

STAFF DISCIPLINE & DISMISSAL POLICY

Prepared using the ACAS code of practice 1, Disciplinary and grievance procedures

Purpose and Scope

This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance consistent with their Contract of Employment and any Rules and Procedures published from time to time. The aim is to ensure consistent and fair treatment for all at the Iona School.

All investigations will be carried out by the school manager, nursery manager and/or the college of teachers.

No investigation will be finalized without seeking appropriate advice from the HR team at SAGE who provide the company with HR advice.

Keys to handling disciplinary issues in the workplace

- Establish the facts of each case
- It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing.
- In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.
- In misconduct cases, where practicable, different people should carry out the investigation disciplinary hearing to the main hearing.
- If there is an investigatory meeting this should not by itself result in any disciplinary action. Although there is no statutory right for an employee to be accompanied at a formal investigatory meeting, we would allow this.
- In cases where a period of suspension with pay is considered necessary, this period should be as brief as possible, should be kept under review and it should be made clear that this suspension is not considered a disciplinary action.

Inform the employee of the problem

If it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification.

The notification should also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.

Hold a meeting with the employee to discuss the problem

The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.

Employers and employees (and their companions) should make every effort to attend the meeting. At the meeting the employer should explain the complaint against the employee and go through the evidence that has been gathered. The employee should be allowed to set out their case and answer any allegations that have been made.

The employee should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They should also be given an opportunity to raise points about any information provided by witnesses. Where an employer or employee intends to call relevant witnesses they should give advance notice that they intend to do this.

Allow the employee to be accompanied at the meeting

Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- A formal warning being issued
- The taking of some other disciplinary action
- The confirmation of a warning or some other disciplinary action (appeal hearings)

The chosen companion may be a fellow worker, 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.

To exercise the statutory right to be accompanied workers must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical

The companion should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the employer should make a decision on the evidence available. Provide employees with an opportunity to appeal

Decide on appropriate action

- After the meeting decide we will decide whether or not disciplinary or any other action is justified and inform the employee accordingly in writing.
- Where misconduct is confirmed or the employee is found to be performing unsatisfactorily it is usual to give the employee a written warning.
- A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning.
- If an employee's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation.

- The first or final written warning will set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). The employee should be told how long the warning will remain current. The employee should be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final warning. For instance that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority.
- A decision to dismiss should only be taken by a manager who has the authority to do so. The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

Gross Misconduct

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. But a fair disciplinary process will always be followed, before dismissing for gross misconduct.

Examples of Gross misconduct

Some examples of gross misconduct are:

Theft, physical violence, fraud, gross negligence, serious insubordination, abuse, failure to disclose fully on the SDD, safeguarding issues, using corporal punishment or the threat of such, using negative physical contact.

This list is not exhaustive.

Right to appeal

- Where an employee feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place. Employees should let employers know the grounds for their appeal in writing.
- The appeal should be dealt with impartially and wherever possible, by a manager who has not previously been involved in the case.
- Workers have a statutory right to be accompanied at appeal hearings.
- Employees should be informed in writing of the results of the appeal hearing as soon as possible.

Special cases

Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.

If an employee is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with their employer, work colleagues and customers.

Probationary Period

Any offer of employment is subject to a probationary period of six months. During this time staff will have regular performance updates from their manager.

If during this time your performance falls short, you will be notified in writing following a documented discussion.

If your performance doesn't improve we will discuss this further with a view to dismissing you from employment. You will be given a written invitation to this meeting and will be allowed to be accompanied. After the hearing we will make our decision and notify you of this.

You will have the right to appeal against our decision, this must be done within seven days of receipt of letter.

The following issues can affect your performance on your probationary period; Unauthorised absence, persistent lateness, failure to follow instruction, placing the reputation and good name of the company at risk, anti-social behaviour and gross misconduct as outlined in this policy. This list is not exhaustive, you will be notified if your behaviour is unacceptable.

This policy takes effect from June 2021.

Review date

This policy will be reviewed and revised by the school manager on an annual basis.

Endorsement

Full endorsement to this policy is given by:

Name: Mr Martin Taylor

Position: Iona School Trustee

Signed: 

Date: 04/06/2021

Related documents:

- Staff Grievance Policy
- Staff Performance Evaluation Policy
- Stress Policy
- Staff code of conduct