

DISCIPLINARY POLICY AND PROCEDURES FOR MEMBERS OF THE ACADEMIC STAFF

POLICY

The School aims to ensure that there will be a fair and systematic approach to the enforcement of standards of conduct and performance affecting all members of staff. To this end, the following procedures exist for dealing with unsatisfactory performance or conduct on the part of staff members.

For the avoidance of any doubt, the School's Disciplinary Policy and Procedures do not form part of any member of staff's contract of employment.

PRINCIPLES

No disciplinary action will be taken against a member of staff until the allegation against that individual has been thoroughly investigated and the member of staff has had the opportunity of stating his or her case. Such investigation will normally be undertaken by the appropriate Head of Department, the Second Master or any other member of staff nominated by the Headmaster. Each step and action under these procedures will be taken without unreasonable delay. Meetings will be arranged at a mutually convenient date and location. There should be a minute-taker at all meetings held as part of the Disciplinary procedures, including Investigation meetings.

In advance of any disciplinary meeting, the member of staff will be given written notice of the complaint against him or her and invited to attend a meeting to discuss the matter. This notice will also advise the member of staff of the stage of the disciplinary procedures under which the meeting will take place and the School reserves the right to enter procedures at any stage. In addition, before the meeting the member of staff will be provided with copies of all documents to be relied upon in the meeting sufficiently ahead of the meeting to allow them a reasonable time to prepare their case: they will also be advised of the procedure to be followed.

A member of staff will be entitled to be accompanied and represented at any disciplinary meeting by a colleague, or a representative of his or her trade union or professional association, or an official employed by a trade union. He or she will also have the right to call witnesses and to question any witnesses giving evidence against him or her. The names of any witnesses must be given in advance of any disciplinary meeting, and the member of staff will be advised of the procedures that will be followed during the meeting.

The member of staff's colleague or representative is allowed to address the meeting to put and sum up the staff member's case, respond on behalf of the staff member to any views expressed at the meeting and confer with the staff member during the meeting. The colleague or representative does not, however, have the right to answer questions on the staff member's behalf, address the meeting if the staff member does not wish it or prevent the School from explaining their case.

Notes will be taken at any meeting arranged under these procedures. These notes, relevant evidence, and records of proceedings will be kept confidential and in accordance with the current Data Protection Act.

The Headmaster may, at any stage of the disciplinary process, substitute for himself any other member of staff who he considers would be appropriate to chair the relevant disciplinary meeting if he/she has not previously been involved in the disciplinary process. After any disciplinary meeting,

the member of staff will receive written notification of the School's decision, and of his / her right to appeal.

Save in exceptional circumstances (of which members of staff will be notified at the time) warnings will be regarded as spent for disciplinary purposes after the following periods have elapsed:

- First warning: one calendar year
- Final warning: two calendar years

Where complaints relate to lack of competence, appropriate guidance, review and training arrangements will normally be made in conjunction with any warnings issued.

Throughout, the member of staff will be afforded support and the opportunity to seek guidance from an experienced member of staff of their choosing.

PROCEDURES

Minor breaches of discipline, misconduct, poor timekeeping, lack of competence, etc. will normally result in an informal verbal warning given by the individual's immediate superior, a senior member of staff, or the Headmaster. It is expected that an informal verbal warning will quickly resolve most difficulties. Where there is a more serious case of misconduct or unsatisfactory performance or a member of staff fails to improve and maintain that improvement with regard to conduct or job performance the following steps will be taken.

Stage 1: First Warning

In cases of unsatisfactory performance or alleged minor misconduct the Headmaster will invite the member of staff to a disciplinary meeting to consider the complaint against him / her, giving not less than 3 days' notice of that meeting.

If the Headmaster decides that a first warning is appropriate, a letter of warning will be issued to the member of staff concerned. This warning shall inform the member of staff of the finding against him or her and advise him or her of any action or improvement required. A copy of the warning will be placed on the member of staff's file and will be read, and signed in acknowledgement of reading, by the member of staff.

Stage 2: Final Warning

In cases of continuing unsatisfactory performance or misconduct or where the unsatisfactory performance or misconduct is of a more serious nature such as to skip Stage 1, the Headmaster will conduct a disciplinary meeting under Stage 2 without undue delay, giving not less than 3 days' notice of that meeting.

If it is decided that a final warning should be given, the member of staff will be told of the final warning and later given a written confirmation, which will contain no substantive matter or detail not previously brought under mention.

The written confirmation will state:

- (a) details of the unsatisfactory performance or misconduct that has occasioned the final warning;

- (b) details of the necessary action to remedy the situation and any period of review decided upon;
- (c) that any further unsatisfactory performance or misconduct will result in:
 - (i) dismissal with appropriate notice; or
 - (ii) such other lesser disciplinary action as the Headmaster shall deem appropriate in the circumstances.

A copy of the written confirmation of the final warning will be placed on the member of staff's file and will be read, and signed in acknowledgement of reading, by the member of staff.

Stage 3: Dismissal

Where the member of staff has received a final warning under Stage 2 and there has been further unsatisfactory performance or misconduct, Stage 3 will apply. Stage 3 will also apply in cases of gross misconduct where summary dismissal will be considered.

The Headmaster will conduct a disciplinary meeting under Stage 3 without undue delay, giving not less than 7 days' notice of that meeting. After hearing the staff member's case, the Headmaster may decide to take no action or to dismiss, or to take any other disciplinary action short of dismissal as considered appropriate in the circumstances (e.g. alternative employment, demotion, a further final warning). If the member of staff is dismissed he or she will be given due notice. This does not apply in cases of summary dismissal.

Any notice of dismissal will be in writing, will give reasons for the dismissal, and will remind the member of staff of his or her right of appeal and of the time limit for making an appeal.

Summary dismissal

In rare circumstances, a member of staff may be dismissed without previous warning(s) if it is established on the balance of probabilities, after investigation and hearing the member of staff's version of events, that there has been an act of gross misconduct, involving a major breach of duty or conduct seriously detrimental to the School. Such cases will be dealt with at Stage 3 of the disciplinary procedure above.

Examples of gross misconduct which may result in summary dismissal are:

- Violent or threatening behaviour towards boys, staff or parents.
- Incapacity on duty due to drink or drugs.
- Fraud or theft.
- Serious breach of confidence.
- Wilful damage to School property.
- Serious misuse of the School's property or name.
- Offering or giving a bribe; or requesting or accepting a bribe.
- Bringing the School into serious disrepute.
- Causing loss, damage or injury through serious negligence.
- Serious breach of health and safety rules.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Gross insubordination.
- Wilful failure to carry out a reasonable direct instruction given by the Headmaster.
- Absence from work without leave unless due to sickness or injury.
- Harassment on the grounds of race, sex or disability (see School's Policy on Harassment).

This list is not (nor is it intended to be) exhaustive.

Suspension

While considering a teacher's case at any stage of the procedures the Headmaster may at any time suspend the teacher on full pay but he will, if possible, in that circumstance first consult the Chairman of Governors or, failing him, the Chairman of the Finance Committee.

Guidance and support will be made available to staff during suspension or investigation whilst allegations against them are being investigated.

N.B. Suspension in these circumstances is not in itself a disciplinary act: it is a neutral act giving time and space for investigation and does not prejudice the outcome of any disciplinary investigations or proceedings.

Appeal Procedures

There shall be a right of appeal against any disciplinary action other than a verbal warning. The member of staff will be reminded of the right of appeal at the end of any disciplinary meeting where the right exists. Any appeal must be in writing and must set out fully the grounds of appeal, accompanied by all relevant supporting documents. It must be lodged with the Headmaster within 7 days after the member of staff has received written notice of the disciplinary action proposed. The Headmaster will then refer the appeal to an Appeal Committee of the governing body for consideration. The Chairman of the Appeal Committee will write to the member of staff to confirm that the appeal has been received and to invite him / her to attend an appeal meeting (which need not take place before disciplinary action takes effect).

The Appeal Committee, made up of at least three Governors, shall not include any Governor previously involved in the case. The member of staff will be informed in writing of the decision of the Appeal Committee and its reasons. The decision of the Appeal Committee will be final.