



Brampton Abbots CE Primary School



Bridstow CE Primary School



### The Oak Meadow Federation

## Staff Discipline, Conduct and Grievance Policy

This policy will be reviewed and updated by the Governing Body at least every three years. All references to 'the school' imply both Brampton Abbots and Bridstow Primary Schools.

Policy approved by Governing Body on 2<sup>nd</sup> March 2020

Signed Daniel Brearey, Headteacher

Paul Mason, GB Chair

Policy due for review March 2023

# Staff Discipline, Conduct and Grievance Policy

## 1. INTRODUCTION

1.1 The purpose of this policy is to provide clear, consistent and fair procedures that enable the governing body to comply with its responsibilities under employment legislation and best practice.

1.2 The governing body is committed to ensuring that all staff at the school should be treated in a consistent, fair and sensitive manner. This approach requires that the governors should specify those aspects of misconduct which may warrant consideration under the terms of the school's disciplinary procedure.

1.3 The governing body is committed to ensuring that all children at the school should be able to meet their potential and any barriers to learning due to staff conduct be removed through the use of the school's disciplinary and grievance procedures.

1.4 The governing body have, after consultation with staff, chosen to adopt the disciplinary and grievance procedures described in the Local Authority (Hoople Ltd) Guidance documents: "Schools Disciplinary policy and procedure (HR003 SCH)" and "Schools grievance policy and procedure (HR004 SCH)"

1.5 At all times the governing body will also have regard for ACAS procedures described in the documents: "The ACAS guide to Discipline and Grievances at work" and "The ACAS Code of Practice on Discipline and Grievance".

1.6 Parts of this policy need to be read in conjunction with other school policies e.g. Safeguarding Children & Child Protection Policy, Allegations of Abuse against Staff Policy, Safer Recruitment Policy, Equality and Diversity Policy and Health & Safety Policy.

## 2. DISCIPLINE

It is expected that, wherever possible, problems of indiscipline will initially be dealt with through informal discussion. Where such advice has not led to the desired improvement or the matter is sufficiently serious to warrant immediate formal action, the disciplinary procedure will be operated.

## 3. CONDUCT

3.1 Staff are expected to demonstrate consistently high standards of personal and professional conduct as described in the DfE document "Teachers' Standards Guidance for school leaders, school staff and governing bodies" and the school's "Employee Code of Conduct".

3.2 Misconduct is defined as behaviour or conduct by an employee falling short of the school's standards. Gross misconduct is considered to be behaviour or conduct that falls so far below the standards required that it can be considered as a fundamental breach of contract. Acts of gross misconduct can lead to a dismissal for a first offence.

## 4. GRIEVANCE

4.1 Grievances are concerns, problems or complaints that staff raise with the headteacher or governing body

4.2 It is to be hoped that grievances can be resolved promptly through effective communication and discussion. Informal discussions between staff and the headteacher/line manager are key to this and the vast majority of employee grievances can and should be resolved

in this way. This approach prevents undue delay, lessens distress to the parties involved and it encourages good working relationships.

## 5. GENERAL PRINCIPLES

5.1 The governing body and headteacher are responsible for the overall management of standards in the school and the governing body delegate authority to the headteacher to take disciplinary action short of dismissal.

5.2 In the event of the headteacher being subject to disciplinary action, the governing body will be responsible for administering the procedure.

5.3 Hoople HR Services will be consulted at all formal stages of a disciplinary procedure.

5.4 If there is the possibility of disciplinary action being taken, the employee will be advised to consult with their recognised Trade Union/Professional Association representative.

5.5 In dealing with a breach of discipline under the formal procedure, the same person should not conduct both the detailed investigation and the hearing. The governors sitting on any appeal panel will not have been involved in the case in any material sense or have acted as a panel member for the disciplinary hearing.

5.6 Full and accurate records will be maintained throughout all disciplinary and grievance procedures.

## 6. DEFINITIONS of MISCONDUCT

6.1 The lists below are not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorisation and consideration as either “misconduct” or “gross misconduct

6.2 For the purpose of the disciplinary procedure, the terms “misconduct” and “gross misconduct” are also taken to include “negligence” and “gross negligence” where the occurrence amounts to a breach of contract.

**6.3 Misconduct** which may warrant action under the appropriate stage of the disciplinary procedure includes:

- poor timekeeping or persistent lateness
- unauthorised absence from work
- unauthorised use of the school facilities including the Internet
- wilful failure to comply with a reasonable instruction from a member of senior management
- persistent minor breaches of health and safety requirements
- foul or abusive language
- sexual or racial harassment which is not sufficiently serious to fall into the category of “gross misconduct”.

**6.4 Gross misconduct** occurs when the actions complained of are such that it is not feasible to tolerate the continued presence of the employee at the place of work whilst the matter is being investigated and include:

- unauthorised removal of school property
- sexual or racial harassment
- offences of dishonesty
- serious breaches of health and safety requirements

- sexual offences
- criminal offences which undermine the employee's ability to perform his/her job
- sexual misconduct at work
- persistent wilful failure to comply with a reasonable instruction from a member of senior management
- fighting
- physical assault or threats of such a nature
- actions which bring the school into serious disrepute
- drunkenness
- falsification of documentation including time sheets, signing in sheets, subsistence and expenses claims etc.
- theft
- malicious damage to the school's property

6.5 Issues relating to the use of this policy and the terms: "misconduct", "gross misconduct", "negligence" and "gross negligence" may sometimes relate to complaints against staff and the separate Complaints Policy and Procedures document may need to be read in conjunction with this policy.

## **7. SUSPENSION**

7.1 An employee may be suspended from duty on full pay at any time in cases of gross misconduct or where there is a risk to the safety of colleagues, pupils or to the employee themselves or a risk to the contamination of evidence. Suspension is not a disciplinary penalty and is a neutral act. Suspension will not be automatic, and consideration will be given to alternatives to remove an individual from the workplace.

7.2 In some cases it may be appropriate for the employee to take a short period of management leave on full pay (ie being asked to remain at home with no work having been allocated). Any period of management leave will not be recorded on file as part of any disciplinary record. This may include prior to an investigatory interview being held. In such cases the school will normally seek advice from Hoople HR Services. It is important to understand that management leave and suspension from duty are not disciplinary sanctions.