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**STAFF DISCIPLINE CONDUCT & GREIVANCE POLICY**

**NEWBURY SCHOOL**

Version 1.0

The management of Newbury Independent School expect all employees to conduct themselves in an appropriate manner in their day to day work, including in their dealings with colleagues, students and external organisations. Employees should familiarise themselves with the school’s policies which set out expected standards of behaviour. Where an employee’s conduct falls short of these standards, the Head Teacher will attempt to resolve the matter through informal means where appropriate, so that the staff member is given the opportunity to improve. If this action does not provide a resolution, then the Formal Disciplinary Procedure set out in this document should be followed.

Newbury Independent School aims to deal with all disciplinary issues in a fair and consistent manner. We recognise that, for the employee and manager concerned, involvement in a Disciplinary Procedure can be difficult and stressful, we will therefore ensure that those involved are made aware of available guidance and support, and that disciplinary issues are dealt with as quickly as possible.

**Aim of Policy**

The aim of this policy is to ensure that all staff are treated in a fair and equitable manner and no formal action is taken until an investigation has been carried out and the individual has been afforded the opportunity to state their case.

Disciplinary Issues the lists below are those considered the focus of this policy. They are not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorization and consideration as either ‘misconduct’ or ‘gross misconduct’. ‘Gross misconduct’ occurs when the actions complained of are such that it is not feasible to tolerate the continued attendance of the employee at the place of work whilst the matter is being investigated. For the purpose of the disciplinary procedure, the terms ‘misconduct’ and ‘gross misconduct’ are also taken to include ‘negligence’ and ‘gross negligence’ where the occurrence amounts to a breach of contract. Definitions

Misconduct which may warrant action under the appropriate stage of the disciplinary procedure includes: 1. Poor timekeeping or persistent lateness 2. Unauthorized absence from work 3. Unauthorized use of the school facilities including the Internet

4. Wilful failure to comply with a reasonable instruction from a member of senior management 5. Persistent minor breaches of health and safety requirements 6. Foul or abusive language

Gross misconduct – These misconducts may lead to suspension from post prior to consideration of dismissal includes:

1. Unauthorized removal of school property

2. Any form of sexual or racial harassment

3. Offences of dishonesty

4. Serious breaches of health and safety requirements.

5. Sexual offences

6. Serious criminal offences which undermine the employee’s ability to perform his/her job.

7. Sexual misconduct at work

8. Persistent wilful failure to comply with a reasonable instruction from a member of senior management

9. Fighting or Physical assault

10. Actions which bring the school into serious disrepute.

11. Drunkenness

12. Theft

13. Malicious damage to the school’s property

14. Radicalisation of pupils

**Grievance**

This grievance procedure is intended to provide the means by which an individual employee who has a grievance about his/her employment can seek to resolve it as swiftly and as close to the point of origin as possible. Where the grievance cannot be resolved by a senior member of staff or the Head Teacher, the procedure provides for a formal hearing involving the chair of trustees.

What is a grievance? A grievance is a complaint by an employee about any aspect of his/her employment, e.g. nature or range of duties, conditions of service, relationships with other staff. The grievance must be one that lies within the powers of the management of the school to resolve, e.g. it cannot be about matters determined by national legislation.

A grievance is not available in addition to or in substitution for the right of hearing and appeal established under other staffing procedures (e.g. disciplinary action or redundancy selection). Employees’ grievances will be treated seriously and will be resolved as quickly as possible.

Employees have the right to raise the grievance at a higher level. At all stages, the staff involved are entitled to be accompanied by a fellow employee or a practising trade union representative. During the formal procedures witnesses may be called and questioned by either side of an appeal’s panel.

It will always be offered to the employee (when they put in their grievance) whether to follow the formal grievance route (as detailed below), or an informal route. The informal route includes mediation between parties.

**Responsibilities**

The Head Teacher is responsible to ensuring that:

• All employees are aware of the Staff Disciplinary Policy

• Disciplinary issues are dealt with as soon as they become apparent

• Guidance is sought from the school’s legal department and other affiliated bodies for advise where there is a possibility of formal action being taken

•They respect the need for confidentiality in relation to disciplinary issues

•They implement this policy in line with all data protection legislation

• Where an allegation of unsatisfactory conduct relates to a student complaint, the Head Teacher will refer to the School’s Complaint Procedure to ensure that all necessary processes are followed.

Employees are expected to:

•Conduct themselves in an appropriate manner in their day to day work

•Familiarise themselves with the school policies which set out expected standards of behaviour

* Follow set procedures in order to submit a grievance

**Cooling Off Period**

There may be occasions where the Head Teacher needs to address a situation at work quickly. This could include asking any employees involved in the situation to stop work and go home for the day to allow a ‘cooling off period’ before a decision is taken on how to handle the matter. This is not classed as suspension from work or annual leave.

**Initial Fact Finding Investigation**

When the Head Teacher becomes aware of an alleged breach of discipline, they should carry out a brief fact finding investigation. The information gathered during this process will enable the Head Teacher to decide whether there is potentially a case to answer, and if so, whether to treat the matter as an informal or formal one.

**Confidentiality**

All those involved in a disciplinary procedure must keep all information relating to the case confidential. Any inappropriate disclosure of information relating to the case may result in disciplinary action. Where employees intend to make, or have made, a disclosure in relation to disciplinary procedure through the School’s Whistleblowing Policy, the guidance in that policy should be followed.

Procedure for submitting and handling grievance The Informal Procedure Where an employee has a grievance which involves another member of staff, s/he should first of all seek to resolve it by a direct approach to the person(s) concerned. If the matter cannot be resolved in this way, the employee should then request an interview with the Head Teacher, as appropriate. Wherever possible, the interview should take place within one week of the request being made. The Head Teacher will arrange to investigate the grievance and seek to resolve it in consultation with any other member(s) of staff involved.

Additionally, minor instances of misconduct may be dealt with informally through the provision of advice, coaching or training. In these circumstances, the employee’s line manager is responsible for bringing the matter to the employee’s attention and discussing it with them. The employee should be clearly advised of the specific standard of behaviour expected of them, and should be warned that if there is no improvement they may be subject to formal disciplinary action in the future. If there are any actions arising from this discussion, the Head Teacher should confirm them in writing to the Chair of Trustees.

**The Formal Disciplinary Procedure**

More serious allegations or repeated allegations of minor breaches will be dealt with under the formal Disciplinary Procedure.

Stage 1 - Investigation where the matter cannot be resolved by informal discussion, the employee will be requested to set out his/her grievance in writing and the matter will be further investigated by the Head Teacher. If appropriate there may be formal interviews with any staff affected in order to reach a decision. All parties will be given the opportunity to state his/her/ their case either orally or in writing. A decision will be given by or on behalf of the Head Teacher as soon as possible after receipt of the written grievance. This should be within one week, wherever practical to do so.

Stage 2 – Possible Suspension In some circumstances, it may be appropriate to suspend employee with full normal pay (including allowances) while a matter is investigated. Any suspension should be for the minimum period possible and usually no longer than four weeks. The reasons for the suspension must be made clear to employees in writing.

Stage 3 – Outcome of Investigation /Disciplinary Hearing the grievance investigation should, where possible, be completed within two weeks, after which the findings will be reported to the Head Teacher. At this point, the Head Teacher will decide if there is a case to answer or not. Where it is established that there is no case to answer, this will be confirmed in writing to the employee and the line manager, and all associated documentation will normally be destroyed and disposed of.

Where it is concluded that there is a case to answer, the employee will be invited in writing to attend a Disciplinary Hearing and will receive a copy of the Investigating Officer’s report. The employee will be given at least one week’s notice of the hearing, which will normally take place within two weeks of notification.

The request to attend the hearing will be issued by the Head Techer and will:

* Set out the nature of the alleged misconduct
* Confirm the names and designations of those attending the Hearing and give the employee the opportunity to identify any perceived conflict of interest.
* Give written details of the evidence collected and attach copies of any documents to be referred to
* State the time, date, location and expected duration of the hearing
* Remind the employee of their right to be accompanied by a Trade Union representative or workplace colleague
* Advise the employee that if they have any additional evidence that did not come to light during the investigation, they should send it in advance to the Head Teacher
* Confirm the possible outcomes of the hearing.

Right of Appeal Any party to the grievance may appeal in writing to the Head Teacher within one week of receiving written notification of the decision. The notice of appeal should set out the reasons, with a copy to any other member(s) of staff concerned. All documents already submitted together with any further documentation shall be available for consideration. At least one week’s notice of the arrangements for the appeal hearing will be given to all parties concerned. The appeal panel’s decision will be confirmed in writing within five working days. This decision will be final.

**This policy has been written & authorised by:**

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| Date: | may 2020 |
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