****St** Andrew’s School

A school with Quaker values

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**The St Andrew’s School Trust is a Registered Charity No. 1129232**

Disciplinary

Policy & Procedure

Last reviewed date: 11th January 2023

Adopted by Trustees date: 23rd January 2023

Next review date: Spring 2024

1. **PURPOSE**

At St Andrew’s School we share a Quaker ethos and as such we look for in ourselves, and each other, acceptable behaviour that must be within the limits of the law and that protects all members of the community.

For this reason, the school’s approach to discipline is designed to encourage individuals to appreciate the need for agreed standards and rules of behaviour, apply self-discipline and personal responsibility, and be role models for the school’s student population. When conduct falls short of the standards required as per Teachers’ and Teaching Assistants’ Standards published by the Department for Education (DfE) the employee will be given the opportunity to improve wherever possible. For other support staff where standards fall below those expected to fulfil their jobs to a reasonable standard as set out during the induction procedure.

The principles and procedure set out below are intended to follow the up-to-date legislation and best practice for discipline at work.

**2. SCOPE**

This procedure applies to all employees of St Andrew’s School.

**3. PRINCIPLES**

Where conduct falls short of the standard required:

* Wherever possible the matter will be dealt with on an informal basis by the individual’s line manager (i.e. Head of Department, or Headteacher, as appropriate) (Appendix 1 Informal Stage File Note), unless the misconduct is of such seriousness that an informal approach is not appropriate;
* To assist fair treatment the matter will be dealt with promptly and by the consistent application of the school’s disciplinary procedure and rules;
* The matter will be fully investigated including, if appropriate, an investigation meeting (see Appendix 2 Notice of Investigatory Meeting) with the employee concerned, in order to establish the facts, before any decision is contemplated;
* The employee will receive 5 working days written notice (see Appendix 3 Notice of Stage XXX Formal Disciplinary Meeting letter) of a formal disciplinary meeting, if required, and the letter will outline the nature of the misconduct allegation along with any relevant supporting documentation, and the time and place of the meeting;
* Within any formal disciplinary meeting the employee will be given the opportunity to put his/her case in response to the allegations, before any decision is taken;
* The employee will have the right to be accompanied in any formal discipline meeting either by a work colleague, who may be an accredited workplace trade union representative, or by an official of a trade union to which they belong. In the case of a trade union representative who is not an employed official, confirmation will be required from the union that the representative is certified as competent to accompany a worker;
* Any formal disciplinary meeting will be chaired by the Headteacher who will normally be accompanied by a colleague whose role will be to take notes and prepare and distribute minutes within 5 working days of the date of the meeting;
* Within any formal discipline meeting the line manager or employee may call witnesses where relevant to their case;
* Any decision taken at the conclusion of a formal disciplinary meeting will be confirmed in writing as soon as possible after the meeting (see Appendix 4 Stage 1 Formal Notice to Improve Letter and Appendix 5 Final Written Warning letter);
* The employee will have the right of appeal to the next level where the decision involves a formal disciplinary warning or dismissal.

**4. RULES**

The procedure distinguishes between minor acts of misconduct and more serious misconduct offences including those which the school regards as gross misconduct.

4.1 **Misconduct**

The employee will not normally be dismissed for first breaches of disciplinary rules of conduct, unless the case involves gross misconduct. The use of warnings is intended to provide the employee with the opportunity to learn and to improve his/her conduct to the standard required.

Examples of acts of misconduct include but are not limited to: timekeeping and lateness problems; unauthorised absence or failure to observe the sickness notification procedure; minor breaches of health and safety rules; inappropriate use of school equipment and resources; poor performance due to conduct; breaches of dress code and standards of appearance; minor acts of inappropriate behaviour towards colleagues or students.

4.2 **Gross Misconduct**

Gross misconduct is conduct of such seriousness that it justifies dismissal without previous warnings and without notice. The nature of the misconduct is such that any reasonable person would consider that the penalty of dismissal would be reasonable in the circumstances. In any case involving gross misconduct the principles set out in section 3 above will be adhered to regardless of the seriousness of the offence.

Examples of gross misconduct include but are not limited to:

* Theft or attempted theft;
* Fraud or attempted fraud;
* Physical assault or fighting at work;
* Serious damage to school property, property belonging to students or their parents, or colleagues;
* Incapacity at work due to being under the influence of alcohol or illegal drugs;
* Gross insubordination;
* Sexual, racial, disability or other unlawful discrimination, or acts of bullying or harassment;
* Wilful, serious breaches of the terms of employment;
* Neglecting to perform the duties of employment;
* Conviction by Court of any offence which affects continuing employment;
* Acts which could bring the school’s name into disrepute;
* Breach of confidentiality;
* Conduct which could reasonably be regarded as abuse of position.

4.3 **Suspension**

In some instances, involving an allegation of gross misconduct it may be appropriate to suspend the employee on full pay if their presence in the workplace could be prejudicial to the investigation or could upset ongoing work place relationships.

Where suspension occurs the period of suspension will be kept to the minimum necessary whilst the investigation is completed. The employee will be given a clear explanation of the reasons for suspension, likely duration and next steps, and who to contact during the suspension. The details of the suspension will be confirmed in writing (see Appendix 6 Confirming Suspension letter), making clear that the suspension is not in itself a disciplinary penalty. Any suspension will be authorised and normally conducted by the Headteacher.

**5. PROCEDURE**

In accordance with the Advisory Conciliation and Arbitration Service (ACAS) Code 1 2015, *“where some form of formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case”* and the school therefore reserves the right to begin disciplinary proceedings at any stage of the process set out below as appropriate to the issues under review.

5.1 **Informal Stage**

Where minor acts of misconduct occur involving behaviour, which is falling short of the accepted standards, and where this has not happened previously, it will normally be appropriate to deal with this on an informal basis.

This will involve a private discussion between line manager (i.e. Head of Department, or Headteacher, as appropriate) and member of staff, in which the problem will be presented and the opportunity given to explain the reasons for the behaviour or conduct. The line manager (i.e. Head of Department, or Headteacher, as appropriate) will seek to determine the nature of the problem and whether this concerns the employee’s capability or conduct. Where the problem is found to be a matter of capability this will be dealt with under the school’s Capability Policy and Procedure.

The manager will make clear the standard required and identify and agree any support required. The consequences of failure to improve will be made clear. The manager will prepare a file note (see Appendix 1) of the discussion and the agreed improvement required and actions agreed and will pass a copy to the member of staff. The file note will remain on file for six months.

5.2 **Stage 1 Formal Discipline Meeting**

Where the issue concerns the employee’s conduct, and no improvement has been achieved following the informal stage, or for more serious or repeated acts of misconduct a Stage 1formal discipline meeting will be held in accordance with the principles set out in section 3 above. This may result in a written (see Appendix 4 Stage 1 ‘Notice to Improve’).

The notice to improve will inform the employee of the problem, the improvement and actions required, the consequences of failure to improve, and the right of appeal. The notice to improve will be retained on file for 12 months and will be considered should any further instance of misconduct arise during this period.

5.3 **Stage 2** **Formal Discipline Meeting**

Where the employee’s conduct fails to improve within the duration of the earlier notice to improve, or if other acts of misconduct arise, or where an act of serious misconduct has occurred a Stage 2 formal discipline meeting will be held in accordance with the principles outlined in section 3 above. This may result in a Stage 2 ‘Final Written Warning’ letter (see Appendix 5). The warning will inform the employee of the problem, the improvement and action required, the consequences of failure to improve i.e. the possibility of dismissal, and the right of appeal. The warning will be retained on file for 12 months and will be taken into account should any further instance of misconduct arise during this period.

5.4 **Stage 3** **Formal Discipline Hearing**

If the employee’s conduct fails to improve during the period of the final written warning, or if other acts of misconduct arise during this period, or if an act of serious misconduct occurs then provided that the principles outlined in section 3 above are adhered to, the employee may be dismissed. Following a disciplinary hearing the decision to dismiss will be confirmed in writing (Stage 3 Dismissal letter (see Appendix 7 Stage 3 Dismissal letter)). Dismissal will normally be with notice unless the case involves gross misconduct, when it will normally be appropriate to dismiss summarily (without notice).

The employee will have the right to appeal against the decision. The decision will be effective immediately and employment will be terminated unless the decision is subsequently overturned at appeal leading to the employee’s re-instatement.

**6. RIGHT OF APPEAL**

At all formal stages of the disciplinary procedure the employee has the right to appeal against the decision to the next level of management. The employee must set out his/her grounds for appeal in writing within 10 working days of receipt of the decision letter.

Appeals against a notice to improve or final written warning will normally be to either the Headteacher, or to the Chair of Trustees where the Headteacher has previously been involved in the case. The appeal will be heard by the Headteacher and a member of the Board of Trustees.

Where the appeal is against a decision to dismiss, the appeal will be to the Chair of Trustees, who will convene an appeal panel of three to hear the case.

The employee will be given 10 days written notice (see Appendix 8 Notice to Attend an Appeal Hearing letter) of the appeal hearing and will have the right to be accompanied as per section 3 above.

At the appeal stage the decision taken will either be to:

* Accept the appeal and remove the penalty imposed;
* Accept the appeal and impose a lesser penalty;
* Reject the appeal and confirm the penalty imposed.

The chair of the appeal panel will confirm the decision in writing (see Appendix 9 Appeal Decision letter). The decision taken at the appeal stage will be final and will represent the end of the internal discipline procedure.

**APPENDICES**

1. Informal Stage File Note
2. Notice of Investigatory Meeting
3. Notice of Stage XXX Formal Disciplinary Meeting letter
4. Stage 1 Formal Notice to Improve letter
5. Stage 2 Final Written Warning letter
6. Confirming Suspension letter
7. Stage 3 Dismissal letter
8. Notice to Attend an Appeal Hearing letter
9. Appeal Decision letter

**APPENDIX 1. Informal Stage File Note**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX,

**Informal Stage: File Note: Conduct**

I refer to our discussion held on X (date) in Y (location) when I raised with you my concerns about XXXXXX conduct. I explained that your conduct was falling below the standard expected by the school which is XXXXXX

You explained that XXXXXX /offered no reasonable explanation for this conduct.

You are required from now on to XXXXXXX.

I will provide the following agreed support/will monitor your conduct over the next 6 months (or 2 terms).

If during this period, there is no improvement and your conduct continues to fall below the standard required by the school then it is likely that the school’s formal discipline procedure will have to be initiated.

I trust this is clear. If you need any support or guidance or have any queries on this please raise these with me. I hope I can count on you to now remedy the problem.

Yours sincerely,

**APPENDIX 2: Notice of Investigatory Meeting**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Notice of Investigatory Meeting**

The purpose of this letter is to request that you attend an investigatory meeting on (date) at (time) at (place). This meeting has been arranged because I am in the process of investigating allegations that have been made relating to your conduct in the workplace. (The alleged misconduct includes [XXXXXXXXXX].)

Please note that the meeting is entirely a fact-finding exercise, and it does not form part of the School’s structure of formal disciplinary meetings. As such, you do not have the right to be accompanied at this stage. If, once the investigation has concluded, it appears that there is a case to be answered and the school wishes to institute formal disciplinary proceedings against you, you will be invited to attend a formal disciplinary meeting at a later date. An alternative outcome may be that the investigation demonstrates that there is no case to answer and no further action is required.

The investigatory meeting will be chaired by ‘X’ and ‘Y’ will also be present to take notes of the meeting. Please bring with you any information that might be of assistance to the investigation.

Once I have completed my investigation, I will inform you of the outcome.

Yours sincerely

**APPENDIX 3. Notice of Stage XXX Formal Disciplinary Meeting letter**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Notice of Stage XXX Formal Disciplinary Meeting**

This letter confirms that I would like you to attend a **Stage xxxxx** formal disciplinary meeting at (time) on (date) at (place) in accordance with the staff disciplinary procedure, a copy of which is enclosed for your reference. The meeting will be chaired by ‘X’ and ‘Y’ will also be present.

The purpose of the meeting will be to discuss your alleged misconduct as set out in the attached document. This document provides details of your conduct, which we believe to be unsatisfactory when viewed in the light of our policies, rules and standards, and which could be regarded as misconduct/gross misconduct. This matter has been investigated, and I enclose evidence in the form of (investigation report/witness statements from XXXXX/recent performance appraisal).

You have the right to be accompanied at the meeting by a work colleague or trade union representative if you so wish. Your companion will, if you wish, be permitted to put your case; sum up your case; and respond on your behalf to any view expressed during the meeting. He/she will also be allowed to confer with you during the meeting however, he/she will not be able to answer questions on your behalf.

Depending on the facts established at the meeting, the outcome could be (state potential action), but a decision on this will not be made until you have had a full opportunity to put forward your version of events and the meeting has been concluded. You may call witnesses relevant to your case.

If you are unable to attend the disciplinary meeting, you must inform us of this fact as soon as possible. If your chosen companion is not available, you may specify another date for the meeting up to five working days later.

Prior to and during the disciplinary meeting please observe confidentiality and do not discuss the matter with any member of staff. If you choose to involve a colleague or trade union representative, it is understood that you may share the details on a confidential basis.

Please do not hesitate to contact me if you have any queries about the contents of this letter.

Yours sincerely

**APPENDIX 4. Stage 1 Formal Notice to Improve letter**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Stage 1 Notice to Improve**

Further to the Stage 1 formal disciplinary meeting which you attended on (date) I am writing to give you notice to improve.

The nature of the unsatisfactory conduct (or performance) was: XXXXXXX

The conduct (or performance) improvement expected is: XXXXXXXX

The timescale within which the improvement is required is: XXXXXXXX

This Notice to Improve will be placed in your personnel file but will be disregarded for disciplinary purposes after a period of 12 months from the date of this letter, provided your conduct (or performance) reaches the standard required.

If your conduct fails to improve sufficiently the likely consequence of further misconduct or insufficient improvement will be a Final Written Warning.

You have the right to appeal against this decision in writing to XXXXXXXX within 10 days of receiving this disciplinary decision.

Yours sincerely

**APPENDIX 5. Stage 2 Final Written Warning letter**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Stage 2 - Final Written Warning**

Further to the Stage 2 formal disciplinary meeting which you attended on (date) I am writing to inform you of your final written warning.

The nature of the unsatisfactory conduct (or performance) was: XXXXXXXX

The conduct (or performance) improvement expected is: XXXXXXXX

The timescale within which the improvement is required is: XXXXXXX

This warning will be placed in your personnel file but will be disregarded for disciplinary purposes after a period of 12 months from the date of this letter, provided your conduct (or performance) reaches the standard required.

If your conduct fails to improve sufficiently the likely consequence of further misconduct or insufficient improvement will be your dismissal from the school.

You have the right to appeal against this decision in writing to XXXXXXXXXXX within 10 days of receiving this disciplinary decision.

Yours sincerely

**APPENDIX 6. Confirming Suspension letter**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Suspension**

Following recent events which have occurred at the school I write to confirm the decision to suspend you from duties on full pay. This is to enable the completion of a full investigation of the events.

Please note that this does not mean that you have been disciplined. The suspension could however lead to you being required to attend a formal disciplinary meeting within the school’s Disciplinary Procedure.

During the period of suspension, you are not required to attend work. You should however remain contactable. You should not discuss any of the details relating to your suspension with any colleagues. You will be notified as soon as the investigation has been completed.

If you have any queries, please contact me in the first instance.

Yours sincerely,

**APPENDIX 7. Stage 3 Dismissal letter**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Stage 3 -** **Termination of Employment**

On XXXX date you attended a formal disciplinary hearing to consider serious allegations concerning your conduct (or performance). You were advised of these in a letter dated (date of letter inviting to Stage 3 formal discipline hearing), and the letter stated the possibility of dismissal. Following the disciplinary hearing I write to confirm the decision that you be dismissed.

The reason for your dismissal is misconduct/gross misconduct (delete as applicable).

Your employment will therefore end on XXXX date following your contractual notice period.

Or

Your employment will end with immediate effect/date of hearing, and you will receive pay in lieu of contractual notice.

Or (in the case of gross misconduct)

Your employment will end with immediate effect/date of hearing, and you are dismissed summarily (without notice).

You have the right to appeal against this decision in writing to XXXXXXXX within 10 days of receiving this dismissal decision.

Yours sincerely

**APPENDIX 8. Notice to Attend an Appeal Hearing letter**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Appeal Hearing**

I am writing to tell you that further to your letter dated (date) an appeal hearing has been arranged on (date) at (time) in the (place), in accordance with the school’s staff discipline procedure.

At the hearing you will be invited to present your grounds for appeal against the disciplinary decision which was confirmed by letter to you dated (date).

You may choose to be accompanied at the hearing by either a colleague who could be an accredited workplace trade union representative, or by an official of a trade union of which you are a member.

For your information I will chair the hearing and ‘X’ (and ‘Y’ if an appeal against dismissal) will be in attendance and will act as note-taker.

Please confirm that you can attend at the date and time given above, and whether or not you intend to be accompanied plus details of the companion. Please contact me if you have any queries about the contents of this letter.

Yours sincerely,

(Chair of appeal hearing)

**APPENDIX 9. Appeal Decision letter**

**Private and Confidential**

Name XXXXXXXX

Address XXXXXXX

Date XXXXXX

Dear XXXXXX

**Appeal Hearing**

On XXX date you attended an appeal hearing at which you presented your grounds for appeal. This was against the notice to improve/final warning/decision to dismiss you (delete as appropriate) which was confirmed in writing to you by XXX on date (insert date of warning or dismissal letter).

Following the appeal hearing I write to confirm the decision that (select/delete as appropriate)

your appeal has been accepted and the disciplinary decision has therefore been overturned (or)

your appeal has been accepted and a lesser penalty of (formal written warning or final written warning) will apply (or)

your appeal has been rejected and the original disciplinary decision is therefore confirmed.

This decision is final and represents the end of the school’s internal procedure.

Yours sincerely