



RADLEY

## **Staff Disciplinary Procedure**

**September 2024**

# Disciplinary Procedure

## 1. Disciplinary rules

- 1.1 The College requires good standards of conduct from all employees and compliance with the school's Staff Code of Conduct. This Disciplinary Procedure is designed to help and encourage all employees to achieve and maintain such standards and to ensure consistent and fair treatment it applies to all members of staff.
- 1.2 If your standard of conduct falls, and, following warnings, remains below the level which is acceptable, you may be dismissed. No one will be dismissed for a first breach of discipline, save in the case of gross misconduct.
- 1.3 If you commit an act of gross misconduct you may be dismissed summarily, that is, without notice or pay in lieu of notice.

## 2. Examples of misconduct

Some examples of gross misconduct are listed below. This is a non-exhaustive list and is given by way of illustration:

- a. dishonesty, including theft or fraud;
- b. abuse of a position of authority;
- c. unauthorised use or disclosure of confidential information, including any breach of client confidentiality, (subject to the Public Interest (Disclosure) Act 1998);
- d. serious breach of the College's data protection rules;
- e. falsification of College records (including time sheets/expense claims);
- f. serious insubordination;
- g. violent, abusive or intimidating conduct, including bullying or harassment (sexual or otherwise), and including the incitement of such conduct;
- h. serious misuse of the College's telephone, e-mail and internet facilities, including accessing or distributing material which is or may thought to be defamatory, abusive, offensive, racist, homophobic, pornographic, sexual in nature or otherwise unlawfully discriminatory to the recipient or to any other individual;
- i. serious breach of the College's Use of IT Policy and Guidelines for Digital Resources;
- j. unlawful discriminatory treatment of another person;
- k. deliberate damage to College property;
- l. any conduct likely to bring the College into disrepute;
- m. inappropriate behaviour;
- n. serious incapability whilst at work brought on by alcohol or illegal drugs;
- o. serious negligence which causes, or might cause, unacceptable loss, damage or injury;
- p. serious infringement of health and safety rules;
- q. failure to provide correct information on your application form(s);
- r. rudeness to pupils, parents or other employees;
- s. breach of confidentiality concerning the College, pupils or parents;
- t. Serious breach of the Staff Code of Conduct.

## 3. Disciplinary hearings

- 3.1 No disciplinary action will be taken until the matter has been fully investigated and you have attended a meeting under the Procedure to discuss the matter (see below). You must take all reasonable steps to attend meetings arranged under this Procedure.

- 3.2 Where an allegation of gross misconduct has been made, it may be necessary to suspend you in order to investigate the allegation and/or pending a disciplinary meeting. If this occurs, suspension will be on full pay and confirmed in writing to you.
- 3.3 Each step and action under this Procedure will be taken without unreasonable delay. Meetings will be arranged at a mutually convenient date and location.
- 3.4 Notes will be taken at any meeting arranged under this Procedure. These notes, relevant evidence and records of proceedings will be kept confidential.
- 3.5 You have the right to be accompanied by another member of staff of your choice or a trade union representative at any meeting under this Procedure.
- 3.6 Any disciplinary action taken will be confirmed in writing and you will be provided with a written explanation for any penalty imposed, as soon as reasonably practicable.
- 3.7 Decisions to issue written warnings or dismiss will be taken only by the appropriate member of staff.

#### **4. Disciplinary procedure**

- 4.1 Except for acts of gross misconduct, the following stages will normally be adopted:
  - 4.1.1. For minor acts of misconduct, a formal verbal warning may be given, normally by your Head of Department. This will remain in force for a period of 6 months, unless a further act of misconduct occurs in that period;
  - 4.1.2. For more serious acts of misconduct or in the event of further acts of misconduct, a first written warning may be given. This will normally be given by your Head of Department. A formal written warning will remain in force for a period of 12 months, unless further misconduct occurs in that period;
  - 4.1.3. In the event of further repetition of misconduct or in the case of misconduct which does not amount to gross misconduct but which justifies a final written warning, a final written warning may be issued by your Head of Department. This warning will specify that the consequence of failing to comply will normally be dismissal. This will remain in force for 12 months unless further misconduct occurs during that period;
  - 4.1.4. In the event of any further misconduct, or continued failure to meet the required standards of work performance, dismissal may result. If you are dismissed the College reserves the right to require you to work your notice period or to pay you in lieu of notice.
- 4.2 Every warning given under this procedure will identify the nature of the conduct which is not to be repeated and the range of consequences which may follow if there is repetition.
- 4.3 In the event of gross misconduct you may be dismissed without notice, or pay in lieu of notice.
- 4.4 The College may enter this Procedure at any of the above stages which is appropriate according to the gravity of the misconduct to be considered.

- 4.5 Factors which will be relevant in determining the disciplinary action to be taken, if any, include the extent to which standards of conduct have been breached, precedent, your general record, position, length of service and special circumstances which might make it appropriate to adjust the severity of the penalty.

## **5. Standard procedure**

### **5.1 Step 1: Statement of grounds of action and invitation to meeting**

- 5.1.1. If action is taken under this Procedure you will receive a letter which sets out the alleged misconduct, performance issues, or other circumstances, and in which you will be invited to attend a meeting to discuss the matter. You will receive at least 3 working days' notice of any dismissal or disciplinary meeting where possible.
- 5.1.2. The letter will also include the basis for the grounds on which you are being invited to the dismissal or disciplinary meeting and details of the potential penalty if the allegation is upheld. If at the meeting, the College intends to refer to and rely upon evidence relevant to the matter you will be provided with copies of such evidence in advance of the meeting (subject to confidential details being deleted, where necessary).

### **5.2 Step 2: Dismissal/Disciplinary Meeting**

- 5.2.1. You must make all reasonable steps to attend this meeting. At the meeting you will have the opportunity to explain your case and refer to any evidence upon which you intend to rely. It may be necessary to undertake further investigation of the matter, in which case the meeting may be adjourned to enable this to take place, and reconvened within a reasonable period of time. If, in the event of an allegation of gross misconduct, this involves an extension of a period of suspension, the suspension will remain on full pay and will be confirmed in writing.
- 5.2.2. After the meeting you will be informed in writing of the decision as well as of your right to appeal against the decision if you are not satisfied with it. You will be notified then of the nominated person who will handle your appeal.

### **5.3 Step 3: Appeal**

- 5.3.1. If you wish to appeal against any disciplinary action taken under this Procedure you must do so in writing to the nominated person within 5 working days of receiving written notice of the disciplinary decision. You must set out the reasons for your appeal in writing.
- 5.3.2. After receiving your written appeal, an appropriate person will write to you inviting you to attend an Appeal meeting, which need not take place before a dismissal or disciplinary action takes effect. You will be given at least 3 working days' notice of this meeting where possible and must take all reasonable steps to attend.
- 5.3.3. All evidence which was before the dismissal/disciplinary meeting will be before the Appeal, as well as notes of the dismissal/disciplinary meeting, which will be provided to you in advance of the Appeal meeting. Where new evidence arises in the course of the Appeal, you, or your representative, will be given the opportunity to comment before any action is taken. Where appropriate, it may be necessary to

adjourn the Appeal in order to undertake further investigation or consideration. If you are relying upon new evidence coming to light in your Appeal you should, where possible, provide a copy of such evidence to the nominated person in advance of the Appeal meeting or, at the latest, at the Appeal meeting.

- 5.3.4. You will be informed in writing of the decision of the appeal hearing and their reasons. At Appeal, there is the power to reverse the decision taken at the disciplinary or dismissal meeting, or to reduce any disciplinary sanction taken at below. The disciplinary sanction cannot be increased on Appeal.

The decision at Appeal is final and there is no further right of appeal.