



# Groby Community College

Achieving Excellence Together

## STAFF DISCIPLINE CONDUCT & GRIEVANCE POLICY 2012 - 2015

Reviewed: Robert Coles  
Agreed: Full Governing Body - Autumn 2012  
Next review: 3 yearly

Signed:.....Chair of Governors

Date: .....

**Staff Discipline Conduct and Grievance**  
**(procedures for addressing)**

**Introduction**

The following procedure is recommended for all employees in Schools/Colleges for whom Governors have delegated personnel responsibility in accordance with School Staffing (England) regulations 2003: S1 2003/1963. This does not include contractors' employees. The issue of the performance of an employee should be dealt with through the Capability Policy.

**Aim**

- The capacity to respond effectively, fairly and with transparency to any matters of staff conduct that require disciplinary action

**Delivery**

- No disciplinary action should be taken until the case has been fully investigated. The principal will need to consider the appropriateness of her role in the investigatory process because of any subsequent disciplinary action that may follow. Advice about this can be obtained from the LA HR officer
- At every stage in the procedure the employee must be advised of the nature of the allegations against him/her and must be given the opportunity to state his/her case before any decision is made.
- At all stages, the employee has the right to be accompanied by his/her Trade Union representative or a work colleague, at any disciplinary hearing or investigation.
  - a) No employee should be dismissed for a first breach of discipline except in the case of gross misconduct.
  - b) An employee has the right to appeal against any disciplinary penalty imposed beyond oral warning stage.
  - c) Although normal standards should apply to their conduct as employees, disciplinary action against a Trade Union official can be construed as an attack on the Union. Such problems can be avoided by early discussion with another senior or full time official of the appropriate Trade Union.
  - d) Disciplinary and appeal hearing should take place within the normal working day of the employee.
  - e) If the disciplinary hearing is adjourned, the newly arranged hearing should be arranged within 5 working days unless otherwise agreed by both parties.

**(NB** In cases where there are child protection issues, the child protection procedure must be followed. In these circumstances, the principal must initially seek advice about child protection procedures from the Access and Welfare Service).

## **1. The Procedure**

It is often appropriate for minor misconduct to be dealt with on an informal basis. In serious cases it may be necessary to consider suspending the employee while an investigation is conducted if that is necessary to make the investigation effective. In all circumstances the suspension will be on full pay. It must be made clear that suspension is a neutral act. Please also see additional advice about suspension of staff which is shown as an appendix to the Notes of Guidance.

### **Stage 1 – Oral Warning**

If conduct does not meet acceptable standards the employee will be given written notification of a disciplinary hearing at least 10 working days prior to the meeting.

Following the hearing a warning may be issued by the Principal and the employee notified of their right of objection. In the case of the Principal the hearing would be conducted and any warning issued by the Chair of Governors. In accordance with ACAS advice a note of the oral warning will be kept but it will be spent after a period of between 6 to 12 months satisfactory conduct. This stage should normally be undertaken and monitored by the Principal in the case of staff other than the Principal and by the Chair of Governors if the Principal is the member of staff concerned. The letter of notification of the warning should clearly identify the date the warning would normally end.

### **Stage 2 – Written Warning**

If the offence is a serious one or if a further offence occurs following an oral warning a hearing will be convened and the employee notified in writing of the hearing no later than 10 working days prior to the hearing.

At this stage the Principal will consider the case.

If following the hearing a written warning is issued by the Principal, a copy of the warning will be kept on the employee's personal file and should be removed after a pre-determined period by the Principal subject to satisfactory conduct. The maximum period for the duration of a warning will normally be one year. The right of appeal must be clearly notified to the employee. An employee who wishes to appeal against the decision of the Principal should identify the grounds for appeal in writing and submit the document to the Clerk of Governors who will arrange for an appeal committee of the Governing Body to consider the appeal.

ACAS advises that the normal period for which a warning should remain on file is 12 months' satisfactory service.

### **Stage 3 – Final Written Warning**

If the conduct continues to be unsatisfactory or if the misconduct is sufficiently serious to warrant only one warning the employee shall be notified of the disciplinary hearing no later than 10 working days prior to the hearing. At this level the hearing will be by a panel of Governors.

It may be necessary, following the hearing, to issue a final written warning. However, the committee could decide to issue a lower level warning if that is considered appropriate. If a final written warning is issued, the warning must clearly state the details of the complaint, that dismissal may result if there is no satisfactory improvement and also advise of the right of appeal. The appeal process will require the employee to identify in writing the grounds for appeal. The documents should be forwarded to the Clerk to Governors who will arrange for a group of Governors to hear the appeal.

A copy of the final written warning will be kept on the employee's file but will be spent after a pre-determined period (determined by the disciplinary panel) of satisfactory conduct. The advice from ACAS would be that the pre-determined period should be no longer than 1 year's satisfactory service.

#### **Stage 4 – Dismissal**

If the conduct of an employee is so serious that dismissal is considered, the Dismissal Committee of the Governing Body should be called to allow the employee to make representation. If the decision of the Dismissal committee is to recommend dismissal, they must consider whether the dismissal is:

With notice, or payment in lieu of notice, in accordance with the employee's contract of employment. Or, in cases of gross misconduct, without notice (summary dismissal).

At this stage the employee will be issued with the appropriate notice of the ending of employment. The Appeal Hearing will be held during the period of notice or in the case of dismissal without notice after the ending of the employment.

#### **2. Appeals**

An employee who wishes to appeal against dismissal to an Appeals Dismissal Committee of the Governing Body following a disciplinary decision should inform the Clerk to the Governors in writing with the grounds for appeal clearly identified.

#### **3. General Teaching Council**

If a teacher is dismissed under the terms of the disciplinary procedure, the General Teaching Council must be informed by the Director of the Children and Young People's Service of the dismissal.

### **DISCIPLINARY PROCEDURE**

#### **Informal Meetings**

Principal  
(Chair of Governors)

#### **Formal Procedure**

##### **Stage 1**

#### **Formal Meeting**

Oral warning may be issued  
Principal  
(Chair of Governors)

**Stage 2**

Written Warning Meeting  
Principal  
(Chair of Governors)  
Appeal to Governors' Appeals  
Committee

**Stage 3**

Final Written Warning Meeting  
(Governors)  
Appeal to Governors' Appeals  
Committee

**Stage 4**

Dismissal  
Dismissal Committee

Notice  
Notice of Dismissal Issued

Appeals  
Appeals Dismissal Committee