

CROSSHALL JUNIOR SCHOOL LIMITED
DISCIPLINARY PROCEDURE - ALL EMPLOYEES OTHER THAN THE PRINCIPAL

1. Definitions

- 1.1 The term “Principal” also refers to any other title used to identify the Principal where appropriate.
- 1.2 The term “employee” refers to any member of the staff, whether teaching or not (with the exception of the Principal or Acting Principal), employed to work at the school.
- 1.3 “Misconduct” is defined in the Disciplinary Rules which accompany the Misconduct Procedure.

2. Oral Warning

- 2.1 Misconduct is defined in the Disciplinary Rules, to which reference should be made. The following procedure does not relate to informal oral warnings, which might be given to the employee by the Principal. However, repeated misconduct after an oral warning would normally lead to more serious disciplinary action in accordance with the procedure. There is no appeal against an oral warning. An oral warning will be confirmed in a written memorandum.

3. First Written Warning

- 3.1 Where the Principal considers on the preliminary facts that formal disciplinary action for misconduct, but NOT gross misconduct, is necessary, s/he will write to the employee to inform him/her, at least 10 working days in advance, setting out:
 - a) the date, time and place of the disciplinary hearing.
 - b) the nature of the complaint.
 - c) the employee’s right to be accompanied by a representative of his/her trade union or a workplace colleague.
 - d) the titles of enclosed copies of any documents to be used as evidence.
 - e) the names of any witnesses to be called by the Principal.
 - f) his/her right to call witnesses on his/her behalf.

(At the employee’s request, an extra copy of this notice, together with any enclosures, should be provided for his/her representative).

- 3.2 At the disciplinary hearing, the employee (and his/her representative) will be given a reasonable opportunity to state his/her case and to question the Principal and any witnesses. At the conclusion, the Principal will state his/her decision and his/her reasons and will soon afterwards confirm them in writing to the employee and his/her representative.
- 3.3 If s/he decides the complaint was justified, the Principal may give the employee a first written warning which will include a statement that any further complaint of misconduct occurring within the next twelve months and found justified after a disciplinary hearing, will lead to a final warning, unless there are mitigating circumstances.
- 3.4 If the employee is given no further written warning of misconduct within twelve months of the date of the first written warning, then this warning is disregarded and the warning letter will make this clear.

4. Final Written Warning

- 4.1 If a further complaint is made about the employee's conduct within twelve months of the date of the first written warning, the same procedure (as at 3.1 and 3.2 above) will be followed.
- 4.2 If the Principal decides at the conclusion of the disciplinary hearing that this further complaint is justified, s/he may give the employee a final written warning, which will include a statement that any further complaint of misconduct occurring within the next twelve months and found justified after a disciplinary hearing, will lead to dismissal, unless there are mitigating circumstances.
- 4.3 Again this final warning, together with any previous warning, will be disregarded if there is no further complaint about misconduct within twelve months of the date of the final warning, and the warning letter will make this clear.

5. Dismissal

- 5.1 If the Principal receives or makes a further complaint within twelve months from the date of the final warning, the complaint will be referred to a hearing before the Staff Dismissal Committee which must consist of a panel of at least 3 Governors, following a similar procedure to that in paragraphs 3.1 and 3.2 (above). The panel has a duty to consider any advice given by the Local Authority.
- 5.2 If the Staff Dismissal Committee decides the complaint is justified, it may decide to dismiss the employee. The Staff Dismissal Committee will state its decision and its reasons and will soon afterwards confirm them in writing to the employee (and his/her representative). The Staff Dismissal Committee will record the outcome of its considerations and the names of persons present at the hearing.

6. Gross Misconduct

- 6.1 If the complaint is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice (see the Disciplinary Rules), the employee will be informed by the Principal that s/he is suspended on full pay pending further investigation of the complaint before the Staff Dismissal Committee consisting of at least three governors, except in exceptional circumstances, who, if it considers the complaint constitutes gross misconduct, will decide to dismiss the employee. The procedure to be followed will be as in previous paragraphs.

7. Right of Appeal

- 7.1 The employee has a right of appeal against a written warning issued by the Principal (see paragraphs 3.3 and 4.2). The appeal will be heard by the Disciplinary Panel of Governors. The number of governors on the Disciplinary Committee of Governors will not be less than two. The panel can either confirm the warning, reduce a final warning to a warning or cancel the warning..
- 7.2 Appeals against formal warnings by the Principal should be made in writing to the Principal within 10 working days of the receipt of the written decision.
- 7.3 The employee has a right of appeal against a decision to issue a warning or to dismiss by Staff Dismissal Committee (see paragraph 5.2). An appeal will be to the Appeal Committee of the Governors which shall have a membership which shall be separate from the Staff Dismissal Committee and the Disciplinary Panel of Governors referred to in 7.1 (above).

7. Right of Appeal (Cont/d)
 - 7.4 Appeals against decisions by the Staff Dismissal Committee should be made in writing to the Clerk to the Governors within 10 working days of the receipt of the written decision.
 - 7.5 All appeal hearings will be held as soon as possible after receipt of the appeal.
8. Variation in Penalties
 - 8.1 The Principal or the Disciplinary Panel of Governors may decide to give an oral warning instead of a written warning, or a written warning instead of a final written warning.
 - 8.2 The Principal may decide that the first misconduct is so serious that it justifies a first and final written warning.
 - 8.3 The Principal may decide to issue a further final warning rather than refer the complaint to the Standing Panel of the Governors.
 - 8.4 The Staff Dismissal Committee may decide to issue a further final warning rather than dismiss.
 - 8.5 The Appeal Committee of the Governors may decide to issue a further final warning rather than dismiss, and that such a warning may last for a specified period longer than the original twelve months of the previous final warning, if appropriate. *There is no right of appeal against a decision of the Appeal Committee of the Governors.*
9. Trade Union Officials
 - 9.1 Although normal disciplinary standards must apply to the conduct of a trade union official as an employee, no disciplinary action beyond an oral warning should be taken until the circumstances of the case have been discussed with the relevant full time trade union officer.
10. Confidentiality
 - 10.1 The proceedings of this disciplinary procedure shall remain confidential to the parties concerned. Only the decision of a disciplinary hearing may be reported.

Approved by Resource Committee Spring 2016
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