



EDUCATION – MY LIFE MATTERS CIC INDEPENDENT SCHOOL & ALTERNATIVE PROVISION

MODEL DISCIPLINARY POLICY

STAFF DISCIPLINARY POLICY

A statement of Education - My Life Matters CIC Independent School & Alternative Provision disciplinary policy, based on model Lewisham Local Authority policy, and including the following appendices:

Appendix 1: Conduct of Disciplinary Hearings

Appendix 2: Appeals

Appendix 3: Disciplinary rules

Appendix 4: Commentary on Staff Disciplinary Policy (to be read in conjunction with policy).

1. Purpose

This Policy is designed to:

- a) Education Strategic Lead/ Executive Board of Trustees with their responsibility to ensure consistent and fair treatment of all employees.
- b) Help and encourage all employees to achieve and maintain satisfactory standards of conduct.

2. Scope

In deciding what principles to follow, Executive Board of Trustees will need to decide which, if any, powers they wish to delegate to the Education Strategic Lead. This responsibility should not be delegated to other members of staff.

The issue of the performance of an employee should be dealt with through the Capability Policy.

The procedure is recommended for all employees in Schools for whom the Directors/ Executive Board of Trustees have delegated personnel responsibility. This does not include contractor's employees.

Principles

- a) No disciplinary action should be taken until the case has been fully investigated. Education Strategic Lead will need to consider the appropriateness of their role in the investigatory process because of any subsequent disciplinary action that may follow. Advice about this can be obtained from the School HR Consultant.

- b) At every stage in the procedure the employee must be advised of the nature of the allegations against him/her and must be given the opportunity to state his/her case before any decision is made.
- c) At all stages, the employee has the right to be accompanied by his/her Trade Union representative or a work colleague, at any disciplinary hearing or investigation.
- d) No employee should be dismissed for a first breach of discipline except in the case of gross misconduct.
- e) An employee has the right to appeal against any disciplinary penalty imposed beyond oral warning stage.
- f) Although normal disciplinary standards should apply to their conduct as employees, disciplinary action against a Trade Union official can be construed as an attack on the Union. Such problems can be avoided by early discussion with another senior or full time official of the appropriate Trade Union.
- g) Disciplinary and appeal hearings should take place within the normal working day of the employee.
- h) If the disciplinary hearing is adjourned, the newly arranged hearing should be arranged within 5 working days unless otherwise agreed by both parties.

(NB In cases where there are child protection issues, the child protection procedure must be followed. In these circumstances, Education Strategic Lead initially seek advice about safeguarding & child protection procedures from the Access and Welfare Service).

3. The Procedure

It is often appropriate for minor misconduct to be dealt with on an informal basis. In serious cases it may be necessary to consider suspending the employee while an investigation is conducted if that is necessary to make the investigation effective. In all circumstances the suspension will be on full pay. It must be made clear that suspension is a neutral act. Please also see additional advice about suspension of staff, which is shown, as an **appendix: 1** to the Notes of Guidance.

Stage 1 – Oral Warning

If conduct does not meet acceptable standards the employee will be given written notification of a disciplinary hearing at least 10 working days prior to the meeting.

Following the hearing a warning may be issued by the Education Strategic Lead and the employee notified of their right of objection. In the case of the Strategic Lead the hearing would be conducted and any warning issued by the Executive Board of Trustees. In accordance with ACAS advice a note of the oral warning will be kept but it will be spent after a period of between 6 to 12 months satisfactory conduct. This stage should normally be undertaken and monitored by the Education Strategic Lead and line manager in the case of Staff other than the Education Strategic Lead and by the Executive Board of Trustees, if the Education Strategic Lead Head is the member of staff concerned. The letter of notification of the warning should clearly identify the date the warning would normally end.

Stage 2 – Written Warning

If the offence is a serious one or if a further offence occurs following an oral warning a hearing will be convened and the employee notified in writing of the hearing no later than 10 working days prior to the hearing.

At this stage the Head Teacher will consider the case.

If following the hearing a written warning is issued by the Head Teacher, a copy of the warning will be kept on the employee's personal file and should be removed after a pre-determined period by the Head Teacher subject to satisfactory conduct. The maximum period for the duration of a warning will normally be one year. The right of appeal must be clearly notified to the employee. An employee who wishes to appeal against the decision of the Head Teacher should identify the grounds for appeal in writing and submit the document to the Executive Board of Trustees who will arrange for an appeal committee of the Board of Trustees to consider the appeal.

ACAS advises that the normal period for which a warning should remain on file is 12 months' satisfactory service.

Stage 3 – Final Written Warning

If the conduct continues to be unsatisfactory or if the misconduct is sufficiently serious to warrant only one warning the employee shall be notified of the disciplinary hearing no later than 10 working days prior to the hearing. At this level the hearing will be by the Education Strategic Lead and a member from HR.

It may be necessary, following the hearing, to issue a final written warning. However, the Education Strategic Lead Head and HR Consultant could decide to issue a lower level warning if that is considered appropriate. If a final written warning is issued, the warning must clearly state the details of the complaint, that dismissal may result if there is no satisfactory improvement and also advise of the right of appeal. The appeal process will require the employee to identify in writing the grounds for appeal. The documents should be forwarded to the Executive Board of Trustees who will arrange for the to hear the appeal.

A copy of the final written warning will be kept on the employees file but will be spent after a pre-determined period (determined by the disciplinary panel) of

satisfactory conduct. The advice from ACAS would be that the pre-determined period should be no longer than 1 year's satisfactory service.

Stage 4 – Dismissal

If the conduct of an employee is so serious that dismissal is considered, the Dismissal Committee of the Executive Board of Trustees should be called to allow the employee to make representation. If the decision of the Dismissal Committee is to recommend dismissal, they must consider whether the dismissal is:

With notice or payment in lieu of notice, in accordance with the employee's contract of employment.

Or

In cases of gross misconduct without notice (summary dismissal).

At this stage the employee will be issued with the appropriate notice of the ending of employment. The Appeal Hearing will be held during the period of notice or in the case of dismissal without notice after the ending of the employment.

4. Appeals

An employee who wishes to appeal against dismissal is to Appeal to Dismissal Committee of the Executive Board of Trustees following a disciplinary decision should inform the Education Strategic Lead /HR Consultant in writing with the grounds for appeal clearly identified.

Appendix: 1

DISCIPLINARY PROCEDURE

Formal Procedure Stage 1

Informal Meetings

Education Strategic Lead – Head & Line
Manager

Formal Procedure Stage 2

Formal Meeting

Oral warning may be issued
Education Strategic Lead - Head & HR
Consultant
(Executive Board of Trustees)

Stage 3

Written Warning Meeting

Education Strategic Lead – Head & HR
Consultant
(Executive Board of Trustees) Appeals Committee

Stage 4

Final Written Warning Meeting

Education Strategic Lead – Head & HR
Consultant
(Executive Board of Trustees)
Appeals Committee

Stage 5

Final Written Warning Meeting

Education Strategic Lead – Head & HR
Consultant
(Executive Board of Trustees)
Appeals Committee

Dismissal

Dismissal Notice issued