



St Paul's School
FOUNDED 1509

Staff Disciplinary Procedure (Conduct)

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This policy is available on the Handbook page of the School Intranet and policies page of the School website and can be made available in large print or other accessible format if required; such requests can be made by email to policyquery@stpaulsschool.org.uk

Disciplinary Policy and Principles

The aim of this procedure is to ensure fairness and consistency in disciplinary matters. To that end, in any hearing concerning disciplinary issues, you will be given a full opportunity to hear the case against you, to state your case and to appeal if you disagree with the decision made.

The procedure below is a statement of the Schools' (St Paul's School and St Paul's Junior School) policy and (apart from the School's right to suspend you below), does not have contractual effect. Furthermore, the School reserves the right to depart from the precise requirements of this procedure, or to miss out one or more stages of the procedure, in appropriate cases.

There is a separate procedure for dealing with allegations concerning suspicions of a safeguarding nature. These are set out in the Child Protection and Safeguarding Policy.

The School aims to follow the best practice principles set out by ACAS.

Procedure for disciplinary hearings

No disciplinary hearing will normally take place or be arranged until a thorough investigation of the incident(s) has been carried by an appropriate member of staff. Any member of staff carrying out such an investigation will not then sit on the disciplinary or appeal hearing. All investigations carried out may be reviewed by a DSL so that any safeguarding implications (or previously held information that may be relevant) may be considered, whether or not the complaint is overtly relevant to safeguarding.

Prior to any disciplinary hearing, the School will:

- inform you in writing that the hearing relates either to a disciplinary matter, and to give you reasonable notice of such a hearing. You will also be given details of the allegations to be answered in order to prepare your response.

- inform you that you have the right to be accompanied at a formal hearing or appeal hearing by a work colleague of your choice, a trade union representative, or an official employed by a trade union. (A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker).

The School will also provide you with copies of any documentation that may be used in the hearing. Where the disciplinary matter is particularly serious (see gross misconduct below) or where previous warnings have been given and a possible outcome of the hearing is dismissal, then you will be warned of this.

During any disciplinary hearing, once you have heard the case against you, the School will allow you to answer any allegations made against you and you will be given a reasonable opportunity to ask questions, present evidence including statements and call relevant witnesses. Where witnesses are to be called by either the School or the employee they will be given advance notice of the hearing. The School would call an adjournment to the hearing if necessary in order for further investigation to be carried out.

Informal process

When a member of staff's conduct is called into question their line manager will usually discuss the issue with the member of staff informally, with or without a member of the HR Department present. This will be an informal discussion and no penalty will result, although on occasion a need for training, coaching or advice may be identified and agreed. The member of staff will not normally be invited to be accompanied at such a meeting, which may be arranged informally and at short notice.

Formal Procedure

Where informal discussions have not led to improved conduct, or where alleged misconduct is of a severity that informal discussion is considered to be inappropriate, the School will adopt all or the appropriate part(s) of the formal disciplinary procedure. At each stage you will be invited to attend a formal disciplinary hearing (as outlined above). A senior manager nominated by the High Master (or in their absence, the Surmaster) or Head (SPJ) to deal with the matter will conduct the interview. After being informed in writing of any relevant facts and/or matters, you will be invited to offer an explanation for the matters complained of.

- *Stage 1 – First Written Warning*

If your conduct or performance does not reach an acceptable standard you may, in the first instance, be given a written warning if it is believed to be appropriate. You will be advised in writing of the reason for the warning, that it is the first stage of the disciplinary procedure and of your right to appeal. A written record of the date and contents of such a warning will be kept on your HR file (as part of the historic record). Provided that there has been no repetition of the offence, the warning will be considered spent in terms of further disciplinary action normally after 6 months (or such other period as is considered appropriate)

- *Stage 2 – Final Written Warning*

If the offence is sufficiently serious, or if a further offence occurs or unsatisfactory conduct continues after the relevant time period, you may be given a Final Written Warning after an appropriate hearing. Again, this should state the reason for giving you the warning, will warn that dismissal will result if there is no satisfactory improvement within a certain timescale or if further offences occur and will advise you of your right to appeal. Provided performance improves satisfactorily or there is no reoccurrence of the misconduct, the written warning will remain on your file but will be spent for disciplinary purposes after one year (although a longer period of time, of which you will be notified, may be deemed suitable).

- Stage 3 – Dismissal or other sanction

If you are guilty of gross misconduct or commit a further offence or if your conduct remains unsatisfactory after the relevant time period for improvement, you may be dismissed after an appropriate hearing has taken place. You will be given written confirmation of your dismissal, the reason for your dismissal, the date on which your employment terminates and a statement of your right to appeal.

Alternative penalties

The School reserves the right, where reasonable and in appropriate cases, to impose an alternative penalty to those above. This could include moving you to another department or place of work or demotion (with any consequent reduction in basic salary and benefits). Such penalties will normally only be used as an alternative to dismissal.

Gross misconduct

Gross misconduct will normally lead to summary dismissal after an appropriate hearing. The following list provides examples of offences which are normally regarded as gross misconduct, on the understanding that this list is non-exhaustive:

- theft of cash, stock or other School property, or of property belonging to boys, staff, parents or other visitors to the School
- fraud, including falsification of time sheets and sickness self-certification forms
- wilful destruction of, damage to or sabotage of property belonging to the School, boys, parents, staff or visitors
- wilful action to damage the reputation of the School
- wilful contamination of food
- assault of any person
- being under the influence of alcohol or drugs sufficient to prevent the employee carrying out his or her duties, or disorderly conduct
- gross negligence or gross dereliction of duties
- gross insubordination or the use of aggressive behaviour or excessive bad language on School premises
- serious breaches of confidence
- submission of false references
- repeated failure to attend work without giving proper reasons
- breaking statutory regulations that would render the School or its employees liable to prosecution or expose it to financial loss at an Employment Tribunal
- any form of bullying, harassment or discrimination
- serious infringement of the Health and Safety Regulations
- serious misuse or abuse of ICT equipment or computing facilities This includes viewing, retrieving or downloading of pornographic material, or any other unsuitable material. It also includes any e-mail or direct message which is abusive, discriminatory on grounds of sex, marital or civil partnership status, age, race, disability, sexual orientation or religious belief (or otherwise contrary to our Equal Opportunities Policy), or is defamatory. The School will take no responsibility for any offence caused as a result of downloading, viewing or forwarding inappropriate e-mails.
- committing a criminal offence which affects your position as an employee
- serious sexual, racial or other harassment or bullying
- any infringement of the Safeguarding & Child Protection policy, Staff Code of Conduct or any related safeguarding policies
- any other act of such gravity as to be inconsistent with continued employment

Suspension

At any stage in the disciplinary process, if necessary for operational reasons, you may be suspended from work on full pay. You will be told why suspension was thought necessary. Suspension is not a disciplinary penalty and is not an indication of culpability. Suspension will be reviewed periodically. During any period of suspension, you will be required to cooperate fully with any investigation and to be available for interview during your normal working hours. During such period of suspension, you will not normally be entitled to access any School premises (except to attend meetings at the School's request) or to use the School's internet / intranet / email facilities or to engage in your normal day to day duties, without express permission.

Being accompanied at a meeting

You have the right to be accompanied at a formal hearing or appeal hearing by a work colleague of your choice, a trade union representative, or an official employed by a trade union. (A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker). Your chosen companion can take a note of the proceedings, address the meeting / hearing, respond on your behalf to any views expressed at the meeting and confer with you, but may not answer questions on your behalf or prevent your line manager (or other School representative) explaining his or her position.

Appeals

You will have the right to appeal against any decision under this procedure. Your appeal must be in writing and must set out the grounds on which the appeal is made. An appeal must be sent to the High Master or their nominee so that it is received within 7 calendar days of the date of the disciplinary or dismissal letter. An Appeal hearing will be held as soon as is reasonably practicable by either the High Master or a senior manager not involved in the original disciplinary matter. If the High Master conducted the original disciplinary hearing, and/or if the outcome was dismissal, the appeal will be heard by an independent panel of governors. You will be invited to the appeal hearing and advised of your right to be accompanied. The decision following the appeal will be final and cannot be further appealed. You will be notified of the outcome in writing as soon as possible.

Teaching Regulation Agency (formerly known as NCTL) referrals

Where a teacher is dismissed (or would have been dismissed had he/she not resigned) for misconduct, separate consideration will be given as to whether a referral to the Teaching Regulation Agency should be made, as per the flow chart that appears in the guidance published by the Teaching Regulation Agency. For information, the reasons for the Teaching Regulation Agency to consider whether a prohibition order might be appropriate are: 'unacceptable professional conduct', 'conduct that may bring the profession into disrepute' or a 'conviction, at any time, for a relevant offence'.