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Staff Discipline Policy & Procedure

If staff conduct and discipline falls below normal or acceptable standards, as detailed in the Code of Conduct (see Appendix A), then the provisions of the Holton Sleaford Independent School (HSIS) Staff Discipline Policy will apply.

The following are exceptions:

* Where conduct concerns an allegation against a member of staff relating to children or young people, or vulnerable adults, the guidance for Safeguarding will take precedence.
* Where problems are identified as having arisen due to lack of capability, they will be addressed through extra supervision, support and training.

**Roles and Responsibilities**

The Proprietor and Head of School are responsible for the overall management of standards of conduct within the school and have authority to take action under this procedure. Other senior staff may be given authority by the Proprietor to give formal warnings.

**Purpose of this Policy and Procedure**

* To maintain the high standards of the Staff Code of Conduct and to encourage where these are not met.
* Where appropriate to address conduct issues without recourse to the formal stages of the disciplinary procedure.
* To ensure that employees facing disciplinary action under the formal procedure are treated fairly and consistently.
* Not to discriminate against any individual in the application of this policy and procedure on prohibited grounds i.e. on grounds of sex, race, disability, age, sexual orientation, trans-gender or religious belief.

**Informal Action**

In the course of normal day-to-day management it is anticipated that the employee will be advised of any conduct issues by SLT and counselled about how to correct these issues. This process will generally be regarded as the first step in addressing conduct issues and represents informal action outside of the school’s formal Discipline Policy & Procedure. Informal action is appropriate for low-level misconduct, which is capable of early correction. Where informal action fails to bring about a solution, further misconduct is likely to be considered within the formal stages of the school’s Staff Discipline Policy & Procedure and the employee shall be warned of this.

**Misconduct**

In general, no compliance with the ‘Staff Code of Conduct’, or the ‘Expectations of Staff’ (see Appendix B) outlined in the ‘Staff Handbook’, would be consider low-level misconduct, which in all likelihood could result in formal action.

**Serious Misconduct**

In general the following types of offences are deemed to constitute serious misconduct and are likely to lead to dismissal without notice, or pay in lieu of notice. The list is not exhaustive and is intended to give only an indication of the nature and type of offence, which will warrant dismissal without notice or pay in lieu of notice:

* Serious acts of insubordination.
* Gross negligence in the performance of duties.
* Theft from the school, its employees or members of the public or other acts of dishonesty.
* Serious breach of duty regarding non-disclosure of confidential information.
* Serious breach of duty regarding disclosure of confidential information.
* Serious breach of safe working practices and health and safety rules which endangers the health and safety of the individual, other employees or members of the public and/or exposes the School to claims against it.
* Serious breach or failure to provide safe working environment for children and young people.
* Taking drugs on School premises for other than medical reasons.
* Buying, selling or offering drugs on School premises.
* Offering alcohol to students.
* Fraud.
* Falsification of information, for example, qualifications or other relevant personal details in seeking and obtaining employment or promotion; information contained in time sheets, overtime claims, invoices, accounts, records or medical certificates.
* Fighting.
* Violent, offensive, abusive or indecent behaviour.
* Bullying.
* Unlawful acts of discrimination within the workplace on the grounds of race, sex, sexual orientation, age, disability or religious belief.
* Harassment including discriminatory harassment, for example sexual harassment.
* Unauthorised removal of and/or serious misuse of and/or deliberate damage to HSIS property and equipment including misuse of email or internet facilities.
* Sexual misconduct at work.
* Aiding and abetting any of the above.
* Other actions which fundamentally breach the relationship of trust and confidence which exists between employer and employee.
* Criminal offences and cautions outside of work, including reprimands, final warnings or penalty notices.

**Formal Stages of the Disciplinary Procedure and Disciplinary Sanctions**

The formal stages of the Disciplinary Procedure are based upon a graduated system of warnings with more serious sanctions being applied where poor conduct is repeated or the employee fails to heed previous warnings. The stages are listed below. The seriousness of the offence may result in stages in the process being missed out. An employee will not normally be dismissed for a first breach of discipline. However, in cases of serious misconduct an employee may be dismissed without having had any prior formal warnings as to their behaviour/conduct:

Stage 1 – Verbal Warning.

Stage 2 – First Written Warning.

Stage 3 – Second Written Warning.

Stage 4 – Final Written Warning.

Stage 5 – Dismissal.

Any warning applied is regarded as live and kept on the employee’s personal file. Where the same type of misconduct becomes a pattern, which is repeated every time a warning ceases to be live, previous warnings may be taken into account. Where the sanction is dismissal this may either be dismissal with notice or in cases of serious misconduct dismissal without notice or pay in lieu of notice.

**Suspension**

An employee may be suspended from duty on full pay at any time in any of the circumstances described below:

* Where the school has grounds to suspect that the employee is guilty of serious misconduct
* Where there is a real risk that the employee’s continued presence at their place of work may interfere with a disciplinary investigation being undertaken
* Where the continued presence of the employee at their place or work might be detrimental to their health
* Any combination of the above
* Where suspension relates to a safeguarding allegation, the safeguarding policy must take precedence over this policy and procedure

**Investigations**

Where an investigation takes place, HSIS will aim to conduct it promptly and without unnecessary delay. However, the nature, scale and duration of any disciplinary investigation will depend on the seriousness and complexity of the misconduct being investigated. Investigations relating to safeguarding allegations must be made with reference to the Safeguarding Policy.

The Head of School (or SLT member appointed by the Proprietor) as the Investigator will:

* Ascertain the facts and circumstances surrounding the allegation(s) of misconduct.
* Ascertain the employee’s initial response to the allegation.
* Form a view as to whether there is a case to answer at a formal disciplinary hearing.

The employee will be required to attend an investigatory interview. The employee has the right to be accompanied by a work colleague and/or Union Representative. At the conclusion of the investigation, the Investigator will form a view as to whether or not there is a case to answer at a formal disciplinary hearing.

**Notification to Attend a Disciplinary Hearing**

Where a formal disciplinary hearing is to take place, the employee will receive written notification from the Head of School or Proprietor at least five working days in advance. The letter will advise the employee of the following:

* The location, date and time of the proposed disciplinary hearing.
* Details of the disciplinary allegations which the employee is to face.
* Whether dismissal is being contemplated as a sanction.
* Their right to be accompanied.
* The requirement for the employee to confirm in writing that they are attending, at least 3 working days before the disciplinary hearing, providing all relevant documentation and confirming the names of their employee representative and any witnesses that are likely to be called.

The employee is under a duty to take all reasonable steps to attend the hearing. The disciplinary hearing may proceed in the employee’s absence but only when all of the following conditions are met:

* The employee has either failed to attend two disciplinary hearings (or failed to respond to two previous notifications to attend a disciplinary hearing).
* The employee is on notice that the disciplinary hearing may proceed in their absence.
* The employee has been informed of the opportunity to provide a written statement setting out their defence to the allegations.
* The employee has not been certified as unfit by a doctor to attend the disciplinary hearing.

**Grievances**

Where, during the course of the disciplinary process the employee raises a grievance about any aspect of the disciplinary process, the employee’s grievance will be dealt with as part of the disciplinary hearing and will not be treated as a separate grievance under the Complaints Policy.

**Confirmation Hearing Outcome**

Whether or not the employee has been informed of the outcome of the disciplinary hearing verbally at its conclusion, the employee will be notified of the outcome of the disciplinary hearing in writing. Written notification will normally be within 5 working days of the date of the hearing and will include:

* The reasons for upholding any allegation of misconduct.
* The details of any disciplinary sanction applied.
* If the disciplinary sanction is by way of warning, the nature and type of the warning.
* A warning as to the consequence of further offences of a similar or different nature.
* Any specific requirements for future conduct.
* Any specific requirements in respect of training to be undertaken.
* If the disciplinary sanction is dismissal, the reason(s) for dismissal.
* Any right of Appeal

**Right of Appeal**

An employee may appeal against a decision to issue them with any level of disciplinary sanction, i.e. Verbal warning, first written warning, second written warning, final written warning or dismissal. An employee seeking to appeal must do so within 10 working days’ of written notification of the decision. The employee should send their letter of appeal together with the grounds of appeal to the Proprietor. Once an appeal has been received in writing, an appeal hearing will normally be convened promptly, allowing at least 10 working days written notice of the hearing. The Proprietor’s decision will be final.

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| --- | --- | --- |
| **Written by…** | **Mike Whatton** | **1/11/21** |
| **Approved by…** | **Luke Hollingworth** | **1/11/21** |
| **Signed…** |  | |
| **Date sent to Governors** |  | **Due for Review** |
| **Date approved by Governors** |  | **1/11/22** |

APPENDIX A

|  |  |
| --- | --- |
| **Staff Code of Conduct** | |
| General Behaviour | Material Acts |
| * All staff should meet the ‘Basic Expectations’ outlined in the Staff Handbook and in addition to which provide a good role-model to pupils * Staff will not consume or be under the influence of illegal drugs or alcohol or smoke while on duty or on school premises. * Uniform must be worn if provided, otherwise staff are expected to take a safe and sensible approach to dress and appearance, cleanliness and personal hygiene. * High standards and a positive approach to behaviour management will be expected and promoted at all times throughout every aspect of the school day | * HSIS provides all staff with a Laptop, Uniform and any other essential items to carry out their job role, it is expected that these items will receive the same level of care as your own property. * Use of Mobile Phones is permitted provided that this doesn’t interfere with the fulfilment of your daily role and tasks. * School vehicles may be used by staff outside of work with permission from the Proprietor, staff will be responsible for fuel. * Staff are permitted to accept gifts and hospitality of a minor nature such as appreciation or promotional items from suppliers that are routinely given to a wide range of people. |
| Safeguarding | Other Conduct |
| * Staff must comply with statutory guidance on safeguarding and as such staff should be familiar with HSIS policies and procedures and aware of the DSL and DDSL identities. * Personal information should remain confidential. It should only be shared with the permission of the individual concerned, or unless the disclosure of confidential personal information is necessary to protect a child. * Staff must be aware of and understand their responsibilities with regard to the HSIS Whistleblowing Policy. * For E-Safety must exercise caution when using information technology and be aware of the risks to themselves and others. * Staff should not disclose any information about students, staff colleagues or Governors to members of the public * All personal data must be kept secure, the safest long-term storage of data is HSIS SharePoint and/or The Hub. | * Staff in close personal relationships must behave in an appropriate and professional manner at work and must not allow that relationship to influence his/her conduct while at work. * Staff must not engage in conduct outside work that could seriously damage the reputation and standing of HSIS or the wider school community. * Staff must exercise caution when using social media and be aware of the risks to themselves and others. * Staff may undertake work outside HSIS, either paid or voluntary, after consultation with the Proprietor. * During work related social events staff should consume alcohol responsibly, irrespective of whether the school provides or pays for the drinks. * Furthermore, staff should ensure their behaviour at work-related social events does not bring HSIS into disrepute. |
| **Breach of Code of Conduct** - All staff need to recognise that failure to adhere to this ‘Code of Conduct’ may result in disciplinary action, up to and including dismissal, in accordance with the HSIS disciplinary procedures. | |

APPENDIX B

**Staff Structure and Expectations**

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| **HSIS Kesteven Street, Sleaford** | |
| **Company Director**  Luke Hollingworth | |
| **Head of School**  Dan Laughton | |
| **Assistant Head & Curriculum Lead**  Charlie Ward | **Deputy Head & SENDCo**  Mike Whatton |
| **Instructor – OE/Residentials/Interventions**  Janson Pinner | **Instructor – SRE/Functional Skills/SMSC**  Tom Ward |
| **Instructor – OE/PE/DofE**  Gary Backhouse | **ELSA**  Cheryl Forrest |
| **Teaching Assistant**  Kyle Watkins | **Teaching Assistant (Apprentice)**  TBC |

1. **Staff Arrival and Departure**

With pupils generally arriving from 0930 it is expected that staff will be on-site in sufficient time to enable them to be ready to greet pupils at the start of the day. If for any reason you will be late or absent, then you must call the Head of School as soon as possible to enable cover to be arranged. At the end of the school day pupils depart from 1500, you may leave from 1515 onwards but must have completed any essential daily tasks.

1. **Weekly Meetings**

Other than in exceptional circumstances staff meetings will take place on Friday afternoons. Pupils will have left during lunchtime after their morning Interventions Programme which enables HSIS to allocate time during the normal school day for meetings. These meetings will not extend past the normal end of a school day and staff may leave as soon as the meeting has ended and any essential daily tasks are completed.

1. **Residential Visits**

Once per term HSIS pupils will undertake a residential visit, these will vary in location and type but in all circumstances, staff are expected to participate in these residential visits, which will take place during term time. HSIS bespoke pay scales and lower than normal weekly hours are all calculated to enable staff to be able to take a full and active part in our residentials programme while not being disadvantaged in terms of renumeration or working hours. Any part-time staff affected by the residential programme will be able to claim the extra day(s) back in-lieu.

1. **Adhere to the Staff Code of Conduct**

See following page

1. **Complete Essential Training**

* **Health and Safety** - Complete training in a timely manner, read the HSIS Health and Safety Policy and then apply the principles from both in your daily duties. For further information see the HSIS Health and Safety Policy.
* **Safeguarding** - Complete training in a timely manner, read the HSIS Safeguarding Policy and then apply the principles from both in your daily duties. For further information see the HSIS Safeguarding Policy.
* **First Aid** - All HSIS staff are trained first aiders, as such you will be put on First Aid training within 3 months of starting at HSIS. Please read the HSIS First Aid Policy to understand your roles and responsibilities.
* **Fire Safety** – Complete training in a timely manner, familiarise yourself with HSIS’ Fire Risk Assessment and Emergency Evacuation Procedure.
* **TeamTeach** – Complete TeamTeach physical management and de-escalation training, read the associated HSIS policies including – Behaviour, Physical Interventions and Exclusions. You will be expected to apply the principles from all of these in your daily duties.

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| **Written by…** | **Mike Whatton** | **4/11/21** |
| **Approved by…** | **Luke Hollingworth** | **4/11/21** |
| **Signed…** |  | |
| **Date sent to Governors** |  | **Due for Review** |
| **Date approved by Governors** |  | **1/11/22** |