

WALTHAMSTOW MONTESSORI SCHOOL

Disciplinary Policy and Procedure

The purpose of a disciplinary policy and procedure is to inform all staff, students and volunteers of the disciplinary process that ensures the School treats all staff, students and volunteers in all circumstances, equally and fairly.

The school has a Code of Conduct in place, which needs to be adhered to at all times. By signing an employment or placement contract all staff, students and volunteers agree to abide by the code of conduct and the disciplinary procedure. In the event of a breach of the code of conduct, misconduct or alleged misconduct, an investigation will be carried out and allegations of unacceptable conduct or performance will be dealt with in accordance with this policy.

Please refer to the Staff, Student and Volunteer Code of Conduct document.

Disciplinary Action Procedures

All incidents/allegations will be taken seriously and investigated fully in a fair and consistent manner.

The school will always try to resolve the problem through informal procedures, discussions and counselling. Formal disciplinary procedures will be a “last resort”. Disciplinary procedures may only apply to staff who have successfully completed their probationary periods.

If for any reason the incident cannot be resolved via informal discussion, the Principal will follow a staged process comprising - Verbal Warning, Written Warning, Final Written Warning, and Dismissal.

Throughout the three-stage process the staff-member has the right to be accompanied at meetings. This can be by a friend, colleague or a trade union member.

Verbal Warning

Should the Principal be satisfied that the staff-member has behaved in a manner that breaches School’s Code of Conduct, a verbal warning may be issued.

Before any warning is issued, the staff-member will be advised that they are to attend a meeting and this meeting will be held between a senior member of staff, the Principal and the staff-member concerned. The Principal will go through the complaint in detail. The staff-member will be given a full opportunity to state their case. If the Principal considers a warning to be appropriate then the staff-member will be informed of the following:-

- What action is required to correct their conduct
- A specific time to carry out the action

- Failure to correct the conduct within the specified time will result in further action being taken
- A written note of the warning will be kept on the staff-member's file for 6 months.
- Their right to appeal against the decision taken during the meeting

Written Warning

If the staff-member fails to correct the complaint as discussed in the verbal warning, a second meeting will be held. The Principle will give details of the complaint as at the verbal warning stage and re-iterate where the necessary aspects of the complaint which remain current.

The staff-member will be invited to state their case. If after discussions it is felt that a further warning is considered to be appropriate, it will be explained to the staff-member that a letter containing written details of the complaint will be sent and a copy kept on the staff file for 1 year.

The letter will contain:

- A clear reprimand and the reasons for it, detailing necessary action required to correct the complaint
- A reasonable date by which the staff member is required to address the complaint fully, usually within 10 working days
- Advice that if the complaint is again not fully addressed a further disciplinary meeting will be held which could result in dismissal.
- Details of the right to appeal against the decision taken during the meeting

Final Written Warning

If the staff member still fails to correct the conduct as outlined in the two previous stages, a meeting will be held, whereby:

- The principal will outline the complaint
- The staff member will be invited to state his/her case
- If the principal is still unsatisfied with the outcome of the above procedures a final written warning will be issued detailing the content of the complaint, any actions previously taken, a further development plan and a timescale of up to two weeks to rectify the situation, and the staff member's right to appeal. The letter will also inform the staff member that the warning will remain in their file for 1 year.

Dismissal

The decision to dismiss a member of staff is not be taken lightly. If the Principal remains unsatisfied with the outcome of the above procedures a decision may be made to dismiss the staff member. In this instance:

- The staff-member will be given notice of dismissal verbally and by letter
- The letter will detail reasons for dismissal
- The staff-member will be informed of their right to appeal.

Written warning and subsequent dismissal paperwork will be kept on the staff personal file for 6 years after cessation of employment.

Depending on the nature of the breach of code of conduct, the Principal may decide to take the matter through to the Final Written warning or Dismissal stage without resorting to the first stages. Such serious misconducts are usually classed as Misconduct or Gross Misconduct.

Some examples of Misconduct or Gross Misconduct are listed below. It should be noted that the list of offences is not exclusive or exhaustive and offences of a similar nature would be dealt with under the same procedure.

Misconduct

It is usual to list some examples of what the school perceives as misconduct. The following offences could be examples of misconduct:

- Continuing acts of unsatisfactory performance
- Bad time-keeping
- Unauthorised absence
- Failure to attend when required for duty, training courses, etc
- Minor damage to the school's property
- Failure to observe the school's procedures and policy guidelines
- Abusive behaviour to other members of staff
- Sexual or racial harassment
- Any other breach of the terms of the contract of employment
- Bringing the setting into disrepute

Gross Misconduct

Actions such as ill treatment of children, gross carelessness, which jeopardises health and safety of children and adults, could be classed as gross misconduct. The following offences could be examples of gross misconduct:

- Abuse of or violence towards a child
- Theft or unauthorised possession of any property or facility belonging to the school, the children or parents of a child, or any staff member
- Serious damage to the property belonging to the school, the children or parents of a child or any staff
- Falsification of reports, accounts, expenses claims or self-certification forms
- Refusal to carry out duties or reasonable instructions
- Intoxication by reason of drink or drugs or other illegal substances
- Having illegal drugs in their possession, custody or control, on the school's premises
- Violent, dangerous or intimidatory conduct
- Sexual, racial or other harassment of a fellow staff or the sexual racial or other harassment of a serious nature of any other person

If the circumstances appear to warrant instant dismissal a staff member may be suspended with pay whilst investigations are made. Investigations will take 28 days and be conducted by the Principal of the school.

Caution will be exercised in cases of apparent gross misconduct. If there are doubts, the person concerned may be suspended while the incident is investigated and a

disciplinary interview is conducted. The staff-member may be asked not to return to the premises without permission, nor contact anyone directly involved with the incident. During any suspension the staff member will have continued entitlement to their benefits as detailed in their contract of employment.

A case of a gross misconduct offence may not immediately lead to a termination of the employment of the staff-member concerned; until all possible underlying circumstances have been considered.

Certain matters of gross misconduct (e.g. abuse of a child) may be outside the scope of the school's disciplinary procedures, and will be handed over to appropriate authorities such as Local Authority Safeguarding Children's Board or Police.

Suspension

Suspension is temporarily taking away the staff member's right to attend work. This may be in relation to:

- a) A disciplinary matter
- b) A situation where allowing a member of staff to work would breach a statutory obligation
- c) Health reasons

Disciplinary Grounds: Precautionary Suspension

The principle reasons for suspending a staff member would be:

- a) To ensure that a full and fair investigation can take place
- b) Because of the serious nature of the allegation, i.e. it may lead to summary dismissal
- c) Because the staff-member may try to interfere with the investigation, e.g. by intimidating a witness

Suspension will usually be on full contracted pay. Suspension will be of limited duration wherever possible. In circumstances where a member of staff is suspended the school will:

- a) Meet with the staff member and explain why suspension is necessary
- b) Clearly define the terms of suspension by giving consideration to such issues as the staff keeping away from all premises, having no contact (other than social contact) with other members of staff, and honouring duties of confidentiality or other restrictions.

Statutory Grounds

Staff members may occasionally be suspended on full pay to protect themselves if they have a condition that prohibits them from working normally. There is provision for this in the **Employment Protection**

(Consolidation) Act 1978 and the **Health and Safety at Work, etc Act 1974**

Medical Grounds

Staff may be suspended on medical grounds to protect others as well as themselves. The staff-member may or may not be capable of working, so temporary redeployment should be considered.

Appeals

At each stage of the disciplinary procedure, the staff-member will be informed of their right to appeal. The appeal must be made in writing within five days of the staff member becoming aware of the outcome of the relevant disciplinary stage. The Principal will hold an appeal hearing with the staff-member within ten days of receipt of the appeal.

At the appeal meeting:

- The staff-member will be able to outline the reasons they are dissatisfied with the procedures, and will be invited to ask questions about the investigation or the disciplinary procedure
- The Principal will outline the reasons for the disciplinary procedure and may ask questions
- Witnesses may be called and questioned by either the staff-member or the Principal
- Once an appeal is heard the decision is final

A written record will be kept on the staff-member's personal file and in the disciplinary file in a locked cabinet for 6 years after cessation of employment.

Deletion of Record of Warning

Any disciplinary action will not remain on a staff-member's file indefinitely.

Where there has been satisfactory performance and conduct, any warning under the above procedures will be removed from the school's records after one year. The member of staff will be informed when this has been done.

Incapability

There are occasions when, for various reasons, the staff-member is not able to do the work for which they were employed for reasons of:

- Poor performance
- Incompetence
- Unsuitability
- Lack of application

The same procedures need to be applied in cases of incapability as the warning procedures in respect of alleged misconduct, but efforts should be made to follow an informal procedure.

The above policy and procedures are drawn up based on the guidance from The Advisory, Conciliation and Arbitration Service (ACAS). For general information go to www.acas.org.uk or telephone **0845 7474 747**.

The policy and procedures above also consult **The Employment Act 2002 (Dispute Resolution) Regulations 2004)**

This policy was adopted on dated: **01.05.2013**

Signed (Principal):

Signed (Senior member of school staff):

Signed (Parent Representative):

Date signed: 1/5/19

Date to be Reviewed: **01.05.2020**