



The Royal School

Wolverhampton

Staff Disciplinary Rules and Procedures

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Signed	
Date	September 2017
Version no.	1
Next review date	September 2019
Review frequency	Biennial
Approving body/committee	HRPM
Date approved	July 2017
Target audience	Staff

Disciplinary rules

- 1 **Introduction:** These rules should be read in accordance with the School's disciplinary and dismissal procedure. It is the contractual duty of every member of staff to observe the rules set out below.
- 1 **Safeguarding:** The welfare of children is placed at the centre of the School and its culture and School's policies are designed to ensure that all those who work in the School and may have contact with children are clear on the rules of conduct and the expectations of the School. Children place trust in those connected to the School creating obligations which we must all meet to ensure the successful outcomes achieved by the children in our care.
- 2 **Rules of conduct:** Whilst employed by the School, you should at all times maintain professional and responsible standards of conduct. In particular, you should:
 - 2.1 observe the terms and conditions of your contract of employment;
 - 2.2 ensure that every pupil feels safe and protected from any form of abuse and actively commit to safeguarding and promoting the welfare of children and young people;
 - 2.3 ensure that you understand and follow the School's Code of Conduct for Staff enclosed within this Employment Manual;
 - 2.4 observe all other policies and procedures included in the Employment Manual or otherwise notified to you from time to time;
 - 2.5 comply with all reasonable advice given by staff who are senior to you;
 - 2.6 act at all times in good faith and in the best interests of the School, its pupils, parents, guardians or carers and staff;
 - 2.7 uphold public trust in the profession and maintain high standards of ethics and behaviour; and
 - 2.8 have an understanding of, and always act within, the statutory frameworks which set out your professional duties and responsibilities.
- 3 **Instances of misconduct:** The following is a non-exhaustive list of offences which amount to misconduct falling short of gross misconduct:
 - 3.1 lateness;
 - 3.2 unauthorised absence from work;
 - 3.3 inappropriate standard of dress;
 - 3.4 smoking on School premises;
 - 3.5 contravention of minor safety regulations; or
 - 3.6 disruptive behaviour.
- 4 **Gross misconduct:** You must not commit any act of gross misconduct. Any such act will result in your dismissal without notice. Gross misconduct includes but is not limited to the examples set out below, offences of a similar nature and attempts to commit such offences.

Examples of gross misconduct:

- 4.1 failure to comply with the School's child protection policy or the School's Code of Conduct, the School's IT acceptable use policy or the School's social media policy;
- 4.2 failure to comply with the School's child protection and safeguarding policy and procedures and a failure to commit to safeguarding and promoting the welfare of children and young people;

- 4.3 failure to notify the School of any child protection investigation of you or any member of your household;
- 4.4 failure to immediately notify the School of any arrest, charge or conviction of any criminal offence brought against you during your employment;
- 4.5 failure to immediately notify the School if you are or become the subject of a referral to the National College of Teaching and Leadership or any successor Board;
- 4.6 failure to immediately notify the School of any change in circumstances which has or will result in you or any member of your household being disqualified from providing childcare in connection with early or later years provision or from being directly involved in its management;
- 4.7 indecent, violent or offensive behaviour whether committed at or outside work;
- 4.8 inappropriate conduct with a pupil of the School, or a pupil of another School;
- 4.9 misuse of or deliberate damage to School property;
- 4.10 fraud, theft or dishonesty;
- 4.11 failure to obey a lawful order;
- 4.12 being on duty whilst unfit due to the influence of drugs and / or alcohol;
- 4.13 possession, use, supply or attempted supply of illegal drugs;
- 4.14 actions that could be interpreted as glorifying or supporting terrorism, extremism or organisations promoting terrorist or extremist views, or encouraging others to do so;
- 4.15 bullying or harassment;
- 4.16 accepting or giving bribes or other secret payments or other breach of the School's anti-bribery and corruption policy;
- 4.17 accepting a gift in contravention of the School's Code of Conduct without the prior consent of the Principal;
- 4.18 conduct (whether committed at or outside work) which is likely to damage the School's reputation or bring it into disrepute;
- 4.19 discrimination (including harassment or victimisation) on grounds of sex, pregnancy and maternity, marital or civil partnership status, race, disability, age, sexual orientation or religious belief;
- 4.20 disregarding health and safety rules / requirements (including the School's Health and Safety at Work Rules) and endangering yourself or others;
- 4.21 giving false information as to qualifications or entitlement to work (including immigration status);
- 4.22 wilful neglect or refusal of duty;
- 4.23 misuse of confidential information;
- 4.24 use of school resources to view, retrieve or download pornographic material, or any other material which the School reasonably believes is unsuitable;
- 4.25 causing loss, damage or injury through serious negligence;
- 4.26 making a disclosure of false or misleading information under the School's whistleblowing policy maliciously, for personal gain, or otherwise in bad faith; or

4.27 making untrue allegations in bad faith against a colleague.

Disciplinary procedure

Introduction

- 1 **Flexibility:** The School will follow a fair procedure in the event that disciplinary action is necessary but this procedure does not have contractual effect. There may be occasions when the School considers it appropriate to change or omit parts of this procedure.
- 2 **Amendments:** The School may revise this procedure from time to time and will advise you of any amendments.
- 3 **Capability:** This procedure does not apply to incompetence, incapability or other poor performance unless this is attributable to misconduct.
- 4 **Record of proceedings:** The School may, in its sole discretion, appoint someone to take notes or make a recording of any interview or hearing under this procedure. No other recordings shall be made without the express approval of all those present at the interview or hearing.

The investigation stage

- 5 **Investigation:** As a first step any disciplinary issue will be investigated. If, after investigating the matter, it appears that there are no reasonable grounds for concern, you will be informed of this in writing and, if relevant, allowed to return to work as normal.
- 6 **Suspension:** If the matter to be investigated is thought at any stage of the investigation to involve gross misconduct or it is in the interests of the School, a pupil, an employee or you, the Principal may immediately suspend you from work on full pay and benefits whilst the investigation proceeds.
- 7 **Support and guidance:** The School will notify you of a person to contact during any period of suspension or investigation. You may also wish to seek the advice of your union representative where available.
- 8 **Separation of roles:** The School will appoint a senior member of staff to carry out the investigation (**Investigating Officer**).
- 9 **Interview:** As part of the investigation the Investigating Officer may (if considered appropriate) undertake an interview with you.
- 10 **Next stage:** If on completion of the investigation the Investigating Officer considers that it is necessary, a disciplinary hearing will be arranged and you will be invited to attend. You must take all reasonable steps to attend the disciplinary hearing.
- 11 **Information:** You will be given advance reasonable notice of the timing and the location of the hearing. You will be informed in writing of the purpose of the hearing and the allegations against you. You will be provided with a copy of any documents which may be referred to at the Disciplinary Hearing and invited to submit any relevant documents. You will be given a reasonable opportunity to consider your response to this information. If your dismissal is a possible outcome of the hearing, you will be informed of this possibility in advance.
- 12 **Right to be accompanied:** You may be accompanied to the disciplinary hearing by a colleague or trade union official.
- 13 **Witnesses:** You may ask relevant witnesses to attend the disciplinary hearing, provided it is reasonable to do so and you give the School sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Disciplinary Panel decides a fair hearing could not be held otherwise.
- 14 **Witness statements:** If statements have been obtained from witnesses during the course of the investigation you will be given a copy of them. In certain circumstances it may be necessary to preserve the anonymity of a witness.

- 15 **Disciplinary panel:** The School will appoint a Disciplinary Panel to hear the matter. In appropriate circumstances, the Principal or another person may hear the matter on his / her own. The Investigating Officer shall not be a member of the Disciplinary Panel.
- 16 **The disciplinary hearing:** The hearing will be conducted by the Disciplinary Panel. The Investigating Officer will be asked to report on his / her investigation. Either you, or the person accompanying you, and the Disciplinary Panel may question the Investigating Officer and any witnesses. You will be entitled to give your explanation and may be questioned by the Investigating Officer as well as by the Disciplinary Panel. You or the person accompanying you and the Investigating Officer will be given the opportunity to address the Disciplinary Panel. The person accompanying you will not be permitted to respond to questions which are addressed to you.
- 17 **Adjournment:** The Disciplinary Panel may adjourn the proceedings at any stage if this appears necessary or desirable. You may request an adjournment if you need to consult the person accompanying you. If adjourning for the purpose of enabling further information to be obtained, the Disciplinary Panel will specify the nature of that information. Any adjournment will normally be for a specified period of time.
- 18 **Decision making:** On completion of the hearing, the Disciplinary Panel will retire to consider the decision. Neither you, the person accompanying you nor the Investigating Officer will be allowed to take part in nor be present during the Disciplinary Panel's deliberations.
- 19 **Communication of decision:** The decision of the Disciplinary Panel will be communicated to you in writing as soon as reasonably practicable. If the complaint is upheld you will be informed of the action to be taken and your right of appeal.

Disciplinary action

- 20 **Sanctions:** Depending upon the nature of any misconduct found to have been committed, any explanation given by you and any mitigating circumstances, the Disciplinary Panel may impose any of the following sanctions:
- 20.1 a written warning;
 - 20.2 a final written warning;
 - 20.3 suspension without pay for a defined period;
 - 20.4 demotion; or
 - 20.5 dismissal with or without notice.
- 21 **Currency of warnings:** A written warning will be recorded on your file but will be considered spent for disciplinary purposes after a period of 12 months from the date the warning is given. A final written warning will be recorded on your file but will be considered spent for disciplinary purposes after a period of 24 months from the date the warning is given.
- 22 **Gross misconduct:** Where there has been gross misconduct the Disciplinary Panel may impose dismissal without notice. Examples of what the School considers to be gross misconduct are set out in the Disciplinary Rules section of this Employment Manual.

Appeal

- 23 **Right of appeal:** You have the right to appeal to an Appeal Panel against any decision made by the Disciplinary Panel if you are dissatisfied with it. Such a right of appeal must be exercised in writing and sent to the Principal within five working days of your being notified of the decision giving full details of why you wish to appeal. The Appeal Panel will arrange a review hearing or a re-hearing to take place as soon as reasonably practicable. You will be informed in advance of its timing and location.
- 24 **Appeal panel:** The Appeal Panel shall not include any member of the Disciplinary Panel nor the Investigatory Officer and may comprise one or more persons. As far as reasonably practicable the

person chairing the Appeal Panel will be someone holding a more senior position than the person chairing the Disciplinary Panel.

- 25 **Appeal procedure:** The procedure at the appeal hearing shall be the same as that for the disciplinary hearing save that there will be no right of appeal from the decision of the Appeal Panel. You must take all reasonable steps to attend the appeal hearing. The Appeal Panel will be entitled to reach a different conclusion and impose a different sanction (although not greater) than that imposed by the Disciplinary Panel. You will be informed of the Appeal Panel's decision in writing as soon as reasonably practicable.
- 26 **Right to be accompanied:** You may be accompanied to the appeal hearing by a colleague or trade union official.
- 27 **Employment status:** If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect so that, if the dismissal is by notice, the period of notice will have begun at the date given in the dismissal decision. If summary dismissal without notice has been imposed, you will not be entitled to be paid for the period between that decision and the decision of your appeal unless you have been reinstated on appeal. If having been dismissed you are reinstated on appeal, your continuity of employment will be unaffected.

Termination of employment

- 28 **Exit interviews:** All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the whistleblowing policy, the child protection and safeguarding policy and procedures and the Staff Code of Conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at exit interviews which are held with all leavers.
- 29 **Termination of employment:** If the School ceases to use your services because you are unsuitable to work with children, a settlement agreement (formerly known as a compromise agreement) will not be used and a referral to the Disclosure and Barring Service will be made as soon as possible if the criteria for a referral are met. Any such incidents will be followed by a review of the safeguarding procedures within the School, with a report being presented to the Governors without delay.
- 30 **Resignation:** If you tender your resignation, or cease to provide your services to the School at a time when child protection concerns exist in relation to you, those concerns will still be investigated in full by the School and a referral will be made to the Disclosure and Barring Service as soon as possible if the criteria for a referral are met.
- 31 **National College for Teaching and Leadership:** Separate consideration will also be given to making a referral to the National College for Teaching and Leadership where a teacher has been dismissed (or would have been dismissed had he or she not resigned) because of unacceptable professional conduct, conduct that may bring the profession into disrepute, or a conviction at any time for a relevant offence.