

# NEWLANDS GIRLS' SCHOOL

## POLICY DOCUMENT



### Disciplinary Policy

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| <b>LAST UPDATED</b>                                | (by) R Good  | 26/11/2020 |
| <b>LAST REVIEWED</b>                               | (by)   |            |
| <b>POLICY TYPE</b>                                 | Statutory  |            |
| <b>REVIEW DATE</b>                                 | Biennial   |            |
| <b>RESPONSIBLE</b>                                 |  |            |
| Leadership Team                                    | Rachel Good – Bursar                                       |            |
| Governing Committee                                | Resources Committee  |            |
| <b>APPROVED</b>                                    | Approved by<br>Governors                                   |            |
|  | Meeting Date   | 8/3/2021   |
| UPDATE:<br>Shared Drive<br>Website (if applicable) | 12 <sup>th</sup> April 2021<br>12 <sup>th</sup> April 2021 |            |

*At Newlands we create confident and responsible young women equipped with the skills they need for the twenty first century. We empower all students to realise their potential as part of a sustainable community committed to lifelong learning.*

## **1. Introduction**

1.1 The Disciplinary policy and procedure aims to help and encourage all employees to achieve and maintain required standards of conduct, job performance and good discipline.

1.2 The policy supports an employee whose conduct has not reached the required standards, to make adjustments and necessary improvements to reach required standards through guided instruction. The policy ensures the school's interests are safeguarded with employees treated fairly and equitably.

1.3 The procedure clarifies the rights and responsibilities of management and employees in respect of disciplinary proceedings; providing the process for dealing with alleged breaches of organisational policies, rules (*where relevant - as laid out in the codes of conduct*) and procedures; misconduct; or persistent wilful poor performance. It ensures that disciplinary sanctions when applied are appropriate and proportionate to the circumstances.

1.4 The three key points for a fair disciplinary procedure can be summarised as the employee should:

- fully understand the case against him or her;
- have an opportunity to state their case;
- have an opportunity to appeal against the decision.

## **2. Scope**

2.1 Except where otherwise stated, these policies and procedures apply to all employees of the school.

2.2 This full procedure does not apply to staff on probation, who are covered by a separate policy. However in cases of dismissal or gross misconduct, the minimum statutory requirements as outlined in the ACAS Code of Practice on Disciplinary and Grievance Procedures should be followed.

## **3. Responsibilities**

3.1 Headteachers are responsible for ensuring the employees they manage are aware of the general and specific policies, standards and procedures that are laid down for the regulation of work and conduct. This includes setting clear, measurable objectives; identifying performance standards; providing or facilitating appropriate training/coaching or support; providing formal feedback to staff on their progress and performance over a reasonable time period (usually via the annual appraisal system and regular 1 to 1s).

3.2 Employees are responsible for familiarising themselves with and ensuring that they understand the required policies, performance standards and procedures and any relevant Code of Conduct. They are expected to co-operate with their manager, to maintain professional working relationships with other staff, and to ensure that the standards and procedures expected and set are maintained and adhered to.

#### **4. Informal procedure**

4.1 Less serious incidents of misconduct should be discussed between the employee and their manager outside of the formal disciplinary procedure as they arise. The manager will ensure the employee is reminded of the standards required, and is given the opportunity to improve within specified reasonable review dates. A record of all meetings will be made. If minor incidents, for example, poor timekeeping become a frequent occurrence despite informal discussions and providing the opportunity for improvement, or if matters escalate to become more serious, the formal disciplinary procedure will be invoked.

#### **5. Safeguarding issues**

5.1 If an allegation is made against an employee involving a child or young person, the Headteacher must refer immediately to the Allegations against staff, carers and volunteers section of the Royal Borough of Windsor & Maidenhead's Safeguarding Partnership [https://berks.proceduresonline.com/windsor\\_maidenhead/index.html](https://berks.proceduresonline.com/windsor_maidenhead/index.html) and consult the Local Authority Designated Officer (LADO) for advice.

5.2 Whilst schools are not the employer of supply teachers they should ensure that allegations are dealt with properly. Under no circumstances should a school decide to cease to use a supply teacher due to safeguarding concerns without finding out the facts and liaising with the local authority designated officer (LADO) to determine a suitable outcome. Advice should also be taken from HR.

#### **6. Disciplinary rules**

6.1 Offences which are breaches of the School's Disciplinary Policy can be divided into two categories: Gross misconduct and other misconduct

Gross misconduct

6.2 Gross misconduct is defined as misconduct serious enough to destroy the employment contract between the School and the employee which makes further working relationship and trust impossible. Gross misconduct is normally restricted to serious offences. If proven, dismissal can be justified for the first offence. Suspension from duty can be considered in cases of suspected gross misconduct.

## Other misconduct

6.3 Cases of misconduct will not normally warrant dismissal without previous recorded warning(s). A minor offence will obviously call for a lesser punishment but repeated or aggravated minor offence(s) could lead to more severe sanctions, including ultimately dismissal.

6.4 It is not possible to list all the actions that might comprise "misconduct" or "gross misconduct" but Appendix C contains some examples that provide a useful guide to how certain offences will be regarded by management. Each case will, however, be fully investigated and all extenuating or mitigating circumstances and the overall effect of this breach of conduct on the school as a whole will be seriously considered in coming to a decision.

## Behaviour outside work

6.5 Behaviour outside work can be relevant to employment. Certain conduct could affect an employee's ability to perform their duties, where behaviour undermines the trust and confidence between employer and employee and could lead to disciplinary action.

6.6 An example of such an occurrence would be the loss of a driving licence due to an offence committed outside working hours for an individual required to drive as part of his or her job. Or any criminal charge which could lead to a conviction as a result of conduct unbecoming of a school employee e.g. affray, violence, substance misuse.

## Process

6.7 These rules are those which generally apply to all school employees.

6.7.1 No formal disciplinary action will be taken until a case has been thoroughly investigated. When commencing an investigation into an allegation of misconduct, there shall be no assumption that disciplinary action will automatically follow.

6.7.2 At every stage of the procedure, employees will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.

6.7.3 An HR representative should be in attendance at all formal stages of the procedure to advise on the process. The school will organise for someone to be available to make a record of discussions.

6.7.4 The manager investigating a case will, after taking advice from HR, present their findings to the hearing officer who will decide if further action should follow and assess the level at which the disciplinary hearing should be held. The Hearing Officer, (whether Headteacher or Governors panel) must be

appropriately authorised to take appropriate disciplinary action if the allegation is substantiated.

6.7.5 Disciplinary action will only take place where it is decided, following a disciplinary hearing, that misconduct has occurred and disciplinary action is appropriate.

6.7.6 Employees have a right to be accompanied by a work colleague, an accredited trade union representative or a trade union official at all formal stages of this procedure, including the investigatory meeting, disciplinary or appeal hearing. This companion can speak at the meeting on behalf of the employee, but they cannot answer questions on the employee's behalf.

6.7.7 Employees will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty will be dismissal without notice and without payment in lieu of notice.

6.7.8 The procedure may be implemented at any stage if the alleged misconduct warrants such action.

6.7.9 Employees have the right of appeal against any disciplinary sanction that is applied to them (see section 13).

6.7.10 At all stages of the investigation and disciplinary procedure all parties involved (including any witnesses) must ensure the confidentiality of events and discussions. This will not preclude sharing such confidence when seeking advice. Any discussions with witnesses should be confined to the specific areas on which the witnesses may have information. Any unreasonable breach of confidence may itself be treated as misconduct.

6.7.11 All formal letters sent to an employee under the terms of this procedure shall either be handed to them personally or sent by Recorded Delivery. Letters may be emailed for convenience but this must be in addition to sending a copy via recorded delivery. It is the employees' responsibility to forward copies of documentation to their representative.

6.7.12 Written warnings will cease to be "live" following the specified period of satisfactory conduct or performance and will be disregarded for future disciplinary purposes. However, there may be occasions where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and/or there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any warning should last.

6.7.13 If a witness is a pupil or parent it will not be usual procedure to request that person to attend a disciplinary hearing as a witness unless there are exceptional circumstances requiring the attendance of the witness. As an alternative, the witness may be asked to submit a written statement for the hearing to refer to.

## **7. Formal procedure**

7.1 Where discussion, coaching, training or other informal action fails to achieve the required improvement in performance or behaviour, or where the matter is more serious, the following procedure shall be undertaken:

### 7.2 Investigation

7.2.1 The manager will identify and clarify the issue by establishing the essence of the problem. The matter must be investigated in a systematic and thorough manner by gathering information promptly, establishing relevant facts and taking into account statements of witnesses if appropriate.

7.2.2 The manager may plan and carry out the investigation themselves, or in some circumstances, an alternative Investigating Officer may be appointed (Advice should be sought from a member of the school senior leadership team).

7.2.3 The Governing Body or Headteacher may suspend an employee on full contractual pay, for the minimum period possible, whilst the allegation is investigated. A suspension may only be ended on the authority of the Governing Body. Suspension does not constitute disciplinary action (see section 9 below).

7.2.4 The individual will be expected to attend any investigatory meeting scheduled. She or he will be given at least 5 working days written notice that an investigatory meeting is to be held under the disciplinary procedure, provided with details of the allegation/s against them, and advised of their right to be accompanied by a work colleague, an accredited trade union representative, or trade union official. A copy of the disciplinary procedure must be issued at this time.

7.2.5 The investigation meeting will be noted and a statement may also be taken or requested. The individual will be provided with a copy and asked to sign and return these to the Investigating Officer.

7.2.6 Staff who act as witnesses in disciplinary investigations will be expected to co-operate fully with the Investigating Officer. They will be required to attend meetings as requested and to provide a signed witness statement. They may also be required to attend any disciplinary hearing to answer questions, if necessary. There is no entitlement for witnesses to be accompanied at meetings. Please refer to 6.7.13 above regarding witnesses who are pupils or parents.

7.2.7 Following the investigation, the Investigating Officer will compile the investigation report based on their findings. They will make a recommendation on whether or not the case should progress to a formal disciplinary hearing and submit this to the Hearing Officer (Headteacher or Governors Panel Chair) or next appropriate management level as advised by HR if no Hearing

Officer has been appointed. The Hearing Officer (Headteacher or Governors Panel Chair) will consider the report from the Investigating Officer; however it is the Hearing Officer (Headteacher or Governors Panel Chair) who will be responsible for determining whether formal disciplinary action will follow

7.2.8 If a formal disciplinary hearing is recommended, the individual will be advised of this in writing and invited to attend a formal disciplinary hearing. The letter will detail the Investigating Officer's assessment of the type of misconduct that the misdemeanour represents, the possible consequences, the date, time and location of the hearing, who will be attending and what their role will be. It will state the employee's rights under this procedure, including the right to be accompanied by a trade union representative, or workplace colleague. Copies of all documentation and supporting evidence to be presented at the hearing will be included, and if the Investigating Officer intends to call any witnesses, this will also be disclosed.

7.2.9 The employee will be given time to prepare their case and the disciplinary hearing will not normally be held earlier than 5 and not later than 10 working days following notification, unless there is agreement to delay beyond this period. They will be advised that they may submit additional documentation and/or call witnesses, and if they choose to do so the Hearing Officer (Headteacher or Governors Panel Chair) must be notified with the relevant details at least 3 working days in advance of the hearing date.

### 7.3. The disciplinary hearing

7.3.1. The disciplinary hearing will be conducted by the Hearing Officer (Headteacher or Governors Panel Chair), who will be advised by a Human Resources representative. The employee must take all reasonable steps to attend a hearing. Please refer to section 12 below regarding the action to take should an employee fail to attend a disciplinary hearing.

7.3.2. The manager who has conducted the investigation will be the Presenting Officer responsible for presenting the case against the employee. They can be accompanied by an HR representative if required.

7.3.3. The employee has the right to be accompanied and assisted by a work colleague, an accredited trade union representative or a trade union official.

7.3.4. A note-taker will take down a record of the proceedings.

7.3.5. Witnesses should not be present throughout the hearing. They should be called in, one by one, to give their evidence and asked to withdraw once they have done so.

7.3.6. The hearing will be conducted in accordance with Appendix A.

7.3.7. If at any time during the proceedings it becomes apparent that there is no case for the employee to answer, an immediate adjournment may be called by the Hearing Officer (Headteacher or Governors Panel Chair).

7.3.8. An adjournment may be requested by either side or by the Hearing Officer (Headteacher or Governors Panel Chair), if it is considered necessary to gather further information or evidence or clarify any issue. The hearing will be reconvened as soon as possible.

7.3.9. If following the disciplinary hearing it is decided to institute disciplinary action, one of the sanctions below may be applied.

## **8. Disciplinary sanctions**

8.1 Before any decision on the appropriate disciplinary penalty is taken, consideration will be given to such factors as:

- the employee's position, length of service and general performance;
- the employee's disciplinary record;
- the action taken in similar cases in the past;
- any other relevant factors including mitigating circumstances;
- the reasonableness of the proposal in all the circumstances.

8.2 The Hearing Officer (Headteacher or Governors Panel Chair) applying a sanction should also give the employee specific guidance to encourage improvement. Any recorded disciplinary sanction (short of dismissal) must contain:

- details of actions to be taken to enable the employee to achieve improvement;
- a set timescale within which improvement is expected to take place;
- a plan for review to monitor and discuss progress with the employee.

8.3 Actions may involve training, counselling or some other form of assistance that the Headteacher/manager will provide. Depending on the circumstances, the following range of disciplinary sanctions may be applied:

### **8.4 Stage 1 – Written warning**

8.4.1 If conduct does not meet acceptable standards the employee will normally be given a written warning by the Hearing Officer (Headteacher or Governors Panel Chair). They will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A copy of this written warning detailing the misconduct, the change in behaviour required, and the dates for review will be kept on the employee's personal file but will be disregarded for disciplinary purposes after 12 months.



## 8.5 Stage 2 – Final written warning

8.5.1 If performance remains unsatisfactory or if a further act of misconduct occurs, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warnings), the employee will be given a final written warning.

8.5.2 This will give details of the misconduct; the improvement required; the set timescale for improvement; and dates for review. It will warn that dismissal may result if improvement is not satisfactory and will advise of the right of appeal. A copy of this final written warning will be kept on file but will be disregarded for disciplinary purposes after 12 months (in exceptional cases duration may be longer) subject to achieving and sustaining satisfactory conduct or performance.

## 8.6 Stage 3 – Dismissal

8.6.1 If conduct or wilful poor performance is still unsatisfactory and the employee fails to reach the prescribed standards, or if the offence constitutes gross misconduct, dismissal will normally result.

The employee will be provided as soon as reasonably practicable and normally within five working days the written reasons for dismissal, the date on which their employment will terminate and be advised of the right of appeal.

## 8.7 Action short of dismissal

8.7.1 In cases of a serious nature where dismissal is considered but it is decided to impose disciplinary action other than dismissal – such as temporary or permanent disciplinary transfer to alternative job or location, temporary or permanent demotion – it may also be decided to retain a final written warning on an employee's personal file for 24 months and the employee will be advised that any recurrence during this period will lead to dismissal.

8.7.2 Where temporary or permanent disciplinary transfer is imposed, the employee will not suffer any disadvantage which is in breach of his/her terms and conditions of employment as to make the school liable to a constructive dismissal claim. Disciplinary demotion will only be implemented with the employee's **written agreement** obtained **prior** to such action taking place.

## **9. Suspension**

9.1 Where there is a possibility that serious disciplinary action may be taken against an individual, an employee may be temporarily suspended from duty (see 9.4 below).

9.2 The authority to suspend an employee lies with the Governing Body. In the event that communication cannot be made the Headteacher has the authority to suspend an employee provided that the decision is ratified by the Governing Body at the earliest opportunity. Suspension should not be undertaken without prior consultation with an HR representative.

9.3 The purpose of the suspension will be either to enable appropriate investigations to take place before a formal hearing is confirmed, where there are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before the disciplinary hearing; if there is a potential risk to school business, other employees, pupils or third parties in allowing the employee to remain at work or in the case of the alleged conduct by the employee which is so serious as to necessitate immediate suspension. This may be likely in cases where gross misconduct is alleged. Employees whom it is alleged have seriously breached professional standards for example the Teachers Standards of conduct, performance and ethics will normally be suspended due to the potential impact of the outcome of the allegations on their fitness to teach.

9.4 Suspension will only be implemented after careful consideration and as a last resort once all other options have been considered. It will be kept under review and does not represent disciplinary action and does not involve any prejudgement or assumption of guilt.

9.5 The decision to suspend will be confirmed in writing and will confirm that the suspension is precautionary and not disciplinary in nature pending the outcome of the investigation and any subsequent disciplinary proceedings.

9.6 The contract of employment remains in force during a period of suspension, however, access to IT systems, the employee's ID badge and any keys will be temporarily removed. The employee will not be permitted to enter any school property unless prior explicit agreement from the Headteacher (Chair of Governors) has been obtained. During the period of suspension, the employee will be paid all contractual payments.

## **10. Criminal offence**

10.1 A worker will not be dismissed or otherwise disciplined simply because they have been charged with or convicted of a criminal offence. The consideration will be whether the conduct warrants action because of its employment implications. However, where the conduct requires prompt attention, there will be no need to await the outcome of the prosecution before taking reasonable action.

10.2 Where the police are called in they will not be asked to conduct any investigation on the schools' behalf; nor will they be present at any disciplinary hearing or interview however evidence from a police investigation will be considered if appropriate and where permission has been granted to use such evidence.

## **11. Trade Union representative**

11.1 No disciplinary action shall be taken against a trade union representative until a full-time official of the trade union concerned has been notified.

## **12. Failure to attend a disciplinary hearing**

12.1 If an employee is unable to, or decides not to take part in any of the meetings under this procedure, they must notify the management representative responsible for conducting the meeting in writing, specifying the reasons for non-attendance. This must be done 48 hours in advance of the meeting. If sickness prevents an employee from attending, then normal procedures for informing sickness absence apply although the employer may request a Doctor's certificate is provided before any decision to delay the hearing is confirmed.

12.2 If an employee does not attend a disciplinary hearing and does not provide prior written explanation giving reasonable justification of non-attendance, the Hearing Officer (Headteacher or Governors Panel Chair) will send the employee a recorded delivery letter. The letter will instruct them to attend a hearing at a new date which may include an additional charge of failure to attend and inform.

12.3 If the employee does not attend the disciplinary hearing at this new date and time and does not provide prior written explanation giving reasonable justification for non-attendance, the disciplinary Hearing Officer (Headteacher or Governors Panel Chair) will proceed to hold the hearing at the set date inviting the employee's representative to be present. Such a hearing will normally include the additional charge of failure to attend and inform.

## **13. Appeal**

13.1 An employee has a right of appeal against any disciplinary action taken. This must be exercised within 5 working days of receiving confirmation of the disciplinary decision. The appeal must be made in writing and set out the grounds for the appeal. Appeals may be made on various grounds, including new evidence, undue severity or inconsistency of the penalty. The appeal should be sent to the Clerk to Governors c/o the school.

13.2 A panel of governors who have not been involved at the disciplinary

stage of this process will hear the appeal.

13.3 An appeal hearing will be held within 10 working days of receipt of notification and the employee will be given at least 5 working days' notice of the time and place of the appeal hearing.

13.4 The appeal may be allowed, rejected or an alternative penalty substituted. The decision will be confirmed in writing within 5 working days and there will be no further right of appeal.

13.5 Whilst awaiting the outcome of an appeal against dismissal, the summary dismissal date will stand. In the event that the decision to dismiss is overturned at appeal, the employee will be reinstated as at the original dismissal date. Continuous service will not be affected and all monies under the contract of employment due will be paid.

13.6 The purpose of the Appeal process is to review the decision made by the Hearing Officer and determine in the light of the evidence presented at the original hearing, whether the decision was a reasonable one. Therefore the Appeal hearing **will not** rehear the case, unless new evidence comes to light, which in the opinion of the Appeal Chair materially changes the case. This will be notified to all representatives, so that they can make appropriate preparations for the Hearing.

13.7 The procedure for conduct of an appeal hearing is set out at Appendix B.

13.8 Time limits may be varied in exceptional circumstances by mutual agreement.

## **14. Employment tribunal**

14.1 Nothing in this procedure shall affect an employee's right to make a complaint to an Employment Tribunal in accordance with relevant employment legislation.

## **15. Grievances**

15.1 The ACAS Code of Practice suggests that the disciplinary process could be temporarily suspended to deal with the grievance. However, they also add: "Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently".

In such a situation an HR representative can provide further advice.

## **16. Records**

16.1 Records will be kept by the school detailing:

- the nature of any breach of disciplinary rules or unsatisfactory performance;

- the employee's defence or mitigation;
- the action taken and the reasons for it;
- whether an appeal was lodged and its outcome;
- any grievances raised during the disciplinary procedure;
- any subsequent developments;
- copies of all correspondence relating to this procedure including recorded written warnings;
- notes of any formal meetings

16.2 These records will be kept confidential and retained in accordance with this disciplinary procedure and the Data Protection Act 1998. Staff will be entitled to have access to their own records in accordance with the Act. Copies of any hearing records will be given to the employee concerned. In certain circumstances (for example to protect a witness) the school might withhold some information.

## **17. Referral to Professional Bodies and Regulatory Authorities**

17.1 Following the outcome of a case where the allegations were in relation to a breach of professional standards, the Hearing Officer (Headteacher or Governors Panel Chair) will consider whether a referral should be made to the relevant professional body. A referral will normally be made where the outcome of the disciplinary process is the employee's dismissal, or would likely have been their dismissal had they not resigned from their post. However referrals may also be made in cases resulting in lesser sanctions being applied. The employee will be notified if a referral is to be made. In addition, the school has a legal duty to notify relevant regulatory authorities including the Disclosure and Barring Services (DBS) in certain circumstances and will comply with this duty.

## **APPENDIX A**

### **CONDUCT OF DISCIPLINARY HEARING**

The hearing will be conducted by a Hearing Officer (Headteacher or Panel of Governors), who will be accompanied by a representative of Human Resources.

The Hearing Officer (Headteacher or Panel of Governors) will explain the procedure to be followed and outline the allegation(s) made.

- The Presenting Officer will state the case against the employee in the presence of the employee and their representative.
- The employee or their representative shall be given an opportunity to reply to the allegations and ask questions of the Presenting Officer.
- The Presenting Officer may call witnesses.
- The employee or their representative shall have the opportunity to question any witnesses called by the Presenting Officer.
- The Panel may ask questions for clarification of the Presenting Officer and any witnesses.
- The employee or their representative shall put the employee's case in the presence of the Presenting Officer.
- The Presenting Officer shall have the opportunity to ask questions of the employee, their representative and of any witnesses called by the employee.
- The Panel may ask questions for clarification of the employee, their representative and any witnesses called by the employee.
- The Presenting Officer shall have the opportunity to sum up the case against the employee, but may not introduce any new material.
- The employee or their representative shall have the opportunity to sum up the employee's case, but may not introduce any new material.
- The employee, their representative and the Presenting Officer, shall withdraw.
- If recall is necessary, both parties are to return regardless of the point giving rise to doubt.

- The Disciplinary Panel shall consider the case in private:

They must first decide whether, on the balance of probabilities, taking due regard of all the facts, the case against the employee is proven. If the case against the employee is proven, and before imposing a disciplinary sanction they must consider:

- the level of disciplinary sanction indicated by the procedure; any special, mitigating circumstances which might make it appropriate to lessen the sanction;
  - the employee's disciplinary record, general record, position and length of service;
  - whether there are any other 'live' warnings;
  - how the school has dealt with similar cases in the past; whether the proposed sanction is reasonable in view of all the circumstances.
- The Hearing Officer shall inform the employee of the decision at the conclusion of the deliberations, if practicable. In any case, they shall provide the employee with written confirmation of the decision within five working days of the hearing. This will include notifying the employee of their right of appeal and the procedure to be followed.

**DISCIPLINARY APPEALS PROCEDURE**

The Chair of the Appeals Panel will conduct the appeal hearing and will explain the purpose of the hearing, outline the procedure to be followed and the powers vested in the Appeals Panel.

- The employee has the right to be accompanied by a work colleague, an accredited trade union representative or a trade union official and may call witnesses and refer to documents relevant to the hearing.
- The appellant (or representative) will put the appellant's case in the presence of the management representative(s) and may call such witnesses as required.
- The management representative(s) will have the opportunity to ask questions of the appellant and witnesses who have been called, on the evidence given.
- The members of the Appeals Panel will have the opportunity to ask questions of the appellant and witnesses and call such witnesses as required.
- The management representative(s) will put the case in the presence of the appellant and representative and may call witnesses as required.
- The appellant or representative will have the opportunity to ask questions of the management representative(s) and any witnesses who have been called, on the evidence given.
- The members of the Appeals Panel will have the opportunity to ask questions of the management representative(s) and call such witnesses as required.
- Witnesses will remain in attendance whilst they are questioned and will withdraw thereafter.
- The appellant (or representative) and the management representative(s) will have the opportunity to sum up their cases if they so wish.
- The management representative(s) and the appellant (and representative) will then withdraw.
- The Appeals Panel with the officers appointed as Clerk and Adviser will deliberate in private, only recalling the management representative(s) and the appellant (and representative) to clear points of uncertainty on evidence already given. If recall is necessary, both parties will return



notwithstanding only one is concerned with the point giving rise to doubt.

- In most cases the decision will be delivered on the day and verbally, although there may be occasions when this is not possible. In any event, the Panel's decision will be notified in writing within 7 days.

## Disciplinary Offences Guidelines

**The following are examples of Misconduct. This list is for guidance only and is not exhaustive**

- dishonesty;
- breach of confidentiality;
- breach of professional standards including but not limited to the Health and Care Professionals Council (HCPC) Standards of conduct, performance and ethics and the Teacher Standards Guidance for school leaders, school staff and governing bodies\*
- misconduct that brings the school into disrepute;
- negligent use, misuse or unauthorised use of the school's property, including equipment, materials and information;
- health and safety issues, for example:
  - threatening physical assault;
  - abusive behaviour, offensive or obscene language or gestures directed at colleagues, pupils, parents or members of the public;
- deliberate or reckless damage to school property;
- failure to observe established health, fire and safety rules and to report accidents or injuries whilst on duty;
- smoking in any other than designated areas;
- creating or contributing to unsanitary conditions;
- entering or leaving school property except by designated entrances and exits;
- performance related issues, for example:
  - serious neglect of duty which undermines the school;
  - wilful failure over a period of time to perform work to satisfactory standards;
  - failure or refusal to carry out a reasonable management instruction
  - with reference to the school's Alcohol and Substance misuse policy, failure to carry out duties effectively while under the influence of alcohol or drugs, other than medically prescribed;
  - with reference to the school's Safeguarding policy, failure to carry out duties to safeguard children;
  - misuse of the employee's position towards a fellow employee, pupil, parent or a member of the public, including oppressive or abusive conduct, bullying, harassment or victimisation;
- infringement of terms and conditions of service, for example:
  - persistent lateness;
  - absence from duty without headteacher's permission;
  - abuse or non compliance with the school's sickness absence management procedure;
- improper use of social networking or other media with the potential to have adverse impact on the reputation of the school, colleagues, pupils, parents or the wider school community;
- engaging in gossip, rumour spreading or other communications with potential to adversely impact the reputation of the school, colleagues, pupils, parents or the wider school community;

- failure to comply with policies, procedures and regulations as laid down by the school from time to time;
- engaging in or knowledge of activities on or off the premises which could be considered a discredit to the school community;
- undertaking additional employment which would counter the interests of the school or would conflict with the employee's own position;
- making unauthorised statements to the press or news media relating to school business;
- making a false statement of any kind within the realms of school employment, knowing it to be false or having reckless regard as to either the validity or falseness of the statement.

**The following are examples of Gross Misconduct. This list is for guidance only and is not exhaustive**

- criminal offence which affects the individual's ability to carry out his/her job;
- physical assault by an employee on any other person;
- theft, misappropriation or unlawful destruction of property: the school's, employees or others;
- accepting bribes or attempting to bribe others;
- serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury;
- supplying security access codes/passwords to any unauthorised person;
- unauthorised disclosure of information or misuse of trust of a serious nature;
- Unreasonable or wilful refusal or failure to carry out a reasonable management request or serious insubordination;
- making malicious or unfounded allegations of a serious nature;
- deliberate falsification of any documents or claims, including time sheets, overtime or expense forms;
- serious breach of professional standards including but not limited to the Health and Care Professionals Council (HCPC) Standards of conduct, performance and ethics and the Teacher Standards Guidance for school leaders, school staff and governing bodies\*
- misconduct at work or away from work of such a serious nature as to bring into disrepute either the employee's position or the school;
- discrimination related to the characteristics protected under the Equality Act;
- harassment of a serious nature;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;
- alcohol or drug abuse;
- serious breach of the school's Safeguarding policy;
- engaging in unauthorised employment during hours when contracted to work for the school or during periods of designated leave, for example annual or sick leave, time off for training, etc.;
- any action that could result in a material breach/breakdown of trust and/or confidence;
- failure to disclose unspent criminal conviction(s) or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975;

- providing false information on a job application form.

\*HCPC Standards of conduct are available at:

<https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/>

\*Teachers Standards Guidance for school leaders, school staff and governing bodies are available at:

<https://www.gov.uk/government/publications/teachers-standards>