

DISCIPLINARY POLICY AND PROCEDURES FOR MEMBERS OF THE ACADEMIC STAFF

INTRODUCTION

The School aims to ensure that there is a fair and systematic approach to the management and improvement of standards of conduct and performance affecting all members of staff. To this end, the following procedures exist for dealing with unsatisfactory conduct on the part of staff members. Where concerns relate to lack of competence or poor performance, the School will deal with such matters under its Capability Policy.

For the avoidance of any doubt, the School's Disciplinary Policy and Procedures do not form part of any staff member's contract of employment and may be amended from time to time without notice. This policy does not apply to agency workers or self-employed contractors. This procedure does not apply to employees during their probationary period. The School reserves the right to depart from this procedure or its requirements where appropriate.

Where disciplinary action is considered necessary, the measures taken will depend on the severity of the alleged offence. The School may invoke the formal procedure at any of the stages below, if it feels it is appropriate to do so.

The School's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of the individual involved. All staff must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. A staff member and anyone accompanying them (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure and doing so may constitute a disciplinary offence.

DISCIPLINARY PROCESS

Informal Procedure

Minor conduct issues can often be resolved informally between the staff member and their line manager or HoD. These discussions should be held in private and without undue delay whenever there is cause for concern. A Note of Action of any such informal discussions may be placed on the staff member's Personnel file but will be ignored for the purposes of any future disciplinary meetings. Formal steps will be taken if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the severity of the allegation).

Investigations

An investigation will usually be undertaken before the start of any formal disciplinary procedure. The purpose of an investigation is for the School to establish a fair and balanced view of the facts relating to any disciplinary allegations against the staff member, before deciding whether to proceed with a disciplinary meeting. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the staff member and any witnesses, and/or reviewing relevant documents. Such investigation will normally be undertaken by the appropriate Head of Department, the Second Master or any other staff member nominated by the Headmaster. The investigating officer will normally produce an investigation report and conclude whether or not there is a disciplinary case to answer, in which case matters will progress to a disciplinary meeting. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary meeting has been held.

A staff member does not normally have the right to bring a companion to an investigative interview. There should be a minute taker at all investigation meetings. Members of staff must cooperate fully and promptly in any investigation. This will include informing the School of the names of any relevant

witnesses he or she wishes to attend, disclosing any relevant documents and attending investigative interviews if required.

Suspension

In some circumstances the School may need to suspend the staff member temporarily from School. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against the staff member or so long as is otherwise reasonable whilst any disciplinary procedure against the staff member is outstanding. The School will confirm the arrangements to the staff member in writing. Whilst suspended the staff member should not attend the School's premises without prior permission or seek to contact members of staff, parents or pupils without being authorised in writing in advance to do so.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Guidance and support will be made available to staff during suspension or investigation whilst allegations against them are being investigated.

Formal Procedure

If it considers it necessary, the School may decide to instigate formal disciplinary procedures, and each step and action under these procedures will be taken without unreasonable delay.

Every effort will be made to ensure that meetings held as part of the formal procedure take place at a time when it is possible for any other parties whose attendance is sought (see below) to be present. If the staff member and/or their companion cannot attend at the date/time specified, they should inform HR of this immediately and the School will seek to agree an alternative date/time where appropriate.

In advance of any disciplinary meeting, the staff member will be given five days' written notice of the allegation against them and the date of the meeting, including what the potential outcomes of the meeting could be in the event the allegations are upheld. For example in the event of an allegation of gross misconduct, the potential outcome could be up to and including dismissal without notice. Before any disciplinary meeting the staff member will be provided with copies of all documents to be relied upon in the meeting sufficiently ahead of it to allow them a reasonable time to prepare their case; they will also be advised of the procedure to be followed.

Right to be Accompanied

A staff member will be entitled to be accompanied and represented at any disciplinary meeting by a colleague, or a representative of their trade union or professional association, or an official employed by a trade union. The staff member will also have the right to request witnesses attend the meeting and, where appropriate, to question any witnesses in attendance. The name and status of the staff member's colleague or representative, and the names of any witnesses the staff member wishes to attend, should be provided in advance of any disciplinary meeting so that the request can be considered in advance by the person conducting the disciplinary meeting.

The staff member's colleague or representative is allowed to address the meeting to put and sum up the staff member's position, 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. They may confer privately with the staff member they are accompanying, either in the meeting or outside.

If a staff member or their colleague or representative cannot attend the disciplinary meeting, they should inform the School immediately and the School will seek to arrange an alternative time. The

staff member must make every effort to attend the meeting, and failure to do so without good reason may be treated as misconduct in itself. If the staff member fails to attend without good reason or is persistently unable to do so (for example health reasons), the School will consider whether there are alternative ways in which the staff member could provide their evidence, for example in writing, or for the meeting to take place off School site, but may otherwise have to take a decision based on the available evidence.

The Meeting or Meetings

The Headmaster will normally conduct the disciplinary meeting. The Headmaster may, at any stage of the disciplinary process, substitute for himself any other staff member (such as a member of the School's Senior Team) 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 staff member will receive written notification of the School's decision, and of his / her right to appeal.

The School may adjourn the disciplinary meeting if it needs to carry out any further investigations such as re-interviewing witnesses in light of any new points raised during the disciplinary meeting. The staff member will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

OUTCOMES

The result of the disciplinary meeting could be any one of the seven outcomes below. The staff member will be informed of the outcome in writing, including the reasons for the decision and their right of appeal. A staff member will not normally be dismissed for a first act of misconduct, unless the School decides such an act amounts to gross misconduct or the staff member has not yet completed their probationary period.

1. No Action

In some instances, no action will be required.

2. Further Investigation

In some instances, if deemed appropriate, it may be decided to refer the matter for further investigation.

3. Verbal Warning

In the case of minor instances of poor performance, the staff member will be given a verbal warning, which will be recorded as a Note of Action on their Personnel file and copied to them. It will set out details of the misconduct and the required improvement.

4. First Written Warning

In cases of more minor or a first instance of misconduct a first written warning may be issued. It will usually be issued within 7 working days of the disciplinary meeting. This warning shall inform the staff member of the finding against them and advise them of any action or improvement required. A copy of the warning will be placed on the staff member's Personnel file and will be read, and signed in acknowledgement of reading, by the staff member.

5. Final Written Warning

In cases of continuing misconduct or where the misconduct is found to be of a more serious nature such as a first written warning is not appropriate, a final written warning may be issued. If it is decided that a final written warning should be given, the staff member will be told of the final warning and later given a written confirmation and the reasons for it. It will usually be issued within 7 working days of the disciplinary meeting. The written confirmation will state:

- (a) details of the 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 misconduct will result in:
 - (i) dismissal with or without notice; or
 - (ii) such other lesser disciplinary action as shall be deemed appropriate in the circumstances depending on the nature of any subsequent misconduct.

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

6. Dismissal

Where the staff member has received a final written warning and there has been further alleged misconduct, one of the potential outcomes following the disciplinary meeting could be dismissal. In cases of alleged gross misconduct, summary dismissal will also be considered.

The Headmaster or his nominee will conduct a disciplinary meeting where dismissal is contemplated. After hearing the staff member's case, the Headmaster or his nominee will decide whether or not, based on the balance of probabilities, the allegations are more likely than not to have taken place and, consider what if any sanction should be awarded, factoring in other relevant circumstances including any live warnings on the staff member's Personnel file and any mitigation. The Headmaster or his nominee 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 staff member is dismissed on grounds of misconduct rather than gross misconduct then they will be given notice pursuant to their contract of employment.

Any notice of dismissal will be in writing, will give reasons for the dismissal, and will remind the staff member of their right of appeal and of the time limit for making an appeal. It will usually be issued within 7 working days of the disciplinary meeting.

7. Summary Dismissal (on the grounds of gross misconduct)

Examples of gross misconduct which may result in summary dismissal include, but are not limited to:

- Violent or threatening behaviour towards boys, staff or parents.
- Incapacity on duty due to drink or drugs.
- Fraud, deceit, deception or dishonesty.
- Theft or misuse of premises or property.
- Violence, threatening or other intimidating behaviour.
- 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 whether as a result of behaviour in or outside of School.
- Breaching the School's Safeguarding Policy.
- Breaching the School's Code of Conduct Policy.
- Being found guilty of a criminal offence.
- 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 whilst at School or on School devices.
- Failure to report a data breach.
- Gross insubordination.
- Willful failure to carry out a reasonable direct instruction given by the Headmaster, a member of the School's Senior Team or the School's Governing body.

- Absence from work without leave unless due to sickness or injury.
- Discriminating or harassing on the grounds of a protected characteristic including race, sex or disability (see the School's Policy on Harassment).

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

Currency of Warnings

If a written warning is issued it will remain on a staff member's Personnel file, active for the period of time stated. This can typically range from 6-12 months for Notes of Action relating to verbal warnings (or such period as advised in the Notes of Action) and in the case of written warnings in effect for a period of 12-24 months from the date of issue or such period as advised when the warning was issued.

After the active period, the warning will remain permanently on the staff member's Personnel file but will be disregarded in deciding the outcome of future disciplinary or capability proceedings.

APPEAL PROCEDURES

Right of Appeal

There shall be a right of appeal against any disciplinary action other than a verbal warning. Where the decision at the disciplinary meeting was not made by the Headmaster, the appeal will be typically be heard by a member of the Senior Team of at least the same seniority as the decision maker or more senior. In the event the decision at the disciplinary meeting was made by the Headmaster, the appeal will be heard by a panel of Governors.

Appeal Procedure

The staff member should notify the Headmaster in writing within 7 working days of being notified of the warning or outcome of the disciplinary meeting, giving full details of why and on what grounds they wish to appeal. The Head of HR will arrange an appeal meeting to consider whether or not the original decision was a reasonable one. There shall be no further right to appeal. The person hearing the appeal will be entitled to reach a different conclusion and impose a different outcome than that imposed after the initial disciplinary meeting. At the Appeal meeting, the staff member may be accompanied as provided for above.

The grievance procedure should not be invoked in matters being dealt with under the School's Disciplinary Procedure. Any concerns an individual may have should be raised through the appeal procedure set out in this policy.

Communication of Decision

When the person hearing the Appeal has made a decision, it will be communicated as soon as practicable and in writing to the staff member in question, ideally within 7 working days of the appeal meeting.

Employment Status

If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect so that the period of notice / termination date begins at the date given in the dismissal decision. If having been dismissed the staff member is reinstated on appeal, continuity of employment will be unaffected.

OTHER MATTERS

Data Protection

The School processes any personal data collected during the disciplinary process in accordance with its Data Protection Policy and Privacy Notice.