

CHESHIRE WEST AND CHESTER COUNCIL

SCHOOLS HUMAN RESOURCES

SCHOOL STAFF DISCIPLINARY POLICY

1. Introduction

- 1.1 A disciplinary policy, supported by a robust procedure, is the means by which rules are observed and standards are maintained which are necessary for the efficient and safe performance of work and for the maintenance of satisfactory working relations within school.
- 1.2 This policy and related procedure are intended to ensure that all employees are treated fairly and consistently. Whilst the ultimate sanction of dismissal can be applied for continual misconduct (or for gross misconduct), it is also an intention of the procedure to bring the consequences of misconduct or inadequate performance to the attention of the employees concerned so that they can improve their conduct and avoid disciplinary sanction.

2. Scope/Application

- 2.1 The Policy and associated Disciplinary Procedure applies to all staff (Headteacher, teachers and support staff) of (*name of school*).
- 2.2 Support Staff in their Probationary Period are subject to the provisions of that procedure only.
- 2.3 The responsibility for the application of this policy and related procedure lies with the Headteacher or Governing Body, as appropriate, who will have the authority to impose any of the sanctions laid down in the procedure

3. Aims/Principles

- 3.1 The School aims to ensure that it:
 - Promotes fairness and equality in the treatment of individuals
 - Applies any disciplinary action in a consistent manner
 - Only applies a disciplinary sanction after full and careful investigation of the facts and after employees have had the opportunity to be represented and present their case
 - Takes the circumstances of each case fully into account
 - Gives consideration to the employee's past record
 - Considers the need to act reasonably in all the circumstances

- Only applies progressively more severe penalties to those employees who have failed to respond to disciplinary action
- Provides a sufficient and effective means of dealing with cases of serious and gross misconduct. Appendix 1 sets out some examples of behaviours that may be considered to amount to gross misconduct.
- Informs employees fully and promptly of any allegations made against them and of the progress of any investigations into the allegations
- Adheres to the ACAS Code of Practice on Disciplinary and Grievance Procedures.

4. Policy

- 2.1 At all stages of the procedure account will be taken of the need to satisfy the tests of reasonable and natural justice.
- 2.2 No disciplinary action will be taken against an employee until the facts of the case have been established by conducting an investigation and consideration has been given to the reasonableness of the proposed action in all the circumstances.
- 2.3 No employee will be dismissed for a first disciplinary offence unless it is a case of gross misconduct.
- 2.4 Employees will have the right to be accompanied at disciplinary and appeal hearings by an accredited trade union official or work colleague and to call their own witnesses.
- 2.5 Witnesses who have provided a statement may be requested to attend the hearing and answer questions from the panel and representatives
- 2.6 Employees will be given a written explanation for any formal disciplinary action taken and informed of the improvements that are required of them.
- 2.7 There will be a right of appeal.
- 2.8 Issues will be dealt with thoroughly and as promptly as possible, within agreed and appropriate timescales.
- 2.9 Proceedings, witness statements and records will be kept confidential and in accordance with the requirements of the Data Protection Act.
- 2.10 No action under this procedure, including suspension will take place in respect of an officer who is an accredited representative of a trade union, and whose status has been notified to the school in writing, until the circumstances of the case have been discussed with a full time official of the trade union concerned.
- 2.11 Reasonable adjustments will be made to enable employees with specific needs to fully participate in hearings and respond to any allegations made against them.
- 2.12 The Council/School has the legal right to recover from employees or former employees, through any appropriate mechanism, any losses which result from fraud or irregularity carried out by the employee or former employee.

5. Definitions

- 5.1 Circumstances that may lead to an employee being subject to the disciplinary procedure are deliberate (wilful or negligent) breaches of discipline/acts of misconduct, which are considered sufficiently serious to warrant formal investigation. Such breaches may be single events (which may

or may not amount to gross misconduct), or persistent minor breaches which the normal management process has failed to prevent or to rectify.

5.2 It is impossible to prescribe a common set of disciplinary standards covering all aspects of employment but the examples contained within the Disciplinary Procedure may, depending on the circumstances, be considered as gross misconduct, and may therefore result in dismissal. This list is neither exclusive nor exhaustive.

5.3 Gross misconduct is misconduct serious enough to destroy the employment contract between the employee and the employer and to make trust and a further working relationship impossible.

6. Relationship with grievance and capability procedures

6.1 If at any stage in proceedings it becomes apparent that the matter is actually one of capability rather than discipline, it is appropriate to switch to the application of the Capability Procedure.

6.2 It will normally be appropriate to deal with any grievance related to the case at the disciplinary hearing or as part of an appeal. However if the employee's grievance is that the action taken or contemplated is or would be unlawfully discriminatory consideration will be given to suspending the disciplinary process while the grievance is considered.

7. Equality Act 2010

7.1 In accordance with its Public Sector Equality Duty, the Governing Body of (*name of school*) has given due regard to equality considerations in adopting this policy/procedure and is satisfied that its application will not impact adversely on members of staff who have a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) within the meaning of the Equality Act 2010.

Version	Date Created	Owner	Date Approved by School Staff Panel
1	Sep. 2012	School HR	January 2013

Gross Misconduct

It is impossible to prescribe a common set of disciplinary standards covering all aspects of employment but the following examples may, depending on the circumstances, be considered as gross misconduct, and may therefore result in dismissal. This list is neither exclusive nor exhaustive.

- Child abuse or inappropriate professional conduct involving a child or young person under 19 years of age.
- Abuse of a position of trust.
- Violence or the threat of violence to another employee/client.
- Harassment and bullying.
- Theft of Council or another person's property.
- Deliberate falsification of any document.
- Criminal conduct at work.
- Corrupt or improper practice.
- Unlawful discrimination.
- Breaking the School's safety rules.
- Reporting for, or being at, work while adversely affected by drink or non prescribed drugs.
- Unauthorised use of School property.
- Knowingly disclosing confidential information.
- Neglect of duty or behaviour liable to bring the School or Council into disrepute.
- Breach of professional standards or requirements
- Breach of trust and confidence