

Hindhayes Infant School
Staff Discipline, Conduct and
Grievance Policy
June 2025

At Hindhayes, we believe success is based on the partnerships between pupils, staff and the parent community. We endeavour to enrich and develop each child to be a successful individual that will become an active community citizen of the future.

Approved on: _____
Signed: _____
Role: _____

Introduction

This Policy covers all staff employed in the School and provides for matters to be dealt with in a fair and consistent method where an employee's alleged conduct warrants formal disciplinary action including breaches of health and safety. It does not apply to those issues related to teacher performance. For this aspect refer to the school's Capability Policy.

The Disciplinary Procedure

The Disciplinary Procedure does not replace the normal interchange between Headteacher and employee, and recognises that in most instances minor breaches of discipline can and should be dealt with informally and promptly by the Headteacher without the use of a formal Disciplinary Procedure. The school recognises that the use of supervision, coaching, counselling and informal reprimand can be effective in improving conduct. Nothing in this document removes the right of a Headteacher, outside the formal Disciplinary Procedure, to give an employee a letter to confirm an informal discussion or meeting with that individual when the employee is believed to have committed a minor infringement of the Governing Body's 'standards of conduct'.

The Disciplinary Procedure will be used when there is an allegation of a serious breach of discipline or when a series of minor breaches of discipline have occurred. An employee will not normally be dismissed for the first breach of discipline, except in cases of gross misconduct. Where it becomes apparent that a breach of discipline may have occurred, the Headteacher or a Governor will undertake an investigation appropriate to the circumstances. An employee may be suspended while an allegation is investigated. This is not an act of discipline. Where it is agreed that it would be inappropriate for the Headteacher or other senior member of staff to conduct the investigation, a Governor will be appointed and it may be agreed that an Officer of the LA can assist or be nominated by the Governing Body to act as the Investigating Officer.

In any Disciplinary Hearing established under this Procedure the employee has the right to be represented by a Trade Union Representative / Professional Association Representative or workplace colleague, who will be defined as a 'companion'. Where the employee is a Trade Official, the matter should be discussed with the Full-time Official before any action is taken.

In operating this Procedure, the Headteacher and Governors will apply the School's commitment to equality of opportunity by treating employees fairly and without discrimination. It is a fundamental principle at Disciplinary and Appeal Hearings that the employee will be advised in writing, in advance of the nature of the allegations against him or her and will be given the opportunity to state his or her case before any decision is made. An employee will have the right to appeal against any disciplinary sanction imposed at a Formal Disciplinary Hearing.

The disciplinary sanctions identified within the procedure are not necessarily sequential and may be implemented at any level if the employee's alleged misconduct warrants such action.

Disciplinary hearing

The Headteacher will make the appropriate arrangements for the Hearing. The procedures to be followed at this stage of the process may be varied by mutual agreement.

The employee should be given at least 5 working days' notice in writing of a Hearing and must be advised in writing of the date, time and location of the Hearing, who will be involved, the nature of the complaint being made and the right to have a 'Companion' present. Whenever possible, the date of the Hearing will take account of the availability of the employee's chosen representative.

Copies of any supporting information, including statements already taken as part of an investigation will accompany the letter and a copy of the Disciplinary Procedure will be provided. The names of witnesses will also be included within the letter. The employee will reciprocate.

If the chosen 'Companion' is unavailable for the arranged Disciplinary Hearing, an alternative date will be set that is normally within 5 days of the original Hearing.

At this rearranged Hearing, if the original 'Companion' becomes unavailable, the employee is expected to bring another 'Companion' or be unaccompanied.

The case will be presented to a Governors' Staffing Panel, none of whom will have had direct involvement in the case previously.

An LA representative will be invited to attend as Adviser to the Governors. If the employee is unable to attend the Hearing for acceptable reasons, it will be rearranged for a second date taking account of the circumstances.

If the employee is unable to attend the rearranged Hearing, the Hearing will normally proceed in his/her absence. His/her Representative will be given the opportunity to present the employee's case on his/her behalf.

First written warning

For a breach of discipline amounting to ordinary misconduct or for a further minor breach of discipline, a copy of a written warning will be issued and will remain live on file for 1 year. The warning will be disregarded for disciplinary purposes after the 12 month period.

Final written warning

For a serious breach of discipline, or for a breach of discipline amounting to gross misconduct, but a lesser penalty is appropriate in the circumstances, or where there has been failure to improve conduct for a further breach of discipline after a first written warning has been given and that warning remains live on file, a Final Written Warning will be issued and will remain live on file for 2 years. The warning will be disregarded for disciplinary purposes after the time limit has expired.

Dismissal

For failure to improve or for an act(s) of further misconduct after a Final Written Warning has been given and remains live on file; dismissal may be served with notice or pay in lieu of notice. For an act(s) of gross misconduct, dismissal may be without notice (i.e. summary dismissal).

Confirmation of action

The employee will be provided with written confirmation after the Hearing, together with details of his/her right of appeal.

Where the outcome of the Procedure is that the employee should be dismissed, the Governors' Staffing Panel will give a written instruction to the LA. The LA will issue notice, as appropriate, within 14 days of receiving the written instruction.

Appeals

Any disciplinary action taken by the Governors is subject to a right of appeal. If the employee wishes to appeal, then he/she should notify the Headteacher, in writing, normally within 5 working days of written notification of the decision setting out the grounds for the Appeal.

The Appeal Hearing will normally take the form of a rehearing.

Links to other policies

Child Protection and Safeguarding Policy

Positive Handling Policy

Data Protection Policy

Staff Code of Conduct

Whistleblowing Policy

Competency Policy

Gross Misconduct

Gross misconduct is generally seen as misconduct serious enough to destroy the employment contract between the employer and the employee and make any further working relationship and trust impossible.

The following list, which is not exhaustive, provides examples of offences that the Headteacher and/or Governing Body would normally regard as gross misconduct depending upon the seriousness and circumstances of the case.

- Sexual behaviour towards children or young people
- Violent behaviour
- Behaviour which involves a breach of a position of trust, such as a sexual, or otherwise inappropriate, relationship with a pupil (regardless of whether the pupil is over the age of consent)
- A sexual offence against someone over the age of 16
- Committing a criminal offence, the nature of which renders the employee unsuitable for continued employment with the school
- Bringing the school into serious disrepute
- Drug trafficking and other drug related offences
- Being under the influence of alcohol or un-prescribed drugs at work
- Theft or fraud
- Deception in relation to employment, e.g. false claims about qualifications or employment history
- Wilful and/or malicious verbal abuse, bullying or harassment of a personal or discriminatory nature
- Multiple convictions, unless of a very minor nature
- Behaviour, which involves a breach of the standards of propriety, such as falsifying pupil records or assisting pupils to cheat or gain unfair advantage in examinations
- Deliberate and serious damage to property
- Unauthorised use of school materials, equipment, facilities or other resources for private purposes
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious and wilful insubordination
- Unlawful discrimination
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A serious breach of confidence
- Engaging in work or activities incompatible with absence on sick pay
- Improper use of position as a Council employee for personal gain