



SOMERHILL

## DISCIPLINARY PROCEDURE POLICY

Version Control – Internal Use only

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1	Annual Review	JM	Sept 2020	Final
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3	Annual Review	JM	Sept 2022	Final
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## **Disciplinary Procedure policy**

### **Purpose and scope**

This disciplinary procedure policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all in the school.

### **Principles**

- The school and its employees will raise and deal with issues with HR promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.
- The school and its employees will act consistently.
- The school will carry out any necessary investigations, to establish the facts of the case in a timely and consistent manner.
- The school will inform employees of the basis of the problem raised and give them an opportunity to put their case in response before any decisions are made.
- The school will allow employees to be accompanied at any formal disciplinary or grievance meeting.
- The school will allow an employee to appeal against any formal decision made.

### **The procedure - disciplinary investigation**

Following a potential disciplinary matter being raised, HR will coordinate an investigation in the first instance.

It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases, this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

If there is an investigatory meeting this will not by itself result in any disciplinary action. Although there is no statutory right for an employee to be accompanied at a formal investigatory meeting, such a right may be allowed under the school's procedure following a request by the employee.

In cases where a period of suspension with pay is considered necessary (for example to allow for a period of investigation), this period will be as brief as possible, will be kept under review and it will be made clear that this suspension is not considered a disciplinary action.

### **Disciplinary Meeting**



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If it is decided that there is a disciplinary case to answer, the employee will be notified of this in writing. This notification will contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. Where appropriate the employee will be provided with copies of any written evidence, which may include any witness statements, with the notification.

The notification will also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.

The meeting will be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.

The school and employees (and their companions) should make every effort to attend the meeting. At the meeting the employer will explain the complaint against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses. Where an employer or employee intends to call relevant witnesses, they must give advance notice that they intend to do this.

## **Decide on appropriate action**

After the meeting the school will decide whether or not disciplinary or any other action is justified and inform the employee accordingly in writing.

Where misconduct is confirmed, or the employee is found to be performing unsatisfactorily it is usual to give the employee a first written warning. A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning.

If an employee's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation.

A first or final written warning should set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). The employee will be told how long the warning will remain current. The employee will be informed of the consequences of further misconduct, or failure to improve



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performance, within the set period following a final warning. For instance, that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority.

A decision to dismiss should only be taken by the Headmaster with support from HR and with the advance notification of the Chair of Governors. The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

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Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. But a fair disciplinary process should always be followed, before dismissing for gross misconduct.

The following list provides some examples of offences which are normally regarded as gross misconduct:

- criminal offences: you are convicted of any criminal offence punishable with imprisonment for six months or more (whether or not such a sentence is imposed on you)
- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the school into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence
- assault or attempted assault
- falsification of records
- conviction on a criminal charge
- breach of school policies or procedures
- serious, repeated or repudiatory breach of your contract of employment



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- serious bullying or harassment of colleagues, pupils or parents, including sexual harassment
- prejudicial behaviour: you behave in a manner either during and / or outside the course of your employment which in the reasonable opinion of the Headmaster or Bursar may prejudice the interests of the School and / or is likely to bring you or the School into disrepute;
- abuse or suspected abuse of your position of trust in relation to pupils at the school
- use of inappropriate images as per our policy
- **ineligible to work:** you are not, or cease to be, eligible to work in the United Kingdom.

## Appeals

Where an employee feels that disciplinary action taken against them is wrong or unjust, they should appeal against the decision. An appeal should be put in writing to HR.

- The employee will be invited to attend an appeal meeting.
- The employee has the right to be accompanied by a colleague or trade union official of their choice to the appeal meeting
- The timing and location of the meeting must be reasonable
- The employee must take all reasonable steps to attend the meeting
- The meeting will be conducted in a manner that enables both sides to explain their cases
- The appeal will be heard by a senior member of staff, a member of the governing body or an external, independent party who has not previously been involved in the process
- Within a reasonable time period HR will inform the employee of their decision and notify the employee of their right to appeal against that decision if they are not satisfied with it.