



Good Apple Independent School

Disciplinary Procedure

Date	Review Date	Coordinator	Nominated Committee member
05/09/2019	05/09/2020	Natalie Myers	Tammy Goddard
06/08/2020	06/08/2021	Natalie Myers	Tammy Goddard

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Employment Rights Act 1996
- School Standards and Framework Act 1996
- Human Rights Act 1998
- Teaching and Higher Education 1998
- Employment Relations Act 1999
- Employment Act 2002
- Education Act 2002
- Safeguarding Vulnerable Groups Act 2006
- Employment Act 2008
- School Staffing (England) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Education (Prohibition from Teaching or Working with Children) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Regulations 2008
- Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria) (Transitional Provisions) Regulations 2008
- Safeguarding Vulnerable Groups Act 2006 (Barring Procedure) Regulations 2008
- **Equality Act 2010**

The following documentation is also related to this policy:

- Acas Code of Practice 1 - Disciplinary and Grievance
- Discipline and Grievance at Work - The Acas Guide
- **Equality Act 2010: Advice for Schools (DfE)**



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- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

We understand that the law requires all employees of the school to conduct themselves appropriately, to obey the directions of the Headteacher, to be loyal to the school, to take care over the work assigned to them and to work hard to maintain a good employment relationship.

The Committee has worked hard to build and maintain a good employment relationship and believes that the rules, policies and procedures as stated in the Staff Handbook are reasonable and fair.

Therefore, we believe we have clearly defined the standard of behaviour expected of all personnel working in this school. However, the Committee will deal with any form of misconduct, gross misconduct or poor performance by an employee by following a fair and effective disciplinary procedure.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

The educational section of the audit that covers: differences by region; attainment and economic disadvantage; exclusions and abuse; and destinations, has a significant importance for the strategic planning of this school.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.



Aim

- To provide a fair and effective procedure in the event of dealing with any form of misconduct, gross misconduct or poor performance by an employee.
- To ensure compliance with all relevant legislation connected to this policy.
- To work with other schools and the local authority to share good practice in order to improve this policy.

Responsibility for the Policy and Procedure

Role of the Committee

The Committee has:

- delegated powers and responsibilities to the Headteacher to investigate any alleged breaches of discipline and then to inform the Disciplinary Committee and to give warnings when necessary;
- appointed a Disciplinary Committee consisting of three committee members and an Appeals Panel consisting of three committee members;
- the responsibility to ensure total confidentiality for the employee when dealing with a case of misconduct;
- delegated powers and responsibilities to the Headteacher to ensure all school personnel are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities committee member to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- make effective use of relevant research and information to improve this policy;
- nominated a link committee to:
 - visit the school regularly;



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- work closely with the Headteacher and the coordinator;
 - ensure this policy and other linked policies are up to date;
 - ensure that everyone connected with the school is aware of this policy;
 - attend training related to this policy;
 - report to the Committee every term;
 - annually report to the Committee on the success and development of this policy.
- responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- ensure all school personnel are aware of and comply with this policy;
- when dealing with a concern of conduct or performance may in the first instance have an informal conversation with the member of the school personnel who is giving cause for concern;
- after investigating a case of alleged misconduct may choose to dismiss the case or to issue:
 - an informal oral warning
 - a formal oral warning
 - a formal written warning
 - a final written warning
- once a Final Warning has been given refer the matter to the Disciplinary Committee for their attention;
- when dealing with some cases (and if it is felt necessary) appoint an appropriate **Investigating Officer** (a suitable person not connected with the school);
- invite a **representative from the local authority** to attend all formal meetings in order to offer advice on procedural issues and employment matters;
- decide to **suspend** an employee with or without pay if it is felt a case is so serious that the possibility of dismissal may arise, or where there are grounds for doubt as to the suitability of the employee continuing work while investigations are in progress;
- ensure a suspension pending the outcome of a disciplinary investigatory is viewed as a precautionary measure and is not a sanction in itself;
- send a **letter confirming** the suspension will be sent to the employee.



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Role of the Investigatory Officer

The Investigatory Officer will:

- conduct a thorough **investigation** before any disciplinary action is considered;
- keep a **written record** of the investigation for later reference;
- recommend a **formal disciplinary hearing** if he/she is satisfied that the facts gathered are sufficient for disciplinary action.

Disciplinary Action

Stage 1: Verbal Warning (conducted by the Headteacher)

- After an investigation into a case of minor misconduct has been completed an informal warning might be given.
- At this meeting the employee will be given help, advice and guidance by the Headteacher.
- The warning will remain in force for a specified period of six months.
- The next stage of the Procedure will be implemented if there is a repetition of the offence during the specified period.

Stage 2: Written Warning (conducted by the Headteacher)

- A written warning will be issued if the member of staff has failed to improve to an expected standard.
- The written warning will be attached to the personal file for no more than nine months.
- The next stage of the Procedure will be implemented if there is repetition of misconduct or further matters of misconduct occurring during the specified period of nine months.

Stage 3: Final Written Warning (conducted by the Headteacher)

A final written warning will be issued if the member of staff has failed to improve to an expected standard.

- The final written warning will be attached to the personal file for no more than twelve months.



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- The next stage of the Procedure, which may include dismissal, will be implemented if there is repetition of the offence during the period which will be subject to full consideration of the circumstances

Stage 4: Further Action (conducted by the Disciplinary Panel)

- At all formal stages of the Procedure the disciplinary panel will liaise with the Director of Education and will keep the Chairperson of the Committee informed.
- Other than for gross misconduct an employee shall not be expected to be dismissed for a first breach of discipline.
- However, if a final warning has failed to bring about the required improvement then further action may include dismissal.
- The employee will be informed in writing for the reasons for the dismissal, the date on which employment will terminate and the appropriate period of notice or pay in lieu of notice.
- Disciplinary action short of dismissal may include:
 - suspension without pay
 - demotion
 - loss of seniority
 - loss of increment

Right of Appeal

At any stage an employee who is aggrieved by disciplinary action may appeal in writing to the Disciplinary Appeals Sub Committee giving full details of the reason of the appeal.

At the appeal hearing at each stage the Disciplinary Appeals Sub Committee will consider whether the penalty imposed is appropriate.

The Disciplinary Appeals Sub Committee may decide to:

- uphold the decision by the disciplinary committee;
- take action of a lesser nature than the first

There will no right of appeal from the decision of the Disciplinary Appeals Sub Committee.

Role of School Personnel



School personnel will:

- comply with all aspects of this policy;
- be aware that at a formal disciplinary hearing an employee may request a companion such as a work colleague or their trade union official who may help to prepare the case and present it;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the Staff Handbook;
- meetings with school personnel;
- reports such annual report to parents and Headteacher reports to the Committee.

Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on this policy on induction which specifically covers:
 - disciplinary procedures
 - the right of appeal
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications

Training will be provided by an accredited trainer for the Headteacher and all members of the senior leadership team, the school bursar and the nominated committee member that deals with:



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- disciplinary procedures
- roles and responsibilities
- the appeals process
- suspensions and dismissal

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Implementation and Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated committee member.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Committee for further discussion and endorsement.

Link Policies

- Alcohol and Drugs Misuse
- Anti-Bullying and Anti-Harassment at the Workplace
- Conditions of Service
- Performance Management
- Staff Capability

See Appendices Documents section on Policies for Schools Website

- Frequency of Policy Monitoring
- Monitoring Implementation and Policy Effectiveness Action Plan
- Initial Equality Impact Assessment
- Policy Evaluation
- Policy Approval Form



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Headteacher:	Natalie Myers	Date:	05/09/2019
Chair of Committee:	T Goddard	Date:	05/09/2020