

Charles Darwin Academy Trust
Staff Discipline and Grievance Procedure

1. Introduction

- 1.1 This document forms the Trust's discipline and grievance procedure for staff employed at all the schools in the Trust, currently Charles Darwin School and Biggin Hill Primary School.
- 1.2 The procedures are intended to support the maintenance of the highest professional standards amongst those employed by the Trust.
- 1.3 They have been written in consultation with the Headteachers and employee representatives.
- 1.4 Any gender specific vocabulary, for example personal pronouns, should be interpreted as applying equally to both men and women.
- 1.5 All members of staff have full access to the following documentation:
- Staff Discipline and Grievance procedures
 - Articles of Association for Charles Darwin Academy Trust

Access can be gained via the Headteacher or the Personnel and Administration Manager at Charles Darwin School. There is also a copy in the staff library.

- 1.6 Advice on the interpretation of procedures is available from the Headteacher, or Personnel and Administration Manager.
- 1.7 The following Committees have responsibilities when Governors are formally involved in the proceedings.
- (a) the Staff Discipline Committee is responsible for hearings and appeals unless this committee heard the original hearing.
 - (b) The Staff Discipline Appeal Committee hears appeals made against action taken by the Staff Discipline Committee when the latter heard the original hearing.

Members of staff have one right of appeal.

- 1.8 Reference in the documentation to Headteacher or "line manager" includes personal representatives as appropriate.
- 1.9 All correspondence with school Governors should be by way of the Clerk to the Governing Body.
- 1.10 Reference to "line manager" is normally to be interpreted as the person to whom the member of staff is responsible according to their job description.

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2. Grievance Procedures for Staff

2.1 Introduction

2.1.1 Grievances can arise from a variety of sources. They can arise among members of staff or with senior managers or Governors. They can be of a relatively simple nature or of fundamental importance. Wherever possible an attempt should be made to resolve grievances informally in the first instance. Where this fails, or is inappropriate, a formal approach should be adopted. This procedure has been drawn up with the aim of settling grievances fairly, promptly and as near as possible to the point of origin. Such procedures are separate from disciplinary procedures.

2.2 Representation

2.2.1 Both sides have the right to be represented at all stages of the formal grievance procedure and at the stages outlined in paragraphs 2.3.2, 2.3.3 and 2.3.4 of the informal procedure. Members of staff may be represented by a member of a recognised trade union or another person of their choice. The name(s) of any representatives should be made known to the Clerk at least 2 full working days prior to the hearing.

2.3 Informal Stage

2.3.1 Where a member of staff has a grievance which involves another or other members of the staff, he should first of all endeavour to resolve the matter by direct approach to the staff involved.

2.3.2 A member of staff may seek a personal interview with their line manager, senior member of staff or Headteacher to seek their assistance in resolving the grievance informally.

2.3.3 The person whose assistance has been sought should seek to resolve the problem personally or, by mutual agreement, in consultation with the other member(s) of staff. The Headteacher may also, by mutual agreement, consult with the Chairman of Governors, representative of any recognised employees' association as appropriate.

2.3.4 Where a member of staff has a grievance involving the Governing Body of the school he or she may also seek a personal interview in accordance with paragraph 2.3.2 above. In such cases, and by mutual agreement, an attempt will be made to resolve the grievance in consultation with the Chairman of Governors, having particular regard to the nature and level of involvement necessary for resolution of the specific grievance.

2.3.5 Where the matter has not been resolved under the informal procedure the member of staff may decide to invoke the formal stage of the Grievance procedure.

2.4 **Formal Stage - Notices**

2.4.1 The member of staff should submit a formal written notice of the grievance to the Headteacher with a copy to the other party concerned if other than the Headteacher.

2.4.2 The written notice should give full details of the grievance together with any supporting documentation, and should include the steps which have already been taken to resolve the matter.

2.4.3 The other party to the grievance will make a formal written response to the Headteacher within five working days of receipt of the original written notice of the grievance.

2.4.4 If the grievance is with the Headteacher the written notice should be sent direct to the Chairman of the Governors or Local Governing Body with a copy to the Headteacher. In such a case "Headteacher" shall be replaced by "Chairman of the Governors" in succeeding sections.

2.5 **Formal Stage - Hearing**

2.5.1 Within five working days of receipt of the response to the written notice (2.4.3) the Headteacher will arrange to hear the grievance within a further ten working days. At least five working days notice will be given of the hearing to both parties. In exceptional circumstances either party to the grievance or the Headteacher may request an extension to the timescale in this paragraph. The person responsible for the hearing will decide whether to agree to the extension.

2.5.2 Both parties to the grievance should be invited to attend the hearing and may each be accompanied by a representative of their choice.

2.5.3 The procedure to be followed at the hearing is detailed in Appendix A.

2.5.4 The Headteacher has the right to attend all hearings called by the Governing Body under the formal grievance procedure.

2.6 **Formal Stage - Appeal**

2.6.1 Both parties to a grievance shall have a right of appeal against the Headteacher's or Committee's decision.

2.6.2 The appeal will be heard by the Staff Discipline Committee or the Staff Discipline Appeal Committee if the former heard the original hearing.

2.6.3 In the first instance any appeal must be made in writing to the Clerk to the Governors (or Chairman of the Personnel Committee or Local Governing Body if a conflict of interest exists) within ten working days of receipt of written notification of the

conclusion of the hearing. Such an appeal should indicate both the desire and reason for appeal.

- 2.6.4 Within five working days of receipt of a notice of appeal the Governors' Clerk will arrange for an Appeals Committee to hear the matter in accordance with the procedure in Appendix A. Such a hearing will take place within fifteen working days of receipt by the Clerk of a written notice of appeal. In exceptional circumstances either party to the grievance or the Appeals Committee may request of the hearing Chairman an extension to the timescale in this paragraph.
- 2.6.5 All correspondence will be signed on behalf of the panel representing the Governing Body.
- 2.6.6 The matter will end after the appeal conclusion.

**Procedure to be Followed at a Hearing Under the
Formal Grievance Procedures**

1. Both parties will be notified in writing with at least five working days notice.
2. Reference to the member of staff means the person who initiated the formal grievance procedures. Reference to the respondent means the other party to the grievance. Both references shall include their personal representatives. At appeal stage the "appellant" will take the place of the "member of staff" as designated under the procedure. If an Appeal is to be held that Appeal shall be a re-hearing.
3. The written reports of both parties shall be submitted to the Headteacher or Committee setting out details of the grievance and any steps already taken to resolve the matter. Copies of all documentation shall be sent to the parties and those responsible for the hearing at the same time as the notice of the date and time of the meeting. Both parties shall be entitled to attend the hearing and to be represented and to call witnesses and produce relevant documents. The name(s) of any representatives should have been made known to the Clerk at least 2 full working days prior to the hearing.
4. The Chairman hearing the grievance will introduce those present, explain the purpose of the hearing and the procedure to be followed.
5. The Chairman will confirm whether witnesses are to be called by either side. If either party wishes to call a witness, this should have been made known to the Chairman, together with the reason, at least two full working days before the hearing, unless the Chairman determines otherwise having consulted the other party. A working day shall mean Monday to Friday (excluding Public holidays).
6. The member of staff shall state the case in the presence of the respondent and may call such witnesses as he considers appropriate.
7. The respondent shall have the opportunity to ask questions of the member of staff and of the witnesses on the evidence given by them.
8. The respondent shall put his case in the presence of the member of staff and call such witnesses as he wishes.
9. The member of staff shall have the opportunity to ask questions of the respondent and his witnesses.
10. Those holding the hearing shall have the opportunity to ask questions of both parties and their witnesses.
11. Both parties shall have the opportunity to sum up their cases if they so wish, the respondent's side have the right to do so last.

12. The member of staff and the respondent and any witnesses shall withdraw.
13. The Headteacher or Committee shall deliberate in private, only recalling both parties together to clear points of uncertainty on the evidence already given. If recall is necessary, both sides are to return even if only one is concerned with the point giving rise to doubt.
14. Having heard both parties to the grievance the Headteacher or Committee will make a judgement having regard to the substantial merits of both sides. In this respect they may wish to give a determination on a particular matter having regard to the possible recurrence in the future of similar circumstances.
15. The Headteacher or Committee shall announce the decision and/or recommendation to both sides, personally or in writing as they may determine. Findings shall in any event be confirmed in writing within five working days together with reasons for any action taken, and any right of appeal.
16. Individuals who have previously been concerned in a grievance should not be involved in the deliberations of the Staff Discipline Committee or the Staff Discipline Appeals Committee although they may appear before the Governors either as witnesses or to present the case.

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3. Disciplinary Procedure for Staff

3.1 Purpose and Scope

- 3.1.1 This procedure is designed to help and encourage all staff employed under the Articles of Government to achieve and maintain good standards of conduct, attendance and job performance.
- 3.1.2 The disciplinary procedure is designed to cover those cases where a member of staff's work conduct, attendance (other than for reasons of illness or injury) and/or performance is so significantly below the required standards that formal disciplinary action is judged necessary.
- 3.1.3 Informal procedures cover normal day to day supervision where a manager may have to counsel, train or otherwise discuss with a member of staff instances of poor performance. As part of normal supervision, a manager may have to give an oral caution to a member of staff.
- 3.1.4 When supervision, training and counselling have failed to produce satisfactory conduct, or are considered to be inappropriate in the circumstances of the case, the formal disciplinary procedure should be used. The manager must make clear to the member of staff when the formal procedure is being used, as distinct from informal procedures.
- 3.1.5 If disciplinary action is being considered against the Headteacher then the Chairman of Governors will initiate the hearings.

3.2 Informal

- 3.2.1 Before commencing formal disciplinary action the manager should consider whether counselling accompanied, where appropriate, by the provision of training and advice, would be a more satisfactory method of dealing with a particular problem. This approach should take the form of constructive discussion(s) aimed at pointing out any shortcomings in the member of staff's attendance, conduct or performance and encouraging improvement. The emphasis should be on finding ways in which the member of staff can remedy any shortcomings and on the provision of any training or other assistance which it is considered would facilitate the required improvement.
- 3.2.2 The manager should at all times ensure that the member of staff is aware of the improvement required, how performance, attendance or conduct will be reviewed and over what period of time.
- 3.2.3 He should also be made fully aware that failure to reach the required standard will result in formal disciplinary proceedings. A note of any counselling should be kept for reference purposes together with any written instructions given to staff.

3.3 **Representation**

- 3.3.1 Members of staff have the right to be represented at all formal stages of the disciplinary procedure. They may be represented by a member of a recognised trade union or another person of their choice. The name(s) of any representatives should be made known to the Clerk at least 2 full working days prior to the hearing.
- 3.3.2 If the subject of a formal disciplinary hearing is a union official then the appropriate Branch Secretary, (or a full time official of the Union if the member of staff concerned is the Branch Secretary) shall also be notified of the hearing.

3.4 **Formal Stage - Investigation**

- 3.4.1 When a disciplinary matter arises which may require formal disciplinary action the following procedure is adopted.
- 3.4.2 The manager should inform the member of staff of the alleged breach of discipline and of the fact that he is conducting an investigation under the formal disciplinary procedure.
- 3.4.3 The manager must establish the facts promptly and normally within ten working days, taking into account the statements of any available witnesses. A statement may also be requested from the member of staff being disciplined.
- 3.4.4 When the facts are established a report must be given to the Headteacher. The manager may recommend whether formal disciplinary action is considered to be appropriate. It is the responsibility of the Headteacher to decide whether to hold a formal hearing.
- 3.4.5 In certain circumstances the Headteacher may request the Staff Discipline Committee to conduct the hearing (e.g. need for a hearing whilst a previous disciplinary letter is on file). If dismissal is a possible outcome then he must request the Committee to conduct the hearing.
- 3.4.6 Consideration should be given by the Headteacher to the need to suspend the member of staff during the investigation. (See 3.9)

3.5 **Formal Stage - Hearing**

- 3.5.1 The Headteacher must normally decide within ten working days of the report whether or not to hold a hearing and inform the member of staff accordingly. In the unusual case of a delayed decision, for example an incomplete report, the subject of the report must be informed in writing of the delay, and its reason, within the original ten day period.
- 3.5.2 The Headteacher must give the member of staff at least five working days written notice of the hearing. The letter should:

- instruct the member of staff to attend a formal hearing;
- contain a written statement of the allegations against the member of staff;
- contain details (including wherever possible copies) of any relevant documents to be submitted to the hearing in the presentation of the case;
- advise the member of staff that the hearing forms part of the formal disciplinary procedures;
- advise the member of staff of his rights of representation.

If gross misconduct is alleged, the member of staff must be warned that if the allegation is found to be true it could lead to his/her dismissal.

3.5.3 Relevant documents must be available to both parties at least two full working days before the hearing together with information about any witnesses to be called. Pupils should not normally be called as witnesses unless in the opinion of the Chairman their evidence is material and essential to a fair hearing. This does not remove the right for either party to refer to notes and supporting evidence during the hearing.

3.5.4 The hearing should be chaired by the Headteacher unless he is responsible for presenting the report or by a Governor where the case is to be heard by the Committee.

3.5.5 The procedure to be followed at a hearing is detailed in Appendix B. A clerk may be provided only to assist the Chairman with matters of information and procedure.

3.5.6 If the allegations are such that, if found to be true, disciplinary actions considered might include dismissal, the Headteacher (except where he is the person concerned or otherwise involved) has a right to attend in an advisory capacity at all stages of the disciplinary proceedings. Any advice in this respect must be given in the presence of both parties and considered before any determination is made.

3.6 **Formal Stage - Disciplinary Action**

3.6.1 The Headteacher or Committee will have to decide what action, if any, is reasonable in the circumstances. If action is taken then and among the factors which will need to be considered are:

- the member of staff's disciplinary record: including whether former relevant warnings or cautions have been given;

- the member of staff's age, length of service and general performance (any sub-standard performance not previously brought to the member of staff's attention and which is not the subject of the disciplinary proceedings should be disregarded for this purpose);
- any circumstances which may have a bearing (for example domestic circumstances);
- any standards or procedures which relate to the disciplinary offence;
- action taken in similar cases in the past.

3.6.2 Possible disciplinary penalties are:

Level of Performance	Possible Disciplinary Penalty
Work performance or conduct below required standards.	An oral warning which should be recorded on file
Work performance or conduct which is persistently or seriously below standard.	A written warning.
Misconduct of a serious nature; failure to work to required standards after previous warnings.	Final written warning Dismissal with notice
Gross misconduct	Dismissal without notice

3.6.3 The levels of authority at which the various maximum disciplinary penalties can be imposed are:

Level of Authority	Authorised To
Line Manager	Carry out investigation prior to disciplinary action. Initiate disciplinary action under the formal procedure. Issue informal warnings.
Headteacher	Conduct formal disciplinary hearings. Issue formal oral warnings. Issue formal written warnings. Refer a case to the Staff Discipline Committee for consideration (e.g. gross misconduct).

	Suspend (in consultation with the Chairman of Governors).
Staff Discipline Committee	<p>Conduct formal disciplinary hearings.</p> <p>Hear appeals against formal oral and written warnings issued by the Headteacher.</p> <p>Issue formal oral and/or written warnings.</p> <p>(In consultation) with the Chairman of Governors dismiss, or suspend.</p> <p>Order a Headteacher to end a suspension.</p> <p>Hear appeals against the Headteacher's decision not to remove a warning letter from file.</p>
Staff Discipline Appeal Committee	<p>Hear appeals against formal, oral and written warnings issued by the Staff Discipline Committee.</p> <p>Hear appeals against a Staff Discipline Committee' s decision to dismiss or suspend.</p> <p>Order a Staff Discipline Committee to end a suspension.</p> <p>Hear appeals against a Staff Discipline Committee' s decision not to remove a warning letter from file.</p>

3.6.4 Appendix D sets out examples of misconduct. In no case can a member of staff be dismissed or be otherwise formally disciplined without first having had the opportunity to attend a formal disciplinary hearing.

3.6.5 Only in cases of gross misconduct can a member of staff be dismissed for a first breach of discipline.

3.7 **Formal Stage - Disciplinary Letters**

3.7.1 The decision on the outcome of the hearing will be confirmed in writing, within five working days of the hearing. At the same time as the member of staff is informed of the outcome of the hearing, he will be advised of any right of appeal.

3.7.2 If a disciplinary penalty is to be imposed, the member of staff must be informed in writing of:

- the nature of the disciplinary offence;
- a brief summary of the findings;
- the nature of the disciplinary penalty imposed or alternative course of action decided upon;
- the level of performance required in the future;
- the time scale within which the performance will be monitored and improvement assessed;
- arrangements for guidance, supervision or training, where appropriate; what will happen if work performance fails to meet the required standards;
- the opportunity to ask for clarification of the disciplinary action to be taken;
- the specified period of time after which he may request removal of a disciplinary warning from file;
- the member of staff's right of appeal.

3.7.3 The specified period after which the member of staff may request the removal of a warning from file will depend upon the nature of the offence and the type of disciplinary action imposed, but will not normally exceed one year (two years for a final written warning). Removal will be subject to satisfactory conduct during the specified period. Where, exceptionally, the misconduct is so serious that it cannot realistically be disregarded for future disciplinary purposes this should be made explicitly clear, together with a statement that any recurrence will lead to dismissal.

3.7.4 A copy of the discipline letter should be sent to the member of staff, the Chairman of Governors, Chairman of the Personnel Committee or Local Governing Body and a copy retained on file. As indicated in the letter a member of staff may request the Committee or Headteacher responsible for the decision, a year after the event and each subsequent year, to remove any warning letter from file for the purpose of future disciplinary proceedings. Such a request shall not unreasonably be refused and the Committee or Headteacher will respond in writing to this request within five working days, giving reasons if this request is refused.

3.7.5 A member of staff shall be entitled to appeal against a decision not to remove a warning from file. The appeal will be heard by either a Committee or an Appeals

Committee as appropriate but there will be no further right of appeal beyond a hearing by one such committee.

3.7.6 The member of staff has the right to respond in writing to the warning. Any such response will be kept with the warning.

3.8 **Right of Appeal**

3.8.1 A member of staff who has been formally disciplined has a right of appeal against the decision in accordance with the following:

Action taken by:	Right of Appeal to:
Headteacher	Staff Discipline Committee
Staff Discipline Committee	Staff Discipline Appeal Committee

3.8.2 A request for an appeal must be made in writing to the Governors, through the Clerk, within ten working days of the receipt of the letter detailing the outcome of the hearing. Such a letter must contain the intention together with a reason for the appeal.

3.8.3 The conduct of an appeal is detailed in Appendix C.

3.8.4 There is no second right of appeal.

3.9 **Suspension**

3.9.1 The Headteacher or Staff Discipline Committee (if the subject is the Headteacher) may decide, in view of the special circumstances of a case, to suspend a member of staff on full pay prior to the disciplinary hearing. Such a suspension is not a disciplinary action in itself, but a means of providing a breathing space to enable investigations to be carried out. It will be used to protect the interests of the Headteacher, Committee and the member of staff during the investigation and to ensure investigations are impartial.

3.9.2 A member of staff will automatically be suspended if the alleged offence constitutes gross misconduct.

3.9.3 In considering whether suspension would be applicable, the Headteacher or Committee may consult the Chairman of Governors. Whoever determines that such suspension is appropriate, given the circumstances, will inform the Chairman of Governors and the Headteacher or Committee accordingly.

3.9.4 Other than in exceptional circumstances, a member of staff may only be suspended after either the Headteacher or Committee have formally interviewed the member of staff and wherever possible with his representative.

3.9.5 After investigating, the Headteacher may lift a suspension and where a Staff Discipline committee removes a suspension they must inform the Headteacher or Chairman of Governors.

3.9.6 Only the Staff Discipline Committee (or the Headteacher in consultation with the Chairman of Governors) has power to lift the suspension. Upon ending the suspension the Headteacher must also be informed.

3.10 **Dismissal**

3.10.1 The Committee is authorised to determine the dismissal of a member of staff (in consultation with the Chairman of Governors).

3.10.2 This decision of dismissal will be confirmed in writing to the member of staff, and the Chairman of Governors. The letter will also contain the reasons for the dismissal and the right of appeal to the Staff Discipline Appeal Committee within ten working days of receipt of the letter.

3.10.3 Where the Staff Discipline Appeal Committee decide to uphold the decision of a Committee to dismiss there will be no further right of appeal. This decision will be confirmed in writing to the member of staff.

3.10.4 Within fourteen days of the date of written notification of a determination of dismissal by the Committee or Staff Discipline Appeal Committee as appropriate, the Chairman of Governors will terminate the member of staff's contract of employment at the school with or without notice according to the circumstances. Where a Staff Discipline Appeal Committee upholds a Committee's decision, notice will normally be communicated verbally by the Chairman to the member of staff at the conclusion of the hearing and confirmed in writing the next working day.

Procedure to be Followed at a Formal Disciplinary Hearing

1. In this procedure reference to the manager, the member of staff and the Headteacher shall include their personal representatives as appropriate.
2. The Chairman hearing the case will introduce those present, explain the purpose of the hearing and the procedure to be followed. The name(s) of any representatives should have been made known to the Clerk at least 2 full working days prior to the hearing.
3. The Chairman will confirm whether witnesses are to be called by either side. If either party wishes to call a witness, this should have been made known to the Chairman, together with the reason, at least two full working days before the hearing.
4. The Chairman will read out the allegations set out in the written notification of the hearing.
5. The evidence against the member of staff will be presented by the manager ensuring that the member of staff and his representative are made aware of the content of any witnesses' statements or relevant records and documents. In presenting the case against the member of staff, witnesses may be called as appropriate.
6. The member of staff may question the evidence and witnesses against the member of staff.
7. The member of staff will present his evidence and call any witnesses.
8. The manager may question the evidence presented by the member of staff and witnesses.
9. Each witness must withdraw immediately after answering questions, but may be recalled with the agreement of the Chairman.
10. The Chairman (and members) shall have the opportunity to ask questions of both sides and their witnesses at any time during the proceedings outlined in paragraphs 5 - 8 inclusive.
11. The manager may then sum up his case.
12. The member of staff may sum up his case.
13. The manager, the member of staff, their representatives and any witnesses shall then withdraw.
14. The Headteacher (Committee) shall then deliberate in private together with any independent person present to give advice as to law and procedure. If it is necessary

to clear any points of uncertainty on the evidence already given both sides are to be recalled together even if only one is concerned with the point giving rise to doubt.

15. The person(s) hearing the case will determine whether the allegations against the member of staff are true. If further investigations are necessary it may be appropriate to adjourn the hearing at this stage, in which case both parties are to return and be advised accordingly.
16. The manager, member of staff and their representatives shall return and the Chairman will announce the decision and/or recommendation to both sides personally. He will then tell the member of staff what disciplinary penalty, or other action will be taken and inform the member of staff of his right of appeal as appropriate. The findings shall be confirmed in writing within five working days together with the member of staff's right of appeal (see 3.7).

**Procedure to be Followed at Disciplinary Hearings
Before an Appeal Committee**

1. This procedure relates to the conduct of appeals to an Appeal Committee of the Governing Body.
2. In this procedure reference to the Headteacher and member of staff shall include their personal representatives as appropriate. Reference to the "Headteacher" should be replaced by "Staff Discipline Committee" if the latter heard the original hearing.
3. The Appeal Committee will consist of members appointed by the full Governing Body excluding those members who have been part of a Committee who have already heard the case.
4. The hearing will be arranged as soon as practicable and no later than fifteen working days after the receipt of the appeal letter. The member of staff will receive at least five working days written notice of the appeal.
5. The member of staff may be represented by his trade union or another person. The name(s) of any representatives and/or witnesses should have been made known to the Clerk at least 2 full working days prior to the hearing. Witnesses may be called. Documents produced at the hearing by either side must be available to both parties, and the Committee, before the hearing. Reference can be made by either party to personal notes during the hearing.
6. The Chairman of the Committee hearing the case will introduce those present, explain the purpose of the hearing and the procedure to be followed.
7. The Chairman will establish whether witnesses are to be called by either side.
8. The Chairman will read out the allegations set out in the written notification of the hearing together with the statement of appeal made by the member of staff.
9. The member of staff will put his case in the presence of the Headteacher and will call any witnesses.
10. The Headteacher may then ask questions of the member of staff and witnesses.
11. The Headteacher will put the management's case in the presence of the member of staff and will call any witnesses.
12. The member of staff may ask questions of the Headteacher and witnesses.
13. The Members of the Appeal Committee shall be entitled to ask questions of the Headteacher, the member of staff and the witnesses at any time during the proceedings outlined in paragraphs 9 to 12 inclusive.

14. The Headteacher and the member of staff can sum up their cases, if they wish.
15. The Headteacher and the member of staff, their representatives and any witnesses will then withdraw.
16. The Appeal Committee, with a minuting Clerk in attendance if required, will consider the evidence in private. They may recall either party to clear points of uncertainty on the evidence already given. If recall is necessary, both parties are to return even if only one is concerned with the point giving rise to doubt.
17. The Headteacher, the member of staff and their representatives will return and the Appeal Committee will give their decision to the Headteacher and member of staff personally, and their findings shall be confirmed in writing together with reasons for any disciplinary action taken, within five working days.

Types of Misconduct Warranting Formal Disciplinary Action

1. It is not possible to give an exact definition of misconduct. The Governing Body will, among other things, regard as misconduct any behaviour by a member or staff which tends to bring the school into disrepute or to cause a loss of public or professional confidence in an individual or his or her school.

2. This list, therefore, serves only to provide examples of misconduct and is neither exclusive nor exhaustive. There may be other acts of similar gravity which would be regarded as misconduct.

3. Examples of behaviour which may be regarded as misconduct and which may, therefore, lead to disciplinary action include:

Unauthorised or inappropriate punishment of pupils; unauthorised removal of the school's property; offences of dishonesty; conduct likely to offend decency; falsification of claims and applications (including falsification of qualifications); unauthorised absence, abuse of authority; regular unpunctuality; failure to implement reasonable instructions; failure to meet reasonable deadlines.

4. Work performance below required standards over a period of time

Unreliability due to absenteeism or poor time keeping.
Repeated failure to meet reasonable deadlines.
Contravention of the smoking policy.
Breach of confidence.

5. Work persistently or seriously below standard

Failure to respond to previous oral warnings about poor performance.
General neglect of duties.
Refusal to obey reasonable instructions.
Disregard of safety rules.
Obstruction of the work of others.
Insubordination.
Significant breach of confidence.
Incapacity through the misuse of alcohol or drugs.

6. Misconduct of a serious nature, and/or failure to work to required standards despite previous warnings.

As 5 above, where a member of staff has failed to respond to previous warnings, training, guidance or supervision given.

Where the nature of disruption, insubordination etc. is of a more serious nature than in 5 above.

Misconduct which is considered insufficiently serious to justify dismissal, but serious enough to warrant a final written warning.

Sexual and racial abuse.

7. Gross Misconduct

Theft, fraud, deliberate falsification of records, fighting, assault on another person, deliberate damage to school property, serious incapability through abuse of alcohol or drugs, serious negligence which causes unacceptable loss, damage or injury, serious acts of insubordination, sexual offences, sexual misconduct at work, culpable lack of care towards pupils, violent or abusive behaviour to the public, pupils or colleagues including serious sexual or racial harassment, serious breach of confidence.

The above is intended to be an illustrative, but not exhaustive, list.

Gross misconduct will be misconduct whose seriousness is such that the Governing Body is justified in no longer tolerating the presence at school of the member of staff who commits an offence of gross misconduct; a member of staff who commits an act of gross misconduct will, therefore, be liable to summary dismissal.

Approved by the CDAT Board on 8th November 2019