

Beaver Road Primary School

Disciplinary Procedure

Date	Review Date	Coordinator	Nominated Governor
January 2017	January 2018	Headteacher	Chair of Governors

We believe this policy relates 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

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

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 Governing Body has worked hard to build and maintain a good employment relationship and believes that the rules, policies and procedures of the School 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 Governing Body 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.

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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 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 Governing Body

The Governing Body 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 governors and an Appeals Panel consisting of three governors;
- 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 governor 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 governor to visit the School regularly, to liaise with the Headteacher and to report back to the Governing Body;
- 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;
- work closely with the link governor;
- provide leadership and vision in respect of equality;
- provide guidance, support and training to all staff;
- make effective use of relevant research and information to improve this policy;
- monitor the effectiveness of this policy;

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- annually report to the Governing Body on the success and development of this policy

When dealing with a concern of conduct or performance the Headteacher may in the first instance have an informal conversation with the member of the School personnel who is giving cause for concern

When investigating an alleged case of misconduct or poor performance the Headteacher may after investigating a case of alleged misconduct the Headteacher 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 the Headteacher will refer the matter to the Disciplinary Committee for their attention.

In dealing with some cases, an appropriate Investigating Officer (a suitable person not connected with the School) may be appointed by the Headteacher or the Governing Body if it is felt necessary.

Role of the Nominated Governor

The Nominated Governor will:

- 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 Governing Body every term;
- annually report to the Governing Body on the success and development of this policy

Role of the Companion

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.

Investigation

A thorough investigation will be conducted by the Investigatory Officer before any disciplinary action is considered. It is important that a written record is kept for later reference.

Suspension

If the Headteacher decides that a case may be, or is, so serious that the possibility of dismissal may arise, or where there are grounds for doubt as to the suitability of the

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employee continuing work while investigations are in progress, then the Headteacher has the right to suspend the employee with or without pay.

A letter confirming the suspension will be sent to the employee.

It should be noted that a suspension pending the outcome of a disciplinary investigatory must be viewed as a precautionary measure and is not a sanction in itself.

Disciplinary Hearing

A formal disciplinary hearing will take place if the Investigating Officer 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.
- 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

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

- At all formal stages of the Procedure the disciplinary panel will keep the Chair of the Governing Body 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;
- 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 School website

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- meetings with School personnel
- reports such as reports to the Governing Body

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 provide knowledge and understanding of:

- 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 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 governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation)

Headteacher:	D How	Date:	30/01/2017
Chair of Governing Body:	P Barker-Matthews	Date:	30/01/2017

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Initial Equality Impact Assessment

Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
Disciplinary Procedure	<ul style="list-style-type: none"> 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. 		✓	

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Governors	School Volunteers	School Visitors	Wider School Community
	Y	Y	Y	Y	Y	Y	

Question	Equality Groups															Conclusion													
Does or could this policy have a negative impact on any of the following?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'yes' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
		✓			✓			✓			✓			✓			✓			✓			✓			✓			Yes
Does or could this policy help promote equality for any of the following?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
		✓			✓			✓			✓			✓			✓			✓			✓			✓			Yes
Does data collected from the equality groups have a positive impact on this policy?	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Undertake a full EIA if the answer is 'no' or 'not sure'				
	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS					
		✓			✓			✓			✓			✓			✓			✓			✓			✓			Yes

School Policy – Disciplinary Procedure (Statutory)

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Conclusion	We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.
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Preliminary EIA completed by	Date	Preliminary EIA approved by	Date

Policy Evaluation

Points to be considered	Yes	No	N/A	Please supply evidence
• Policy annually reviewed				
• Policy in line with current legislation				
• Coordinator in place				
• Nominated governor in place				
• Coordinator carries out role effectively				
• Headteacher, coordinator and nominated governor work closely				
• Policy endorsed by governing body				
• Policy regularly discussed at meetings of the governing body				
• School personnel aware of this policy				
• School personnel comply with this policy				
• Pupils aware of this policy				
• Parents aware of this policy				
• Visitors aware of this policy				
• Local community aware of this policy				
• Funding in place				
• Policy complies with the Equality Act				
• Equality Impact Assessment undertaken				
• Policy referred to the School Handbook				
• Policy available from the school office				
• Policy available from the school website				
• School Council involved with policy development				
• All stakeholders take part in questionnaires and surveys				
• All associated training in place				
• All outlined procedures complied with				

School Policy – Disciplinary Procedure (Statutory)

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• Linked policies in place and up to date				
• Associated policies in place and up to date				
A statement outlining the overall effectiveness of this policy				