



STAFF DISCIPLINARY POLICY

This Policy relates to the Senior School

Staff Disciplinary Policy and Procedure

Moorland School is committed to providing a working environment where the staff are able to work in safe and peaceful conditions.

The policy and procedure are designed to ensure satisfactory standards of conduct, to provide staff with a clear indication of when they are considered to have fallen below those standards, to encourage improvements where appropriate, and to ensure that any disciplinary action is dealt with consistently and fairly.

All staff are made aware of the Code of Conduct via issue of the Staff Handbook during their induction.

Code of Conduct for Staff

Listed below are the general standards; which, if broken, will result in disciplinary action being taken.

All members of Staff at Moorland School are expected to:

- treat everyone with respect and make sure that their behaviour does not make other person feel uncomfortable or amount to discrimination;
- be considerate to the rights and interests of other Staff and Students;
- attend all required activities regularly and punctually;
- explain to their Manager the reason for any non-attendance, and provide suitable evidence as required;
- work hard and complete all tasks within specified deadlines;
- actively review their progress with the support of their Manager;
- act safely so that they will not put themselves and others at risk;
- act with consideration for the School environment and to help to keep it neat and tidy
- not display or circulate any material which is intentionally designed to cause offence or distress to others;
- not misuse School property and equipment, including IT equipment;
- not consume alcohol or recreational drugs and not smoke on School premises, or come to work whilst under the influence of alcohol or recreational drugs;
- not bring toxic, dangerous or controlled substances onto School premises;
- not damage the property of the School, students, staff or visitors;
- not use foul or abusive language;
- not access unauthorised School files or computer materials;
- not carry any weapon, or any other object, with the intention to use it in a threatening or offensive way;
- not partake in any illegal activity;

- not behave in a way which will adversely affect the reputation of the School.

Disciplinary Procedure

Our disciplinary procedure applies to any misconduct, or failure to meet acceptable standards of performance or attendance.

We may raise concerns with the performance or conduct of a member of staff informally. If at any later stage we take formal action, we may regard these prior discussions and meetings in determining the outcome.

If formal action becomes necessary, we will deal with matters consistently and promptly.

We make all efforts to identify every example of misconduct or gross misconduct. The following are examples of behaviour likely to result in formal action.

Misconduct

- continued late attendance at work;
- unauthorized absence;
- unacceptable levels of attendance;
- failure to obey reasonable instruction or contractual obligation;
- insubordinate or inappropriate behaviour at work or a work function;
- failure to follow any of our policies and procedures;
- failure to observe safety practices, procedures and rules;
- assisting a colleague, student or third party in either a disciplinary offence or a failure to follow our policies and procedures;
- any breach of our policies.

Gross misconduct

- further late attendance, unauthorised absence or breach of our Staff Attendance Policy following a formal warning;
- serious or repeated failure to obey a reasonable instruction or contractual obligation;
- serious insubordination or inappropriate behaviour at work or a work function;
- serious or repeated failure to follow our policies, rules and procedures;
- serious or repeated failure to observe safety practices, procedures and rules;
- theft from the School, our employees, students or any organisation we deal with;
- dishonesty, fraud and false record keeping;
- damage to or misuse of property or facilities belonging to the School, our employees, students or any organisation we deal with;
- assaulting an employee, student or an employee of any organisation we deal with;
- reckless, abusive or violent behaviour at work or a work function;
- gross negligence or conduct which causes or risks serious loss, damage or injury;
- bullying, harassment of, or discrimination against any student, employee or third party, or other violation of our Diversity and Equal Opportunities Policy; acts outside or during work, including criminal offences, which seriously undermine the performance of your duties, or the School's reputation, or the relationship between us, including conducting an inappropriate relationship with or any sexual behaviour towards a student;
- attending work under the influence of alcohol or illegal drugs;
- misleading us in your job application or interview;

- engaging at any time in activities that are harmful to the School;
- engaging during working hours in alternative business activities, or otherwise failing to give proper time and attention to your duties;
- disclosing to a third party or misusing our confidential information or other information relating to the School;
- a serious breach of our Data Protection Policy, Internet & Email, and Telephone Rules and Regulations.

Disciplinary Procedure

Investigation

We will investigate conduct, performance or attendance to establish the facts before taking any formal disciplinary action and may require the member of staff to attend a meeting to assist in that investigation.

If there are reasonable grounds to suspect that the staff member has committed a disciplinary offence, or where working relationships have broken down, or there is a risk of repetition or further harm, then they may be suspended pending the conclusion of any investigation or subsequent disciplinary action.

Any suspension will be on full pay and benefits and will normally last only as long as reasonably required to investigate the circumstances and convene a disciplinary hearing. It does represent a disciplinary sanction and will be kept under review.

The member of staff may not communicate with colleagues regarding the investigation/disciplinary action during any investigation or subsequent disciplinary action.

Disciplinary Notification Letter

If we begin formal disciplinary action, we will write to the member of staff to inform them of:

- (1) the complaint(s) against them;
- (2) the time and place of the hearing;
- (3) their right to be accompanied at that meeting by a work colleague;
- (4) any witnesses who will attend;
- (5) that any disciplinary action may include their dismissal.

Where reasonably possible, we will give a minimum of two working days' notice of the hearing. Any evidence will be provided in writing, including any statements taken, with that letter, or as soon as possible in advance of the hearing.

The member of staff and any representative (if they wish to be represented) must make all reasonable efforts to attend that hearing and all subsequent hearings. If either of them are unable to attend then they may propose an alternative hearing date within five working days of the date set by the School.

If the member of staff is persistently unable to attend this or any other hearing or unwilling to attend without good cause, we may make a decision in their absence on the evidence available to us.

Disciplinary Hearing

At the disciplinary hearing, we will explain the complaint(s) and evidence against the member of staff. They may ask questions, present their own evidence and arguments, and call relevant witnesses. Their representative may address the hearing and put their case on their behalf. The staff member may confer with them during the hearing but they may not answer questions on their behalf.

We will give the staff member our decision in writing within seven days of the disciplinary hearing.

Appeal

If the staff member is not satisfied with that decision they may appeal in writing within seven days of the disciplinary hearing decision letter, giving full reasons for their appeal. We will notify them (and any representative) of an appeal hearing to re-consider the complaint(s) and evidence. We may uphold or change the decision and will inform them of the outcome in writing within seven days of the appeal hearing.

Disciplinary Action

A staff member will not normally be dismissed for a first offence, unless they have committed an act of gross misconduct.

We will consider the seriousness of their actions, whether it is their first or second offence and any other relevant factors.

Written Warnings and Dismissal

We will issue a written warning for minor misconduct and explain that the warning will remain in force for 12 months from the date of the letter.

If there is further misconduct within 12 months of any previous warning, or the misconduct is sufficiently serious, the staff member will be given a final written warning. We will explain that the warning will remain in force for 12 months from the date of the letter.

If there is further misconduct, or there is serious misconduct not amounting to gross misconduct but meriting dismissal, and with regard to their current disciplinary record, then the outcome will be dismissal.

Poor performance or attendance

If their performance or attendance does not reach satisfactory standards, we may review this in disciplinary meetings at intervals we decide.

We may issue one or more formal warnings depending on the seriousness of their poor performance or attendance. They will also be informed of:

- (1) the extent to which their performance fails to meet satisfactory standards;
- (2) the improvement required and over what period;
- (3) that a failure to improve may result in their dismissal.

If after one or more formal warnings the member of staff fails to reach the required standard they are liable to be dismissed on the grounds of serious poor performance or attendance.

Summary Dismissal

In cases of gross misconduct, the staff member will normally be dismissed without notice or pay in lieu of notice.

Records

We will keep a note of any disciplinary hearing or appeal. All records of disciplinary investigations and any subsequent proceedings will be held by us in accordance with our Data Protection policy.

Redundancy and fixed term contracts

This procedure will not apply to dismissals on the grounds of redundancy, in relation to which our Redundancy policy will apply, or if they are employed under a fixed term contract which is not renewed.

Staff Grievance Procedure

It is recognized that grievances can arise when a member of staff is unhappy about their personal situation with regards to their job, or in their dealings with students or other staff, and that a speedy resolution of such grievances is in the interests of all concerned.

This procedure aims to bring about the rapid resolution of grievances, without recourse to formal proceedings wherever possible. It applies to all staff employed by The Leeds School of English.

Nothing in this procedure impinges on the legal rights or obligations of staff.

Grievances will be regarded as confidential, but it is important to be aware that the individual(s) concerned will need to be interviewed if the grievance is to be resolved.

Grievances which are anonymous or based on rumour cannot be investigated.

Moorland School reserves the right to take disciplinary action against any staff whose grievance is found to be based on false allegations.

If a member of staff has a concern, problem or complaint relating to their employment, they should take the following steps:

Informal procedure

Raise their complaint informally with their line manager without delay, or if the complaint relates to their manager then another senior manager. If their grievance remains unresolved, they may decide to use the formal procedure.

Formal procedure

Initial letter

The grievance must be set out in writing, explaining the desired resolution. It should be sent to the Executive Headteacher, or if the complaint relates to the Executive Headteacher, then to another senior manager, who will then conduct a formal investigation into the complaint and arrange a meeting to consider the grievance.

A grievance may be withdrawn at any time. Once a formal grievance has been raised, however, we may investigate it and follow this procedure even if it is later withdrawn.

Grievance meeting

At least one meeting will be held to consider the grievance, at which the staff member may ask to be represented by a colleague. The meeting will be called at least two days in advance, in writing. At that meeting they should explain the basis of their grievance. After the meeting, we will explain our decision in writing and offer the right to appeal.

Appeal meeting

If the staff member disagrees with the decision, they may appeal by notifying us in writing within five working days of receiving our letter. Another senior manager will conduct an appeal meeting. After the meeting, we will explain our final decision in writing.

Right to be accompanied

The staff member may be represented at any meeting by a work colleague or a union representative. The representative may address the meeting and put the case on behalf of the staff member. All reasonable steps must be taken to attend the grievance or appeal meeting.

Timing

There are no formal timescales to this procedure, but, depending on the circumstances, we will seek to investigate the grievance, hold a meeting and write to the staff member with the outcome within seven days of the grievance letter. If there is an appeal, we will hold a meeting and write to the staff member with the outcome within seven days of the appeal letter.

Disciplinary action

If a formal grievance is raised during any disciplinary proceedings then we may, if appropriate, suspend those proceedings in order to deal with the grievance. If the grievance and the disciplinary proceedings are related, we may decide to deal with both issues at the same time.

We will keep a note of any grievance or appeal meeting. All records of grievance investigations and any subsequent meetings will be held by us.

Reviewed and updated by Deborah Frost, September 2020

Next Review Date: September 2021