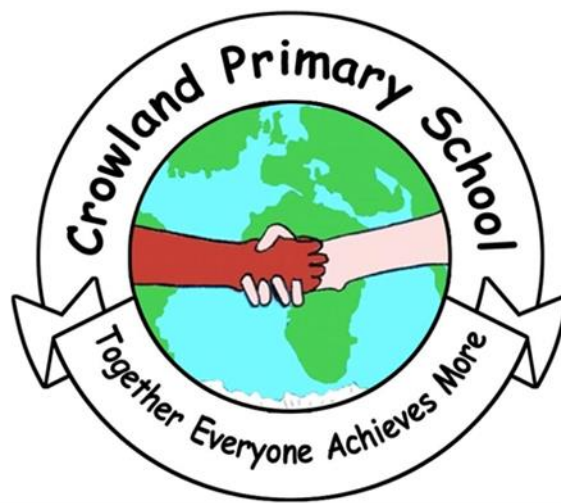


Haringey Schools



Disciplinary Policy

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Governing Body : Andrew Bethell

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This policy has been developed through a process of consultation with the relevant Recognised Trade Unions and due to the complexities of this area of employment and education law, the Local Authority expects all Governing Bodies of Community and Voluntary Controlled schools to adopt this policy without amendment.

Should, exceptionally, a Governing Body seek to amend this recommended document or adopt an alternative procedure, the Governing Body must undertake formal consultation collectively with the Secretaries of the Recognised Trade Unions and confirm any amendments with the Local Authority via Haringey Schools HR.

This document is also strongly recommended for consideration for adoption by Foundation and Aided Schools.

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1. Purpose

The Council and School expects a high standard of behaviour and conduct from all employees, as set out in its Code of Conduct; the Disciplinary Policy should be used when an employee's behaviour does not meet those standards.

2. Scope

This policy applies to all School employees directly employed by the council and all staff appointed by schools operating under local management of schools. It does not include academies or diocesan schools which have their own policy.

Allegations of misconduct from agency workers should be addressed through their employing agency.

3. General Principles

This policy sets out the general principles that the Council will use when dealing with any conduct or behaviour which is in breach of the Council's Code of Conduct

3.1 Aims of the Policy

The Council's Code of Conduct and Teacher Standards sets out the high standard of conduct and behaviour expected from all employees; the aim of the Disciplinary Policy is to resolve issues when an employee's behaviour does not meet those standards.

All allegations of a disciplinary offence are treated very seriously by the Council as the outcome in some instances may mean dismissal. The Council and School is therefore committed to a basic set of principles to ensure that there is fairness throughout the process.

All disciplinary matters will be dealt with:

- informally where appropriate
- promptly
- sensitively
- consistently
- impartially
- transparently.

In some cases, the behaviour may be found to be so serious that it will be regarded as Gross Misconduct which could lead to an employee's summary dismissal without notice. Further information and examples of Gross Misconduct can be found in the Code of Conduct.

3.2 Standard Setting

Where appropriate, some concerns of substandard behaviour or conduct may be resolved promptly through day-to-day management interventions. Headteachers or the nominated person should take every opportunity to raise concerns informally with employees in order to clarify the standards required. Individuals should be given sufficient time in which to demonstrate improved standards.

However, should the employee's behaviour fail to improve, or their behaviour is viewed as wilful non-compliance or misconduct, then formal disciplinary action may be taken.

3.3 Right to be Accompanied

An individual has the statutory right to be accompanied at any formal stage of a disciplinary, including a suspension meeting. They may be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union.

3.4 Suspensions

In cases where the allegation is sufficiently serious that the employee's continued presence in the workplace cannot be sanctioned, either because the alleged conduct is too serious or because their presence could impede the investigation, then the individual may be suspended. Suspension risk assessment must be completed by the Headteacher. Suspensions can only be approved by the Chair of Governors or headteacher (for local maintained schools), after consultation with the Schools Human Resources team.

The decision to suspend can be made at any point during the disciplinary process.

A suspension from duty is a neutral act and is not a presumption of guilt and will only be used to allow for a full and prompt investigation of the allegation. To ensure that suspension periods are kept to a minimum they will be frequently and regularly reviewed to ensure the suspension is still appropriate.

Circumstances in which suspension may occur include:

- when children are considered to be at risk;
- where allegations are so serious that dismissal for gross misconduct is possible;
- where the conduct of the investigation may be impeded by the presence in school of the employee;
- when there is some other justifiable substantial reason for preventing the employee's presence in the school.

The following alternatives should be considered by the Headteacher before suspending a member of staff:

- redeployment within the school so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, but this decision should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. It should be made clear that this is not a punishment and parents have been consulted; or,
- where possible, temporarily redeploying the member of staff to another role in a different school or work for the Council.

3.5 Investigations and Hearings

Investigations into alleged misconduct will be carried out without undue delay. The purpose of the investigation will be to establish the facts of the case and decide whether there is a case to answer in respect of the allegations and to prepare for the disciplinary hearing.

Disciplinary investigations will be dealt with in a reasonable timeframe and carried out or overseen by the Headteacher, where this is not appropriate, an investigator will be nominated by the chair of governing body. A hearing will be arranged as soon as is reasonably practicable after the completion of the investigation report.

The purpose of the hearing will be to:

- hear the allegations and the findings of the disciplinary investigation
- allow the individual to respond to the allegation, ask questions and discuss the evidence
- allow the employee to put their case including any mitigating circumstances
- provide a full account of the case to inform the outcome of the hearing
- hear from witnesses for either the employer or employee and to allow questions

The outcome of the hearing will be based on the evidence that has been presented and will reach a conclusion based on the balance of probabilities.

3.6 Sanctions

Where the hearing has concluded that the allegations were substantiated, it may be appropriate to recommend sanctions, depending on the nature and seriousness of the misconduct, up to and including summary dismissal without notice for cases of gross misconduct.

Any sanction made will be consistent with the infringement of the School Code of Conduct or Teacher Standards. For lesser cases of misconduct or where there are pertinent mitigating factors the sanction may be either one or a combination of the following:

- first written warning, usually active for six to twelve months
- second written warning, usually active for twelve to twenty-four months
- final written warning, usually active for twenty-four months
- withholding an increment, usually active for a maximum of twenty-four months but will be reviewed at twelve months. (excludes teachers)

The outcome of the disciplinary hearing will be communicated to the employee in writing within five working days of the decision and will set out the findings made by the discipline committee and will set out the disciplinary sanction made and the reasons why this sanction is appropriate and why other sanctions were not appropriate this taking into account any mitigation put forward.

3.7 Appeals

The individual may appeal the outcome of the disciplinary hearing.

- appeals lodged against a disciplinary sanction will be reviewed by the governing body appeal's committee

3.8 Other Considerations

Any attempt to frustrate the conduct of the disciplinary process, the investigation or the business of the hearing or a subsequent appeal, may in itself be viewed as a disciplinary matter.

Should an employee choose to resign during a disciplinary to circumvent the disciplinary process, they may be required to serve a notice period. In this case all efforts should be made to conduct and conclude the disciplinary before the end of their notice period.

4. Further References

Disciplinary Policy Practice Notes [Code of Conduct](#)

[Dignity at Work Policy](#)

[ACAS Code of Practice on Disciplinary and Grievance Procedures](#) [Grievance Policy](#)

Teachers Standards

DOCUMENT CONTROL

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