

The Orchard Vision: *Inspiring Success*
Values: *Determination, Courage, Respect*

The Orchard School

Disciplinary Policy

April 2023

Next Review: April 2025

Based on model provided by Surrey County Council for Surrey Maintained Schools

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Policy Scope and Purpose	
Scope and Purpose:	The school's disciplinary policy, procedure and associated guidance have been devised to ensure that lawful, fair and effective arrangements exist for dealing with matters relating to conduct and behaviour of a more serious and/or persistent nature.
Aims and Objectives	The objectives of this policy are to ensure that: <ul style="list-style-type: none"> • Employees are treated in a fair and consistent manner • Managers are supported in carrying out their responsibilities in maintaining high standards of conduct for all employees, and employees' standards of conduct are improved wherever necessary and practicable • Issues are managed swiftly and effectively • The children and young people, employees, public and other recipients of the school's services are protected from the consequences of misconduct.
Start point of the Policy:	When preliminary enquiries indicate that there is enough evidence to suggest that some misconduct has taken place that cannot be handled through everyday management processes.
End Point of the Policy:	The outcome may either be one of the following: <ul style="list-style-type: none"> • No formal action • An appropriate level of written warning • Action short of dismissal • Dismissal
Legislative requirements:	The law on unfair dismissal requires employers to act reasonably. What is classed as reasonable behaviour will depend on the circumstances of each case. However, the core principles are set out in the Acas Code of Practice which are adhered to in this policy and associated procedure.
Who uses this Policy:	This policy applies to all employees at the school. <ul style="list-style-type: none"> • This procedure assumes that the power to dismiss staff remains with the governing body and has not been delegated to the Headteacher. • Schools with different models of delegated power will need to amend references to roles and responsibilities accordingly. For further advice or assistance with this, please contact your HR Provider.
Roles and Responsibilities:	<ul style="list-style-type: none"> • The Governing Body, Head Teachers and Line Managers are responsible for implementing the policy in a fair and consistent manner • All employees will be responsible for engaging with and adhering to this policy and procedures • Trade Unions will be consulted regarding the content of the policy and will be reasonably available to support and represent their members • The School's Human Resource service provider will be responsible for providing guidance and direction
Is there a procedure attached to this policy?	Yes. The procedure provides a series of steps to be followed in a consistent way.

Policy Statement

The governing body is committed to ensuring that high standards of behaviour are aspired to within the school and recognises that most staff members meet or exceed the standards required of them. In pursuit of this commitment, the governing body expects managers to lead by example, demonstrating a high level of competence, integrity and sound judgement, promoting effective working practices and supporting and encouraging school staff when difficulties arise. In return, the governing body expects all employees to strive for high personal standards of conduct, seeking guidance and support from their manager when necessary and at an early stage.

The governing body acknowledges that minor matters of misconduct can, and should, be dealt with openly, supportively and constructively, in a dialogue between manager and employee, without having recourse to formal procedures.

1. Introduction

- 1.1 The Orchard's Disciplinary Policy, and the Procedure, have been devised to ensure that lawful, fair and effective arrangements exist for dealing with matters relating to conduct and behaviour of a more serious and/or persistent nature.
- 1.2 The governing body acknowledges that the Policy and Procedure should be used to support the effective management of misconduct and not purely as a mechanism for imposing sanctions.
- 1.3 Everyday issues regarding standards of conduct and behaviour at work will be dealt with during the regular communication and performance conversations /supervision between employees and their managers. The governing body acknowledges this will include dealing with minor breaches of conduct that are not considered to merit progression under this policy.

2. Guiding Principles

- 2.1 Employees are required to be aware of the school's values, policies and procedures and always maintain appropriate standards of conduct and behaviour. The following guiding principles underpin the Disciplinary Policy and should be observed in order to maximise overall benefit for the school and its employees:
 1. Line management intervention at an early stage will be considered, where appropriate, to resolve issues.
 2. No disciplinary action will be taken against an employee until the case has been fully investigated and facts established
 3. Where action is being considered under this policy the employee will:
 - Be informed of the nature of the issue(s) of concern or case against them.
 - Be given the opportunity to offer an explanation before any decision is made.

- Be given reasonable notice of any disciplinary hearing.
- Be offer the statutory right to be accompanied by a trade union representative or work colleague for a formal hearing.
- Be able to request to be accompanied at a disciplinary meeting.
- Be notified of the outcome of any disciplinary meeting or hearing in writing within the timescales set out in the disciplinary procedure.

4. The relevant manager will provide, where appropriate, employees with supporting evidence in advance of any disciplinary meeting.

5. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may be dismissal without notice or payment in lieu of notice.

6. An employee will be given the right of appeal against any disciplinary sanction imposed.

7. Both the headteacher or, where the headteacher has chosen to delegate this responsibility to another appropriate senior manager, and the employee will avoid unnecessary delays and seek to conclude a case within a reasonable timescale.

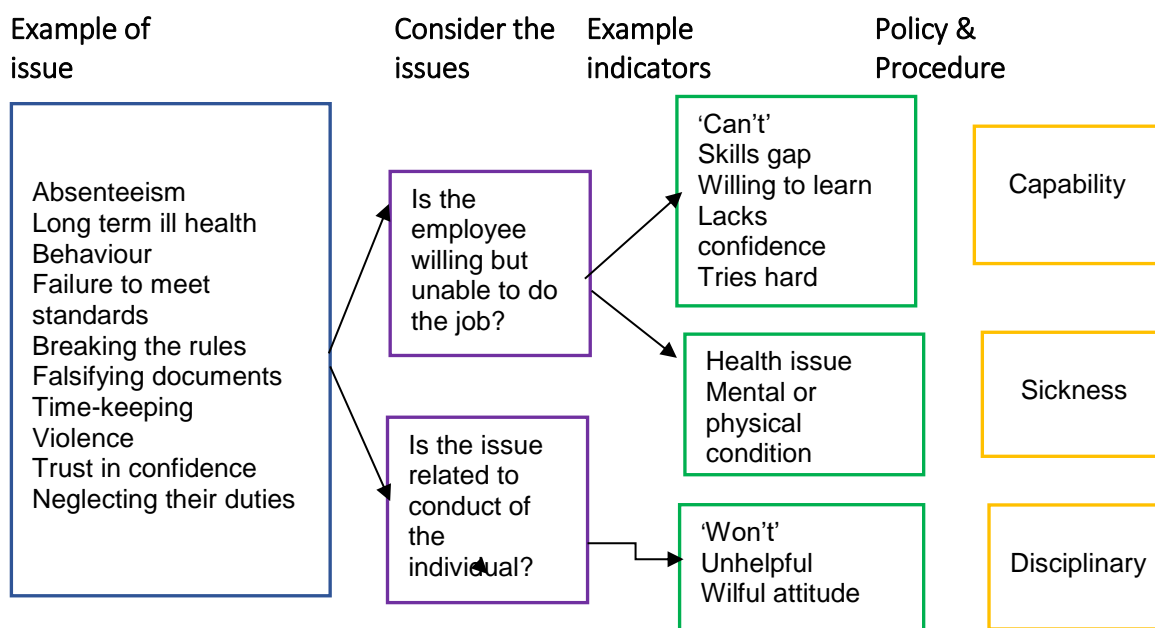
8. HR advice will be sought by the governing body, headteacher, or appropriate senior manager, in advance of any formal action being taken.

9. In cases where the Headteacher's conduct is under review, the role of managing the disciplinary process will be delegated to one or more governors, as determined by the Governing Body. The local authority will be informed (through the AEO or other appropriate officer) of any proposed investigation into the behaviour of the headteacher, and of any proposed meetings to discuss this with the headteacher.

3. Defining disciplinary

3.1 Disciplinary issues arise when an employee's conduct in the workplace falls below the standards that are expected. Action is therefore required to manage and improve the conduct, and circumstances will dictate whether action should be informal or formal. The distinction between conduct and capability is often not clear cut and will rely on a manager establishing the facts by means of an investigation. Unauthorised absence will be dealt with under the disciplinary policy, whereas sickness absence will be managed separately.

3.2 The school has separate Disciplinary, Capability and Sickness procedures, and it is important to understand when each procedure would apply. The illustration below provides an outline of when each should be applied:



3.3 Disciplinary is about managing and modifying poor behaviour/misconduct in the workplace by taking informal or formal action under the guidance of the disciplinary policy and procedure. It can also be referred to when an employee is judged capable of carrying out their role to the required standard but for some reason has chosen not to do so (can but won't).

3.4 Where an employee's poor performance is believed to be the result of deliberate negligence or misconduct, or where serious errors have been made by them to the detriment of the school, headteachers and managers should refer to the School's Disciplinary Policy and Procedure for schools.

3.5 Where there are concerns about an employee's performance capability or capability due to ill health, the Performance Capability Policy and Procedure and Sickness Absence Policy and Procedure should be used.

4. Resolving disciplinary issues informally

4.1 Cases of minor misconduct are usually best dealt with informally. A conversation may be all that is required to improve an employee's conduct. In some cases, coaching and advice may be what is needed. Managers are responsible for ensuring that minor conduct issues are dealt with promptly and without recourse to this procedure, as part of the usual process of performance management.

4.2 There will be situations where matters are more serious or where an informal approach has been tried but is not working. If informal action does not bring about an improvement, or the misconduct is considered too serious to be classed as minor, managers should refer to the formal stage of the disciplinary procedure.

5. Taking formal action

- 5.1 Disciplinary action is likely to be recommended against employees who do not adhere to the school's values and standards of behaviour as set in the Disciplinary Procedure, and where an appropriate level of investigation has ascertained that there is a case to answer.
- 5.2 Some acts, termed gross misconduct, are so serious in themselves, or would have such serious consequences, that they may justify dismissal without notice for a first offence. Examples of gross misconduct include theft, fraud, physical violence, gross negligence and serious insubordination. Further examples are provided in the Disciplinary Procedure.
- 5.3 Employers are required to act reasonably when dealing with disciplinary issues, and the actions they take will depend on the individual circumstances of each case. A fair process will include the following:
- The governing body and headteacher should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
 - The governing body and headteacher should ensure that the policy is applied consistently across the school.
 - Managers should carry out any necessary investigations, to establish the facts of the case.
 - The employee should know the nature of the allegations against him/her and be given the opportunity to state his/her case before any decisions are made.
 - Formal meetings which could result in a formal warning will be conducted by the headteacher or, where this function has been delegated, to an appropriate senior manager.
 - Formal meetings which may result in a decision to dismiss will be heard by one or more governors.
 - Employees must be offered the right to be accompanied at any formal disciplinary hearing.
 - Employees must be allowed to appeal against any formal decision made.
 - Before the decision to dismiss a teacher is made, the school will discuss the matter with the local authority. The local authority has the right to attend any meetings where dismissal is involved. The school's HR Consultant will be contacted to provide advice about these matters.

6. Safeguarding concerns

- 6.1 The Orchard has a specific procedure in place for dealing with allegations of abuse against staff and will defer to these first and foremost where an allegation is made against a member of staff which involves actual or potential harm to a child or young person. All such allegations should be reported immediately to the headteacher or chair of governors. Where allegations indicate a person would pose a risk of harm if they continued to work in their present or other capacity, the Local Authority Designated

Officer will be informed immediately by the headteacher and, if appropriate, a strategy meeting set up.

7. Employee Support

- 7.1 It is good practice for employees who are subject to disciplinary proceedings to be offered the support of the school's Employee Assistance Programme if available and be advised to contact their trade union representative if they have one.
- 7.2 Employers have a duty of care to all staff, particularly those who are suspended from duty, and someone outside of the disciplinary process should be appointed to act as their support and point of contact within the school. Decisions to suspend will be risk assessed, and suspension will not continue longer than is necessary to complete an investigation. In any case suspension should be kept under review. Whilst either the headteacher or the governing body may suspend, only the governing body may lift a suspension.

8. Equalities impact and review

- 8.1 HR is responsible for monitoring the impact of this policy on the workforce and ensuring it is not applied disproportionately to certain staff groups. The policy will be kept under regular review and amended from time to time.

9. Referrals to Professional Bodies & Other Agencies

- 9.1 The school will adhere to all procedures in relation to the requirement to make referrals to the relevant regulatory bodies in respect of matters of concern regarding the safeguarding of children and, in respect of teaching staff, other matters of misconduct which resulted in, or would have been likely to have resulted in, dismissal.
- 9.2 All concerns in relation to the future employment of a person who may pose a risk to vulnerable adults or children should be made to the Disclosure and Barring Service at the conclusion of the disciplinary process. The line manager or appropriate manager, in consultation with a HR Representative is responsible for making any such referrals and ensuring they are made at the right time.
- 9.3 In cases where external referral is likely to be necessary, particular care needs to be taken to ensure good records are kept of the investigation and disciplinary process. The employee should be informed when an external referral will be made.

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