



CHESHIRE ALTERNATIVE PROVISION SCHOOL

Staff Discipline, Conduct and Grievance Policy

Date of Policy	January 2018
Date of Review	January 2019
Person/s Responsible	Shane Mahon/Lana Wild

Staff Discipline, Conduct and Grievance

This document details the Schools Disciplinary, Grievance and Staff Conduct policies. All these policies can be found in the Staff handbook.

Disciplinary rules

Introduction: These rules should be read in accordance with the School's disciplinary and dismissal procedure. It is the contractual duty of every member of staff to observe the rules set out below.

Rules of conduct: Whilst employed by the School, you should at all times maintain professional and responsible standards of conduct. In particular, you should:

- observe the terms and conditions of your contract of employment;
- ensure that you understand and follow the School's Code of Conduct for Staff enclosed within the Staff handbook;
- observe all other policies and procedures included in the Staff handbook or otherwise notified to you from time to time;
- comply with all reasonable advice given by staff who are senior to you;
- act at all times in good faith and in the best interests of the School, its pupils, parents, guardians or carers and staff;
- uphold public trust in the profession and maintain high standards of ethics and behaviour;
- have an understanding of, and always act within, the statutory frameworks which set out your professional duties and responsibilities.

Instances of misconduct: The following is a non-exhaustive list of offences which amount to misconduct falling short of gross misconduct:

- unauthorised absence from work
- lateness
- inappropriate standard of dress
- smoking on School premises other than the outside designated area
- contravention of minor safety regulations
- disruptive behaviour

Gross misconduct: You must not commit any act of gross misconduct. Any such act will result in your dismissal without notice. Gross misconduct includes but is not limited to the examples set out below, offences of a similar nature and attempts to commit such offences. Examples of gross misconduct:

- failure to comply with the School's child protection policy or the School's Code of Conduct, the School's IT Acceptable Use Policy or the School's Social Media Policy;
- failure to notify the School of any child protection investigation of any member of your household;
- failure to immediately notify the School of any charge or conviction of any criminal offence brought against you during your employment;
- indecent, violent or offensive behaviour whether committed at or outside work;
- inappropriate conduct with a pupil of the School, or a pupil of another School;
- misuse of or deliberate damage to School property;
- fraud, theft or dishonesty;
- failure to obey a lawful order;
- being on duty whilst unfit due to the influence of drugs and / or alcohol;
- possession, use, supply or attempted supply of illegal drugs;
- bullying or harassment;
- accepting or giving bribes or other secret payments
- accepting a gift in contravention of the School's Code of Conduct without the prior consent of the Head Teacher;
- conduct (whether committed at or outside work) which is likely to damage the School's reputation or bring it into disrepute;



- discrimination (including harassment or victimisation) on grounds of sex, pregnancy and maternity, marital or civil partnership status, race, disability, age, sexual orientation or religious belief;
- disregarding health and safety rules / requirements (including the School's Health and Safety at Work Rules) and endangering yourself or others;
- giving false information as to qualifications or entitlement to work (including immigration status);
- wilful neglect or refusal of duty;
- misuse of confidential information;
- use of school resources to view, retrieve or download pornographic material, or any other material which the School reasonably believes is unsuitable;
- causing loss, damage or injury through serious negligence;
- making a disclosure of false or misleading information under the School's Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith; or
- making untrue allegations in bad faith against a colleague.



DISCIPLINARY PROCEDURE

INTRODCUTION

Flexibility: The disciplinary procedure is applicable to you once you have completed your probationary period. The School will follow a fair procedure in the event that disciplinary action is necessary but this procedure does not have contractual effect. There may be occasions when the School considers it appropriate to change or omit parts of this procedure.

Amendments: The School may revise this procedure from time to time and will advise you of any amendments.

Capability: This procedure does not apply to incompetence, incapability or other poor performance unless this is attributable to misconduct.

Record of proceedings: The School may, in its sole discretion, appoint someone to take notes or make a recording of any interview or hearing under this procedure. No other recordings shall be made without the express approval of all those present at the interview or hearing.

THE INVESTIGATION STAGE

Investigation: As a first step any disciplinary issue will be investigated. If, after investigating the matter, it appears that there are no reasonable grounds for concern, you will be informed of this in writing and, if relevant, allowed to return to work as normal.

Suspension: If the matter to be investigated is thought at any stage of the investigation to involve gross misconduct or it is in the interests of the School, a pupil, an employee or you, the Director may immediately suspend you from work on full pay and benefits whilst the investigation proceeds.

Support and guidance: The School will notify you of a person to contact during any period of suspension or investigation. You may also wish to seek the advice of your union representative where available.

Separation of roles: The School will appoint a senior member of staff to carry out the investigation (Investigating Officer).

Interview: As part of the investigation the Investigating Officer may (if considered appropriate) undertake an interview with you.

Next stage: If on completion of the investigation the Investigating Officer considers that it is necessary, a disciplinary hearing will be arranged and you will be invited to attend. You must take all reasonable steps to attend the disciplinary hearing.

Information: You will be given advance reasonable notice of the timing and the location of the hearing. You will be informed in writing of the purpose of the hearing and the allegations against you. You will be provided with a copy of any documents which may be referred to at the Disciplinary Hearing and invited to submit any relevant documents. You will be given a reasonable opportunity to consider your response to this information. If your dismissal is a possible outcome of the hearing, you will be informed of this possibility in advance.

Right to be accompanied: You may be accompanied to the disciplinary hearing by a colleague or trade union official.

Witnesses: You may ask relevant witnesses to attend the disciplinary hearing, provided it is reasonable to do so and you give the School sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Disciplinary Panel decides a fair hearing could not be held otherwise.

Witness statements: If statements have been obtained from witnesses during the course of the investigation you will be given a copy of them. In certain circumstances it may be necessary to preserve the anonymity of a witness.

Disciplinary panel: The School will appoint a Disciplinary Panel to hear the matter. In appropriate circumstances, the Head Teacher or another person may hear the matter on his / her own. The Investigating Officer shall not be a member of the Disciplinary Panel.

The disciplinary hearing: The hearing will be conducted by the Disciplinary Panel. The Investigating Officer will be asked to report on his / her investigation. Both you, or the person accompanying you, and the Disciplinary Panel may question the Investigating Officer and any witnesses. You will be entitled to give your explanation and may be questioned by the Investigating Officer as well as by the Disciplinary Panel. You or the person accompanying you and the Investigating Officer will be given the opportunity to address the Disciplinary Panel. The person accompanying you will not be permitted to respond to questions which are addressed to you.

Adjournment: The Disciplinary Panel may adjourn the proceedings at any stage if this appears necessary or desirable. You may request an adjournment if you need to consult the person accompanying you. If adjourning for the purpose of



enabling further information to be obtained, the Disciplinary Panel will specify the nature of that information. Any adjournment will normally be for a specified period of time.

Decision making: On completion of the hearing, the Disciplinary Panel will retire to consider the decision. Neither you, the person accompanying you nor the Investigating Officer will be allowed to take part in nor be present during the Disciplinary Panel's deliberations.

Communication of decision: The decision of the Disciplinary Panel will be communicated to you in writing as soon as reasonably practicable. If the complaint is upheld you will be informed of the action to be taken and your right of appeal.

THE DISCIPLINARY ACTION STAGE

Sanctions: Depending upon the nature of any misconduct found to have been committed, any explanation given by you and any mitigating circumstances, the Disciplinary Panel may impose any of the following sanctions:

- a written warning;
- a final written warning;
- suspension without pay for a defined period;
- demotion; or
- dismissal with or without notice.

Currency of warnings: A written warning will be recorded on your file but will be considered spent for disciplinary purposes after a period of 12 months from the date the warning is given. A final written warning will be recorded on your file but will be considered spent for disciplinary purposes after a period of 24 months from the date the warning is given.

Gross misconduct: Where there has been gross misconduct the Disciplinary Panel may impose dismissal without notice. Examples of what the School considers to be gross misconduct are set out in the Disciplinary Rules section of this Staff handbook.

THE APPEAL STAGE

Right of appeal: You have the right to appeal to an Appeal Panel against any decision made by the Disciplinary Panel if you are dissatisfied with it. Such a right of appeal must be exercised in writing and sent to the Head Teacher within five working days of your being notified of the decision giving full details of why you wish to appeal. The Appeal Panel will arrange a review hearing or a re-hearing to take place as soon as reasonably practicable. You will be informed in advance of its timing and location.

Appeal panel: The Appeal Panel shall not include any member of the Disciplinary Panel nor the Investigatory Officer and may comprise one or more persons. As far as reasonably practicable the person chairing the Appeal Panel will be someone holding a more senior position than the person chairing the Disciplinary Panel.

Appeal procedure: The procedure at the appeal hearing shall be the same as that for the disciplinary hearing save that there will be no right of appeal from the decision of the Appeal Panel. You must take all reasonable steps to attend the appeal hearing. The Appeal Panel will be entitled to reach a different conclusion and impose a different sanction (although not greater) than that imposed by the Disciplinary Panel. You will be informed of the Appeal Panel's decision in writing as soon as reasonably practicable.

Right to be accompanied: You may be accompanied to the appeal hearing by a colleague or trade union official.

Employment status: If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect so that, if the dismissal is by notice, the period of notice will have begun at the date given in the dismissal decision. If summary dismissal without notice has been imposed, you will not be entitled to be paid for the period between that decision and the decision of your appeal unless you have been reinstated on appeal. If having been dismissed you are reinstated on appeal, your continuity of employment will be unaffected.



GREIVANCE PROCEDURE

INTRODUCTION

Introduction: If you have any grievance relating to any aspect of your employment, including any complaint about action which the School has taken or is contemplating taking you should endeavour to have it settled in accordance with this procedure. This procedure is not appropriate for disciplinary or capability matters. The appropriate procedures for these matters are contained elsewhere within the Staff handbook.

Flexibility: The School will usually follow this procedure in the event that you raise a grievance. However, there may be occasions depending on the circumstances of each case when the School considers it appropriate to change or omit parts of the procedure.

Amendments: If the School amends this procedure from time to time, you will be given advance notice of the amendments.

Timescale: All steps under this grievance procedure should be taken without unreasonable delay.

THE PROCEDURE

Raising your grievance: Problems relating to your employment should be resolved fairly, promptly and as near as possible to the point of origin i.e. between the persons involved. Therefore, in the first instance you should raise the grievance orally and informally with any other person involved.

Formal grievance: If it is not appropriate to raise your grievance orally and informally or this does not resolve your grievance, you should set out your formal grievance in writing and pass it to your Line Manager. If your grievance concerns your Line Manager, you should submit your formal grievance to the Head Teacher. If your grievance concerns the Head Teacher, you should submit your formal grievance to the Director.

Investigating your grievance: Your Line Manager will investigate your grievance.

Grievance meeting: Once your Line Manager has had a reasonable opportunity to consider his response to the information given regarding your formal grievance, you will be invited to a meeting to discuss the matter. You will be informed in advance in writing of the timing and location of the meeting. You must take all reasonable steps to attend the meeting. You will be given the opportunity to explain your case. Your Line Manager may ask the other people involved to attend the meeting with a view to obtaining a resolution. Following the meeting your Line Manager will inform you in writing of his decision in relation to your grievance and of your right of appeal.

Right to be accompanied: You may be accompanied to the meeting held to discuss your grievance by a colleague or trade union official.

APPEAL

Initiating an appeal: If you are dissatisfied with the decision made concerning your formal grievance. You may appeal the decision by notifying your Line Manager in writing within five working days giving full details of why you wish to appeal. If you need more time, you should notify your Line Manager within the five day period. The Head Teacher will normally hear your appeal. However, if the Head Teacher holds the grievance meeting at paragraph 8 above, or your grievance concerns the Head Teacher, the Director (or a person appointed by him or her) shall hear your appeal.

Appeal procedure: The Head Teacher shall investigate your appeal. He or she may call for copies of all relevant documents. The Head Teacher will invite you to attend a further meeting to discuss your appeal and will inform you in reasonable time of the timing and the location of the meeting. You must take all reasonable steps to attend the meeting.

The appeal decision: The Head Teacher's decision shall be final and shall be confirmed to you in writing as soon as reasonably practicable.

Right to be accompanied: You may be accompanied to the appeal meeting by a colleague or trade union official.

GRIEVANCES FOLLOWING THE TERMINATION OF YOUR EMPLOYMENT

Procedure: If a grievance is raised by you following termination of your employment, if appropriate the School may follow all or part of this procedure at its discretion.



CODE OF CONDUCT FOR STAFF

Application: Whilst employed by the School, you should at all times maintain professional and responsible standards of conduct. In particular, you should:

- observe the terms and conditions of your contract of employment;
- ensure that you understand and follow the School's Code of Conduct for Staff enclosed within the Staff handbook;
- observe all other policies and procedures included in the Staff handbook or otherwise notified to you from time to time;
- comply with all reasonable advice given by staff who are senior to you;
- act at all times in good faith and in the best interests of the School, its pupils, parents, guardians or carers and staff;
- uphold public trust in the profession and maintain high standards of ethics and behaviour;
- have an understanding of, and always act within, the statutory frameworks which set out your professional duties and responsibilities.

Purpose: Relationships with fellow Staff, employees, contractors, visitors, volunteers, pupils and their parents, guardians or carers should be reasonable and mutually respectful at all times. This Code has been formulated in order to maintain this balance. This Code takes into account the DCSF (as it then was) guidance - Guidance for safer working practice for adults who work with children and young people in education settings together with Keeping children safe in education (Department for Education (DfE), April 2014) and the School's safeguarding policy.

The purpose of the Code is to:

- confirm and reinforce the professional responsibilities of Staff (both teaching and non-teaching);
- clarify the legal position in relation to sensitive aspects of Staff / pupil relationships;
- set out the expectations of standards and behaviour to be maintained within the School;
- to help adults establish safe practices and reduce the risk of false accusations or improper conduct.

Full details of this can be found in the staff handbook.