



Red Rose Primary School

Staff Disciplinary Procedures

Approved by:	Mrs A. Brinton - Headteacher Mrs V. Jowett - Chair of Governors
Last reviewed on:	July 2020
Next review due by:	Summer Term 2021 - to be reviewed annually by the Staffing Committee

1. Introduction

1.1 What is the policy about?

The School and Governing Body expects the highest standards from all employees. A disciplinary matter arises when an employee breaches school rules or fails to meet the required standards with regard to conduct, behaviour or performance.

1.2 Who does the policy apply to?

This policy covers all employees of the school and should be used to deal with conduct issues in relation to both support staff and teaching staff. In addition, the procedure should also be used to deal with unsatisfactory performance for support staff **only**.

The procedure does not apply to termination of employment on the grounds of redundancy or permanent ill health, termination of a temporary or fixed term contract or where employees do not reach the required standards of performance within their probationary period. Separate guidance is available for the above circumstances and advice should be sought from the HR Advice and Guidance Team.

1.3 Core Principles

Red Rose Primary School will treat employees in accordance with the following core principles of reasonable behaviour:

- No disciplinary action will be taken against an employee without full investigation and consideration of the facts.
- At every stage, the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decisions are made.
- At all formal stages, the employee will have the right to be accompanied by a representative of their trade union or a work colleague.
- The disciplinary process may be implemented at any stage, dependent on the nature and seriousness of the alleged disciplinary offence.
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct.
- Employees have the right of appeal against any formal disciplinary sanction.
- All disciplinary matters will be conducted as promptly as possible and all parties will cooperate in avoiding unnecessary delays, in the interest of both the employee and the school.
- The policy will be applied consistently and should primarily be used to help and encourage employees to improve, rather than as a way of imposing a punishment.

1.3.1 Misconduct

Misconduct is behaviour that is inappropriate or unacceptable. The following are examples of misconduct:

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- unauthorised absence
- poor time keeping
- smoking in areas designated as non-smoking
- insubordination or using abusive language
- misuse of school facilities including computer facilities (e.g. e-mail and Internet)
- refusal or failure to carry out a reasonable lawful management instruction
- unacceptable behaviour or attitude;
- leaving the workplace without permission or due cause
- non-compliance with school policies and procedures including equalities policies and the Code of Conduct

This list is neither exclusive nor exhaustive and each case will be determined on the individual facts. Except in cases of gross misconduct, no employee will be dismissed for a first breach of discipline.

1.3.2 Gross misconduct

Gross misconduct is misconduct that is so serious that the school can no longer tolerate the employee's continued presence at work. It may justify dismissal without notice, known as summary dismissal. In this circumstance, termination of the contract is immediate.

The following are examples of conduct which may constitute gross misconduct:

- theft or fraud
- deliberate falsification of documents
- physical violence or bullying
- deliberate and serious damage to school and other property
- unlawful discrimination, harassment or victimisation
- serious misuse of the school, or an associated organisation, property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- serious incapability at work through drugs, substances or alcohol
- bringing the school, or an associated organisation, into serious disrepute
- gross negligence which causes, or might cause, unacceptable loss, damage or injury
- a serious breach of health and safety rules
- criminal or other serious misconduct outside the workplace which affects the employee's suitability for the post
- knowingly providing false information on any matter relating to the employee's employment

- a serious data breach or information security breach
- allegations against another person that are malicious or made for personal gain
- criminal or serious misconduct involving children or vulnerable adults

This list is neither exclusive nor exhaustive and each case will be determined on the individual facts.

1.4 Responsibilities

The school is committed to implementing the disciplinary policy in a way which promotes the fair and equal treatment of all employees and eliminates discrimination.

All employees have a responsibility to ensure that they comply with this policy and procedure and to conduct themselves to the highest standards at all times and to conform to school rules, policies and procedures and the Code of Conduct.

It is the responsibility of the Governing Body to ensure that this policy and procedure is fairly and consistently implemented and to ensure that they implement this policy in a manner that recognises and respects the diversity of the workforce and the different needs of all employees. The Governing Body must ensure that issues are dealt with equitably, without discrimination, and as quickly as possible.

The HR Advice and Guidance Team are responsible for providing advice and guidance to the Headteacher or other relevant managers, to ensure it is operated in a fair and effective manner. It is important that a representative from HR Advice and Guidance is involved throughout the disciplinary process and must be in attendance at any disciplinary hearing. The Headteacher and/or Chair of Governors have an obligation to seek advice and guidance from HR Advice and Guidance when contemplating disciplinary action.

1.4.1 Delegation to the Headteacher

The School Staffing Regulations 2009 gave Governing Bodies the option of delegating some powers related to staffing issues to the Headteacher. Although the responsibility for staff appointments and dismissals ultimately remains with the Governing Body these regulations provide an opportunity to agree delegation of powers.

The Governing Body should delegate these functions to the Headteacher unless there are good grounds not to do so. However, where Governors make any decision with regard to delegating the role to the Headteacher, it would no longer be appropriate for the Headteacher to carry out the investigation. This activity should then be delegated to a member of the Senior Leadership Team.

In matters of discipline or capability, the delegation of the function can be:

- written warning
- final written warning
- dismissal

If the functions relating to appointments and dismissal are not delegated, the Headteacher has the right to attend and offer advice at all relevant proceedings.

1.4.2 Procedure for issues relating to the Headteacher

Where there are concerns about the conduct or behaviour of the Headteacher, the Chair of Governors is responsible for ensuring that an appropriate investigation takes place. Where the School buys into the Support to Chairs service level agreement, the matter should be referred to School and Governor Support Service (SGSS) by the Chair of Governors so that they, or their representative, can clarify who will investigate the issue. Any proceedings that ultimately result in a formal hearing must be considered by School Governors.

Issues regarding the capability of a Headteacher are not covered by this policy and should be referred to the Schools Capability Policy, Procedure and Toolkit for Teaching Staff.

1.5 ACAS code of practice

This policy and procedure complies with the legislative framework and the ACAS (Advisory, Conciliation and Arbitration Service) statutory Code of Practice, released in 2009.

The key factor in the legislative framework is the focus on being procedurally accurate when carrying out disciplinary action; therefore it is essential that when dealing with disciplinary matters this procedure is followed.

2. Conduct

2.1 Informal stage

On becoming aware of an employee's alleged misconduct the Headteacher will make initial enquiries about the incident or situation to determine the appropriate course of action. This will normally involve a discussion with the employee to provide them with an opportunity to respond and explain any factors affecting their behaviour or conduct.

Based on the information gathered, the Headteacher will make a decision regarding the appropriate course of action, as described below:

No case to answer

It may become evident that there is no problem or the employee has provided a perfectly reasonable explanation to the concerns. If this is the case, the Headteacher will ensure that it is made clear to the employee that no further action will be taken.

Informal discussion

Minor cases of misconduct are usually best dealt with informally. Where the initial enquiries have established that the matter is not serious enough to warrant proceeding to a formal investigation but concerns remain about the employee's behaviour, the Headteacher should discuss the matter with the employee. The aim of the discussion is to ensure that the member of staff understands the concerns and should be made fully aware of the standards expected of them. A note of the discussion should be taken, including details of any improvement required, and a copy provided to the employee. The employee may also

choose to attach their comment to the document. The note will remain on the employee's file.

An informal discussion is not a formal disciplinary sanction and therefore the employee has no right of appeal.

Letter of management advice

Where initial enquiries have established that the matter is not serious enough to warrant proceeding to a formal investigation but concerns remain about the employee's behaviour, the Headteacher may feel it is appropriate to advise the employee, in writing, of how their conduct has fallen short of the school's standards and expectations, the change or improvement that is expected of them and that a failure to achieve the standards in the future may result in disciplinary action being taken.

The Headteacher must include a review period for the letter, usually of no more than 12 months. The letter will remain live on the employee's personnel file and may be referred to if any further disciplinary incidents occur during the review period. It is possible to extend the review period if the Headteacher concludes that the required improvement has not been made. Where a letter of management advice is issued in relation to 'safeguarding' issues, it is necessary and appropriate for this document to remain 'live' and not subject to any particular time limit.

A letter of management advice is not a formal disciplinary warning and, therefore, the employee has no right of appeal.

Further investigation

If the initial enquiries show that there are serious concerns about the employee's conduct, it may be necessary to carry out a formal investigation into the alleged misconduct.

2.2 Formal stage

Where it has been determined that a more detailed investigation is required, an Investigating Officer will need to be appointed to ascertain the facts regarding all relevant issues as fairly and promptly as possible. The employee should be kept fully informed throughout the process.

2.2.1 Investigating officer

The Headteacher or a member of the Leadership Team will usually undertake the investigation; however, where the allegations concern the Headteacher, it will be necessary for the Chair of Governors to deal with the matter (see section 1.4.2).

The Investigating Officer will investigate the alleged misconduct, produce an investigation report and make recommendations to management as to whether a disciplinary hearing is required.

Joint investigations should be carried out in line with any Partnership agreement in place and there may be circumstances where this includes the appointment of an external officer.

2.2.2 Financial irregularities

If the alleged misconduct is of a financial nature or the circumstances indicate that an investigation by the Internal Audit Section is required e.g. misuse of the internet, then this will be put in place immediately and resources and equipment will be secured and where appropriate made available to the Police (i.e. in the cases relating to pornography/offensive or obscene materials).

2.2.3 Professional bodies and agencies

Alleged misconduct related to the protection and safeguarding of children will be reported immediately to either the Local Authority Designated Officer (LADO). Where the allegations involve safeguarding concerns, the Disclosure and Barring Service (DBS) will be informed of the outcome of the disciplinary hearing.

In some cases, the school is required to notify, and possibly provide evidence or information to, the appropriate professional body, of investigations, warnings, dismissals or restrictions placed on practice. Depending on the seriousness of the offence, the Investigating Officer may be obliged to inform the professional body at any stage of the formal procedure.

2.2.4 Trade union representatives

Although normal disciplinary standards apply to the conduct of trade union representatives as employees, disciplinary action against a trade union representative can be construed as an attack on the union if not handled carefully.

No disciplinary action should therefore be taken until the case has been discussed, after obtaining the employee's agreement, with a full-time trade union official. Advice should be sought from the HR Advice and Guidance Team if the trade union representative refuses to give consent.

2.2.5 Criminal charges or convictions

If an employee is charged with, or convicted of, a criminal offence not related to work, this is not in itself reason for disciplinary action. Similarly, an employee should not be dismissed solely because they are absent from work as a result of being remanded in custody. Consideration will be given to the criminal conviction and the likely effect upon the employee's ability to carry out his or her duties.

If an employee is subject to a criminal investigation, this will be dealt with separately to any internal disciplinary investigation. The Police should not be asked to conduct any investigation on behalf of the school.

The Investigating Officer will liaise with the Police to determine whether the disciplinary investigation can proceed in parallel with the criminal investigation. The timescale for the internal investigation will have to be reviewed and the employee will be kept informed of the position by the Investigating Officer.

2.2.6 Resignation during disciplinary investigation

Where an employee submits their resignation before the disciplinary process has been concluded, the Investigating Officer may continue the disciplinary process so far as reasonably practicable during the employees notice period.

Where the allegations(s) are of a safeguarding nature, the case must progress to a disciplinary hearing, even if the employee's notice period has ended and the hearing is conducted in their absence. Any sanction issued would be given "if the person had continued to be employed" and reported to the appropriate authority (see Section 2.2.3).

2.2.7 Grievance during disciplinary process

Where an employee raises a grievance during the disciplinary process, advice should be sought from HR Advice and Guidance Team. It may be appropriate to deal with the issues concurrently; however, in certain circumstances the disciplinary process may need to be suspended in order to deal with the grievance.

2.3 Suspension

Suspension should only be considered as a last resort and every effort should be made to keep an employee at work where possible. Suspension will only be appropriate where keeping the employee at work poses a risk to the employee and others, or their presence at work will impede the investigation.

The following alternatives to suspension should be considered:

- restricting the duties they can carry out whilst the investigation takes place
- limiting access to resources, such as ICT

The decision as to whether to suspend is entirely separate from the assessment of conduct. The fact that an employee has not been suspended from work does not prevent their behaviour from being classed as gross misconduct.

Suspension is not a disciplinary sanction and is without prejudice on full pay. It is essential that the period of suspension is kept as brief as possible.

2.3.1 Informing employee of suspension

The employee should be verbally advised of the suspension and the reasons relating to the decision by the Headteacher (or Chair of Governors). The employee should be advised that the suspension is without prejudice and that they will receive full pay during the course of the suspension.

The suspension must be confirmed in writing, making the allegations clear, and should be sent out to the employee within 1 school day of the decision to suspend, together with a copy of the disciplinary policy.

During the suspension the employee should remain away from their place of work, but must remain available for work during their normal working hours and attend any meetings as appropriate.

It is recognised that the employee needs to communicate with those conducting the investigation and may also need to discuss their circumstances with parties who are assisting them within the process - for example, the person accompanying them to meetings. A suspended employee is not prevented from having any contact with colleagues; however, they should not discuss any aspect of the case with other employees or other parties connected with the investigation or with any other inappropriate parties.

If an employee does not comply with the terms of their suspension, the school may revoke their entitlement to receive full pay during the period of suspension.

2.3.2 Communication during suspension

The employee should be provided with a Contact Officer as their first point of contact for any issues regarding work and the investigation.

The role of the Contact Officer is to keep the employee up to date, as appropriate, with the progress and likely timescale of the investigation, however, detailed information relating to the investigation should not be shared with the employee. The frequency of contact will be determined by both the Contact Officer and the employee and dependent upon the length and complexity of the investigation.

2.3.3 Reviewing suspension

It is important that the need to suspend is reviewed and documented regularly throughout the investigation, as new information may emerge during the course of the investigation which changes the necessity for the suspension. Similarly, it may be that the need to suspend is not obvious initially, but during the course of the investigation, suspension may be required.

In all cases, the period of suspension should not be for any longer than necessary and every effort should be made to ensure that it is as brief as possible.

The Contact Officer will notify the employee of the outcome of each review of the suspension.

2.3.4 Sickness and annual leave during suspension

An employee who is suspended must be available for work during their normal working hours and to attend meetings, as appropriate. If an employee becomes ill during their suspension then they will be on sick leave rather than suspension and will be paid in accordance with their normal contractual sick pay entitlements will be managed using the sickness absence policy. If the employee is well enough to return to work prior to completion of the disciplinary process, it may be necessary to reinstate the suspension or to place the employee on suspension.

Annual leave can be taken during suspension subject to approval through the normal procedures.

2.4 Investigation

To ensure the fair handling of disciplinary matters, it is essential to carry out a prompt and adequate investigation, which will include:

- enquiring into the circumstances and establishing the facts of the case
- giving the employee a chance to offer an explanation
- gathering of evidence relating to the case
- taking a balanced view on whether there are sufficient grounds for an allegation of misconduct

2.4.1 Investigation meetings

The Investigating Officer will write to the employee informing them that a detailed investigation will be conducted and inviting them to a meeting to discuss the allegations, as part of the investigation.

There is no statutory right for an employee to be accompanied to meetings during the investigation; however, every effort should be made to accommodate a request from an employee to be accompanied by a Trade Union representative or work colleague. It is up to the employee to arrange for someone to attend any interview(s) in this capacity. If their chosen representative is not available to attend the employee should arrange for a replacement representative to accompany them, or attend on their own. Meetings will not usually be postponed in these circumstances. The individual accompanying the employee must not be someone whose presence would prejudice the hearing or who might have a conflict of interest.

The Investigating Officer will meet with all relevant people and should ensure that witnesses who are prepared to provide statements as part of the investigatory process are fully aware, from the outset, of the consequences of doing so. This may include the requirement to provide evidence as part of a formal disciplinary hearing or disciplinary appeals process and their statements being provided to a regulatory body.

Should further allegations come to light during the course of the investigation, the Investigating Officer will write to the employee informing them of the additional allegations and will be provided with an opportunity to respond to them during the course of the ongoing investigation.

2.4.2 Final investigation meeting

To conclude the investigation, the Investigating Officer must arrange a final meeting with the employee who the allegations were raised against.

The Investigating Officer will use this meeting to:

- outline the key points of the investigation, i.e. who has been interviewed
- allow the employee the opportunity to respond to any additional allegations that have come up during the investigation and that were not covered at the initial meeting.

2.4.3 Concluding the investigation

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The Investigating Officer will collate and analyse the evidence gathered and a report of the findings will be prepared setting out whether there are sufficient grounds to merit a referral to a formal disciplinary hearing. Should a recommendation for a hearing be made the employee will receive a copy of the report prior to the disciplinary hearing.

3. Capability (Support staff only)

The success of the school depends on the effective contributions from all employees. It is recognised that the vast majority of its employees meet or exceed the demands of their respective roles; however, performance problems can and do arise and this procedure provides a framework for dealing with cases of poor performance in a fair, supportive and consistent way.

In the first instance, any employee performance issues should be dealt with by the Headteacher (or a representative) through day to day support, advice and guidance. However, where the employee's performance does not improve to the required standard, the Headteacher (or representative) will commence the informal stage of the procedure.

This procedure should only be followed where it is clear that the failure to perform is not due to ill health or misconduct. Issues concerning poor performance that may result in a potential danger or a breach of duty of care will be dealt with as a conduct issue under this procedure (see Section 2).

3.1 Informal stage

The informal stage should be a positive process, with the aim of helping the employee to resolve performance problems by providing appropriate support to enable them to perform to the standard required.

3.1.1 Initial meeting

The Headteacher (or representative) will arrange a meeting with the employee, giving them reasonable notice of the date, time and purpose of the meeting. Whilst there is no statutory right for an employee to be accompanied to meetings during the informal stage of the process, every effort should be made to accommodate a request from an employee to be accompanied by a Trade Union representative or work colleague.

During the meeting the Headteacher (or representative) will discuss the following:

- the nature of the performance concerns
- the expected standards of performance
- the necessary actions required to be carried out by the employee or manager to aid improvement
- any timescales for improvement and review dates
- the potential consequences of not achieving the required improvement in performance

The employee will also be given the opportunity to express their views on the concerns raised and to provide any explanation for the poor performance.

The agreed actions, targets and programme of support will be pulled together into an action plan, which will be reviewed throughout the agreed timescale.

If at any point it becomes apparent that the poor performance is caused by lack of willingness or refusal to carry out reasonable duties, then this should be dealt with as a conduct issue rather than capability.

3.1.2 Review meetings

Regular review meetings will be held throughout the agreed timescale to discuss and record progress against the agreed action plan. It also provides the Headteacher (or representative) with an opportunity to give feedback and for the employee to highlight any areas of concern throughout the review period.

At the end of the agreed review period, a final meeting should be arranged with the employee to assess their overall progress. If satisfactory improvement has been made, the employee should be informed of this, in writing, encouraged to maintain the improvement, and the matter will be considered closed.

If satisfactory performance has not been achieved within the agreed timescale, the Headteacher (or representative) will determine whether or not it is reasonable to extend the review period further or to progress the case to the formal stage of the procedure.

3.2 Formal stage

Where the employee has not met the targets set out in the action plan within the agreed timescale, the employee will be informed by the Headteacher (or representative) that the case will be progressing to a disciplinary hearing.

In the period leading up to the disciplinary hearing, the action plan will continue to be implemented with the employee continuing to be provided with any professional support, advice and guidance, as agreed in the review process. This may include the withdrawal of support when an acceptable level of performance has been reached to test whether this level can be sustained.

Further information regarding the process to be followed at a disciplinary hearing can be found in Section 4.

4. Disciplinary hearing

If it is considered necessary to convene a disciplinary hearing, either on the grounds of conduct or capability, the employee will be given at least 7 school days' notice of the date and time to allow sufficient time to prepare and arrange representation. A copy of the Investigating Officer's report will be provided.

4.1 Right to be accompanied

Employees have a statutory right to be accompanied by a work colleague, a trade union representative or an official employed by the trade union at disciplinary hearings. The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest.

An employee may ask an official from any trade union to accompany them, regardless of whether or not they are a member or the union is recognised. A trade union representative who is not an employed official must have been reasonably certified by their union as being competent to accompany the employee.

If an employee makes any request to be accompanied by a legal representative at a disciplinary hearing advice should be sought from the Advice and Guidance Team before a decision can be confirmed.

The representative may play a full part, including addressing the hearing to put and sum up the employee's case, responding on behalf of the employee to any view expressed, asking questions of the witness or witnesses, summing up the employee's case and conferring with the employee during the hearing. However, they should not answer questions that are put directly to the employee.

4.2 At the hearing

The Governors will hear evidence from both parties at a formal disciplinary hearing and make a decision regarding the outcome of the hearing including what, if any, disciplinary action will be taken. They will conduct the hearing and make their decision in good faith.

If the employee becomes upset or distressed during the hearing it is advised that the Chair of the Committee should allow a short break to enable the employee to regain composure before continuing. If the distress is too great for the employee to continue then it may be appropriate to reconvene the hearing on another date.

It may also be appropriate to adjourn the hearing for a short time to allow time to check matters further, particularly if there is a dispute over facts or process. If new facts emerge, consideration will need to be given as to whether to reconvene the hearing on another date to allow time for further investigation.

4.3 Postponing the hearing

The employee must make all reasonable efforts to attend the hearing, including securing the attendance of their representative, but if they are not able to attend, they will be offered one alternative date. This should normally be within 5 school days of the original date, although this can be extended by mutual agreement. If the employee fails to attend the rearranged hearing without explanation the hearing may proceed and a decision reached in their absence.

The employee can choose to put their case in writing for consideration by the Governors or an employee's representative may attend and present the case in their absence.

4.4 Outcomes

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The Governors, supported by a member of the HR Advice and Guidance team, will hear evidence from all parties present and the hearing and reach a decision based on the 'balance of probabilities' that it is more likely than not that the employee behaved as alleged.

The outcome of the hearing could be:

- No further action – where it is deemed that there is no case to answer
- Letter of management advice
- Action plan
- Formal disciplinary sanction

The employee will usually be informed of the decision verbally at the end of the hearing by the Chair of the Committee and the decision will be confirmed in writing, by recorded delivery, within 2 working days of the hearing.

4.4.1 Formal disciplinary sanctions Written Warning

This may be issued if the first offence is serious enough to warrant formal action and will set out the nature of the misconduct and the improvement in behaviour required. It will usually last for a period of twelve months, although this can be extended. A copy of the written warning will be kept of the employee's personnel file.

The written warning will clearly state the performance problem, where improvements are required and the level of continued professional support, advice and guidance to be provided. In cases of capability (Support staff only), the frequency of future reviews, now on a formal basis, will also be outlined at this stage.

Depending upon the severity of the situation, this stage may be omitted in cases of both misconduct or capability and it may be justifiable to move directly to a final written warning.

Final Written Warning

Where there is a failure to improve or change behaviour, and previous live warnings have not resulted in sufficient improvement, the employee may be issued with a final written warning. In circumstances where an offence is sufficiently serious to warrant only one written warning, but not serious enough to justify dismissal, a first and final written warning may be issued. It will usually last for a period of eighteen months, although this can be extended. A copy of the written warning will be kept of the employee's personnel file.

The final written warning will clearly state the performance problem, where improvements are required and the level of continued professional support, advice and guidance to be provided. In cases of capability (Support staff only), the frequency of future reviews, now on a formal basis, will also be outlined at this stage.

Dismissal

If the employee's conduct or performance still fails to improve following previous warnings, an employee may be dismissed with notice.

The employee should be provided with written details of the reasons for dismissal, the date on which employment will terminate, the appropriate period of notice and their right of appeal.

An employee should not be dismissed for a first breach of discipline, except in cases of gross misconduct.

Summary dismissal

In very serious cases, where an employee is found guilty of gross misconduct, the employee may be dismissed without notice. In this circumstance, termination of the contract is immediate. More details about what can constitute gross misconduct can be found at Section 1.3.2.

Alternatives to dismissal

An alternative to dismissal will be considered where the disciplinary outcome is that a dismissal should take place but there are mitigating circumstances to take into account.

The Governors may decide to offer to transfer the individual elsewhere within the school and in exceptional circumstances a demotion may be applied. In cases of demotion there will be no protection of salary. The transfer or demotion must be offered in writing as an alternative to dismissal and accepted by the employee. If an alternative to dismissal is refused, this should be recorded and the employee will be dismissed.

4.4.2 Time limits

There may be occasions where an employee's conduct is satisfactory throughout the period the warning is live, only to lapse very soon thereafter. Where a pattern of behaviour of this type emerges the employee's full disciplinary record may be used in deciding how long any subsequent warning should last.

There must be sound justification for this decision and under no circumstances should a warning be indefinite, as it is not good employment practice to keep someone permanently under threat of dismissal.

In addition, the fact that a warning has expired does not mean that the misconduct in respect of which the warning was given can never be considered in any subsequent disciplinary process. However, care must be taken in these circumstances and the manager must consult with the HR Advice and Guidance Team.

4.5 Right of appeal

Employees have the right of appeal against any formal disciplinary action taken against them and should be lodged within 10 school days of receipt of the outcome letter, clearly stating the grounds of appeal. The employee has the right to be accompanied to the appeal hearing by a Trade Unions representative or work colleague.

The appeal will be heard by the Appeals Committee and representatives from School and Governor Support Service and HR Advice and Guidance will also be in attendance to

provide support to the Committee. See supporting document B for the procedure to be followed at an appeal hearing procedure.

In cases where a statutory officer of the Local Authority believes that there may be implications for the safeguarding of young people or children, the Corporate Director of Children and Adults Services will be offered the opportunity to make a statement either in person, through a nominee or in writing. The aim of this is to allow the Appeals Committee to be made aware of their views and ensure that their statutory obligations on behalf of the Local Authority can be considered.

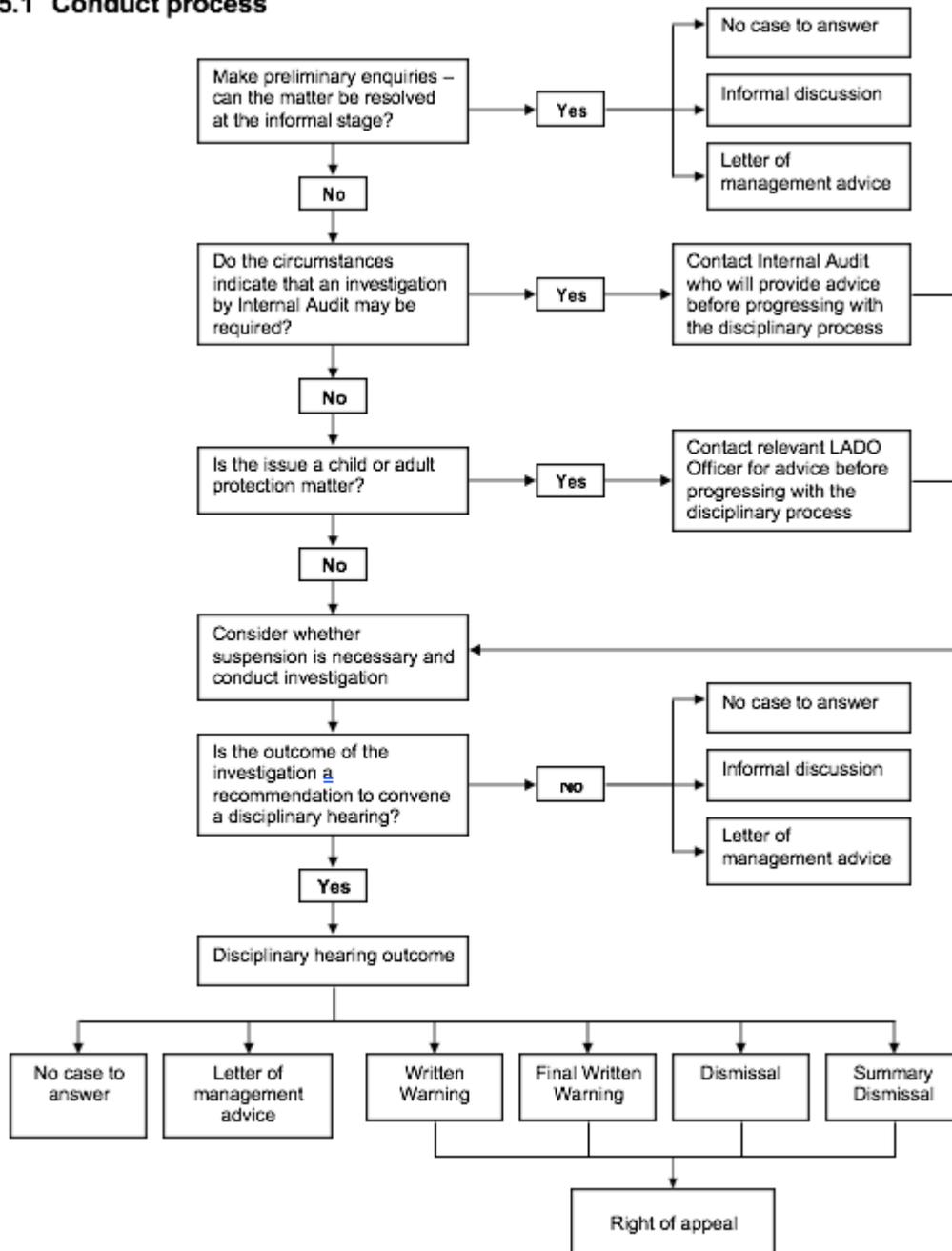
Where possible, once the Appeals Committee has reached a decision, the employee will be given oral notification of the decision and the reasons at the conclusion of the hearing. The decision will also be confirmed in writing by recorded delivery as soon as possible following the hearing.

Where any decision has been overturned, the Appeals Committee may give consideration to any other implications such as training requirement or clarification of rules and procedures. The outcome should not result in any increase in disciplinary penalty.

The decision made at this stage is final and concludes the schools disciplinary procedure.

5. Flowchart

5.1 Conduct process

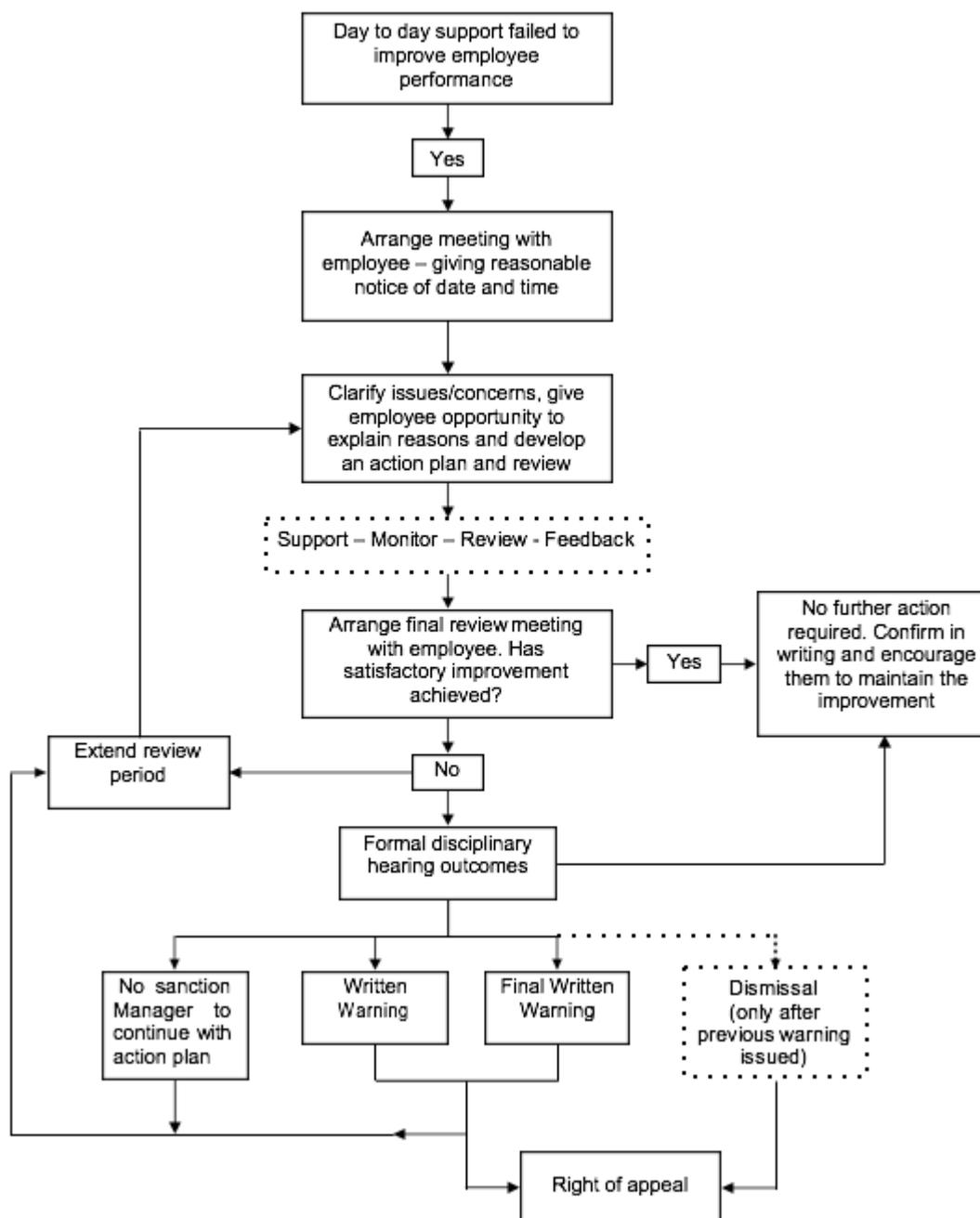


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5.2 Capability process



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6. Supporting documents

The following documents can be downloaded from the intranet by clicking 'Strategies, Policies and Procedures' under the 'popular pages' column.

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7. Further information

7.1 Confidentiality

The school complies with all relevant statutory obligations. For more information please contact the school directly.

The school Privacy Notice provides more specific information on the data collected and how it is handled, a copy of which can be accessed from the school.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.

7.2 Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The council takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

7.3 Equality and diversity

The Council's vision is of an Altogether Better Durham comprising two key components of an Altogether Better Place which is Altogether Better for People. Within this vision are three key equality objectives, set out in the Single Equality Scheme, to provide high quality accessible services to all, be a diverse organisation and work with others to promote equality countywide. These objectives apply both in the delivery of services and in relation to Durham County Council employment practices. The Council is committed to including equalities in everything that it does. This includes the elimination of unlawful discrimination, promoting diversity as a positive force and valuing and celebrating a diverse workforce and community.

An equality impact assessment has been carried out in the preparation of this guidance document and the assessment will be reviewed on an ongoing basis.

7.4 Contact details

If you would like any further advice, or would like the document in an alternative format, please contact HR Advice and Guidance Team.