

Shaw Ridge Primary School Staff Discipline and Grievance Policy

Introduction

1. The public is entitled to have trust and confidence in the integrity of the school community, its staff, governors and volunteers.
2. Your conduct must therefore be of the highest standard. Confidence in the integrity of people working (paid or unpaid) within schools will be shaken by suspicion, however ill founded, that you could be influenced by improper motives.
3. This Code of Conduct has therefore been prepared to achieve these aims:
 - To tell you about some of the statutory, national and local obligations which govern your conduct as an employee/volunteer of Shaw Ridge Primary School
 - To help you on issues of conduct by providing a framework of guidelines
4. You must read and follow this Code. You will have to sign the attached form and return it to the Headteacher to show that you have read it.
5. If any points are unclear or you are not sure of the appropriate action to take in a situation, whether or not it is covered in this code you must consult your Headteacher.

Children's Rights

6. The aim of this code is also to ensure that children and young people have the right to:
 - respect;
 - information about themselves;
 - be protected from harm;
 - have a say in their life;
 - a good start in life; and
 - be and feel secure

Scope

7. This Code of Conduct applies to all people working in Shaw Ridge Primary School whether they are paid, contracted or volunteers.

General Obligations

8. You must act with utmost good faith with regard to the business of Shaw Ridge Primary School, and must do all in your power to promote the school's interests and not do anything which may adversely affect the School's reputation.

Statutory, National and Local Obligations

9. Teaching staff must adhere to the terms and conditions outlined in The School Teachers Pay and Conditions Document, a copy of which can be found in the school office.
10. Sections 35 and 36 of the Education Act 2002 apply to the staffing aspects in relation to schools.

11. Other relevant documents include:

- Staff handbook
- Disciplinary procedure
- Child protection
- Health and safety

The Headteacher is responsible for telling you about these. If you are not certain about a course of action, you must ask.

Public Duty and Private Interest

12. Your off-duty hours are your own personal concern. It is important, however, that you do not put yourself in a position where your duty to the school and your private interests conflict.

13. You are expected to abide by the policies of the school. Your own personal or political opinions must not interfere with the provisions of balanced professional advice or your duty to carry out those policies.

Confidentiality and Information Disclosure

14. You must conform to the requirements of the Data Protection Act 2002 and must take all reasonable steps to ensure that the loss, destruction, inaccuracy or disclosure of information does not occur as a result of your actions. This includes information relating to school business and pupil data.

15. You must not disclose personal or financial information about any other member of staff to any unauthorised person, external organisation or agency without the express consent of the individual concerned or that of the Headteacher.

16. You must not use information obtained in the course of your duties to the detriment of the school or for personal gain or benefit; nor should you impart this information to others who might use it in such a way.

17. Confidential information belonging to the school must not be disclosed to any person not authorised to receive it.

Other Employment (staff only)

18. You may not set up a business or accept employment with a business engaged in work which is in direct competition with the school.

19. If you do have another job it must not conflict with the school's interest or bring the school into disrepute.

20. If you have another job with another organisation you should not act as a messenger, go between or arbitrator between that organisation and the school. Formal channels of communication should be maintained.

21. Your working commitments to another employer must not interfere with your work for the school; you must be able to work for the School at the contracted/arranged times rested and refreshed.

Use of School Time and Facilities

22. Whilst on duty you should be working. The School's property and facilities (e.g. stationery, display screen equipment, photocopier) may only be used for official school business unless permission for their private use has been granted.

23. You may use the school telephone to make important private calls.

24. You must account for all money and property for which you are given responsibility in the course of your work.

Publication of Books/Articles

25. If you want to publish books, articles, letters, dissertations etc. which you have written in connection with your duties and in which you describe yourself as holding an appointment with the school, you must first consult your Headteacher.

General

26. In accordance with The School's Equal Opportunities Policy you must ensure that you do not discriminate in recruitment and employment practices or in the delivery of services. You must also ensure that in your dealings with the local community, all members of the public are treated with respect and fairness.

27. You must also comply with the requirements of any professional body of which you are a member e.g. GTC, CIPD, ATT, CIPFA.

28. Serious misconduct and/or criminal offences committed during or outside of working hours which bring you or the school into disrepute will be the subject of disciplinary action which could lead to dismissal.

29. **Social networking:** Social networking sites and blogging are extremely popular. Staff must not post material which damages the reputation of the school or which causes concern about their suitability to work with children and young people. Those who post material which could be considered as inappropriate could render themselves vulnerable to criticism or allegations of misconduct. It is NEVER acceptable for staff to post pictures of school pupils (other than their own children) on personal social networking sites whilst engaged in a school activity.

Financial Inducements, Gifts, Hospitality and Sponsorship

30. You must not seek or receive personal preferential rates by virtue of your dealings on behalf of the school. Offers of hospitality, including visits to exhibitions, business meals, social functions, etc. should only be accepted if there is a genuine need to represent the School as part of your official duties. These must be authorised in advance by your Headteacher.

31. Where an external organisation wishes to sponsor or is sought to sponsor a School activity, the above rule 29 applies. Particular care must be taken when dealing with contractors or potential contractors.

Disciplinary Action

32. Any breach of this Code of Conduct will be the subject of disciplinary action which could result in dismissal.

Further Information

33. This Code of Conduct cannot cover every eventuality. Its purpose is to alert you to some of the matters about which queries are received. It does not replace the general requirements of the law, common sense and good conduct.

34. If you are uncertain about what to do in a particular situation or you require further information or guidance on the appropriate course of action to take in any situation you must contact your Headteacher for advice as soon as possible.

Staff Capability

1. Purpose.

This applies to those staff on School teacher's terms and conditions of employment and will only apply where there are serious performance issues that cannot be addressed through the appraisal process.

In progressing to this procedure the teacher will have been assessed through the school's appraisal process and will have received constructive feedback throughout the year including any relevant support to assist in improving their skills and competence to the required level.

The teacher will have been notified in writing that the appraisal system will no longer apply and that their performance will be managed under the capability procedure.

The procedure incorporates the key elements of the statutory standard discipline and dismissal procedure required under the Employment Act 2002 and reflects the ACAS Code of Practice on grievance and disciplinary. It includes:

- a written statement from the employer setting out the grounds for action and inviting the employee to a meeting;
- a meeting where certain requirements must be observed;
- the employer's decision and notification to the employee of the right of appeal
- an appeal process

The procedure takes account of the relevant staffing Regulations and replaces the statutory guidance 'Capability Procedures' for Teachers 2000.

2. Statement of Principles

Employees having difficulty in carrying out their duties to the required standard will be treated with sympathy and understanding and will be given help to correct the deficiency.

At every stage in the formal procedure, the employee will have the right to be accompanied by a companion who may be a colleague, or a trade union representative.

No employee will be dismissed on grounds of capability until the programme of improvement and assistance has been exhausted without the employee achieving satisfactory results and there remains an insufficient prospect of improvement within a reasonable timescale.

The employee will have the right to appeal against any formal decision at each stage of the process.

Employees suffering from ill health will be dealt with under the Wellbeing and Attendance procedure.

If long term sickness absence appears to have been triggered by the commencement of monitoring or a formal capability procedure, the case will be dealt with in accordance with the school's absence policy and will normally be referred to the occupational health service to assess the member of staff's health and fitness for continued employment and the appropriateness or otherwise of continuing with monitoring or formal procedures. In some cases it may be appropriate for formal procedures to continue during a period of sickness absence. However, the views of the occupational health physician will always be taken into account before a decision is reached.

3. Formal Capability Meeting

Once it has been established that there are serious concerns about a teachers performance that have not been addressed through the appraisal process then the teacher will be given 5 working days' notice that they will be required to attend a formal capability meeting. Please see the flowchart in appendix 1

This notification will contain details about the concerns around performance and their possible consequence to enable the teacher to prepare to answer the case. It will contain copies of any written evidence including written feedback given through the appraisal process and details of any support offered.

The meeting will be conducted by the Chair of Governors (for Headteacher capability) or by the Headteacher for other teachers. The meeting allows for the teacher to respond to the concerns raised about their performance and make any relevant representations.

The person conducting the meeting may halt or adjourn the process at any time depending on the circumstances.

The aims of the formal interview will be to:

(a) explain clearly the shortfall between the employee's performance and the required standard;

(b) give clear guidance on the improved standard of performance needed to ensure that the teacher can be removed from the capability procedure. This could include setting clear objectives focussing on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether the necessary improvement has been made.

(c) obtain the employee's commitment to reaching the required standard;

(d) explain any support that will be available to help the teacher improve their performance and any welfare and other support available.

(e) set a reasonable period for the employee to reach the standard and agree on a monitoring and review programme between 4 and 10 weeks.

(f) tell the employee that dismissal is a possible outcome if the standard is not met. In very serious cases this warning could be a final written warning.

The outcome of this meeting will be recorded in writing and a copy will be given to the employee together with details of the timing and handling of the review stage and procedure and time limits for appealing against the warning.

Progress will be monitored throughout the review period and formal monitoring, evaluation, guidance and support will continue during this period.

4. Formal review meeting

The teacher will be given 5 working days' notice that they will be required to attend a formal review meeting and will be advised of their rights to be accompanied.

If the teacher has made sufficient improvement then the capability procedure will cease and the appraisal process will re-start.

If an improvement has been made but the standard has not yet been met, the review period may be extended if the Headteacher believes there is a realistic expectation of satisfactory performance.

If no, improvement or insufficient improvement has been made during the monitoring and review period the teacher will receive a final written warning

The outcome of this meeting will be recorded in writing and a copy will be given to the employee together with details of any further monitoring and review periods.

If a final written warning is issued the teacher will be informed that failure to achieve an acceptable standard of performance (within the set timescales) may result in dismissal and the teacher will be invited to a Decisions Meeting.

5. Decisions Meeting

The teacher will be given 5 working days' notice that they will be required to attend a formal Decisions Meeting and will be advised of their rights to be accompanied. Please see the flowchart in appendix 1

If the teacher has made sufficient improvement through the further monitoring and review period then the capability procedure will cease and the appraisal process will re-start.

If the performance remains unsatisfactory a decision or recommendation to the Governing Body will be made that the teacher should be dismissed or required to cease working at the school.

The teacher will be informed in writing within 5 working days of the meeting of the reasons for dismissal, their right to notice, the date on which their contract will cease, and their right of appeal.

6. Decision to dismiss and dismissal arrangements

The power to dismiss staff in this school has been delegated to the staff dismissal committee comprising of two Governors. Once the decision to dismiss has been taken, the Governing Body or head teacher will dismiss the teacher. Statutory and contractual notice will apply.

7. Appeals

The employee will be told of their right of appeal to the Appeals Committee of the Governing Body. All appeals must be notified, in writing, to the Clerk to the Governing Body within 10 calendar days of the date of the dismissal letter setting out at the same time the grounds for appeal.

The teacher will be given 5 working days' notice that they will be required to attend a formal appeal meeting and will be advised of their rights to be accompanied.

The appeal will be dealt with impartially and by a panel of governors who have not previously been involved in the case

The Head teacher /Chair of the original governors panel will be invited to outline the case against the teacher

If an appeal against dismissal is successful then the employee will be re-instated and salary owing back paid.