

# Staff Discipline and Grievance Policy

The St Michael Steiner School provides guidance for the conduct of staff in its Staff Code of Conduct Policy. We will, within a system of rules that are as far as possible fair, reasonable, and conform to employment law and natural justice:

- treat all teaching staff and other employees equally and fairly under employment law and the School's own rules, having regard to the School's Code of Conduct and Equal Opportunities Policy.
- provide a Grievance Procedure under which teaching staff and other employees may challenge the Rules or disciplinary action taken against them for breaches of the Rules.
- not unreasonably impose changes to the Terms and Conditions of Employment or Rules without full consultation and agreement of all concerned.
- work with its staff to promote discipline and good behaviour that will contribute to the success and smooth running of the School, and to good relations between the School and its staff and amongst the staff themselves.
- work with its staff to promote professional excellence and improvement of skills and expertise to further the educational objectives of the School, its pupils and their parents.

## Gross Misconduct

The following are considered examples (the list is not exhaustive) of Gross Misconduct for which the School will

suspend a staff member at once, with pay, and ban him/her from the premises, and which may lead to summary dismissal:

- Physical violence, actual or threatened, or the carrying of weapons.
- Any act of incitement or actual act of discrimination on the grounds of sex, race, religion, colour or ethnic origin.
- Inappropriate behaviour between staff in the presence or sight of pupils.
- Theft of or wilful damage to the property of the School, its employees or its pupils.
- Being under the influence of alcohol during the course of their duties.
- Smoking on school premises.
- Use of prohibited substances.
- Refusal to abide by reasonable decisions agreed and issued by the College.
- Endangering others through foolish, negligent or malicious acts.
- Wilfully taking time off that has been refused or would have been refused.
- Negligently abandoning a Class or pupil or failing to provide supervision without arranging for cover when normally expected to do so.
- Bringing the School into disrepute.

## Ordinary Misconduct

Less serious forms of Misconduct that will result in disciplinary action are, for example (the list is not exhaustive):

- Consistently unacceptable performance.
- Unexplained absences.
- Poor time keeping.
- Insufficient care or unauthorised use of school equipment or premises.
- Breaches of confidentiality.
- Breach of the terms and conditions of employment.
- Any other conduct which adversely affects the work of other colleagues or the School in any way.

## Grievance Procedure

The School expects satisfactory standards of behaviour, conduct and attendance from all its employees. The disciplinary procedure provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct. The aim is to ensure prompt, consistent and fair treatment for all employees and to assist in enabling both the employee and the school to be clear about the expectations of both parties.

The procedure applies to all employees of The St Michael Steiner School under a contract of employment.

The following principles will apply to the application of this procedure:

### **Informal Resolution**

Conduct and behaviour issues will be addressed informally as early as possible and appropriate action taken. Where appropriate, steps will be taken to resolve issues without recourse to the formal procedure.

Before disciplinary action is taken an investigation will be undertaken.

The employee against whom an allegation has been made shall be advised in writing of the nature of the allegations made against him/her and will be given the opportunity to state his/her case before any decision is made to take disciplinary action.

The College will appoint a person or persons to conduct the investigation.

Dismissal will not be a sanction for a first breach of discipline except in the case of gross misconduct.

At any stage in the procedure, if appropriate, an employee may be suspended. Suspension is not a penalty and is not an indication of culpability, there is therefore a presumption that suspension will be on full pay.

The decision to suspend will be taken by the College.

All employees who are the subject of this procedure have the right to be accompanied at any formal meeting or disciplinary hearing held under the procedure by a trade union representative or work colleague.

To ensure fair treatment and, where appropriate, provision of support in the application of this procedure, employees should be invited to provide information about any equality or diversity issues which may be relevant.

All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the school.

Sanctions or warnings issued as a result of procedures will remain in force pending the outcome of any appeal.

Whilst every endeavour will be made to comply with timescales, due to the complexity and or specific circumstances of cases, timescales may be extended. In such circumstances the employee will be advised of the reasons for any delay.

### **Informal Procedure**

It is part of the mentoring policy that mentors bring to the attention of their mentees the standards required of them and any failure to meet those standards.

The mentor should report his/her concerns to the College who will decide how to proceed.

Cases of minor misconduct, (e.g. recurrent lateness) should be dealt with by the employee's mentor informally and without delay. The mentor must speak to the employee in private, and should encourage and support him/her to conduct him/herself in accordance with the required standards.

The purpose of these discussions is to ensure that the employee understands the nature of the concerns, expectations of improvements in conduct and where appropriate timescales and the nature of any support available.

The mentor should make and retain notes of these informal discussions or meetings and confirm any agreements made during them, in writing to the employee.

Following a satisfactory outcome to the use of the informal procedure, the matter will be considered resolved.

However, where an issue has been discussed with an employee informally and if:

- the issue has not been resolved and the problem persists
- the required improvements in conduct are not achieved
- further information becomes available during discussions which make the matter sufficiently serious the formal procedure should be invoked.

### **Formal procedure**

Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the College considers informal action to be inappropriate, formal action will be initiated.

Examples of misconduct are shown in the Staff Discipline and Grievance Statement above.

An investigation of the facts will be conducted as outlined below to determine whether there is a disciplinary case to answer.

Where an investigation indicates that there may have been an act of misconduct the employee will be required to attend a formal disciplinary hearing at which s/he shall be given the opportunity to respond and state his/her case.

Investigations will be carried out by a person or persons appointed by College. The appointed person will be, as far as possible, someone not immediately involved in the case, to ensure that the matters are handled fairly, reasonably and in compliance with current legislation

Before a disciplinary hearing is convened there will normally be an investigation into the circumstances of the alleged misconduct. The purpose of the investigation is to:

- establish the nature of the allegations
- gather evidence to enable a decision to be taken on whether there is a disciplinary case to answer
- consider if the matter should proceed to a formal hearing

The employee will be informed promptly of any allegation and that an investigation to establish the facts will be undertaken.

The investigation must be concluded as soon as reasonably possible whilst allowing sufficient time to interview relevant parties.

The employee must be kept informed if there is any unexpected delay in the process.

If there is no disagreement concerning the facts of the case because the employee admits misconduct, an investigation may not be necessary before a disciplinary hearing is arranged. However, in cases where misconduct is not admitted or if there are conflicting views or evidence, further investigation will usually be appropriate before a decision is taken to proceed to a formal hearing.

Investigatory Interviews are part of the process to establish whether disciplinary action is warranted.

As part of the investigation, the employee who is the subject of the allegation will be asked to attend an investigatory interview at which s/he may be accompanied.

The employee must inform the appointed investigator of any facts or witnesses that s/he feels are relevant to the case. Where appropriate, witnesses will also be interviewed.

Interview statements which are signed and dated will be produced.

The outcomes of an investigation may be:

- There is no case to answer and therefore no disciplinary action is taken
- The matter is dealt with informally, if appropriate with support and or training to resolve the matter.
- Recommendation that there is a disciplinary case to answer and a disciplinary hearing should be arranged

### **Disciplinary Hearing**

If following an investigation there is a recommendation that there is a disciplinary case to answer the employee will normally be given ten days notice and invited to attend a disciplinary hearing.

The employee will be provided with details of the allegation(s) and an indication as to whether the alleged misconduct is considered as potentially a gross misconduct case and therefore whether a sanction less than or up to dismissal may be considered.

The employee will be invited to make any written submissions or bring forward witnesses.

Prior to the hearing, any documentation that will be referred to in the hearing will be made available to the employee.

The employee will be given an opportunity to present his/her case, question witnesses and raise any issues s/he wishes to have considered.

The appointed investigator conducting and hearing the case will be able to question those involved.

The appointed investigator conducting and hearing the case will consider all representations then decide if on the balance of probabilities the allegation(s) are proven and if so what level of disciplinary sanction is appropriate.

The decision may be given verbally at the hearing and will in any event be conveyed or confirmed in writing within five working days of the hearing.

The correspondence shall also notify the individual employee of his/her right to appeal against any sanction.

In the event that the decision is taken to dismiss the employee, the letter will include the reasons for dismissal and the date that his/her employment will terminate, together with details of any notice arrangements.

### **Formal Levels of Disciplinary Sanctions**

There are three levels in the formal disciplinary procedure with various sanctions dependent upon the gravity of the case and/or the on-going nature of the misconduct.

#### Level One Formal - Written warning

This is usually given if there has been either a minor breach in conduct which remains unresolved by informal action, or a first more serious breach of discipline.

The disciplinary sanction of a written warning given under level one will be retained on the employee's personal file, subject to satisfactory conduct and/or improvements for twelve months from the date the decision is confirmed.

#### Level Two Formal - Final written warning

If the employee does not meet the required standard of conduct set out in level one or commits any other act of misconduct during the timescale of an existing warning, a further formal disciplinary hearing may be convened under level two of this procedure.

In some circumstances, where an alleged misconduct is sufficiently serious, it may be appropriate to progress straight to level two of this procedure.

The disciplinary hearing will be conducted following an investigation, if appropriate, and as described above.

The disciplinary sanction of a final written warning given under level two will be retained on the employee's personal file, subject to satisfactory conduct and or improvements for twenty-four months from the date the decision is confirmed.

#### Level Three Formal – Dismissal

If allegations are raised which are so serious as to constitute gross misconduct, such as those listed above, it will be appropriate to consider taking formal action under level three of this procedure.

It may also be appropriate to move to level three if an employee does not meet the required standard of conduct set out in the final written warning given under level two of this procedure, or commits any other act of misconduct during the timescale of an existing warning.

If an investigation indicates that an act of further or gross misconduct may have occurred, the employee will be required to attend a formal disciplinary hearing.

The letter requiring attendance at the formal disciplinary hearing shall include a statement of the alleged misconduct and warn the employee that one consequence of the hearing may be the termination of his/her employment with or without notice.

The appointed investigator conducting and hearing the case will consider all representations then decide if on the balance of probabilities the allegation(s) are proved and if so what level of disciplinary sanction, including and up to dismissal, is appropriate. On the basis of the information presented that manager may decide:

- To dismiss the employee (without notice in the case of gross misconduct)
- That there are insufficient grounds to dismiss the employee under this procedure;
- That matters should be considered under an alternative procedure.

The above list is not exhaustive and the outcome may be varied according to the circumstances of the case.

## **Appeals**

The employee has the right to appeal against a decision to issue a warning or sanction, less than dismissal, under this procedure.

Any appeal should be sent to the College within ten working days of the employee receiving the written decision. The appeal must state the grounds for appeal.

The appeal will be heard by a member of the Board of Trustees who has had no prior involvement in the case.

The appeal hearing will be a review of the decision to issue a sanction under the disciplinary procedure.

The person conducting and hearing the appeal may substitute a different sanction from that appealed against, it is not intended that any substituted sanction would be more severe.

The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed in writing within ten working days of the hearing.

The decision following the appeal shall be final and there will be no further internal right of appeal.

## **Appeals against Dismissal**

The employee has the right of appeal against a decision to terminate his/her employment under this procedure. Any appeal should be sent to the College within ten working days of the employee receiving the written decision to dismiss. The appeal must state the grounds for appeal.

The appeal will be heard by an appeal panel consisting of three Trustees. The appeal panel will have had no prior involvement with the case and the appeal hearing will be a review of the decision to dismiss.

If there are insufficient trustees without prior involvement in the case, the College will call on a trustee or College member from another school in the Steiner Waldorf movement.

The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed in writing within ten working days of the hearing.

The decision following the appeal shall be final and there will be no further internal right of appeal.

This procedure will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation.

## **Notes**

If an employee is charged with, or convicted of, a criminal offence (outside of employment) this will not normally in itself be considered a reason for disciplinary action. Consideration will be given to the relevance and effect the charge or conviction has to or on the employee's suitability to do their job and their relationship with the school, colleagues, parents and pupils.

