

Policy B4: Staff Disciplinary, Grievance and Whistleblowing Policy

Incorporating Staff Code of Conduct

This policy has been written in line with the National Minimum Standards (NMS) for Boarding Schools (April 2015), which provides that the School should keep a Staff Disciplinary, grievance and whistleblowing policy (Ref: Appendix 1) this policy covers:

- 4.1. Introduction
- 4.2. Staff Code of Conduct
- 4.3. Grievance Procedure
- 4.4. Whistleblowing
- 4.5. Disciplinary Procedure
- 4.6. Capability Procedure

4.1. Introduction

Our policies are designed to produce a framework within which all members of staff are treated in a fair and consistent manner. They have been developed to ensure that staff are aware of what is expected of them and what the school, for its part, offers in return. The objectives are therefore to match the school's needs with staff satisfaction so far as is possible, but also to motivate employees towards the achievement of the school's primary purpose. To achieve this, a number of principles have been adopted in preparing our policies and these are as follows:

- To promote the utilisation of knowledge, skill and experience of all employees to ensure the efficient and timely operation of all the school.
- To reflect a sensitivity to the attitudes and views of all employees.
- To offer opportunities for personal development and advancement, where this is possible, to all employees with the necessary ability, ambition and integrity, to meet the needs of the school.
- To provide pay and benefits that are fair and competitive for the job they hold.
- To support the good faith with which all employees and their representatives are dealt.

Employee Relations

The School places great value on good working relationships between employer and employee and between employees. Efforts are continuously directed towards maintaining a constructive relationship and finding mutually acceptable solutions to workplace problems. To this end the following basic principles apply:

- Achieve high performance standards by encouraging employee commitment and teamwork, and promoting an attitude of trust.
- Maintain a work environment in which the personal dignity of each individual is respected and discrimination and harassment are not tolerated.
- Provide employment conditions that are competitive.
- Communicate regularly with employees about the school's objectives, achievements and significant developments.
- Recognise the right of every employee to present a complaint, to appeal against a decision and to receive a response within a reasonable time.

Many employers set out detailed disciplinary rules which apply to employees. We have attempted to keep such rules to a minimum to demonstrate trust in our staff and confidence that normal standards of behaviour will prevail through self-discipline rather than through a rigid application of rules. The rules we do have, therefore, are for legal or practical purposes and are in addition to the expectations which society has regarding acceptable behaviour. The aim is to promote an efficient, happy and safe working environment for all.

Equality

Queen Margaret's is an equal opportunities employer. In order to promote an environment within which the school can call upon the widest possible range of knowledge, skill and experience, as well as ensuring compliance with the relevant legislation and codes of practice, we are committed to achieving and maintaining a workforce which represents the population within our recruitment area in terms of race or colour, nationality or national or ethnic origins, religion or belief, sex, sexual orientation, pregnancy or maternity, marital or civil partnership status, gender reassignment, age, and disability (together known as "Protected Characteristics"). To this end, we shall regularly review the operation of our recruitment, promotion, and training and development practices to ensure that no applicant for employment or member of staff is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

No employee or prospective employee will receive unfair or unlawful treatment on the grounds of a Protected Characteristic, because they are perceived to have a Protected Characteristic or because they are associated with someone who has a Protected Characteristic, in particular but not only, in relation to:

- Recruitment and selection
- Promotion, transfer & training opportunities
- Benefits, terms and conditions of employment
- Grievance and disciplinary procedures
- Termination of employment including redundancies
- Conduct at work
- Procedures ensure fair and equitable treatment in relation to admission and assessment of students.

The principles of non-discrimination and equality of opportunity also apply to the way in which staff must treat visitors, girls, parents, governors, suppliers and alumni.

Implementation

The school, with the assistance of the staff will:

- Break down any barriers to equality of opportunity which may prevent staff members realising their full potential or accessing benefit.
- Advertise vacancies wherever appropriate and ensure selection criteria are correct for the job.
- Promptly and fully investigate all complaints of discrimination and harassment, taking appropriate action where necessary.
- Ensure that all members of staff are fully informed and trained on this policy.
- Monitor the composition of the school and the effects of its recruitment practices.
- Existing procedures are reviewed and examined to ensure they are not discriminatory in their operation.
- Language used in official communication reflects the letter and spirit of the policy.

Recruitment and Selection

The staffing process is governed by the school's principles of non-discrimination and is designed to achieve the best match between, on the one hand, the individual's knowledge and skills, experience and character and, on the other hand, the requirements of the vacant post, recognising the need for flexibility to respond to changing conditions.

- Recruitment will take place in compliance with the School's Policy C36 Recruitment (Staff)
- The capability of the individual to perform in the position will be the major selection criterion but the ability both to work with others and to be trained, coupled with individual potential will be taken into account.
- All applicants will be dealt with courteously and as expeditiously as possible.
- Carefully selected and validated skills and/or psychometric tests may be used as part of the selection process and will be administered by a trained tester.
- Appointments will be confirmed on receipt of satisfactory references and DBS checks and/or medical report and/or satisfactory completion of a probationary period.

Disability

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate. A disability will not of itself justify the non-recruitment of an applicant for a position at the school. Such reasonable adjustments to the application procedures shall be made as are required to ensure that applicants are not disadvantaged because of their disability. For example, where written tests are used, alternative arrangements will be made for visually impaired applicants.

If you experience difficulties at work because of your disability, you may wish to contact your Line Manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your Line Manager may wish to consult with you and your medical adviser about possible adjustments and you may be required to give your consent to a report being produced about your state of health and ability to perform your duties. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible. Once an adjustment has been made its operation may need to be reviewed at agreed intervals, to assess its continuing effectiveness.

The school will make such adjustments to work arrangements or school premises as are reasonable to enable a disabled staff member to carry out his or her duties. This will include, but is not limited to, consideration of the provision of specialist equipment, job redesign or flexible hours.

Where during the course of their employment a disabled member of staff recognises their need for a reasonable adjustment to be made to work arrangements or school premises, he or she should discuss this requirement with the appropriate member of SLT.

Staff Consultation

In order to gather opinion on operational changes, professional development matters and provide a platform for discussion on employment matters the Head will not less frequently than once each term convene a whole staff meeting giving two weeks advance notice at which any item of concern or interest can be discussed.

4.2. Staff Code of Conduct

All members of staff are expected to be good role models, to uphold the reputation of the school and to promote the welfare of all QM girls. QM has always prided itself upon the good relationships between staff and girls based upon mutual respect. All staff should be familiar with the following policies and documents that contain important additional guidance and expectations in relation to conduct:

- Policy B1: Countering Bullying - See policy A8
- Policy B2: Safeguarding - See policy A6
- Policy B3: Discipline (girls) - See policy A4
- Policy B4: Staff disciplinary, grievance and whistleblowing policy
- Policy B6: Travel
- Policy B9: Health and Safety
- Policy B11: Equality
- Policy B16: Complaints
- Policy B18: Substance Abuse
- Policy C4: E-Communications
- Policy C5: Images of Girls
- Policy C9: Staff Access in Boarding Houses
- Policy C10: Pets on Campus
- Policy C12: Cars on Campus (staff)
- Policy C17: Drugs and Drug Testing
- Policy C19: Anti-Corruption and Bribery
- Policy C21: Data Protection
- Policy C36: Recruitment

Respect, Equality and Fairness

All girls, irrespective of their race, colour, religion, sexuality and physical or educational need deserve to be treated with respect and should be given every opportunity to develop their talents. Members of staff should ensure that the school's code of conduct is carried out in practice, rewarding good work and behaviour appropriately and applying sanctions in line with the school guidelines. Staff should promote good social values, respect for civil and criminal law and present political and religious issues in a balanced, sensitive and thoughtful way. Staff should denounce extremism. Staff should promote charity and sense of community, irrespective of culture or religion.

Attendance and Timekeeping

Should you need to be absent or expect to be late for any reason, you should speak with your Line Manager in advance whenever possible, before submitting a request for absence to the Deputy Head. If you need to be absent at short notice you should contact school reception (preferably between 08:00 and 08:30) and wherever possible, email your line manager and other colleagues. The School will maintain records of individual's absence record for management purposes always having regard to the limitations imposed by data protection legislation and guidance.

Smoking

To promote a healthy and pleasant working environment and because of the fire risk, smoking is not allowed anywhere on site.

Alcohol

All staff are expected to act in a responsible manner with regard to the consumption of alcohol, which should never be allowed to impair your ability to carry out your duties and, especially to protect the girls from harm of any sort.

Illegal Drugs

The use of illegal drugs is strictly forbidden on school premises and such use should be expected to be treated as gross misconduct (see Section 4.5), nor must employees be under the influence of such substances at school.

Security

All employees are expected to contribute to the security of girls by exercising vigilance and acting to challenge the presence on school premises of strangers. This does not require employees to place themselves in danger, in case of doubt contact school security or the school estate office. You must not remove any School documents from the site nor take any photographs without due permission (see Policy C5). The School reserves the right to search the outer clothing, bags, lockers and vehicles etc. of employees whilst on site. The employee may have a colleague in attendance on such (rare) occasions. Employees should also be aware of Policy C21: Data Protection.

Personal Appearance

We regularly receive visits from parents, potential parents and others, and naturally wish to convey an impression of efficiency and organisation. Therefore, whilst not wishing to impose unreasonable obligations on staff you are, nonetheless, required to look smart in appearance and suitably attired for your role within the organisation.

Mobility and Flexibility

Due to the demands and nature of the school, employees should be prepared to transfer upon request within departments either temporarily or permanently, to undertake work of a different nature, providing it is reasonable and safe to do so and the employee is adequately trained.

Communication between Staff and Girls

QM employees or adults resident on site should maintain strong healthy communication with the girls at the school. However, they should not:

- give their personal telephone numbers to girls
- communicate by text or personal email with girls
- contact or follow girls via social networking sites in a personal capacity

Telephone communication with any girl should be via a school telephone (landline or mobile) only, unless an emergency situation requires otherwise. Girls' mobile numbers should be erased from the school's mobile telephones after each outing. Email contact with girls should be via school email, and Policy C4: E-Communications should be observed. For exceptions to these guidelines see Policy B6: Travel. For instance, staff may send a text message from a school mobile telephone to a girl in an emergency e.g. security alert on trip or in the case of a missing girl. It is advisable to get another member of staff to witness the text message.

Contact between Staff and Girls

QM employees or adults who are resident on site should feel at ease to move around the school and interact formally and socially with girls. (Refer to Policy C9: Staff Access in Boarding Houses). However, they should not:

- arrange to meet with girls outside school except on officially organised trips
- meet with individual girls in a remote, hidden or unusual location
- deviate from agreed or accepted protocol when acting as teacher, invigilator or carer
- enter changing areas or girls' bathrooms except in an emergency and always after announcing their arrival

Thought should be given and advice sought if it is necessary to have one to one interaction with a girl, for example on a journey and advice sought so as to avoid there being any danger of a suggestion of inappropriate behaviour. Advice should always be sought from the Head, Deputy Head or a member of SLT if there is the slightest doubt as to the appropriateness of such interaction.

Dignity at Work

You should not engage in any behaviour or conduct which may amount to harassment of another person at work. Harassment of any kind is regarded as a disciplinary offence and in serious instances may lead to instant dismissal. Harassment may take the form of unwanted conduct which is related to a relevant Protected Characteristic which is perceived as affecting an employee's dignity at work. It may also take the form of unwanted conduct towards someone based on their appearance or other personal characteristics which is perceived as affecting their dignity at work. It is not only unwanted physical contact, assault or propositions; it includes suggestive remarks or gestures, pin-ups, graffiti, offensive comments, jokes and banter. Harassment may include bullying, intimidatory behaviour, loud or hurtful language, persistent teasing or constant unfounded criticism of the performance of work tasks, unfair allocation of work and responsibilities, or exclusion from normal work place conversation. It may be directed towards one individual or a group. A single incident can amount to harassment if sufficiently grave.

If you are subject to Discrimination or Harassment

If you consider that you have been the recipient of unwanted conduct amounting to harassment, it is open to you to try to resolve the problem informally with the other person, either face to face or in writing. If this is not appropriate or has not been successful, you may raise a grievance in accordance with the procedure set out below. All such grievances will be dealt with sensitively and in confidence as far as reasonably practicable to progress the complaint. During the investigation of the complaint and afterwards (whatever the outcome), consideration will be given to ensuring that you and the alleged harasser are not required to work together against your wishes, notwithstanding job specifications and quality of care for girls.

- If you consider that you have been subject to discrimination of any form, inform the Head.
- The school will seek to ensure that you are not in any way penalised directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.
- False or malicious allegations will be treated as a disciplinary offence.
- Retaliation against a member of staff who complains of harassment can be expected to lead to disciplinary action.

4.3. Grievance Procedure

Should an employee at any time have a grievance connected with his or her employment it will be the school's intention to consider and resolve it at the earliest opportunity and to the satisfaction of all concerned whenever that is possible. The procedure to be followed is set out in Policy B16: Complaints.

4.4. Whistleblowing

Employees are often the first to realise that there may be something seriously wrong with an organisation. However an individual may be unwilling to express his/her concerns either because he/she feels it would be disloyal to colleagues or because of the fear of harassment or victimisation. In such circumstances an individual may feel that it is easier to ignore the concern rather than report any suspicion of malpractice or wrongdoing at QM. The Governing Board are committed to the highest standards of openness, honesty and accountability. In line with this commitment they encourage employees and others with genuine concerns about the way in which QM operates to come forward and voice those concerns. This policy makes it clear that employees can do so without fear of reprisals. It encourages employees to raise concerns within QM whenever possible. This procedure accords with the requirement, of the Public Interest Disclosure Act 1988 and is compatible with the conventions contained in the Human Rights Act 1988.

Aims and Scope

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This Whistleblowing Policy is intended to cover genuine concerns that fall outside the scope of other procedures. This policy aims to:

- provide avenues for staff to raise genuine concerns and receive feedback on any action taken
- allow staff to take the matter further if they are dissatisfied with the Governing Board's response
- reassure staff that steps will be taken to protect them from reprisals or victimisation for Whistleblowing in good faith

Examples of Malpractice

Staff may have concerns about an activity which is unlawful, falls below established standards of practice, amounts to improper conduct, is a Health & Safety risk, including risks to the public as well as pupils or other colleagues, or is damaging the environment. The following list (which is not exhaustive) illustrates the kind of issues the Governors would consider as malpractice or wrongdoing that could be raised under this Whistleblowing policy:

- poor or unprofessional practice by a member of staff, governor or an agency which results in a student, parent or member of staff not getting the same quality of service which is available to others
- improper/unacceptable behaviour towards a student, parent or member of staff which could take the form of emotional, sexual or verbal abuse, rough handling, oppressive or discriminatory behaviour or exploitative acts for material or sexual gain
- any unlawful activities, whether criminal or in breach of civil law
- fraud, theft or corruption
- concerns regarding possible breaches of Health & Safety Regulations
- harassment, discrimination, victimisation or bullying of employees
- leaking confidential information in respect of governors' activities and/or records
- undertaking of undisclosed private work which may conflict with duties and responsibilities, or which are being carried out during work time
- taking inducements for personal gain (see Policy C19: Anti-Corruption and Bribery)
- inappropriate use of external funding or school budget
- maladministration
- misuse of QM assets, including computer hardware and software, buildings, stores, vehicles

Safeguarding against Harassment or Victimisation

The Governors recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Governors will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of you instigating action under these procedures.

Confidentiality

The Governors will do their best to protect your identity when you raise a concern. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations

You are strongly encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of the Governors. In exercising this discretion, the following factors will be taken into account when considering how to deal with any allegations:

- the seriousness of the issues raised
- the credibility of the allegation, and
- the likelihood of confirming the allegation from attributable sources

Malicious or Vexatious Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make a malicious or vexatious allegation, disciplinary action may be taken against you.

With whom to raise a Concern

As a first step, you should normally raise concerns with your immediate line manager or the Head. This depends, however, on the seriousness and sensitivity of the issues involved and who you think may be involved in the malpractice. For example, if you believe that your line manager is involved, you should approach the Head directly. If you feel the Head may be involved, the Chair of Governors should be approached.

How to raise a Concern

Concerns are better raised in writing. A letter in a sealed envelope marked 'Private and Confidential' should be handed to your Line Manager or Head in person or delivered to the Clerk to the Governors for safe deliver to the Head or Chair of Governors. You are advised to set out the background and history of your concerns, giving names, dates and places, where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing you can telephone or arrange a meeting with your Line Manager, Head or the Chair of Governors as appropriate who will agree a written statement with you. If you are a member of a trade union you may find it helpful to take advice from them about putting your concerns in writing. You may ask your trade union representative to raise the matter on your behalf. The earlier you express your concern, the easier it is for the Head or Governors to take action. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

Response to a Concern

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by the Head, who will keep the Chair of Governors informed
- be passed to the Chair of Governors who will appoint a panel of Governors to investigate
- be referred to the Police
- form the subject of an independent enquiry

In order to protect individuals and the Governors, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (e.g. Child Protection or Equality) will normally be referred for consideration under the procedures set out for those areas of concern. Some concerns may be resolved by agreed action without the need for an investigation. Within ten working days of a concern being received, the Head or an appropriate member of the Governors' Board will write to you:

- acknowledging that the concern has been received
- indicating how it proposes to deal with the matters
- giving an estimate of how long it will take to deal with the matter
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not

The amount of contact between the Head, Governor(s) or outside agency considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you. When any meeting is arranged to discuss your concerns, you have the right, if you so wish, to be accompanied by a trade union representative or a work colleague who is not involved in the area of work to which the concern relates and who could not be called as a witness to make a statement. The Governors will take steps to minimise any difficulties, which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Governors will advise you about the procedure. The Governors accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations. Any person who is subject of an allegation should, at the appropriate times be given details of the allegation in order to respond. They will have the right to trade union representation.

4.5. Disciplinary Procedure

The code of conduct and the disciplinary procedure, with which all employees have a responsibility to familiarise themselves, are designed to promote fairness and consistency in the treatment of all employees and to assist the school to function effectively. This procedure will apply to any disciplinary situation which includes misconduct and also poor performance (in conjunction with the capability procedure). It is not contractual but applies to all employees.

The code of conduct sets standards of required conduct at work. The disciplinary procedure is designed to ensure that these standards are adhered to and provides a fair method of dealing with any alleged failures to observe them. The procedure does not preclude minor disciplinary situations from being dealt with informally.

In cases other than gross misconduct or in the first two years of employment, an employee whose conduct or performance does not meet the standards will normally first be counselled in an attempt to achieve the required improvement. However the School reserves the right to commence the procedure at any stage if the circumstances warrant such action. No disciplinary action will be taken until the case has been investigated and the employee has had the opportunity to respond to the allegations in accordance with the procedure set out below. All disciplinary situations will be dealt with without unreasonable delay. In the event of absence of any of those involved, except for the employee who is the subject of the procedure, a deputy may take their place provided that this will not jeopardise the likelihood of a fair outcome.

Suspension

Where an employee is accused of an act of serious or gross misconduct, or where the circumstance otherwise warrant it, after careful consideration he/she may be suspended from work on full pay pending the outcome of the disciplinary procedure. Such suspension is not a form of disciplinary action. Where appropriate, during any disciplinary investigation or suspension, the Head or Bursar will appoint a senior member of staff, who is not involved in the disciplinary procedure, to provide guidance and support to the member of staff under investigation or suspension.

Formal Disciplinary Procedure

When a disciplinary situation has arisen a senior member of staff appointed by the Head will, as soon as reasonably practicable, carry out an investigation into the matter. The investigation will be confined to establishing the facts and gathering any relevant documentation. Where necessary, the investigating officer will obtain statements from any relevant individuals. An investigatory meeting with the employee may take place if considered appropriate by the investigating officer.

Notification

If, as a result of the investigation, it is decided that there is a disciplinary case to answer, the employee will be invited to attend a disciplinary meeting. The employee will be informed in writing of the nature of the complaint and where appropriate, will be provided with copies of any written evidence gathered during the investigation. Where either party intends to call any relevant witnesses at the disciplinary meeting, advance notice of their intention to do so must be given.

Disciplinary Meeting

A disciplinary meeting will be conducted by the Head, Deputy Head, Bursar or Clerk (or an appropriate senior member of staff appointed by the Head, who has had no prior involvement in the matter). The employee may be accompanied by a trade union representative or colleague if desired. The employee and their companion should make every effort to attend the disciplinary meeting. The employee will be given the full opportunity at the disciplinary meeting to explain the matter and respond to the allegations. A note taker will usually be present but will not be involved in the decision making process. If following the disciplinary meeting it is decided that disciplinary action is warranted, the employee will be advised of the decision in writing which will specify the details of:

- the failure to meet the required standard
- any action required by the employee to remedy the situation

- any relevant review period /duration of warning and the consequences of continued or subsequent failure to reach and sustain the required standard of performance or conduct
- the right of appeal

In the event that disciplinary action is warranted one of the sanctions below may be issued. A sanction may be imposed at any level including summary dismissal depending on the circumstances.

Oral Warning

In the case of minor offences or under-performance the employee will be given a formal oral warning. The employee will be advised of the reason for the warning, the formal nature of the warning and possible future consequences and specifying, if appropriate, the improvement required and over what period.

Written Warning

In the case of more serious offences or under performance, a further offence or a repetition of earlier minor offences or a failure to improve, the employee will be given a written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period.

Final Written Warning

In the case of a sufficiently serious offence or under performance, or a repetition of earlier offences the employee will be given a final written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. This may include a statement that any recurrence or no improvement may lead to a dismissal or to some other action short of dismissal.

Dismissal

This stage will normally result from continued failure by the employee to act on previous warnings or an act of gross misconduct. In the case of gross misconduct the employee will normally be dismissed without notice or payment in lieu of notice. If the decision to dismiss is made the employee will be informed in writing of the reason for dismissal, the date on which the contract between the parties will terminate and the appropriate period of notice.

Alternatives to Dismissal

In exceptional circumstances, the following actions short of dismissal may be considered as an alternative to dismissal:

- suspension without pay
- demotion
- transfer

Gross Misconduct

In exceptional circumstances, employees may be dismissed without notice if it has been established, after investigation and after hearing the employee's explanation at a disciplinary meeting, that there has been an act which constitutes gross misconduct. Examples of actions which constitute gross misconduct include (but are not limited to):

- gross insubordination
- serious breach of health and safety rules
- serious breach of the school E-Communications policy
- theft or fraud from either the School or co-workers
- deliberate damage to school property or that of co-workers
- being under the influence of drink or illegal drugs at work
- disorderly or threatening conduct on school premises
- contravention of the Equality Policy
- negligence resulting in serious loss, damage, or injury
- assault or attempted assault

- falsification of records
- conviction on a criminal charge
- serious breach of school policies or procedures
- bullying or harassment of colleagues, pupils or parents
- abuse or suspected abuse of your position of trust in relation to pupils at the School
- bringing the School into disrepute

Appeals

An employee may appeal against a disciplinary decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the Head. The appeal hearing will be convened as soon as is reasonably practicable. The appeal hearing will be held by the Head or Bursar, or a Governor or panel of up to three Governors (who have had no prior involvement). The Head or Bursar will not hear the appeal if they held the disciplinary meeting. Where new evidence arises prior to or during the appeal the employee will be given access to any relevant information or evidence and will have the opportunity to make representations. The employee will have the right to be accompanied at any appeal hearing by a colleague or trade union representative. The employee will be informed in writing of the decision of the appeal hearing following the conclusion of the hearing. Such decision will be final.

Record Keeping

A copy of all formal warnings will be retained on an employee's personal file but will be considered spent after the following periods:

- A note of an oral warning, after a period of six months
- A copy of a first written or final written warning, after a period of twelve months

Procedure when a Member of Staff faces an Allegation of Abuse

Any allegation of abuse must be reported to the school's Designated Safeguarding Lead (see Policy B2: Safeguarding) immediately and an investigation will be initiated. Depending upon the nature and severity of the allegation a number of possible avenues will be pursued:

- Disciplinary hearing, suspension or immediate dismissal
- Contact with the Local Authority Designated Officer (LADO)
- Contact with the Police

The safety and well-being of the girls at the school will be the first priority in every case. However, wherever possible and appropriate, the member of staff concerned will be kept informed of the procedures being under-taken and given the opportunity to provide evidence. Until such time as any allegations are proven, confidentiality of the matter will be expected from everyone involved. False accusations will be dealt with very seriously and may themselves lead to suspension or dismissal.

4.6. Capability Procedure

Introduction

This procedure applies where a member of staff is failing to carry out their responsibilities or duties in a satisfactory manner, due to a lack of ability, experience or qualifications or on health grounds. This procedure is non-contractual but will be followed by the School save for in cases of gross lack of capability or during the first year of service. The School may implement the procedure at any stage depending on the circumstances. This procedure works in conjunction with the School's disciplinary procedure. The procedures set out in this document aim to ensure that there is:

- Openness and awareness for staff when they are not meeting the required levels of performance.
- A means of monitoring performance and establishing performance criteria.
- A degree of consistency in how staff are given opportunities to attain satisfactory levels of performance.
- Assistance in identifying the most appropriate form(s) of support and providing that support

Stage 1 – Informal Procedure

- Where an employee of the School is failing to perform their duties satisfactorily, the School will attempt to resolve the matter informally through a meeting between the Line Manager and the member of staff. The nature and date of the meeting will be recorded and a letter sent to the member of staff indicating the nature of their unsatisfactory performance and how such performance can be improved to the satisfaction of the Line Manager.
- At this meeting, the Line Manager will agree performance standards with the member of staff, and a time period over which improvement will be expected. They will agree how the individual's performance will be monitored and discuss any training issues or requirements needed to support the member of staff.
- If the individual's performance improves adequately over the time period, and standards set are achieved, then the process will usually terminate at this stage.
- If performance remains unsatisfactory, then the review period may be extended or the formal procedure will then be invoked by the Line Manager, as set out in Stage 2.

Stage 2 – Formal Procedure

- If it is necessary to address performance issues formally then this will be in accordance with the School's standard disciplinary procedure set out in section 4.5 above). However where the issues involve performance/capability the principles set out below will also apply.
- Areas where the employee is failing to perform will be clearly identified and brought to the employee's attention.
- The School will consider what training and support it can give the employee to help them meet the performance requirements.
- Where disciplinary warnings are issued for capability reasons they will set out the performance problem, the improvement that is required, the timescale for achieving this improvement, a review date and any support or training the School will provide to assist the employee.

Long term sickness absence

Where an employee's underperformance is as a result of long term sickness absence then the School will always seek medical advice prior to making a decision about an employee's on-going employment. The School will also consider whether there are any reasonable adjustments which can be made to assist the Employee to perform their role.

Jessica Miles
Head

Date Agreed: 2015-09-01

Review Date: 2016-09-01