

# STAFF DISCIPLINE, CONDUCT AND GRIEVANCE POLICY

## Furness Vale Primary and Nursery School

‘This policy has been reviewed on 24/02/2020 and has been impact assessed in the light of all other school policies and the Equality Act 2010.’

| DATE AGREED | REVIEWED ON       | NEXT REVIEW | COMMITTEE               | MINUTE NO | SIGNED    |
|-------------|-------------------|-------------|-------------------------|-----------|-----------|
| March 2020  | 24/02/2020        | March 2021  | Curriculum and Policies | 20/11     | T.DANIELS |
|             | 21/02/2020        |             |                         | 20/11     | S.ATKINS  |
|             | COMMENTS ALFRESCO |             |                         | 20/11     | K.CLAYTON |
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## Introduction

The Governing Body is committed to ensuring that all staff at the school should be treated in a consistent, fair and sensitive manner. This approach requires that the Governors should specify those aspects of misconduct which may warrant consideration under the terms of the Academy's disciplinary procedure.

The following disciplinary issues have therefore been drawn up in consultation with the staff. It is expected that, wherever possible, problems of indiscipline will initially be dealt with through informal counselling. Where such counselling has not led to the desired improvement or the matter is sufficiently serious to warrant immediate formal action, the disciplinary procedure will be operated.

## Disciplinary Issues

The lists below are those considered the focus of this policy. They are not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorization and consideration as either 'misconduct' or 'gross misconduct'. 'Gross misconduct' occurs when the actions complained of are such that it is not feasible to tolerate the continued attendance of the employee at the place of work whilst the matter is being investigated.

For the purpose of the disciplinary procedure, the terms 'misconduct' and 'gross misconduct' are also taken to include 'negligence' and 'gross negligence' where the occurrence amounts to a breach of contract.

## Definitions

**Misconduct** which may warrant action under the appropriate stage of the disciplinary procedure includes:

1. Poor timekeeping or persistent lateness.
2. Unauthorized absence from work.
3. Unauthorized use of the School facilities including the Internet.
4. Wilful failure to comply with a reasonable instruction from a member of senior management.
5. Persistent minor breaches of health and safety requirements.
6. Foul or abusive language.
7. Sexual or racial harassment which is not sufficiently serious to fall into the category of 'gross misconduct'.

**Gross misconduct** which due to its nature may lead to suspension from post prior to consideration of dismissal includes:

1. Unauthorized removal of School property.
2. Serious sexual or racial harassment.
3. Offences of dishonesty.
4. Serious breaches of health and safety requirements.

5. Sexual offences.
6. Serious criminal offences which undermine the employee's ability to perform his/her job.
7. Sexual misconduct at work.
8. Persistent wilful failure to comply with a reasonable instruction from a member of senior management.
9. Fighting.
10. Physical assault.
11. Actions which bring the school into serious disrepute.
12. Drunkenness.
13. Falsification of time sheets, subsistence and expenses claims etc.
14. Theft.
15. Malicious damage to the School's property.

Issues relating to the use of the Staff Discipline Policy and the terms 'misconduct', 'gross misconduct', 'negligence' and 'gross negligence' may sometimes relate to complaints against staff and the separate Complaints procedure document may need to be read in conjunction with this policy.

## **Grievance**

This grievance procedure is intended to provide the means by which an individual employee who has a grievance about his/her employment can seek to resolve it as swiftly and as close to the point of origin as possible. Where the grievance cannot be resolved by a senior member of staff or the Head, the procedure provides for a formal hearing involving governors.

A grievance is a complaint by an employee about any aspect of his/her employment, e.g. nature or range of duties, conditions of service, relationships with other staff. The grievance must be one that lies within the powers of the management of the School to resolve, e.g. it cannot be about matters determined by national legislation. A grievance is not available in addition to or in substitution for the right of hearing and appeal established under other staffing procedures (e.g. disciplinary action or redundancy selection).

Employees' grievances will be treated seriously and will be resolved as quickly as possible. Employees have the right to raise the grievance at a higher level. In certain cases, it may be necessary for information or advice to be sought from others outside the school and this may delay the timescale for resolution. Such attempts are without prejudice to the position of both parties in the procedure. At all stages staff involved are entitled to be accompanied by a professional 'friend'. During the formal procedures, witnesses may be called and questioned by either side.

## **Procedure**

### **Stage 1 Informal Consideration**

Where the employee has a grievance, which involves another member of staff, s/he should first of all seek to resolve it by a direct approach to the person(s) concerned. If the matter cannot be resolved in this way the employee should then request an interview with a senior manager or the Head, as appropriate. Wherever possible, the interview should take place within one week of the request being made. The senior manager or Head will arrange to investigate the grievance and seek to resolve it in consultation with any other member(s) of staff involved. Where the grievance is against the Head or governing body, the employee

should discuss the matter with the Head before proceeding to stage 3. Informal consideration by the Chairman of Governors may precede a formal hearing.

**Stage 2** Consideration by Head (or nominated senior manager).

Where the matter cannot be resolved by informal discussion, the employee will be requested to set out his/her grievance in writing and the matter will be further investigated by the Head (or a nominated senior member of staff). If appropriate there may be formal interviews with any staff affected in order to reach a decision. All parties will be given the opportunity to state his/her/ their case either orally or in writing. By mutual agreement the Chairman of Governors, professional association/trades union may be consulted. A decision will be given by or on behalf of the Head as soon as possible after receipt of the written grievance. This should be within one week, wherever practical to do so.

**Stage 3** Formal Hearing by Governors Panel

Where the outcome remains unacceptable to the employee, formal written notice of the grievance must be sent to the Chairman of Governors, with a copy to the Head and any other member(s) of staff directly concerned. This letter should:

1. Give full details of the grievance, together with any supporting documentation;
2. Give details of the steps already taken to resolve the issue; and
3. State the resolution that is being sought.

The Chairman of Governors will invite the Head and any other member(s) of staff involved in the grievance to make a written response. The hearing should take place as soon as possible after the written grievance and responses have been received but a minimum of one week's notice should be given to the parties concerned. All documentation should be made available to the governors' panel in advance of their hearing. The employee raising the grievance and any other member(s) of staff directly involved must also be provided with copies of all the documentation to be considered and they may attend the hearing and be accompanied and/or requested to attend. The governors' panel, in seeking to resolve the grievance, may adjourn the hearing or defer its decision if this is considered appropriate to promote conciliation or to obtain further information or guidance. The decision of the governors' panel will be confirmed in writing within five working days of the hearing taking place.

**Stage 4** Appeal

Any party to the grievance may appeal in writing to the Chairman of the Governors within one week of receiving written notification of the decision. The notice of appeal should set out the reasons, with a copy to the Head and any other member(s) of staff concerned. The appeal hearing will be conducted by the governing body's nominated appeals panel. All documents already submitted together with any further documentation shall be available for consideration. At least one week's notice of the arrangements for the appeal hearing will be given to all parties concerned. The appeal panel's decision will be confirmed in writing within five working days. This decision will be final.