



# CANNOCK CHASE HIGH SCHOOL

A C H I E V E M E N T F O R A L L

## DISCIPLINE POLICY

### 1. Introduction

- 1.1 The purpose of this procedure is to set out the standards of conduct expected of our colleagues and to ensure that all disciplinary matters are dealt with fairly and consistently.
- 1.2 The organisation is committed to supporting and retaining individuals who have the right motivation, skill and experience to make a positive contribution to the organisation's success and the delivery of high-quality education.
- 1.3 The organisation is committed to achieving this through:
  - Setting high standards of expectation consistent with the school community expectations of our organisation and relevant professional standards;
  - The application of consistent and fair procedures in accordance with good practice and equal opportunities;
  - Adhering to the employment legislation and guidance in relation to dispute and conduct.
- 1.4 This procedure does not deal with performance or sickness absence issues as these are dealt with under separate policies.

### 2. Scope

- 2.1 This policy applies to all employees including, temporary, fixed term, apprentices and casual workers and volunteers regardless of length of service. This procedure does not form part of your contract of employment and may be varied from time to time.
- 2.2 The Governing Body will liaise with the local authority and other agencies in the application of this procedure where required.

### 3. Minor Conduct Issues and an Informal Approach

- 3.1 Your manager will adopt an informal approach in dealing with minor conduct issues and will guide or advise you in improving your conduct. Your manager will only consider dealing with minor disciplinary breaches through the formal stages of the procedure if your misconduct continues, is repeated or the misconduct is potentially more serious.

- 3.2 Cases of minor misconduct will be dealt with informally through a confidential conversation to identify:
- concerns about your conduct;
  - the action required to improve your conduct;
  - additional training, coaching and advice needed.
- 3.3 The informal meeting will provide a reasonable opportunity for you to respond and to identify the factual accuracy of any concern that has been raised.
- 3.4 You and your manager must ensure that:
- you understand any future expectations of your conduct;
  - an appropriate action plan is developed;
  - a realistic timescale is agreed for monitoring your conduct.
- 3.5 You will receive a letter confirming the detail of the informal discussions which will be kept on your personal file, however, there will be no note made on your disciplinary record.
- 3.6 Where the behaviour causing concern may be related to an underlying relationship issue, it may be appropriate to consider an independent third party, such as a mediator, to help resolve the situation rather than disciplinary action.
- 3.7 In the event that the matter cannot be resolved informally, or the matter is too serious, the formal disciplinary process will apply. Although the stages of the disciplinary process will normally be followed sequentially the formal process may commence at any stage taking account of the alleged misconduct.

## **4 Formal Disciplinary Process**

- 4.1 For allegations of misconduct with the potential to warrant formal disciplinary action, a prompt and thorough investigation will be carried out by an appropriate manager or external investigator. A formal disciplinary investigation should be commenced within five working days of the organisation becoming aware of the matter and should be completed within 40 working days.
- 4.2 This timeframe may be longer depending on the nature of the matter and extent of investigation required. Where this is necessary, you will be advised in writing of any extensions to the timeframes.
- 4.3 If allegations have been made against you, you will be informed as soon as possible the allegation/s and depending on the circumstances of the case, you may be invited to attend an investigatory meeting. There is no right to notice for an investigatory meeting, but you will be provided with the right to have a representative or work colleague present, and you will be provided with appropriate notice in order to make the necessary arrangements for representation.

4.4 The extent of investigation involved will vary depending on the allegations in question and the circumstances of the case. Investigations will be dealt with as confidentially as is reasonably practicable and sensitively. Limited investigation may be appropriate prior to a formal disciplinary hearing if this would be reasonable in the circumstances; for example, where an employee has admitted to the misconduct. This in no way prevents the employee from responding in full to the allegation made during the hearing.

4.5 A thorough investigation will always be completed prior to any formal disciplinary hearing in cases of potential gross misconduct.

#### 4.6 **Suspension**

Depending on the circumstances, you may be suspended from work on full pay during the investigation. Suspension on full pay is not a disciplinary penalty or a presumption of guilt. The organisation has the right to suspend with pay, if allowing you to remain at work would give reasonable grounds for concern that there is a potential risk to the business, to yourself or other employees or third parties or that evidence may be tampered with, destroyed or witnesses pressurised before the disciplinary hearing.

4.7 You will be verbally advised of the suspension from work, and this will be confirmed to you in writing. You will be provided with a nominated contact for the period of your suspension, should you have any queries or concerns, and the suspension will be kept under review throughout the process. If at any stage in the process it is determined that suspension is no longer required, then the suspension will be lifted. You will be verbally advised of the suspension being lifted and this will be confirmed in writing to you.

#### 4.8 **Action Against Trade Union Representatives**

Disciplinary action against a TU representative can lead to a serious dispute if it is seen as an attack on their functions. Whilst normal disciplinary standards apply to a TU representative's conduct as a colleague, the relevant full-time official should be notified of any action (including suspension) that the employer proposes to take. All reasonable efforts must be taken to ensure that disciplinary action is not taken against a TU representative until the relevant full-time official has had an opportunity to be present at any stage of the formal procedure.

#### 4.9 **Criminal Offences**

Certain criminal offences may affect your suitability to continue in your role with the organisation or damage the organisation's reputation. If you are charged with a relevant criminal offence, you must inform your manager as soon as possible. We will not treat notification about criminal proceedings, or a conviction (including bind-overs and cautions), as an automatic reason for dismissal or for any other form of disciplinary action being taken. We will decide what action to take, if any, after we have reviewed the matter. The main consideration should be whether the conviction is one that makes you unsuitable for your job or affects the employer's reputation.

- 4.10 If you are subject to a criminal investigation, the employer will determine to what extent it needs to conduct its own investigation before deciding whether to proceed to formal disciplinary action. The employer will not usually wait for the outcome of any prosecution before deciding what action to take (unless specifically advised otherwise by the police). No decision to impose a disciplinary sanction or to dismiss will be taken prior to giving you the opportunity to make representations.
- 4.11 If we have reasonable grounds to suspect that the potential misconduct involves child protection/safeguarding, fraud, systems abuse, theft, or any financial irregularity, we will notify the relevant agencies including the Local Authority Designated Officer for safeguarding (LADO), internal auditors and/or the police as soon as possible.
- 4.12 Safeguarding and Low-Level Concerns**  
The organisation takes its responsibility of care for its students seriously and fully endorses the principles and practice of Every Child Matters. The organisation will investigate thoroughly, any possibility that an employee may have harmed a student, but in a way that does not prejudice either the student or the employee.
- 4.13 Safeguarding allegations and low-level concerns will be investigated in accordance with the organisation's Disciplinary Policy and Keeping Children Safe in Education.
- 4.14 The Disciplinary Hearing**  
If, following investigation, it is reasonably believed that there are grounds for disciplinary action, you will be required to attend a Disciplinary Hearing.
- 4.15 You will be given 15 working days' notice of a disciplinary hearing. You must make all reasonable efforts to attend a disciplinary hearing. If you or your representative is unable to attend a hearing, you may propose a new date of no more than five working days from the date of the original hearing date.
- 4.16 If you do not attend the hearing without good reason, it may be re-arranged but if you do not attend the rearranged hearing, a decision may be made in your absence. You may submit a written statement to be taken into consideration or your representative may present information on your behalf.
- 4.17 Where you are persistently unable or unwilling to attend the hearing, the manager or panel may make a decision on the evidence available.
- 4.18 Disciplinary hearings will be conducted by an appropriate manager/governor or by a panel of governors with the appropriate level of authority.
- 4.19 You must provide copies of any relevant evidence you intend to refer to, at least two working days before the hearing.
- 4.20 At the hearing, the case against you will be explained and you will have the opportunity to fully respond to the allegations.

- 4.21 The hearing will be conducted as follows:
- The manager/panel will explain the allegations against you;
  - The investigating manager or other senior manager will present the evidence in support of those allegations including calling witness(s) where relevant;
  - You will have the opportunity to respond to the allegations, which will include the presentation of your own evidence if you wish;
  - You may request that any relevant witness(s) attend the hearing except where you rely on character witnesses; in which case a witness statement should be provided;
  - Witnesses whose evidence is not challenged will not be called.
- 4.22 The deciding manager or panel may be supported by a specialist adviser.
- 4.23 Minutes of formal meetings and the outcome will be given to you for your information and copies of notes, letters and action plans should be retained on file.

## **5 Disciplinary Outcome**

- 5.1 On conclusion of the matter and within five working days, the outcome of the investigation/hearing will always be confirmed to you in writing, including where no further action is necessary.
- 5.2 Where a warning is issued, the letter will state:
- the misconduct that led to the warning;
  - the action or improvement required by you;
  - the duration of the warning;
  - the likely consequences of the action of improvement not being taken and/or any further misconduct
- 5.3 You will also be advised of the right of appeal and the person to whom an appeal should be made.
- 5.4 **Stage 1 – First Written Warning**  
A first written warning may be issued following the disciplinary hearing in the following circumstances:
- for a first act of misconduct where there are no previous warnings and where any agreed adjustments and other support has been made or provided.
- 5.5 The warning will remain active for six months and it should be disregarded for disciplinary purposes after this period.
- 5.6 **Stage 2 – Final written warning**  
A final written warning may be issued following the disciplinary hearing in the following circumstances:
- where there has been a further act of misconduct while an existing warning is in effect; or

- the seriousness of the misconduct is sufficient to warrant such a warning, even though no previous warning may have been issued.
- 5.7 The warning will remain active for 12 months and it should be disregarded for disciplinary purposes after this period.
- 5.8 **Stage 3 – Dismissal**  
Dismissal may be actioned following the disciplinary hearing in the following circumstances:
- where, within the duration of the final written warning, the necessary improvement in behaviour has not been achieved and any agreed adjustment and other support has been made or provided. This would be with notice or payment in lieu of notice; or
  - where there has been a further act of misconduct while an existing warning is in effect;
  - where it is reasonably believed that you have committed an act of gross misconduct. Gross misconduct will usually result in summary dismissal without notice and without pay in lieu of notice. Examples of gross misconduct are detailed at Appendix 3.
- 5.9 In addition, the organisation reserves the right to dismiss you summarily for some other substantial reason, in circumstances which relate to the safeguarding of young people. This may relate to conduct prior to employment with the organisation where an historical claim has been made. In such circumstances, if following investigation, evidence of prior conduct is subsequently found to be incompatible with your role and responsibilities, the organisation may terminate your contract of employment with immediate effect. This will be without notice and without pay in lieu of notice.
- 5.10 The decision to dismiss can be made by Headteacher/Panel of Governors.
- 5.11 The hearing may at their discretion, consider alternatives to dismissal. Examples of such alternatives include demotion/loss of seniority, reduction in pay, compulsory training. If such an alternative is applied, it may also be accompanied by a final written warning.
- 5.12 On conclusion of a disciplinary matter and in accordance with statutory safeguarding guidance, the organisation will fulfil its legal duty to refer to the Disclosure and Barring Service (DBS) and/or Teacher Regulation Agency (TRA) if applicable.

## **6 Right to be Accompanied**

- 6.1 Employees have the right to be accompanied by a trade union representative or work colleague at all formal meetings. If an employee's chosen companion is not available at the time proposed for the meeting or hearing, a mutually convenient time should be arranged within five working days of the original date. Employees do

not have the right to be accompanied by anyone else such as a spouse, partner, other family member or legal representative.

- 6.2 It is advised to consider allowing employees to be represented at all meetings to ensure appropriate external advice is available. This supports the employee's understanding of the process and enables them to fully participate and engage with the employer.
- 6.3 The representative is allowed to address the meeting, to put and sum up the case, respond to any views expressed at the meeting and confer with their member/colleague during the meeting.
- 6.4 The representative does not have the right to answer questions on behalf of their member/colleague.

## **7 Appeal**

- 7.1 If you are dissatisfied with a formal decision, you can appeal. Your appeal must be in writing and set out the grounds of your appeal and include all the information you wish to rely on at the appeal hearing. You must send your appeal to the Headteacher's Personal Assistant/Clerk to the Governing Body within five working days of the date you received the outcome letter confirming the decision.
- 7.2 You must identify one or more of the following grounds for appeal:
  - the finding that you were guilty of committing the alleged act (or acts) of misconduct where the evidence did not support this finding;
  - the severity of the disciplinary sanction imposed, taking into account the nature of the misconduct and the mitigating circumstances;
  - the fact that you don't feel the correct procedure was followed;
  - the fact that new evidence that was not considered in the disciplinary hearing has come to light that would change the outcome;
  - the sanction is inconsistent with how others have been treated;
  - there was unlawful discrimination in the handling of the disciplinary.
- 7.3 You will be invited to the Appeal Hearing in writing and you will be given at least five working days' notice of the appeal hearing. You have the right to be accompanied at the Appeal Hearing by your trade union representative or work colleague, consistent with the right to be accompanied set out in this policy. The appeal panel may be supported by an internal or external specialist adviser.
- 7.4 You must provide copies of any relevant evidence you intend to refer to, at least two working days before the Appeal Hearing.
- 7.5 You will be advised of the appeal outcome, which will be confirmed in writing within five working days of the Appeal Hearing. There is no further right of appeal.

7.6 You are not entitled to raise a further complaint under the Grievance Policy or any other of the organisation's complaints procedures in relation to the same grounds of appeal.

## 8 Data Protection

8.1 The organisation will comply with the provisions of UK data protection law. Employee data will be processed in accordance with the principles of that legislation, as necessary for the performance of the contract of employment and as set out in the organisation's privacy notice. Personal information about employees, including information in personnel files, will be held securely and privately in accordance with the organisation's Data Protection Policies and Procedures.

8.2 Minutes of formal meetings will be given to the employee for information and copies of notes, letters and other relevant documentation should be retained on file.

<b>Implementation date:</b>	November 2022
<b>Last review date:</b>	
<b>Next Review date:</b>	November 2024
<b>Statutory Policy:</b>	No



## Organisation Decision Making Structure

The organisation has determined that the following Decision-Making Structure will apply to any formal action taken in relation to staffing matters with effect from November 2022.

Role	Personnel Level	Responsibility
Investigating Officer	Line manager, senior manager or external investigator	Conduct fact finding and information gathering investigation. Present facts of matter and mitigation in unbiased report. May be present at hearing to respond to questions No decision making powers
Presenting Manager	Line manager, senior manager or external investigator	Present disciplinary report and case at disciplinary hearing. No decision making powers
Deciding Manager/Panel	Senior manager Panel of Governing Body/Board members Dependent upon organisation's scheme of delegation	Consider case presented and determine on balance of probability the most likely version of events. Determine suitable sanction up to and including dismissal
Appeal Presenting Manager	Deciding Manager or member of Deciding Panel at previous stage	Present information to the Appeal Panel relating to the original decision
Appeal Panel	Panel of Governing Body/Board members – must not have been involved in disciplinary investigation and/or the original Deciding Panel	Consider grounds for appeal and original decision to determine whether appeal is upheld or not
Specialist Adviser	Appropriate internal or external specialist adviser	Advise Deciding Manager/Panel/Appeal Panel on process and technical points. No decision making powers

## **Examples of Expected Standards of Behaviour**

The following are examples of the behaviour expected by the organisation of all its colleagues, although the list is not exhaustive:

- You should attend work punctually and regularly, in line with operational requirements;
- You should carry out reasonable requests/instructions from your managers promptly and efficiently, and to the required standard;
- Time off must be approved in advance by the appropriate level of authority, usually your manager and be in line with your contract of employment;
- You must follow the procedures outlined in the Managing Attendance at Work policy when notifying the employer of your sickness absence;
- You must comply with all of the employer's policies and procedures, including but not limited to the Safeguarding Policy, the relevant Code of Conduct, the ESafety/ICT Acceptable Use Policy, Data Protection or the Health and Safety Policy;
- You must adhere to professional body and statutory guidelines, as appropriate, and act professionally at all times;
- In your own interests, and in the interests of the organisation as a whole, you should bring serious breaches of the employer's policies or procedures to the attention of management.

## Examples of Gross Misconduct

The following are examples of gross misconduct but this list is not exhaustive:

- Action that has caused, or is likely to cause a child to suffer significant harm;
- Failure to take action to protect a child whom you believe is suffering, or is likely to suffer, significant harm;
- Actual or threatened violence or bullying behaviour;
- Theft or unauthorised removal of property, fraud, falsification of the organisation's records or any other dishonesty;
- Deliberate or serious damage to the organisation's property or that of a colleague, customer, contractor or authorised visitor;
- Serious negligence which does or could result in loss, damage or injury;
- Deliberately accessing, copying or distributing pornographic, offensive, obscene or inappropriate material electronically or via paper media;
- Being under the influence of alcohol, drugs or other similar substances at work which may give reasonable grounds to suspect your ability to undertake your duties or being in possession of illegal or intoxicating drugs on site;
- Refusal to obey reasonable instructions or any other act of serious insubordination;
- Any action or behaviour which brings the employer into serious disrepute;
- Serious breach of health and safety rules;
- A breach of data protection legislation including unauthorised disclosure of confidential information which causes significant detriment to an individual and/or to the organisation;
- Acceptance of bribes or other secret payments or gifts;
- Harassment or any act of discrimination towards any one you come into contact with because of your work;
- Convictions relating to activities outside work but which have a significant and direct bearing on your employment and duties with the employer and its reputation;
- Misrepresenting at any time, including at your appointment with the employer, any previous positions you have held, your qualifications, date of birth, declaration of health, or a failure to disclose a criminal offence or pending criminal action subject to the provisions of the Rehabilitation of Offenders Act 1974.