation which are dealt with in the first instance under dignity at work policies.

The employer recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with staff conduct and discipline. The employer recognises that disciplinary rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way. The Headteacher has overall responsibility for promoting and maintaining standards of work conduct. There may be certain circumstances where the delegation of responsibility outlined above will not apply. For example, the Headteacher has been directly involved in disciplinary procedures leading to dismissal, has instigated a proposal to dismiss, or is a witness of particular conduct giving grounds for the dismissal in question. Where it is not appropriate for the Headteacher to perform this function, a staff discipline committee of the Governing Body will be convened. The staff discipline committee deals with cases of gross misconduct and the Headteacher would be delegated the responsibility to deal with all other cases. Where a staff discipline committee is required, the Governing Body should nominate three of its

members who are not staff members to form the committee. Another three members will be required to form an appeals committee. The Headteacher should seek professional advice at all stages of the policy. All efforts should be made by employees to attend meetings. When there are valid reasons to reschedule meetings, these should be rearranged within 5 working days where possible.

Employees have a statutory right to be accompanied at formal disciplinary meetings/hearings by their trade union representative or a workplace colleague. This employer will extend this right and allow for employees to be accompanied at all informal meetings as part of the disciplinary procedure. The employee is responsible for arranging his/her representation, including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's trade union representative is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time. Management should try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled. The trade union representative may address a hearing/meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. They may not, however, answer questions on their behalf. The school will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability or other special need.

In the case where disciplinary action is being considered against an employee who is a trade union representative, the normal disciplinary policy will be followed. In accordance with the ACAS Code of Conduct, the Headteacher will discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.

Suspension is a neutral act and is not disciplinary action. The Headteacher may suspend an employee from duty on full pay at a formal meeting called for the purpose. The employee will be given an opportunity, wherever possible, for a colleague or trade union representative to be present. Suspension will result from any suspicion or allegation of gross misconduct and will be on full pay and removed from all performance of duties. A written record confirming the suspension will be provided to the employee within 3 working days of the suspension. Unless the employee has specific written permission from the Headteacher, the employee may not be present on any part of the school site during the time of the suspension. A suspended employee should be assigned a contact officer who should be a senior member of staff not involved with the case. The contact officer will review the suspension at regular intervals (every 2 weeks where appropriate) and advise the employee of progress with the case.

Misconduct is where an employee breaks specific rules about behaviour or conduct. It is where conduct falls below expected standards and is usually wilful. There may be occasions when negligent conduct amounts to misconduct. Breaches of reasonable conduct at work can take many forms. Consideration will always be given to the particular circumstances. Gross misconduct is misconduct which is so serious it may destroy the employment contract between the employer and the employee and make further working relationships and trust

impossible. Some gross misconduct breaches of discipline may be regarded as serious enough to warrant summary dismissal without reference to any prior warnings.

Where possible, potential disciplinary issues should be resolved informally by drawing the employee's attention to the perceived unsatisfactory conduct, discussing the situation and the standards of conduct that are required, and agreeing an appropriate way forward, including any improvement required. Informal action may often be a more satisfactory way of dealing with a breach of rules than a disciplinary meeting if it takes the form of a discussion with the objective of encouraging and helping the employee. Informal discussion must not turn into a disciplinary meeting and warnings will not be given and recorded. Consideration should be given to any difficulties that an employee may be facing and a genuine attempt should be made to help the employee to overcome them. Where considered appropriate, managers should seek professional medical opinion and advice when managing staff who may be suffering from mental illness, alcohol, or substance abuse.

No formal disciplinary action will be taken without a prompt and appropriate investigation into the circumstances. The Headteacher will nominate an investigating officer who is a senior member of staff and who should normally have received relevant training. Where the allegations are against the Headteacher, the Chair of the Governing Body will discuss the case with the school and an independent investigating officer will be nominated. The investigating officer will write to the employee at the earliest opportunity and give the following information:

- details of the allegation/s
- copies of appropriate and available information
- a copy of this disciplinary policy
- time and date of any investigation meeting, with 5 working days' notice
- confirmation of their right to representation by a trade union representative at all meetings.

The investigating officer will promptly carry out a full, thorough, comprehensive, and unbiased investigation into the allegations in as timely a manner as the circumstances will allow. Care will be taken to ensure that, where appropriate, evidence is also sought from employees who may be supportive of the employee's case. This will involve the gathering of all relevant evidence from the relevant parties and an investigation meeting with the employee. The investigation report should be completed as soon as possible and within 15 working days for allegations of misconduct and other cases where the fact finding is relatively straightforward. For allegations of gross misconduct and more complex cases, the investigation process should take no longer than 20 working days. In very complex cases or exceptional circumstances, a reasonable timescale will be agreed by mutual consent. The investigation may require employees and witnesses to be interviewed to establish the facts. Employees should be given notice of at least 5 working days in advance of any investigation meetings/interviews. Witnesses should be advised to seek advice as appropriate. Minutes of these meetings will be taken and agreed with the employee as a true record.

The role of the investigating officer is to gather evidence and produce a report that will recommend whether:

- no further action is required
- management guidance is appropriate
- training is required
- the case should be referred to a hearing
- the matter is potentially one of gross misconduct.

If other areas of concern arise during the process that require further investigation, the investigating officer will adjourn the meeting/investigation in order to undertake this. If there is no case to answer, the matter will be closed, the employee informed in writing and all documentation removed from the employee's file. If the matter does not warrant a disciplinary hearing, the Headteacher may arrange counselling or take informal action.

If on completion of the investigation the investigating officer is satisfied that the alleged misconduct warrants a hearing, he will inform the employee and a disciplinary hearing will be arranged. In the case of the Headteacher, the investigating officer will submit a report to the employer with a copy to the Chair of Governors. The employer and the Chair of Governors will decide if any further action is required and whether there needs to be a formal hearing convened with the Governing Body. The employer will be represented on the panel. Persons directly involved in the investigative process may present a case or appear as a witness, but may not give advice to, nor sit on, the subsequent disciplinary hearing panel.

Disciplinary hearing: The employee will be notified in writing (by email) of the following:

- the date, time, and venue of the hearing – with at least 10 working days' notice from receipt of the letter. If the employee or their chosen trade union representative is unable to attend this hearing for a valid reason, a new date will be set within 5 working days
- the names of intended disciplinary panel members
- the specific nature of the allegation/s
- the right to produce written statements and to call witnesses
- the right to representation
- the names of any management witnesses
- all supporting documents to be used as evidence by management
- the possible/likely outcome of the hearing if the allegations are considered proven, ie warnings, dismissal etc
- a copy of the disciplinary policy.

The employee should be notified that if they wish to call witnesses or to provide relevant paperwork, this should be provided to the Headteacher/Chair of the panel as appropriate, at least 2 working days prior to the hearing. The school will make provision for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting. The school must be informed of requirements at least 2 working days before the hearing. If the employee's chosen representative is not able to attend, an employee may offer a reasonable alternative time within 5 working days of the original date, unless mutually agreed otherwise. The Headteacher will hear the case. If they have been directly involved in procedures leading to the disciplinary action, have instigated a proposal to dismiss, or are a witness of particular conduct giving grounds for the disciplinary action in question (or where the Headteacher is being considered for disciplinary action) the initial

decision is delegated to a panel of at least three Governors. In the case of the Headteacher being considered for disciplinary action, a member of the employer body must be on the panel. If the employee fails to attend the hearing, the case will be heard in their absence, unless acceptable reasons have been presented in advance and it is therefore agreed to postpone the hearing to a later date. It is for the Headteacher/Chair of the panel to decide whether late evidence from either side is acceptable. The views of both parties should be sought when considering the late admission of evidence, and the Headteacher/Chair should consider the fairness and reasonableness when making their decision. If the late evidence accepted is in written form, it would be usual to allow a brief adjournment for reading the document/s. The Headteacher/Chair must ensure that the employee receives a fair and impartial hearing, is encouraged to be represented or accompanied, is allowed to present his/her case or have it presented, and is allowed to bring witnesses and to question the management case presenter and any management witnesses.

Procedure for a hearing: Minutes should be taken by the Clerk to the Governing Body or another suitable person arranged by the school. Copies of all minutes should be circulated to all parties as soon after the hearing as possible. Once the Headteacher/panel have heard the case and are satisfied that all relevant evidence has been provided, they will consider all the facts of the case, whether these constitute unacceptable conduct and what the level of sanction should be, if any. All parties, other than the note taker and the assigned human resources (HR) officer advising the Headteacher/panel, shall withdraw taking all personal belongings when the consideration of evidence is undertaken. If the panel decides there has been no unacceptable conduct, they will call the employee back to inform them that there is no case to answer and that all records of the process will be removed from the file. If the panel consider that unacceptable conduct has taken place, they will call the employee and their representative back into the room to let them know and to ask if there is any mitigation. Before deciding what disciplinary sanction to impose, if any, the Headteacher/panel should also consider whether the employee has been subject to any previous disciplinary action and whether any warnings are still current. The decision of the hearing will be announced at the close of the hearing whenever possible. This may be varied by mutual agreement, especially if the decision-making process is likely to take some time. The Headteacher or Chair of the panel will confirm the decision in writing within 2 working days of the hearing.

The possible actions arising from a disciplinary hearing are:

- No further action to be taken.
- Recorded oral warning – this will remain on the employee’s record for 3-6 months dependent on the nature and severity of the breach.
- Written warning – this will set out the nature of the misconduct/reasons for the warning, and any improvements and the change in behaviour required. The employee will be notified that the warning constitutes part of the formal disciplinary process and the consequences of any further misconduct could be a further written warning and ultimately dismissal. It will remain on the employee’s record for six months.
- Final written warning – this will be given where misconduct is serious but is not considered serious enough to justify dismissal. A final written warning may also be issued where there is a failure to improve following previous written warning/s. It will remain on the employee’s

record for 12-18 months dependent on the nature and severity of the breach. Where a final written warning is issued during the term of a first written warning, the duration of the final written warning will supersede that of the first written warning. Upon expiry, the warning will be removed from an employee's personnel file except for warnings relating to the safety and welfare of children or young people.

The written notification will include the following information:

- the exact nature of the misconduct proven
- the basis of their decision
- the period of time given for improvement, if appropriate, and the standard of improvement expected
- the disciplinary sanction being applied and, where appropriate, how long this will last
- notification of the likely consequences of further proven misconduct
- information about the employee's right of appeal, including how they should make it and to whom.

Appeal: An employee can appeal against any formal disciplinary action. The appeal must be made in writing to the Chair of Governors within 15 working days of receipt of the decision letter. Appeals against the fairness and reasonableness of any disciplinary action may be considered by the appeals panel in relation to one or more of the following grounds:

- The procedure – the grounds of appeal should detail how any procedural irregularities prejudiced the disciplinary decision.
- The facts – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
- The decision – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of disciplinary action taken or the act was one of misconduct rather than gross misconduct.

Wherever possible the appeal should be heard within 20 working days of the lodging of the appeal, and the employee should have at least 10 working days' notice of the appeal hearing. The appeals panel should be formed from the Governing Body with a quorum of three. No member of the disciplinary hearing panel shall be a member of the appeal panel. All documentation presented to the hearing, together with the decision of the Headteacher/Chair of the panel, as well as any subsequent correspondence, must be made available to the appeal hearing panel. Any new evidence should be copied to all parties at least 5 working days before the appeal hearing. Dismissal and notice periods are effective from the initial dismissal decision. Should the appeal be successful, reinstatement will also be from the original date with no break in employment continuity.

Appeal hearing: The appeal panel will deliberate in private, paying particular attention to any new evidence that has been introduced by the employee as well as hearing representations from both management and the employee or representative, in order to determine whether the decision of the hearing was fair and reasonable in view of the evidence available. The appeal panel cannot increase the disciplinary sanction. The decision

of the appeal panel is final and binding on all parties. Minutes of the appeal hearing will be taken by the Clerk to the Governors or another suitable person, as arranged by the school. Copies of the notes will be circulated to all parties within two working days of the hearing.

**Grievance:** Sometimes an employee may raise a grievance during the course of a disciplinary case. Where this happens, and depending on the circumstances, it may be appropriate to suspend the disciplinary policy for a short period until the grievance can be considered. The school may need to consider bringing in another manager to continue to hear the disciplinary case.

**Alleged criminal offences:** The case of an employee charged with, or convicted of, a criminal offence should not normally in itself be a reason for disciplinary action. Consideration must be given to what affect the charge or conviction has on the employee's suitability to do the job and their relationship with the school/academy and work colleagues. The disciplinary policy will only be instigated where there are reasonable grounds for believing that the nature of the activities is sufficiently serious to have an adverse effect on the ability of, or confidence in, the employee to carry out his/her duties properly. Where an employee is alleged to have committed a criminal offence and police investigations are underway, disciplinary proceedings must be handled carefully and in accordance with police instructions so as not to interfere in the police investigation.

**Record keeping:** Managers and panels must keep written records of meetings and discussions relating to the disciplinary process. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file. Upon expiry, any warning will be removed from the employee's personnel file except for warnings relating to the safety and welfare of children or young people.

**Equality monitoring:** To ensure that we are meeting our public sector equality duty, we will monitor annually the impact of this policy by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation). The results will be shared (anonymised where appropriate) with the recognised trade unions.