

## **Staff Grievance and Discipline Policy**

### ***Purpose***

- The purpose of this procedure is to ensure that fairness and equality is exercised whilst maintaining acceptable standard of conduct, attendance, performance and health & safety.

### ***General***

- No disciplinary action shall be instituted against any employee until the case has been adequately investigated by the Head Teacher.
- At every stage the employee shall be advised of the nature of the complaint and given the opportunity to state their case before any decision is made.
- At all stages the employee shall have the right to be accompanied by a colleague and/or a friend during the disciplinary interview.
- No employee shall be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be gross dismissal without notice.
- An employee shall have the right to appeal against any disciplinary action/penalty impose.
- The procedure may be commenced at any stage shown below depending on the seriousness of the breach.
- A copy of the disciplinary procedure shall be issued to the employee at the outset of any proceedings.

### ***Concerns and Grievances***

#### ***Informal Resolution***

- Staff/Employees who have concerns or grievances shall first discuss them with the Head Teacher.
- The Head Teacher shall listen to the staff/employee and try to reach a mutually acceptable resolution.

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### ***Formal Resolution***

- Staff/Employees may ask for a formal resolution in the first instance.
- Written concern/grievance shall be given to Head Teacher.
- The Head Teacher shall call a formal meeting with the staff concerned to discuss the situation. If the Office on Charge feels it can be resolved and an agreement can be reached then the agreement shall be minted.
- The staff/employee shall have a right to appeal within two days of the decision to the management committee.
- If the grievance or resolution has financial implications then this shall be referred to the management committee for resolution.
- The independent management committee shall listen to the staff/employee and reach a resolution.

### ***Procedure***

Minor issues shall normally be dealt with informally but where the matter is more serious the following procedure shall apply:

#### **Stage 1 – Verbal Warning**

- If conduct or performance does not meet acceptable standard, the employee will normally be given a formal verbal warning. The employee will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and that they have the right to appeal.
- A report written report will be written by the Head Teacher detailing the nature of the offences and action taken.
- Copies of the report shall be distributed as follows: employee's file, management committee administrator and the employee.
- The Head Teacher shall agree actions with the employee to ensure improvement.
- The verbal warning shall be considered spent after 4 months.

### **Stage 2 - Written Warning**

- If there is still failure to improve within 4 months and conduct or performances is still unsatisfactory, a final written warning will be given.
- A final written warning shall be given after a formal interview session.
- The interview session shall be noted. It will give details of the complaint, the improvement required and the time scale.
- The employee shall be made aware that if satisfactory progress is not achieved then stage 4 will be considered.
- The employee shall have the right of appeal.
- The length of time the warning shall be in force shall be 4 months.
- Copies of the report shall be distributed as follows: employee's file, management committee administrator, the employee.
- If the employee is absent then the letter shall be sent by recorded delivery to their home.

### **Stage 3 – Final Written Warning**

- If there is still failure to improve within 4 months and conduct or performance is still unsatisfactory, a final written warning will be given.
- A final written warning shall be given after a formal interview session. The interview session shall be notified. It will give details of the complaint, the improvement required and the time scale.
- The employee shall be made aware that if satisfactory progress is not achieved then stage 4 will be considered.
- The employee shall have the right to appeal.
- The length of time the warning shall be in force shall be 4 months. Copies of the report shall be distributed as follows: employee's file, management committee administrator, the employee.

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- If the employee is absent then the letter shall be sent by recorded delivery to their home.

#### **Stage 4 – Dismissal**

- If the conduct of performance is still unsatisfactory and the employee still fails to reach the prescribed standard then dismissal will normally result.
- The employee shall be provided with a written reason for dismissal, together with details of the date on which the employment is terminated.
- The employee shall have the right to appeal within 2 working days.

#### ***Gross Misconduct***

The following list provides examples of offences, which are normally considered as gross misconduct:

- Theft
- Fraud
- Deliberate falsification of records
- Fighting
- Assault of another person/child
- Deliberate damage to school's property
- Incapacity due to banned a-substances
- Serious negligence causing loss, damage or injury
- Serious act of insubordination
- Unauthorised entry or tampering with records (manual or computer)
- Acts likely to discredit the school
- Breaching confidentiality
- Smacking or shouting at a child
- Tampering with safety devices
- Failure to comply with Health and safety policy
- Breach of equal opportunities policy

This above list is not intended to be exhaustive.

If an employee is accused of an act of gross misconduct then they will normally be suspended from work; usually for not more than 5 working days whilst the school investigates the alleged offence. The Head Teacher will issue the Committee a written report. Upon completion of the full investigation and disciplinary procedure,

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including an opportunity given to the employee to state their case, if the school is satisfied that gross misconduct has occurred then the result shall normally be summary dismissal without pay or lieu of notice.

### ***Appeals***

- An employee who wishes to make an appeal against a disciplinary decision should inform the Head Teacher in writing within two working days.
- All appeals shall be heard by independent committee members and their decision will be final.
- The employee shall be informed of the final decision.

### ***Records***

- Records of breaches, and actions taken shall be kept confidential except as may be required in official proceedings.
- The effectiveness of the warnings although given as 4 months may be extended at the discretion of the Head Teacher.

### ***Documentation***

- Record of verbal warnings.
- Notice of written/final warnings.
- Notice of disciplinary interview.
- Confirmation of dismissal (following previous warnings).
- Confirmation of dismissal (without previous warnings).
- Notice of appeal.
- Notice of result of appeal hearing.

Reviewed: September 2016

Next Review: September 2017