



## **STEINER ACADEMY EXETER: Staff Discipline POLICY**

### **AIM**

The procedures set out in this policy aim to quickly and fairly resolve problems of minor but repeated misconduct, gross misconduct or poor performance. These procedures apply to all teachers and staff.

### **Informal Measures**

When possible, informal measures to resolve any problems with conduct or performance will be tried first. This may include regular supervision, observation of practice with feedback and other support measures such as training or observation of other practice. If informal warning or advice regarding misconduct is either inappropriate or no longer effective, or if informal support and encouragement have proved ineffective as a means of correcting poor performance, then the employer will consider issuing an appropriate warning and/or instituting dismissal procedures, where necessary.

### **Stages of the Disciplinary Process**

The four stages in the disciplinary procedure are as follows:

1. Give an oral warning.
2. Issue a first written warning.
3. Issue a final written warning.
4. Dismiss with notice.

In more serious cases the employer may skip one or more stages. Similarly, when the employer has spoken frequently to the employee, without apparent effect and now wishes to formalise matters, it is sufficient to go directly to stage (2). If appropriate, the employer may also remove an allowance or withhold an increment at either stage (2) or (3).

In cases of poor performance the above steps will be supplemented with appropriate guidance and support and the employee's progress will be monitored and formally reviewed.

### **Suspension and Dismissal**

Where there is an allegation or suspicion of gross misconduct, or for other good or urgent reason, the Principal may suspend a member of staff from duty on full pay pending a hearing with immediate effect.

If the Principal finds a case, other than a case for gross misconduct, proven against an employee at a disciplinary hearing, the Principal may dismiss the employee with notice.

If the Principal finds a case for gross misconduct against an employee proven at a disciplinary hearing, the Principal may dismiss the employee without notice or pay in lieu of notice.

In any of the above cases, the Principal will immediately make a full report to the Chair of Governors, including copies of all relevant documents.

### **Requirement to hold a Disciplinary Hearing**

Before imposing a sanction under this policy, the employer will hold a disciplinary hearing. Attendees at a Disciplinary Hearing will include:

1. The Principal together with any 2 of the 3 members of the Personnel Committee. The Principal is permitted to have appropriate assistance at the hearing.
2. The employee is under a legal obligation to take all reasonable steps to attend.

3. The employee at the hearing is permitted to be accompanied by a companion or advisor. (The employee has a statutory right to be accompanied by a trade union official or work companion at a disciplinary hearing).

### **Notice of a Disciplinary Hearing**

The minimum written notice of a disciplinary hearing is:

- one working days' notice in writing in the case of an oral warning
- three working days' notice in writing in the case of a first written warning
- five working days' notice in writing in the case of either a final written warning or dismissal with notice .

The letter of notice will also outline the complaint.

The employee's companion has a statutory right to propose an alternative date and time if he or she is unable to attend at the proposed time, provided that the alternative time is both reasonable and falls within the five following working days.

If an employee has been suspended on full pay, 16 days have elapsed since the suspension was made and the employee has not received written notification of the date and time of a disciplinary hearing, the employee may request such notification by writing to the clerk to the governors. The Principal will then be required to arrange a hearing within the following 14 days.

### **Procedures during a Disciplinary Hearing**

Both sides will be given copies of all documents relevant to the case. The complaint will be made first and the employee will then be given the opportunity to ask questions. The employee or employee's representative will then make his or her reply and may be asked questions. Witnesses may be called and questioned by both sides. The employee and any companion will retire while the Principal reaches a decision.

### **Appeal against a Warning or Dismissal**

The employee may appeal against a warning, or a sanction imposed in conjunction with a warning, by writing to the Clerk to the Governors within 14 days. The governors will arrange an appeal hearing within 14 days of receiving the employee's written appeal. The appeal will be heard within 28 days of the lodging of the appeal.

### **Attendees at Appeal Hearings**

5. An appeal panel appointed by the Governing Body will hear the appeal on behalf of the full Governing Body.
6. The employee must take all reasonable steps to attend.
7. The employee and the Principal may each be assisted by a friend or adviser.

### **Notice of an Appeal Hearing**

The employee will be given not less than seven days' notice of the date and time of the hearing, in writing.

### **Procedures during an Appeal Hearing**

Both sides will be given copies of any new documents relevant to the case. Witnesses may be called and questioned by each side. The employee and any companion, as well as the Principal, will retire while the governors reach a decision.

### **Outcomes**

The appeals committee may:

- confirm or reduce a sanction
- confirm a dismissal on notice, or substitute a lesser sanction

- confirm a summary dismissal, or reinstate the employee, with or without any lesser sanction.

The decision of the appeals committee is final. Unless otherwise agreed at the hearing, the effective date of dismissal will be that given by the Principal at the disciplinary hearing held prior to the decision to dismiss the employee.

**Confirmation of Sanctions**

The employer will give the employee written confirmation of any sanction or the result of any appeal carried out under this policy. The employee will be required to acknowledge receipt of this confirmation, in writing, within seven days.

<b>Approved by (Print name):</b>	
<b>Signature:</b>	<b>Date</b>
<b>Review Date*:</b>	
<b>Designated staff member:</b>	
<b>Designated governor:</b>	

\*Review frequency: Governing body free to determine  
 Education Legislation: All-through schools general employment legislation  
<http://www.legislation.gov.uk/uksi/2009/2680/contents/made>