



STAFF DISCIPLINE, CONDUCT & GRIEVANCE

Policy & Procedure No.

HR05

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CONTENTS

1. Aim of the Policy	3
2. Scope of the Policy	3
2.1 General.....	3
2.2 Application of the policy for Headteachers	3
3. Links with other policies.....	3
4. Guiding Principles.....	4
5. The Informal Stage of the Procedure.....	4
6. Disciplinary Procedures.....	5
6.1 Introduction	5
6.2 Disciplinary Rules	5
6.3 Rules Covering Unsatisfactory Conduct And Misconduct.....	6
6.4 Serious Misconduct.....	6
6.5 Rules Covering Gross Misconduct.....	6
6.6 Disciplinary Procedure	7
6.7 Disciplinary Authority.....	8
6.8 Period Of Warnings.....	8
6.9 General Notes	8
7. Capability/Disciplinary Appeal Procedure	9
8. Grievance Procedure.....	9
9. Personal Harassment Policy & Proceudre.....	10
9.1 Introduction	10
9.2 Policy	10
9.3 Examples of Personal Harassment.....	11
9.4 Complaining About Personal Harassment	11
9.5 General Notes	12
9.6 Dignity at Work Charter/Bullying.....	12
9.7 The Appeal Process	12

1. Aim of the Policy

The aims of this policy are to provide a clear and accessible process for employees to:

- raise concerns about workplace issues,
- raise concerns about working relationships with colleagues and Head teacher,
- have a clear framework to resolve those concerns promptly.

2. Scope of the Policy

**Please also refer to: Seadown School's Staff Handbook; Staff Appraisal Policy and the Whistleblowing policy.*

Reference should also be made to the Safeguarding and Child Protection Policy

2.1 General

This procedure, where adopted, applies to all employees in schools.

This policy applies to all employees regardless of how long they have been employed, their contractual hours and contract type.

The Grievance Policy should be used for work related issues, such as concerns relating to an employee's own employment, working environment or the application of terms and conditions (excluding pay). It should also be used to address complaints about another employee's behaviour.

This policy provides a mechanism whereby individual employees can raise complaints about behaviour they experience, observe or perceive to be inappropriate, such as discrimination, bullying or harassment.

2.2 Application of the policy for Headteachers

The term employee includes Headteacher, to whom this policy applies in full.

If the Headteacher wishes to raise a grievance, they are encouraged to attempt to resolve concerns informally through discussion with the Governing Body. If they are unable to resolve the Grievance in this way, the Headteacher should write to them, who will, in discussion with the Human Resources Manager, agree a format for a formal procedure.

If the Headteacher wishes to raise a behaviour related grievance in relation to the Proprietor, they should contact the Human Resources Manager for advice and/or support to resolve the issue.

3. Links with other policies

Where there is evidence of behaviour that breaches the expected standards of behaviour or conduct (as set out by the School) – including making false or vexatious complaints about another employee's behaviour – these will be handled in accordance with the Disciplinary Policy.

- Serious breaches of the standards of behaviour, for example bullying and/or harassment, will be dealt with in accordance with the Disciplinary and/or Capability Policies (as appropriate) and may lead to dismissal.
- Where a Headteacher/ Line Manager is aware that a parent or pupil is harassing an employee (third party harassment), he/she is obliged to take reasonable steps to prevent this from happening again.

- If an employee has concerns relating to Health and safety, possible fraud and corruption, unethical conduct or miscarriages of justice, please see the Confidential Reporting Policy (sometimes known as the “Whistle Blowing” policy).
- If an employee has concerns about any other area of their employment, they should speak to the Headteacher in the first instance.

4. Guiding Principles

The role of the Grievance Officer

- An employee’s Grievance Officer is the person who tries to resolve their formal grievance. A Grievance Officer is usually the senior manager of the employee’s own line manager. In most circumstances, this will be the Headteacher. However, if the Grievance concerns the Headteacher, then another Grievance Officer will be appointed by the Human Resources Manager.
- Grievances are best resolved promptly and as near to the point of origin as possible. This is particularly important where the grievance relates to behaviour and there is a need to rebuild relationships. This policy actively encourages employees to raise issues and try to resolve them with their Line Manager (informally) and/or their Grievance Officer (formally) in the belief that the sooner these workplace concerns can be resolved, the quicker all parties will be able to resume normal working.
- Employees will be given the opportunity to explain their concern, and be listened to, by a Line Manager with sufficient authority to resolve the issue. Line Managers and the Human Resources Manager are responsible for applying this procedure in a fair and equitable way. In addition, they are responsible for working with all parties to find a resolution that enables everyone to return to normal working as soon as possible.
- Employees will not be victimised for raising a grievance or for supporting a colleague to raise a concern. All parties involved in a Grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, and treat each other with respect and maintain confidentiality.

5. The Informal Stage of the Procedure

Many workplace problems are easily resolved at a local level and in an informal manner. Employees should feel encouraged to bring their concerns to their Line Manager without fear of reprisal or censure.

In all but the most serious of Grievances, it is strongly encouraged that employees raise a Grievance informally first. Raising an informal Grievance does not mean that it is not important, rather than an open, honest dialogue may be an easy and appropriate route to solve a concern before it escalates further.

Informal Grievances are conducted as discussions between the employee and their Line Manager. The employee may choose, and is encouraged, to invite a Companion to this meeting to help.

If the Grievance involves the Line Manager, the employee should still attempt to resolve the Grievance informally initially and should do so by speaking to their Grievance Officer, or the Headteacher, on an informal basis.

The meeting

- The Line Manager should seek to understand what the employee is concerned about, what outcome the employee is seeking and whether any further meetings are needed.

- More than one discussion may be required to achieve a resolution. At the end of the meeting(s), the employee and the Line Manager should agree what actions will be taken to achieve an acceptable outcome, and by when.
- If the Grievance is related to the behaviour of another employee, the person raising the grievance will be informed if action will be taken but not the nature of the action.
- It is good practice for the line Manager to make a note of this meeting, outlining the issues discussed, and the outcomes from the meeting. This note must be shared with the employee.
- If the employee and the line Manager have been unable to resolve the grievance, the employee may like to consider raising a **formal grievance**.

6. Disciplinary Procedures

6.1 Introduction

1. It is necessary to have a minimum number of rules in the interests of the whole organisation.
2. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.
3. Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.
4. The following rules and procedures should ensure that: -
 - a. the correct procedure is used when requiring you to attend a disciplinary hearing
 - b. you are fully aware of the standards of performance, action and behaviour required of you
 - c. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner
 - d. you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind
 - e. other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process
 - f. you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct
 - g. if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty

6.2 Disciplinary Rules

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. **Staff should become familiar with the professional standards laid out in their role.** In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this policy, a breach of other specific conditions, procedures, rules etc. that are contained within this policy, or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

6.3 Rules Covering Unsatisfactory Conduct and Misconduct

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways: -

1. failure to abide by the general health and safety rules and procedures
2. smoking in designated non-smoking areas
3. consumption of alcohol on the premises
4. persistent absenteeism and/or lateness
5. unsatisfactory standards or output of work (*also see the role's professional standards*)
6. rudeness towards pupils, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language
7. failure to devote the whole of your time, attention and abilities to the companies and its affairs during your normal working hours
8. unauthorised use of e-mail and Internet
9. failure to carry out all reasonable instructions or follow our rules and procedures
10. unauthorised use or negligent damage or loss of our property
11. failure to report immediately any damage to property or premises caused by you
12. use of our vehicles without approval or the private use of our commercial vehicles without authorisation
13. failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs
14. if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction
15. carrying unauthorised passengers in our vehicles or the use of our vehicles for personal gain
16. loss of driving licence where driving on public roads forms an essential part of the duties of the post

6.4 Serious Misconduct

1. Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.
2. You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

6.5 Rules Covering Gross Misconduct

(These are examples only and not an exhaustive list)

You will be liable to summary dismissal if you are found to have acted in any of the following ways: -

1. grossly indecent or immoral behaviour, deliberate acts of unlawful discrimination or serious acts of harassment
2. dangerous behaviour, fighting or physical assault
3. incapacity at work or poor performance caused by intoxicants or drugs
4. possession, supply or use of illicit drugs
5. deliberate falsification of any records (including time sheets, absence records and so on, in respect of yourself or any fellow employee)
6. undertaking private work on the premises and/or in working hours without express permission
7. working in competition with us
8. taking part in activities which result in adverse publicity to ourselves, or which cause us to lose faith in your integrity
9. theft or unauthorised possession of money or property, whether belonging to us, another employee, or a third party
10. destruction/sabotage of our property, or any property on the premises

11. serious breaches of health and safety rules (including those within the Health and Safety or Safeguarding Policies) that endanger the lives of or may cause serious injury to employees or any other person
12. interference with or misuse of any equipment for use at work that may cause harm
13. gross insubordination and/or continuing refusal to carry out legitimate instructions
14. abuse of the personal harassment policy
15. maltreatment of pupils; by neglect, omission and/or commission
16. failure to report an incident of abuse, or suspected abuse of a pupil
17. abandoning duty without notification or sleeping on duty or company/client premises
18. acceptance of gifts & hospitality in contravention of Bribery Act 2010
19. failure to give notice of any pecuniary interest of which you are aware, in a contract which has been, or is proposed to be, entered into by the company
20. wilful misrepresentation at the time of appointment including:
 - o Previous positions held
 - o Qualifications held
 - o Falsification of date of birth
 - o Declaration of health
 - o Failure to disclose a criminal conviction/caution within the provisions of the Rehabilitation of Offenders Act
21. wilful misrepresentation at any time during employment in connection with qualifications held
22. deliberate disclosure of privileged confidential information to unauthorised people
23. negligent or deliberate failure to comply with the requirements of the companies' policy & procedure concerning medicines
24. working whilst contravening an enactment, or breach of rules laid down by statutory bodies
25. any act or omission constituting serious or gross negligence/or dereliction of duty
26. abuse of the whistle-blower's provisions
27. failure to abide by the Code of Conduct and Practice issued by our regulatory bodies, a copy of which is available for inspection in the office

6.6 Disciplinary Procedure

1. Disciplinary action taken against you will be based on the following procedure: -

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATISFACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Dismissal
MISCONDUCT	Written warning	Final written warning	Dismissal	
SERIOUS MISCONDUCT	Final written warning	Dismissal		
GROSS MISCONDUCT	Dismissal			

2. We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal, but you will retain the right to a disciplinary hearing and you will have the right of appeal.

3. If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal and full details will be given to you.
4. In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

6.7 Disciplinary Authority

The operation of the disciplinary procedure contained in the previous section is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority progressing any action at whatever stage of the disciplinary process.

	PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:	
	SENIORS/MANAGERS	OTHER
EMPLOYEES	SENIORS/MANAGERS	OTHER
Formal verbal warning	HR Manager / Chair of Governors	Head Teacher
Written warning	HR Manager / Chair of Governors	Head Teacher
Final warning	HR Manager / Chair of Governors	Head Teacher
Dismissal	HR Manager / Chair of Governors	Head Teacher

6.8 Period of Warnings

1. Formal verbal warning

A formal verbal warning will normally be disregarded for disciplinary purposes after a six-month period.

2. Written warning

A written warning will normally be disregarded for disciplinary purposes after a twelve-month period.

3. Final written warning

A final written warning will normally be disregarded for disciplinary purposes after a twelve-month period.

6.9 General Notes

1. If you are in a leadership or managerial position then demotion to a lower status may be considered as an alternative to dismissal except in cases of gross misconduct.
2. In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.

3. Gross misconduct offences will result in dismissal without notice.
4. You have the right to appeal against any disciplinary action.
5. We reserve the right to allow third parties to chair any formal hearings.

7. Capability/Disciplinary Appeal Procedure

1. You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.
2. If you wish to exercise this right, you should apply either verbally or in writing to the person indicated in your individual Statement of Main Terms of Employment.
3. An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.
4. The appeal procedure will normally be conducted by a member of staff not previously connected with the process so that an independent decision into the severity and appropriateness of the action taken can be made.
5. If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.
6. You may be accompanied at any stage of the appeal hearing by a fellow employee of your choice. The result of the appeal will be made known to you in writing, normally within five working days after the hearing.
7. We reserve the right to allow third parties to chair any formal hearings.

8. Grievance Procedure

1. It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which such a grievance can be aired and, where appropriate, resolved.
2. Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.

3. You have the right to be accompanied at any stage of the procedure by a fellow employee who may act as a witness or speak on your behalf to explain the situation more clearly.
4. If you feel aggrieved at any matter relating to your work (except personal harassment, for which there is a separate procedure following this section), you should first raise the matter with the person specified in your Statement of Main Terms of Employment, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.
5. If you wish to appeal, you must inform your Line Manager within five working days. You will then be invited to a further meeting, which you must take all reasonable steps to attend. As far as reasonably practicable, the company will be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).
6. Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.
7. We reserve the right to allow third parties to chair any formal hearings.

9. Personal Harassment Policy & Procedure

9.1 Introduction

1. Harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.
2. Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.
3. We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

9.2 Policy

1. We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees.
2. We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
3. We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

9.3 Examples of Personal Harassment

Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- a. insensitive jokes and pranks
- b. lewd or abusive comments about appearance
- c. deliberate exclusion from conversations
- d. displaying abusive or offensive writing or material
- e. unwelcome touching
- f. abusive, threatening or insulting words or behaviour

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

9.4 Complaining About Personal Harassment

1. Informal complaint

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be a member of the Governing Body who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

2. Formal complaint

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Chair of the Governing Body as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include: -

- a. the name of the alleged harasser
- b. the nature of the alleged harassment
- c. the dates and times when the alleged harassment occurred
- d. the names of any witnesses
- e. any action already taken by you to stop the alleged harassment

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

9.5 General Notes

1. If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
2. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.
3. We reserve the right to allow third parties to chair any formal meetings.

9.6 Dignity at Work Charter/Bullying

We commit ourselves to working together to maintain a workplace environment that encourages and supports the right to dignity at work. All who work here are expected to respect the right of each individual to dignity in their working life. All will be treated equally and respected for their individuality and diversity. Bullying in any form is not accepted by us and will not be tolerated. All individuals whether employed by us or contracted by us have a duty and a responsibility to uphold this dignity at work charter.

9.7 The Appeal Process

If the individual is unhappy with the outcome, they can request an appeal meeting. This must be done within 5 working days of the receipt of the letter advising them of the outcome of the first grievance meeting.

- The appeal meeting will be convened no later than 10 working days after receipt of the appeal request and will be heard by a panel of members of the Governing Body.
- The Governing Body will invite the former employee to the Appeal meeting and will attend the meeting to take notes.
- The former employee will continue to enjoy the right to be accompanied, in accordance with the same policies as for current employees. The outcomes of the appeal meeting will be communicated to the former employee in writing, within 5 working days of the final meeting.

END

POSITION	Headteacher	NAME	Sam Norton	SIGNATURE	S. Norton	DATE	03/02/2025
POSITION	Governor	NAME	Steve Alexander	SIGNATURE	S.ALEX	DATE	18/02/25