



The Priory Federation of Academies Trust Staff Disciplinary Policy

This Policy has been approved by the Priory Federation of Academies Trust:

Chair of the Priory Federation of Academies Trust

Signed..... Name..... Date: June 2010

Chief Executive of the Priory Federation of Academies Trust

Signed..... Name..... Date: June 2010

This Policy will be reviewed by each Academy Committee:

(1) Chair of the Priory Academy LSST Committee

Signed..... Name..... Date: June 2010

(2) Chair of the Priory Witham Academy Committee

Signed..... Name..... Date: June 2010

(3) Chair of the Priory City of Lincoln Committee

Signed..... Name..... Date: June 2010

(4) Chair of the Priory Ruskin Committee

Signed..... Name..... Date: June 2010

Next Review Date of Policy - June 2013

DISCIPLINARY PROCEDURE

1 SCOPE AND PURPOSE

This procedure applies to all members of staff. (Modified for the Chief Executive) as defined in the Academy's Articles of Governance (a copy of which is available for inspection in the Academy Office). The purpose of the procedure is to:

- (i) help and encourage employees to achieve and maintain acceptable standards of conduct both on and away from school premises.
- (ii) help and encourage employees to achieve and maintain acceptable standards of work performance.
- (iii) ensure consistent and fair treatment for all in relation to disciplinary action that may be taken in response to allegations of unacceptable conduct or performance.

2 GENERAL PRINCIPLES

2.1 Investigations

No disciplinary action will be taken against an employee until the case has been fully investigated. If appropriate the Head of Academy or Chief Executive may suspend an employee, in accordance with Section 7 below, to allow a thorough investigation to be completed. The length of the suspension should be as short as practically possible and the investigation carried out expeditiously.

Disciplinary Hearings

- 2.2** All formal disciplinary hearings will be conducted by the Head of Academy or Chief Executive. If a decision is taken to hold a disciplinary hearing, the employee will be advised in writing of the nature of the allegations, the names of any witnesses to be called to present evidence against the employee and presented with all written evidence at least five working days prior to the hearing, wherever possible. The written notification to the employee will explain the reasons why the Academy believes a disciplinary hearing is necessary and any documentary evidence including the statements of witnesses wherever possible will also be sent to the employee. The employee should notify the disciplining officer of witnesses they may wish to call and any written evidence they may wish to present to the panel at least five working days before the hearing. It is the responsibility of the employee to ensure any written evidence is made available to the disciplining officer and that any witnesses make themselves available for the hearing.

At the disciplinary hearing, the employee will be given an opportunity to state his or her case, call witnesses in their defence and will have the right to appear alone or to be accompanied by their Trade Union/Staff Organisation representative or a fellow employee. An employee of the school who has agreed to accompany a colleague at a disciplinary hearing is entitled to take reasonable paid time off to fulfil that responsibility.

The representative has a right to address the hearing and confer with the employee but does not have the right to answer questions on his or her behalf.

If the employee or their companion cannot attend the hearing they should inform the Head of Academy immediately so that an alternative time may be arranged. The employee must make every effort to attend the hearing, and failure to attend without good reason may result in the meeting proceeding in the employee's absence. If the employee fails to attend without good reason, or are persistently unable to do so (for example for health reasons), the Academy may have to take a decision based on the available evidence.

If the person accompanying the employee will not be available on the date given for the hearing by the employer, and the employee proposes an alternative date, the employer must make every effort to use the alternative date as long as it is reasonable and no later than five working days after the day originally notified by the employer.

Prior to taking disciplinary action against an employee who is an accredited representative of a Trade Union, consultation will take place with a full time officer of that union.

2.3 Penalty

No formal disciplinary sanction will be imposed without a disciplinary hearing. No employee will be dismissed for a first offence other than in cases of gross misconduct when the penalty may be dismissal without notice or a payment in lieu of notice, an employee will have the right to appeal against any disciplinary penalty imposed.

2.4 Stages of the Procedure

Normally, the procedure will be followed in the order shown in Section 4 below. However, offences of a serious nature may result in some of the earlier stages being omitted if it is thought that the sanctions applicable at any earlier stage would not be severe enough or appropriate. For example there may be occasions when misconduct is considered not to be so serious as to justify dismissal, but serious enough to warrant only one written warning which will be both the first and final written warning.

3 THE PROCEDURE

Minor lapses in acceptable standards of conduct or work performance will usually be dealt with by the employee's immediate superior/supervisor (Head of Section/ Department) or the appropriate Head of Academy. This may result, if warranted, in an informal reprimand, which may, at the discretion of the Head of Academy, be recorded on the personal file relating to the employee.

If the matter is more serious, the formal procedure will be used. Stages 1, 2 and 3 will normally be dealt with by the appropriate Head of Academy.

4 PROCEDURE

4.1 Stage 1 - Oral Warning

If conduct or work performance does not meet acceptable standards, the employee will normally be given an ORAL WARNING by the Head of Academy.

The employee will be advised of the reason for the warning. A brief note of the oral warning will be placed on the personal file relating to the employee. The warning will be disregarded for future disciplinary purposes after six months subject to improved

conduct/performance within the specified period, although it will remain on the employee's file for 12 months.

4.2 Stage 2 - Written Warning

A WRITTEN WARNING will be given to an employee by the Head of Academy or Chief Executive, if:

- (i) the employee commits a serious offence of misconduct or the standard of his or her work is seriously inadequate;
- (ii) despite having been given, under Stage 1, an oral warning as the result of either minor misconduct or unsatisfactory work performance, the employee commits a further offence of misconduct or his or her work performance continues to be unsatisfactory.

This written warning will give details of the complaint against the employee, the improvement required and the time limit within which such improvement must be achieved.

In the case of misconduct, the warning will state that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 3 will be considered.

In the case of unsatisfactory work performance, the warning will advise the employee as to what steps he or she should take to improve and will state that, unless such improvement is achieved within the period specified in the warning, action under Stage 3 will be considered. The employer will offer reasonable support and training to help the employee improve his/her performance within the defined period.

The written warning will also advise the employee of the right of appeal in accordance with Section 6 below. A copy of the written warning will be placed on the personal file relating to the employee. The warning will be disregarded for future disciplinary purposes after a period of 12 months, subject to the employee's conduct/performance having been satisfactory throughout the period, although it will remain on the employee's file.

Stage 3 - Final Warning

4.3 A FINAL WRITTEN WARNING will normally be given to the employee by the Head of Academy or Chief Executive if:

- (i) despite having been given, under Stage 2, a written warning as the result of either misconduct or unsatisfactory work performance, the employee commits a further offence of misconduct or their work performance continues to be unsatisfactory; or
- (ii) the employee's misconduct or unsatisfactory work performance, although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant only one written warning (in effect both the first and final written warning).

This final written warning will give details of the complaint, the improvement required and the time limit within which such improvement must be achieved.

In the case of misconduct, the warning will state that, if the employee commits a further offence of misconduct during the time limit specified in the warning, their employment may be terminated.

In the case of unsatisfactory work performance, the warning will advise the employee as to what steps he or she should take to improve and state that, if such improvement is not achieved within the period specified in the warning, their employment may be terminated. The employer will offer reasonable support and training to help the employee improve their performance within the defined period. The final written warning will also advise the employee of the right of appeal in accordance with Section 6 below. A copy of the final written warning will be placed on the personal file relating to the employee.

The warning will be disregarded for future disciplinary purposes after a period of 18 months (although, in exceptional cases, the period may be longer), subject to the employee's conduct and work performance having been satisfactory throughout that period, although it will remain on the employee's file.

4.4 Stage 4 - Dismissal

THE HEAD OF ACADEMY MAY GIVE NOTICE OF DISMISSAL TO THE EMPLOYEE if, despite having been given, under Stage 3, a final written warning as the result of either misconduct or unsatisfactory work performance, the employee commits a further offence of misconduct or their work performance continues to be unsatisfactory. Notice of dismissal will only be given after a further disciplinary meeting has taken place at which the evidence and any contentions on behalf of the employee will be considered.

The notice of dismissal will be in writing and will specify the reasons for dismissal, the date on which the employment will end and the right of appeal against the notice of dismissal in accordance with Section 6 below. If the employee appeals against the decision to dismiss, the dismissal will not be finalised before the appeal is heard by the Dismissal Appeals Committee. However in the event of an appeal not being submitted within five working days, the effective date will be five working days after the day upon which the decision to dismiss was taken.

In some cases the Academy may, in its discretion, consider alternatives to dismissal. These may be authorised by the Chief Executive and will usually be accompanied by a final written warning. Examples include:

- (a) Demotion.
- (b) Transfer to another department or job.
- (c) A period of suspension without pay.
- (d) Loss of seniority.
- (e) Reduction in pay.
- (f) Loss of future pay increment or bonus.
- (g) Loss of overtime.

5 GROSS MISCONDUCT

An employee who is accused of gross misconduct may be suspended from work, in accordance with the provisions of Section 7 below, whilst the case is investigated.

The Head of Academy may summarily dismiss the employee if, on completion of the investigation and a disciplinary hearing in accordance with Section 2.2 above, it is established that the employee has been guilty of gross misconduct. Such dismissal will be without notice or payment in lieu of notice and will be confirmed to the employee in writing, specifying the reasons for the dismissal and the right of appeal against it in accordance with Section 6 below.

The dismissal will not be finalised before an appeal is heard by the Dismissal Appeal Committee. This list is provided as a guide and is not exhaustive. Offences which may have a serious detrimental impact on the image of the school may also be considered gross misconduct:

- Serious breach of confidence (subject to the Public Interest Disclosure Act 1998)
- Misuse of academy property or name
- Theft, fraud, deliberate falsification of records
- Fighting, assault on another person
- Deliberate damage to property
- Being under the influence of alcohol or illegal drugs or non-medically prescribed drugs whilst on duty.
- Being in possession of illegal drugs whilst on school premises
- Serious negligence which causes unacceptable loss, damage or injury
- Serious act of insubordination
- Sexual or racial harassment or harassment on the grounds of another person's disability, sexual orientation or religion or belief as defined by the Employment Equality (Religion or Belief) Regulations 2003.
- Bullying
- Bringing the school in serious disrepute
- Serious infringement of Health & Safety rules.

6 APPEALS

An employee can appeal against any disciplinary action and they should exercise that right by writing to the Chief Executive. This must be done within five working days of the receipt of the decision that forms the subject of that appeal, stating the grounds for appealing. An employee will have the same representational entitlement as for previous disciplinary hearings.

Within five working days of the receipt of the appeal the Chief Executive will notify the parties of the hearing date giving at least five working days notice.

Appeal against written warning or final written warning

In the case of a verbal, written, or final written warning given by the Chief Executive, an appeal will be heard by the Chair or other Trustee of the Academy.

Appeal against dismissal

In the case of dismissal by the Chief Executive an appeal will be heard by a panel of three Trustees of the Academy.

Where it is not reasonably practicable for the appeal panel to include three Trustees of the Academy, the panel shall include two Trustees.

The appeal will be heard by Trustees who have not previously been involved in the disciplinary procedure.

7 SUSPENSION PENDING DISCIPLINARY HEARING

There may be times when the Head of Academy or Chief Executive becomes aware of serious allegations against an employee and determines that the continuing attendance of the employee at the School cannot be permitted.

Circumstances warranting suspension may include where relationships have broken down or where it is considered there are risks to the school's property or responsibilities to other parties.

In these and other circumstances, the appropriate Head of Academy or Chief Executive may suspend the employee from duty to allow a proper investigation into the allegations to take place and/or pending the holding of a formal disciplinary hearing.

If the Head of Academy or Chief Executive decide to suspend an employee from duty, he/she shall confirm the suspension in writing to the employee, and shall inform the Chair of Trustees.

An employee who is suspended from duty shall, throughout the period of the suspension, continue to be entitled to their full pay.